

**Minutes**  
**TEXAS STATE SOIL AND WATER CONSERVATION BOARD**  
**November 19, 1997**

The Texas State Soil and Water Conservation Board met on November 19, 1997 at 8:00 a.m. in the State Board's Hearings Room at 311 North Fifth Street, Temple, Texas.

Board members present were:

Paul Robertson, Chairman  
Charles D. "Buddy" Clark, Vice Chairman  
Gene Sollock, Member  
James K. "Rooter" Brite, Member

Staff members present were:

Robert G. "Bob" Buckley, Executive Director  
James M. Moore, Assistant Executive Director  
William C. "Bill" Neiser, Assistant Executive Director  
Mel Davis, Assistant Executive Director  
Clyde J. Gottschalk, Program Administrator  
Leonard Pietzsch, Accountant  
Bo Spoons, Program Administrator  
Victoria Suniga, Human Resources Specialist  
Sam Unberhagen, Program Specialist  
Bobbie Stephens, Contract Manager  
Mahendra Mohite, Engineering Assistant  
Lois J. Cain, Administrative Technician  
Rex Isom, Program Specialist  
Bob Gruner, Program Specialist  
Johnny Oswald, Program Specialist  
Joe Freeman, Program Specialist  
Adrian Perez, Program Specialist  
Roy Freeman, Program Specialist  
David Powell, Program Specialist  
Joel Clark, Program Specialist  
Dub Crumley, Program Specialist  
Don Brandenberger, Program Specialist  
Steve Jones, Regional Manager  
Charley Rodgers, Regional Manager

Andy Garza, Regional Manager  
John O'Connor, Regional Manager  
Stephen Deiss, Regional Manager

Others present were:

Comer Tuck, Texas Water Development Board  
John Edwards, Natural Resources Conservation Service

Chairman Robertson called the meeting to order and welcomed those present. He advised those present of the sudden death of Board member Clarence F. "Dick" Schendel on November 13, 1997 and Mr. Robertson asked for a moment of silence.

On motion of Rooter Brite, seconded by Buddy Clark, the minutes of the September 10, 1997 board meeting were approved as mailed. Chairman Robertson advised Victor Arrington, District Director from Duck Creek Soil and Water Conservation District #169 had been left off the attendance record.

Mel Davis presented district director appointments for consideration. He advised there were ten complete appointments and two faxed appointments from the Stonewall Soil and Water Conservation District #167. Appointments presented were:

Jimmy McCurry, Lamb SWCD #130  
Randy Wieck, Palo Duro SWCD #147  
Tommy Isbell, Cottle County SWCD #163  
Hardin R. Moore, Toyah-Limpia SWCD #209  
Ralph Meriwether, Big Bend SWCD #227  
James Stradley, Big Bend SWCD #227  
Fernando G. DaCosta, Anderson-Houston SWCD #421  
Gilbert L. Wiethorn, McLennan County SWCD #512  
James Watson, Collin County SWCD #535  
Dan R. Griffith, Haskell SWCD #546  
Bobby McGough, Stonewall SWCD #167  
Jay Beakley, Stonewall SWCD #167

On motion of Buddy Clark, seconded by Rooter Brite the appointments were approved as presented with the appointments for Bobby McGough and Jay Beakley from Stonewall SWCD #167 being approved upon receipt of original papers. Motion carried.

Mel Davis provided an update on director elections for Zone 5 of each soil and water conservation district. Elections were held the first two weeks in October. Mr. Buckley advised the Board of a controversy in the election held in the El Paso-Hudspeth Soil and Water Conservation District #205 in which it was alleged that one of the voters was not a landowner. Mr. Buckley advised the Board the situation would be checked out as quickly as possible and would inform the Board of any findings.

