

**Minutes**  
**TEXAS STATE SOIL AND WATER CONSERVATION BOARD**  
**September 20, 1995**

The Texas State Soil and Water Conservation Board met September 20, 1995  
at 8:00 a.m. in its Hearings Room at 311 North Fifth Street, Temple, Texas.

Board members present were:

Charles D. "Buddy" Clark, Chairman  
C. F. "Dick" Schendel, Vice Chairman  
Paul Robertson, Member  
Albert Evans, Member  
Harvey Davis, Member

Staff members present were:

Robert G. Buckley, Executive Director  
James M. Moore, Assistant Executive Director  
William C. Neiser, Assistant Executive Director  
Mel Davis, Assistant Executive Director  
Beade Northcut, Engineer  
Randy Jones, Human Resources Director  
Clyde Gottschalk, Information/Education Director  
Cherié King, Director of Programs  
Bo Spoons, Director of Programs  
Melissa Burns, Information Specialist  
Dee Carlson, Planner  
Lupe Pinto, Hydrologist  
Mahendra Mohite, Engineer Assistant

Others present were:

Comer Tuck, Texas Water Development Board  
Kenton Inglis, Natural Resources Conservation Service  
Donald Swann, Assn. of Texas SWCDs  
J. W. Ward, Bexar-Medina-Atascosa WCID #1  
Paul Marback, Bexar-Medina-Atascosa WCID #1  
Douglas Hearn, Blackwell, Lackey & Associates

Chairman Clark called the meeting to order and welcomed those present.

On motion of Albert Evans, seconded by Paul Robertson, the minutes of the

July 20, 1995 board meeting were approved as mailed.

. Mel Davis presented district director appointments for consideration. He advised the Board the following district director appointments appeared to be in order:

Alma I. Smart, Upper Nueces-Frio SWCD #238  
Robert F. Pearson, Jr., Freestone Co. SWCD #424  
Rodney Lennon, Hopkins-Rains SWCD #445

On motion of Harvey Davis, seconded by Albert Evans, and Dick Schendel, the appointments were approved as presented. Motion carried.

Randy Jones gave a recruiting update of the activity since the last board meeting. Melissa Burns was introduced as the newly hired Information Specialist. He also reported that an engineer was recently hired for the Mt. Pleasant Regional Office and that the Hydrologist position in the Dublin Regional Office would soon be vacant. Mr. Jones reported the State Board presently has 63 employees which is one away from the set goal of 64 employees.

Mr. Jones also provided the Board an employee training report for fiscal year 1995 which showed a total of 2500 training hours. He asked if the Board members would like to continue to see this report and it was the consensus of the Board that quarterly reports would be sufficient.

The program for the 55th Annual Statewide Meeting of Soil and Water Conservation District Directors was discussed by Mel Davis. He said the program had not been finalized and asked for guidance in who to invite as possible speakers. Speaking invitations will be extended to Barry McBee, TNRCC; State Senator John Montford, and Judy Johnson, Regional Conservationist, Natural Resources

Conservation Service. The Board was also provided a copy of the Area Discussion Agenda, Annual Financial Report of the Association of Texas Soil and Water Conservation Districts that will be passed out at the state meeting, and a copy of the resolutions that will be considered.

Beade Northcut provided the Board a Watershed Update which showed the status of each active watershed. There was discussion of a meeting held in Rockdale on August 31, 1995 on the Lower Brushy Creek Watershed at the request of State Representative Dan Kubiak dealing with channel degradation potentially caused by past watershed program work. This meeting was attended by representatives from the TNRCC, Corp of Engineers, NRCS, local SWCD, TSSWCB, Brushy Creek WCID #1 and local landowners.

Clyde Gottschalk discussed activities of the Information/Education Department and said news stories were being developed on approved Section 319 projects. He also said localized news stories are being developed on S.B. 503 efforts with first emphasis being in the Hale Center area. A chart was provided the Board showing farm and ranch shows where the State Board exhibit will be displayed over the next several months. He then discussed a proposed concept for regional agriculture nonpoint source conferences and asked for the Board's input. The Board stressed that districts be included. Mr. Gottschalk reported that training workshops for new district directors have been set for January 9-10 and January 16-17, 1996. Mr. Gottschalk also reported his department would be providing support on updating the Manual of Fiscal Operations; reported on a recent meeting of the Public Information/Education

Committee; and said a Boy Scout workshop is scheduled for the last weekend in September for the Capitol Area Council to be held in Llano.

