

**Minutes**  
**TEXAS STATE SOIL AND WATER CONSERVATION BOARD**  
**March 16, 2000**

The Texas State Soil and Water Conservation Board met on March 16, 2000 at 8:00 a.m. in its Hearings Room at 311 North Fifth Street, Temple, Texas.

**Board members present were:**

Gene Sollock, Chairman  
James K. (Rooter) Brite, Vice Chairman  
Dayton Elam, Member  
Charles D. (Buddy) Clark, Member

**Staff members present were:**

Robert G. (Bob) Buckley, Executive Director  
James M. Moore, Director of Conservation Programs  
Mel Davis, Director of District Operations  
Bobbie Stephens, Director of Administration  
Andrea Pennington, Accountant  
John Millican, Program Administrator  
Kevin Wagner, Natural Resources Specialist  
Johnny Oswald, Program Administrator  
Sam Unberhagen, Program Specialist  
Donna Long, Program Specialist  
Julia Burger, Planner  
Dawn Heitman, Human Resources Specialist  
Lois J. Cain, Administrative Technician

**Others present were:**

Dr. Clarence Richardson, Agriculture Research Service  
Ed Albrecht, Association of Texas SWCDs  
Donald Swann, San Patricio SWCD #324  
Comer Tuck, Texas Water Development Board  
John Burt, Natural Resources Conservation Service  
Norm Bade, Natural Resources Conservation Service  
Salvidor Salinas, Natural Resources Conservation Service  
Wayne Register, Association of Texas SWCDs  
Susan Solterman, Sunset Commission

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

On motion of Dayton Elam, seconded by Rooter Brite, minutes for the January 20, 2000 and February 24, 2000 Board meetings were approved as presented. Minutes for the March 6, 2000 Board meeting were considered and questioned. After discussion on motion of Rooter Brite, seconded by Buddy Clark the minutes of the March 6, 2000 Board meeting were accepted with noted clarification.

Mel Davis presented district director appointments, listed on the agenda, for consideration and advised they met the qualifications. All paperwork appeared to be in order except original paperwork had not been received for James W. Dunnihoo, Hansford Soil and Water Conservation District #148 and Tim Paulsel, Walker County Soil and Water Conservation District #453. Mr. Davis advised we had received fax copies of the paperwork with originals being sent in the mail but the appointments met the qualifications. With reluctance to accept the resignation of David Bratton from McCulloch SWCD #249 Buddy Clark moved to approve the appointments as presented pending original paperwork for Mr. Dunnihoo and Mr. Paulsel. With the same reluctance to accept resignation of Victor Arrington from Duck Creek SWCD #169 Dayton Elam seconded the motion which carried and the following district director appointments were approved as presented:

James W. Dunnihoo, Hansford SWCD #148  
Neal Hindman, Duck Creek SWCD #169  
Larry Walker, McCulloch SWCD #249  
Thomas Ford, Harrison County SWCD #412  
Josh David, Polk-San Jacinto SWCD #436  
Benny L. Griffin, Polk-San Jacinto SWCD #436  
Tim Paulsel, Walker County SWCD #453

Chairman Gene Sollock introduced guests in attendance and asked John Burt to report on activities of the Natural Resources Conservation Service.

Mr. Burt reported the season of livestock shows had been very successful with many people stopping by their booth at the Fort Worth, San Antonio and Houston shows. He advised of a request from the White House to distribute computers to rural communities in Texas. In April they will be doing a marketing initiative for conservation on private lands. He also provided and discussed a summary on EQIP. He advised the Secretary of Agriculture had announced the co-location headquarters for Texas would be in Temple for USDA-Natural Resources Conservation Service, Rural Development and Farm Services Agency.

Comer Tuck from the Texas Water Development Board reported on Senate Bill 1 Regional Water Planning efforts. He advised that the first of three agency workshops had recently been held in San Antonio with the second workshop to be held in April in Grand Prairie and the third to be held in Corpus Christi in June. Mr. Tuck advised TWDB had nine grants pending under their Subchapter H grants program and eight of them were from soil and water conservation districts. He also said the TWDB would soon begin their Sunset Review process and evaluation.

Dr. Clarence Richardson discussed USDA Agriculture Research Service's fiscal year 2001 budget request and asked for assistance from the State Board in seeking funds to continue their research program. Staff recommended a motion from the Board for staff to write letters to congressmen in support of ARS. On

motion of Rooter Brite, seconded by Dayton Elam, the Board authorized staff to take action needed to support the fiscal year 2001 ARS budget increases by writing letters or through contacts.

Mel Davis discussed upcoming Board member elections to be held in State Districts II, III and IV on the following dates and locations:

Area II - May 2, 2000 - 6:00 p.m.  
Saint Ambrose Catholic Church  
Wall, Texas

Area III - May 3, 2000 - 4:30 p.m.  
Refugio City Hall  
Refugio, Texas

Area IV - May 2, 2000 - 5:00 p.m.  
Norman Activity Center  
Jacksonville, Texas

A checklist showing districts whose delegates had been received as of March 15, 2000 was also provided the Board.