The Annual Statewide Meeting of Soil and Water Conservation District Directors was discussed by Mel Davis. He asked the Board for comments and suggestions on future state meetings. The Board requested a poll be done of directors for future meeting sites. Corpus Christi is the site for the 1998 annual meeting. Bill Neiser discussed attendance at the meeting saying 331 directors, 275 spouses and 254 others attended making a total of 860 in spite of the bad weather and "Red Tide" conditions. Other information provided the Board was the expense and revenue report, list of people who attended the meeting, and door prize winners list.

Clyde Gottschalk reported on activities of the Information/Education Department and advised that his department is working on the Capacity Building for

Texas survey; involved in making a video on soils for use in the classroom; provided an agenda for the Agriculture Nonpoint Source Conference to be held in the Rio Grande Valley and the Gulf Coast. Mr. Gottschalk advised the Board he had attended and participated in the National Steering Committee for Food, Land and People in San Antonio. Mr. Gottschalk discussed a letter from the Texas Natural Resources Conservation Commission concerning the Texas EE2000 Committee and advised the State Board had been put on a committee on Environmental Education.

Clyde Gottschalk briefly discussed the status of the State Wildlife Clinic. He discussed the need for a meeting of the steering committee with Deputy State Conservationist John Edwards, to clarify roles, responsibilities and timelines.

John Edwards reported on Natural Resources Conservation Service activities. He reported that Tom Weber had been named as Acting Chief of the Natural Resources Conservation Service. Mr. Edwards reported on the CRP efforts and said another sign up is possible for next year. He also reported that nothing has changed on EQIP since he last reported. Buddy Clark said he felt like large operators had been put at a disadvantage and feels like there should be a definition of what is large and what small is and should be broken down to land use type. Mr. Buckley asked about NRCS field office restructuring and Mr. Edwards advised it was the same as last meeting. He said there has been complaints from East Texas that they were continuing to work on.

Comer Tuck from the Texas Water Development Board reported there would be no matching grants made in their November board meeting because of reduced funding and have postponed any grants until March when more funding may become available. He said the final draft of the Arroyo Colorado Study is being reviewed for approval, and advised that the North Concho River Watershed received funding approval from the TWDB. Mr. Tuck provided a copy of the second draft on Senate Bill 1 Regional Water Planning Areas and Guidelines for State and Regional Water Planning and Water Planning Grants. A public hearing is set for January 21, 1998 for the final hearing. The deadline for nominations for regional planning group members is January 16, 1998. A completed Water Plan has to be done by August 31, 2001.

Bob Buckley discussed a change in the Cooperative Agreement between the State Board and the Association of Texas Soil and Water Conservation Districts. He said the Association has changed their by-laws on how to process expenditure payments. The agreement was amended to read: "2. All expenditures of the Association shall be made in accordance with Association by-laws." On motion of Rooter Brite, seconded by Gene Sollock, the Cooperative Agreement was accepted as amended.

James Moore updated the Board on the 1998 Texas Environmental Excellence Award and said two districts had been submitted - Sulphur-Cypress SWCD #419 and Hopkins-Rains SWCD #445. The winner of the award should be announced by the Spring of 1998.

Mr. Moore discussed the American Heritage Rivers Initiative in which the Rio Grande River is being promoted for nomination as one of the designated rivers. A resolution was adopted at the Annual Statewide Meeting of District Directors in South Padre Island in October 1997 opposing this initiative. The Association of Texas Soil and Water Conservation Districts is on record opposing this designation and has provided each district a blank resolution to be adopted in the local district and sent to the Executive Office of the President, Washington, D.C.

Bo Spoons updated the Board on Section 319 activities and said a meeting would be held on December 11 for fiscal year 1998 funding grant cycle. He advised work was underway to update the Statewide Management Plan and hope for an early 1998 approval of the plan. Buddy Clark asked questions concerning 319 process and district involvement and said he wanted districts to be in the forefront so they can be well informed and can take the lead.

James Moore discussed Vice President Gore's Clean Water Initiative and asked for the Board's guidance on comments which are due December 8, 1997. On motion of Rooter Brite, seconded by Gene Sollock, the staff was requested to develop written comments to be mailed in.

