

**Minutes**  
**TEXAS STATE SOIL AND WATER CONSERVATION BOARD**  
**October 27, 1994**

The Texas State Soil and Water Conservation Board met on October 27, 1994, at 8:00 a.m. in its Hearings Room at 311 North Fifth Street, Temple, Texas.

Board members present were:

Paul Robertson, Chairman  
Charles D. "Buddy" Clark, Vice Chairman  
C. F. "Dick" Schendel, 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  
Cherie King, Director of Programs  
Suzanne Cardwell, Planner  
Beade Northcut, Engineer  
Bo Spoons, Director of Programs  
Lupe Pinto, Hydrologist  
Clyde J. Gottschalk, Information/Education Director  
Mahendra Mohite, Research Specialist  
Lois Cain, Administrative Technician  
Robert Gruner, Soil Conservationist  
Rex Isom, Soil Conservationist  
Johnny Oswald, Soil Conservationist  
Joe Freeman, Soil Conservationist  
Roy Freeman, Soil Conservationist  
David Powell, Soil Conservationist  
Joel Clark, Soil Conservationist  
Don Brandenberger, Soil Conservationist  
Dub Crumley, Soil Conservationist  
John O'Conner, Mt. Pleasant Regional Manager  
Charley Rodgers, Hale Center Regional Manager  
Steve Jones, Dublin Regional Manager  
Stephen Deiss, Wharton Regional Manager  
Andy Garza, Weslaco Regional Manager

Others present were:

Wes Oneth, Soil Conservation Service  
Mickey Black, Soil Conservation Service

Charles Haenisch, McCulloch SWCD #249  
Donald Swann, Association of Texas SWCDs  
Barney Gilmore, State Auditor's Office

Chairman Robertson called the meeting to order and welcomed everyone.

Mel Davis presented district director appointments for consideration. He discussed an appointment of Kent Smith to the Yoakum Soil and Water Conservation District in Zone 1 to replace Dan Walls who had just recently been elected to that position. After being elected it was discovered that Mr. Wall was not eligible to be a district director. Mr. Davis asked for direction from the Board. On motion of Dick Schendel, seconded by Albert Evans, the appointment of Kent Smith to serve as district director in Zone 1 of Yoakum SWCD was approved. Mr. Davis then presented other district director appointments for consideration and advised the Board the appointments appeared to be in order. On motion of Albert Evans, seconded by Dick Schendel the following district director appointments were approved as presented:

Omar J. Garza, Starr Co. SWCD #332  
Gene Murphy, Harris SWCD #442  
Larry Dee Gibson, Upper Leon SWCD #525

Bill Neiser reviewed the Output and Outcome Measures for the 1996-1997 Biennium Legislative Appropriation Request. He discussed the hearing with the Legislative Budget Office staff and the Governor's staff in September and said most of the discussions concerned the performance measures. He had informed the Board at their last meeting he would have proposed changes for the following Board meeting. Mr. Neiser passed out a list of proposed measure

changes and reviewed each change being recommended. Mr. Neiser asked if there were any questions and there being none recommended adoption of the proposed changes. Chairman Robertson asked for a motion and on motion of Dick Schendel, seconded by Harvey Davis, the Board adopted the changes as presented.

The Programmatic Agreement between the USDA-Soil Conservation Service and the National Conference of State Historic Preservation Officers was discussed. Bob Buckley introduced the subject matter and asked James Moore and Wes Oneth to update the Board. Mr. Oneth said the national agreement has been signed and the state office has a working agreement with SHPO. Mr. Moore gave an overview of what is in the agreement. He said the Soil Conservation Service could not provide assistance to a farmer or rancher if a cultural resource would be impacted. The definition of a cultural resource includes anything over 50 years of age. If SCS is providing cost-share assistance to a farmer or rancher and a cultural resource becomes involved, SCS will have to report it to SHPO. If the assistance does not involve cost-share, SCS does not report the cultural resource, but cannot knowingly destroy or assist in the destruction of a cultural resource. If a landowner chooses to pursue an activity that will impact a cultural resource, SCS will have to withdraw their assistance.

Chairman Robertson introduced Barney Gilmore from the State Auditor's Office. Mr. Gilmore said he was in the process of performing a programmatic audit of the SB 503 program and was attending the Board meeting to learn more about the program. He

advised the Board that he would be visiting the regional offices in Dublin and Mt. Pleasant soon.

Wes Oneth briefed the Board on a meeting between Norm Bade from the SCS, directors from the Mustang SWCD #242 and others from Martin County. He reported that an agreement had been reached on standards and specifications for wind erosion on highly erodible lands in Martin County. The district board with assistance from ARS will monitor the practices to determine effectiveness.

Mr. Robertson introduced other guests present, which included Mickey Black, Area Conservationist, Soil Conservation Service, Lubbock and Charles Haenisch from the McCulloch SWCD #249 who also serves as Chairman of the Association's Water Resources Committee.

Senate Bill 503 program, rules, policies and guidelines were discussed. James Moore presented a list of questions that had been received in the State Board office relative to the SB 503 program. Before addressing the questions Mr. Moore reviewed the law and current Board rules. Buddy Clark asked what would happen if someone didn't abide by the rules. Mr. Moore responded that the agency's only course of action would be through the Attorney General's Office since the State Board does not have the authority to levy administrative penalties. As a result of discussion relative to the cost share cap, staff was directed to prepare recommended wording to clarify the term "individual" as used in that context to be considered at the next board meeting.

Further discussion and deliberation of program rules, guidelines and procedures led to a determination that several

changes to the program rules and related documents were needed. The staff was directed to prepare rule revisions consistent with the discussion to be considered for adoption at the November 16 board meeting. By consensus, the Board directed staff to include in the rule amendment or other appropriate place a requirement that a plan holder notify the district when deviating from the implementation schedule, and to include an item on notification to a plan holder after a site visit by staff and consultation with the district when plan certification is being withdrawn. The Board also by consensus, determined that more guidance should be provided to districts relative to establishing priorities, but wanted as much latitude as possible left with the district. In response to a concern expressed by Mickey Black, the Board directed staff to include language in the application for cost-share assistance requiring approval of all designs before initiating construction. On motion of Buddy Clark, seconded by Albert Evans, staff was directed to include language to make implementation of the water quality management plan a requirement for receiving cost-share assistance and to review proposed language with leadership in the legislature to assure consistency with legislative intent. In response to a request by Harvey Davis staff was directed to include language indicating the district would be consulted with when granting waivers under 523.6(g)(5). The Board then asked for language relative to plan modification and cost-share agreement modification be included in the amended rule along with clarifying language for the term "independent unit."

James Moore then reviewed the list of questions individually. It was determined the questions had been addressed by previous actions of the Board.

An additional list of questions was presented by Mickey Black. Staff was instructed to review the questions and discuss them with the Board at the November meeting.

Buddy Clark indicated since the rules were being changed he would like to see "when implemented" added to the definition of a water quality management plan on page 2 of the rules. Mr. Buckley indicated that the change would be included in the draft rule revisions prepared for the November meeting.

The meeting adjourned at 2:45 p.m.

Paul E. Robertson  
Chairman

Louis J. Cain  
Secretary

11-16-94  
Date

I certify that the above is a true and correct copy of the minutes of the Board meeting held on October 27, 1994.

11-16-94  
Date

Robert H. Buckley  
Executive Director