Mel Davis discussed the Conservation Awards Program and advised 128 districts had entries and 26 districts did not contribute to support the awards program. Letters announcing winners and ticket information will soon be mailed.

John Millican discussed lodging arrangements and other information for the National Association of Conservation Districts' Spring Legislative Conference to be held in Washington, D.C. on March 19-21, 2000.

James Moore discussed the Section 319 activities and provided a written report to the Board. He reported that approval from EPA had been received on the "Texas Nonpoint Source Pollution Assessment Report and Management Program." He informed the Board that staff had completed development of the

FY00 Watershed Restoration Action Strategy (WRAS) for Incremental 319 Funding which included WQMP Implementation Assistance in the Bosque Watershed and the North Texas Atrazine Remediation Project and advised that base funding for the North Central Texas Atrazine Remediation project and Technical Assistance in the West Fork of the Trinity River Watershed had been approved. Mr. Moore updated the Board on status of the Fort Hood project and said staff was waiting on information from the Central Texas Cattlemen's Association and as soon as it is received will be able to move forward on the project.

Sam Unberhagen provided the status report on the Water Quality Management Program. He said as of the Board meeting date a total of 343 water quality management plans had been received from 116 soil and water conservation districts; a total of 62 status reviews had been performed; five complaints were pending from last period, two complaints have been received this period, four have been investigated and were invalid with three in the investigation process. Mr. Moore advised the Board that staff was working on solutions for lapsed funds with the Sunset Commission and Governor's Office and would be working with Regional Managers at their March 28<sup>th</sup> meeting. He indicated he would report back to the Board at the May Board meeting.

Donna Long discussed a status report on the Total Maximum Daily Load (TMDL) program. She advised atrazine level in Marlin City Lakes is now well below EPA's established criteria and staff had recommended it be removed from the 303(d) list. Ms. Long provided a written Agriculture TMDL Status Report.

Sam Unberhagen discussed statewide allocation of FY00 Water Quality Management Program cost share funds. He provided a list of requests that had been deferred plus three new requests and said one was complaint driven, one was not complaint driven, and one was still to be determined. After discussion, on motion of Dayton Elam, seconded by Rooter Brite, two plans were deferred and the plan waiting to be determined was tabled.

Johnny Oswald presented a status report on the North Concho River Brush Control Program as of March 1, 2000. He said 63 contracts have been approved for cost share to treat 116,797 acres at a cost of \$4,890,287. Eighty-four conservation plans have been completed for 296,691 acres. Mr. Oswald advised that mechanical treatment had been the only treatment method up to that time and that costs were running higher than expected. He expressed expectations that chemical treatment in the spring will lower costs. Mr. Clark expressed the need for inspection of the contractors' work relative to percent kill and the need to educate contractors to the fact that payment could be withheld if work did not meet specifications. He also requested that treatment criteria be investigated and modified if needed. Mr. Oswald agreed to have appropriate information ready for the next board meeting. Mel Davis discussed a letter of request received from Perry L. Curnutt of KGKL News radio station in San Angelo requesting a list of all the names and acreage of participants in the North Concho River Watershed Brush Control Program under the Texas Open Records Act. Mr. Davis informed the Board that staff had written the Open Records Division of the Attorney General's Office for direction because the State Board

believes some of the information requested is exempt from disclosure under the Government Code, Sec. 552.101: Information Made Confidential by Law.

James Moore discussed re-vegetation issues on the North Concho River Brush Control Program and went over plans to evaluate impacts on the North Concho Watershed as well as planned efforts to bring this issue to the attention of the oversight committee on the eight feasibility studies. Buddy Clark moved, seconded by Rooter Brite that the Board consider the short and long-term health of the watershed just as important as the initial removal of brush. Motion carried.

Mel Davis presented an additional district director appointment for consideration and advised the papers were faxed in with originals being mailed today and the appointee met the qualifications. On motion of Dayton Elam, seconded by Rooter Brite, Scott Evans was approved pending the receipt of original papers to replace Hardin Moore in Zone 1 of the Toyah-Limpia Soil and Water Conservation District #209.

James Moore discussed a request from the Upper Colorado River Authority to amend their monitoring and evaluation contract on the North Concho Project to cover additional unexpected costs. Staff recommended approving the increase in order to have the best program possible. On motion of Buddy Clark, seconded by Dayton Elam the Board agreed to the requested two-year increase of \$36,100.

Mr. Moore provided a status report on the Brush Control Feasibility Studies. He discussed a letter and quarterly progress report for the December 1999 - February 2000 period for the project "Brush Management/Water Yield

Feasibility Studies for Eight Watersheds in Texas" from Texas A & M University. He advised the Board that meetings would be held on March 2<sup>nd</sup> in Mertzon, March 21<sup>st</sup> in Colorado City, March 23<sup>rd</sup> in Amarillo and March 30<sup>th</sup> in Benjamin.