Mr. Moore then discussed the 1998 303D list update and its relation to the Clean Rivers Program. He said TNRCC had contacted the agency and requested participation in public meetings setting up and explaining the process. He said the major local entities to be involved are the Trinity River Authority, Lower Neches

Valley Authority, and the Houston-Galveston Area Council. Mr. Moore said staff would be working to get as many district directors informed and involved as possible.

Beade Northcut gave the Board status reports for Senate Bill 503 activities. He discussed cost share allocation requests and practice list status. In addition, the status reports included water quality management plans certified so far for fiscal year 1998, cost share allocation by regions for fiscal year 1998, and complaint investigations. He also reported on annual status reviews for water quality management plans certified in fiscal years 1994, 1995 and 1996.

James Moore informed the Board that on Wednesday, November 26, 1997 there will be a hearing in Federal Court in Dallas on the Cross Timbers Concerned Citizens lawsuit. He said the hearing was on a motion to dismiss the suit or ask for further clarification.

Beade Northcut discussed a request from the Rusk Soil and Water Conservation District #447 for Senate Bill 503 Statewide cost share assistance. Mr. Northcut indicated it was not a complaint driven request and recommended the request be deferred until a later date. On motion of Gene Sollock, seconded by Rooter Brite, the request was deferred until the January 1998 board meeting.

James Moore discussed the North Concho River Brush Control project and reminded the Board that Comer Tuck had said project funding would be considered at the next board meeting of the Texas Water Development Board. If the project is

funded it will be handled through the State Board's Brush Control Program to be administered by local districts.

Mr. Moore reported on the TNRCC Poultry Litter Study being done at the request of the Legislature. He said TNRCC has developed a plan of action for the Big Cypress Creek, Angelina-Neches and Guadalupe-Blanco River Basins and that John O'Connor and Bo Spoons are serving on the advisory committees.

Mr. Moore then reported on the last meeting of the Coastal Coordination Council held in Brownsville on November 12, 1997. He said Liberty County was removed from the coastal program, Coastal program grants were approved but no funding went to soil and water conservation districts in this cycle, and a request for funding which included an action item to assist with TMDL development in the coastal zone was approved.

James Moore discussed the Corpus Christi Bay National Estuary Program and said the coordinated conservation plan was nearing completion. Mr. Moore noted that one of the action items concerned agricultural runoff.

The Source Water Assessment Program mandated by the Safe Drinking Water Act was discussed by James Moore. He said states are mandated to identify areas that are sources of public drinking water, assess the water supplies susceptibility to contamination, and inform the public of the results. A specific source for concern is Atrazine in drinking water. A task force has been set up through Texas Natural Resources Conservation Commission and the Texas



Department of Agriculture to seek possible ways to deal with the Atrazine issue before it becomes an enforcement issue.

Mr. Moore then updated the Board on activities of the TNRCC Dam Safety Task Force. He said issues considered included funding for O and M and upgrading of unsafe dams, as well as adequacy of current regulations and liability. TNRCC is currently drafting a report detailing the work of the task force to be mailed out for review in January. Mr. Moore assured the Board they would be kept advised of any issues surfacing in the report that concern State Board and district programs.

Mr. Moore reported that a TMDL (Total Maximum Daily Load) is currently being developed on the North Bosque River to address impacts of nutrients and that the next water body scheduled for TMDL development is the Arroyo Colorado in the Rio Grande Valley. TNRCC with input from the State Board and local districts will be naming a steering committee to oversee the development process.

James Moore advised the Board he would be leaving for Washington, D.C. later in the day to meet with staff members from EPA and NOAA concerning the State's development of a Coastal Nonpoint Source Program under Section 6217 of the Federal Coastal Zone Management Act. He said a draft of the coastal program is scheduled to be ready in the summer of 1998 for public review and comment.

Mr. Moore discussed Senate Bill 1 Regional Planning activities of the Water Development Board and said staff would continue to work on ways to get district directors on regional planning groups.