Kenton Inglis reported on activities of the Natural Resources Conservation Service (NRCS). He said the Edwards Aquifer is a number one priority. He discussed the reorganization of NRCS and said they were trying to maintain staff at the field office level. Mr. Inglis advised the Board he would be retiring effective January 3, 1996 and Tomas Dominguez will be his replacement as Deputy State Conservationist.

Comer Tuck reported the survey on 1994 Report on Irrigation will be published by the end of the calendar year. He also said the cut off date for matching grants for Fall funding is the end of September. The Texas Water Development Board also will have exhibits at the same farm and ranch shows as the State Board. He discussed being advised by the Legislative Affairs person in his agency of the rider in their budget concerning a memorandum of agreement with the State Board. Mr. Buckley advised him the State Board has the same rider and that he has been in contact with Gary Becton from the TWDB who will be drafting an MOU for State Board review. At James Moore's request, Mr. Tuck reported on an agriculture loan application from the Upper Pecos Soil and Water Conservation District to the TWDB.

A report on activities of the Association of Texas Soil and Water Conservation Districts was given by Donald Swann. He said it looks like there will be good attendance at the annual state meeting from the number of rooms that have been booked. He said at a meeting of the Association's Board of Directors on September 19, 1995, a vote was taken to ask Wes Oneth, State Conservationist, Natural

Resources Conservation Service, to provide the Association a person on a part time basis to help them as a grants writer. He also reported that Wayne Halbert, alternate director for the Association, will be serving as an NACD director the next three years. The budget for the Public Information/Education Committee was discussed at the Association meeting, but no action will be taken until after the state meeting. Mr. Swann then expressed his thanks to the State Board and staff for all the help he received while he served as president of the Association. State Board members expressed their appreciation to Mr. Swann for the excellent job he has done while serving as president.

Beade Northcut provided the Board a summary of a watershed investigation on Bexar-Medina-Atascosa Counties WCID #1's application for a PL 83-566 project. Mr. Northcut informed the Board that the project appears feasible and proposed that the Board find it as practicable and feasible. He then asked Mr. John Ward, president of the BMA WCID #1 to give the background of the project. Mr. Ward said the project is in a critical area in the middle of the Edwards Aquifer and the system is in need of renovation to eliminate water loss. Chairman Clark welcomed and thanked the gentlemen for attending the meeting to discuss their application. Dick Schendel commended the BMA WCID board on their work and made the motion that the State Board approve the application presented and grant a planning priority. Harvey Davis seconded the motion and also commended the WCID board. Motion carried.

Bob Buckley gave a status report on the 1995 Farm Bill. He said Congress is currently working on that issue. Mr. Inglis from the NRCS advised the Board there

may be a possibility of a federal government shut down on October 1 if a budget resolution has not been approved by Congress by that date.

Mel Davis presented a proposed addendum that districts may consider to include in their Program and Plan of Work to address the S.B. 503 program. Mr. Buckley expressed appreciation from the Board to Mr. Inglis and NRCS for their cooperation and support in the S.B. 503 program. On motion of Paul Robertson, seconded by Albert Evans, the staff was authorized to provide each district a copy of the addendum and suggest that it be incorporated into their Program and Plan of Work. Motion carried.

Mr. Buckley discussed a draft mutual agreement between USDA and Districts. He said a proposal will be looked at in an NACD meeting in Vermont the following month.

Cherié King discussed an advisory opinion requested from the Attorney General's Office concerning the ownership of a district building by a district director and could he/she receive rent from the district for the building. The opinion is "no". It cannot even be in the spouse's name since Texas is a community property state.

James Moore reported on the S.B. 503 program and advised the Board that 799 water quality management plans were certified in fiscal year 1995 and that 515 have been cost shared. He said there were 108 complaints - 72 of them non-agriculture related, 36 were ag-related and of the 36 only 19 were real problems and 17 were invalid. Regional offices will be doing annual status reviews on plans written in fiscal year 1994. The review will cover 10% of the plans and will be done at

random by the regional managers and districts involved. Forms used in the program were revised and provided the Board for their review.