Bob Buckley discussed the District Capacity Building survey and provided a map showing which districts have completed the survey as of the board meeting date. Identified needs were financial and district employees. He also discussed a survey for District Director Training Needs. A select committee is being formed by the Association of Texas Soil and Water Conservation District Directors to put together recommendations for the State Board to consider for the budget proposal for the next biennium.

Bill Neiser reported on fiscal year 1997 technical assistance grant funds and said a total of 130 districts claimed supplemental technical assistance grants funds. The maximum any district received was \$257.26. A total of \$33,443.16 of supplemental funds was paid.

Fiscal year 1998 Subchapter H Technical Assistance was discussed. Mr. Neiser said available funds are lower due to the Texas Water Development Board's new loan program. There is currently \$29,660 to be allocated if the Board chooses to do so. Mr. Neiser also provided letters of requests for allocations from the Upper Leon SWCD #525 and Cross Timbers SWCD #556. After much discussion Gene Sollock moved that due to the way the budget is going at this time the two districts be allotted 70% of last year's allocations (\$3,500) each when funds are available to allocate. Rooter Brite seconded the motion and motion carried. No allocations were made at this time.

Mr. Neiser provided a checklist of districts who have an approved financial statement and indicated those districts who will be doing an audit at the end of fiscal year 1998. He advised that grant payments are not being paid to districts until the district's financial statement has been received. It was the consensus of the Board that if corrections to financial statements already received are not in by January 1, 1998 grant payments will again be held up until the corrections are received.

The expenditure report for the two month period ending October 31, 1997 was discussed by Mr. Neiser.

Mr. Neiser then discussed the travel budget allocations for fiscal year 1998. Fiscal Year 1998 travel expenditures can only be 90% of what was actually expended for fiscal year 1997. Gene Sollock moved to accept travel budget revisions as presented and review travel at a later date to make changes if necessary. More discussion followed. The motion died for lack of a second.

Bill Neiser reported on required board member training. He researched the rules and statutes with help from the Attorney General's Office and said the only training required is the training required by the Public Funds Investment Act.

A Management Control Audit Status Report was given by Bill Neiser. He discussed the Summary of Recommendations and Management Responses. He advised the Board that we would be having a "follow up" audit by the State Auditor's staff who will be looking at progress made regarding Audit Recommendations made in the original audit.

Victoria Suniga provided the recruiting and staffing activities report and said we are currently looking at three vacancies and have had two recent new hires. Buddy Clark requested to receive a copy of each new hire's resume. Ms. Suniga also provided an Affirmative Action Update and Employee training update.

The Board then discussed the need to set a date for a Board member election to be held in State District III to replace Clarence F. Schendel who recently passed away. It was noted the same procedure would have to be followed as in a regular election. On motion of Rooter Brite, seconded by Buddy Clark, the election will be held on March 3, 1998 at 1:00 p.m. in the City Auditorium in Kenedy, Texas.

The Board was advised by Mel Davis that rooms have been blocked for the national NACD meeting to be held in Nashville, Tennessee on February 1-5, 1998 at the Opryland Hotel. The Board was asked to let Mel know the kind of facility they would be needing.

The Board was provided a travel report for the first two months of fiscal year 1998 and an end of year travel report for fiscal year 1997. No out of state travel was requested.

The next Board meeting was set for January 21, 1998.

The Board then went back to consider fiscal year 1998 travel budget allocations that had been tabled earlier in the meeting because of a lack of a second to a motion. After discussion Gene Sollock moved to approve the travel budget as presented and review agency travel quarterly by the Board to see if

adjustments need to be considered and give the Executive Director authority to do so. Rooter Brite seconded the motion and motion carried.

The meeting adjourned at 4:30 p.m.

Paul J. Robertson  
Chairman

Lois J. Cain  
Secretary

1-21-98  
Date

I certify that the above is a true and correct copy of the minutes of the Board meeting held on November 19, 1997.

1-21-98  
Date

Robert S. Buckley  
Executive Director