James Moore reported that as of August 31, 1995 all cost share dollars for fiscal year 1995 had been obligated. The staff discussed a problem that had arisen with a producer who had entered into a cost share agreement with a district, finished his practice and turned back unused money. After the practice was complete the producer requested to add an additional practice to use up the remaining dollars left from the original practice. The staff advised this producer that this could not be done. By consensus the Board agreed the staff had properly interpreted the rules.

Mr. Moore provided a list of Section 319 proposals for fiscal year 1995 for the Board to review. He discussed a letter of justification sent to EPA concerning fiscal year 1996 proposals in which there were some questions raised by EPA. Mr. Moore said these questions in the proposals should be worked out by mid-October. He then provided a draft 1996 Update of the Non Point Source Assessment Report and Management Program by the Texas Natural Resources Conservation Commission.

Mr. Moore updated the Board on the Texas Coastal Management Program. He said the public comment period for the proposed revised rules is over and a rewritten version should be received shortly. The next scheduled meeting of the Coastal Coordination Council is October 5th.

James Moore discussed the Concentrated Animal Feeding Operations rules recently adopted by TNRCC and provided the Board with copies of the final rules for

their information. He also provided an organizational chart of the Ag and Watershed Management Division of the TNRCC and noted there had been a number of changes.

Mr. Moore discussed "Watershed Texas", a program sponsored by TNRCC. The State Board has been invited to participate in the program which has the framework for coordinating all Texas' water programs. Mr. Moore discussed in detail the draft examples of the roles and responsibilities for participation in the Watershed Texas Basin Management Cycle.

James Moore updated the Board on the Corpus Christi Bay National Estuary Program. It had been reported that agriculture was one of the suspected causes of Brown Tide in Baffin Bay and Laguna Madre. Mr. Moore provided a newspaper clipping on studies being undertaken by the Texas Agriculture Experiment Station at Corpus Christi funded by the King Ranch.

Bill Neiser discussed the fiscal year 1995 expenditure report ending August 31, 1995.

Mr. Neiser discussed a proposed amendment to the fiscal year 1996 operating budget. He said the adopted budget included only General Revenue funds and presented a proposed Federal Funds Budget as an amendment. On motion of Albert Evans, seconded by Paul Robertson the Board voted to amend the operating budget to reflect federal funds for fiscal year 1996. Motion carried.

Mr. Neiser reviewed a Performance Measures Audit Report from the State Auditor's Office that covered the Fiscal Year 1994 Performance Measures . He also



advised the Board that a Management Control Audit is currently being performed by the Auditor's office.

H.B. 2459, Public Funds Investment, was discussed by Mr. Neiser. He said this bill was passed in the last session of the Legislature and would affect the State Board because the Annual State Meeting account is outside the State Treasury. The Board would need to adopt a policy on how to invest these funds and would have to appoint an investment officer. The Board and the investment officer would need to attend investment training. Mr. Neiser said more information on this program should be forthcoming.

Bob Buckley reported on a recent meeting of the Agriculture Resources Protection Authority. He said he was added as a member to this committee pursuant to TDA sunset legislation because of his position as executive director of the TSSWCB. ARPA has regularly scheduled meetings every two months.

Mr. Neiser provided travel reports for each Board member and he indicated some board members' expenses have exceeded their travel allocations. On motion of Albert Evans, seconded by Harvey Davis, all Board member travel will be paid out of available funds. motion carried.

Mr. Buckley advised the Board of a recent NACD meeting he and Memo Benavides, president-elect of the Association of Texas SWCDs, attended in Reno, Nevada which was a sharing of ideas. He talked about the possibility of Texas getting involved in a capacity building program which will help local districts expand their local program goals.

The next regular State Board meeting is scheduled for November 15, 1995. The State Association will meet on November 14th and Memo Benavides has requested a joint session the evening of the 14th.

The meeting adjourned at 4:15 p.m.

Charles D. Clark  
Chairman

Luis J. Casin  
Secretary

11-15-95  
Date

I certify that the above is a true and correct copy of the minutes of the Board meeting held on September 20, 1995.

11-15-95  
Date

Robert A. Curkley  
Executive Director