Mr. Moore updated the Board on the Texas Coastal Nonpoint Source Pollution Control Program. He advised the Board that Coastal Nonpoint Source Program workgroup agencies are in the process of addressing comments that NOAA and EPA had submitted on the program submission. Mr. Moore indicated that the response to comments should be ready by the next Board meeting.

Gene Sollock and Bob Buckley briefly discussed the agency's hearing before the House Agriculture and Livestock Committee on March 9, 2000.

Mel Davis presented a written report on activities of the Public Information/Education Department. He reported the recent district director training workshop was well attended and had very positive responses from the directors. Mr. Davis advised a one-day version of director training would be held on April 5<sup>th</sup> for the Hill Country Area Association of Soil and Water Conservation Districts.

Bob Buckley discussed preliminary information on proposals from six vendors on the cost to equip the Hearings Room for recording meetings. After discussion Dayton Elam moved, seconded by Gene Sollock to drop the idea of recording Board meetings. There were two votes for the motion and two against. Discussion followed. Rooter Brite moved to table until the July Board meeting when a new Board would be in place. Dayton Elam seconded the motion and motion carried.



Bobbie Stephens provided proposed allocations for Subchapter H Technical Assistance and advised they had been discussed with the field staff. She discussed a letter of request from Cross Timbers Soil and Water Conservation District #556 requesting a special allocation of \$5,000. Mr. Buckley explained the history behind the special allocation to Cross Timbers SWCD #556 and said the district was advised last year it was being phased out. On motion of Buddy Clark, seconded by Dayton Elam, the request was denied based on previous communications with the district. Rooter Brite then moved to accept staff recommendations on allocations of Subchapter H Technical Assistance, Gene Sollock seconded and the motion carried. (Copy attached)

Bobbie Stephens discussed adoption of proposed amendment to Title 31, Natural Resources and Conservation, Part XVII, Chapters 517, 519 and 521. She said the rules have been published in the **Texas Register** and explained what each chapter does. On motion of Dayton Elam, seconded by Buddy Clark, the proposed amendment was approved as presented.

Ms. Stephens then discussed the Budget versus Expenditure Report for Six Months ending February 29, 2000. She advised the Brush Control Fund was being shown as a separate appropriation line item.

Ms. Stephens advised the 2001-2005 Strategic Plan is due to the Governor's Office and Legislative Budget Board by June 1, 2000. She provided "Compact with Texans", the first step which is due in Austin on March 17<sup>th</sup> and asked for the Board's tentative approval. On motion of Rooter Brite, seconded by Dayton Elam, the Board accepted the plan as presented.

Andrea Pennington advised the Board that three candidates had been reviewed for the Internal Auditor contract. Proposals were reviewed by Ms. Pennington, Mr. Sollock and Mr. Buckley and recommended two of the candidates be asked to attend the May Board meeting. It was the consensus of the Board to concur to have the two bid prospects at the May Board meeting.

Bobbie Stephens provided the Board members their travel report ending February 2000 for their review.

Bob Buckley discussed the Legislative Appropriation Request for 2002 and 2003 biennium. He provided a draft letter and survey form to be mailed to districts to survey their needs for the next biennium. Mr. Buckley said staff was in the process of developing staff issues for the budget. On motion of Rooter Brite, seconded by Dayton Elam, staff was authorized to mail the survey form and letter as presented to all soil and water conservation districts.

Bobbie Stephens provided a written report on the Sunset Review process. She said final report would be available to the agency in May 2000. Public hearing is set at the Capitol Annex in Austin on June 21-22, 2000.

Dawn Heitman provided the Human Resources update. She advised of one retirement, one transfer, one reclassification, one promotion and three new hires. She also said there is currently a vacancy for a Program Specialist III for the TMDL program. Total staff is currently at 64. Ms. Heitman discussed the agency's levels of affirmative action/recruitment plan. An employee training update was provided which indicated training in two areas - safety and health

and employee development. Rooter Brite moved to keep one FTE in reserve, Dayton Elam seconded and motion carried.

Ms. Heitman discussed the adoption of Employee Training Rules, Title 31, Natural Resources and Conservation, Part XVII, Chapter 518, Subchapter A. She advised the rules had been published in the **Texas Register** and no comments had been made during the comment period. On motion of Dayton Elam, seconded by Rooter Brite the rules were approved as published.

Mr. Buckley advised the Board that NACD dues notice for the amount of \$700 had been received and asked the Board for their direction. On motion of Dayton Elam, seconded by Rooter Brite, the Board voted to pay the NACD dues in the amount of \$700.

The Board then discussed the development of criteria, credentials and process for the future selection of an executive director. There has been no job description adopted by the Board for the executive director. On motion of Rooter Brite, seconded by Dayton Elam, the Board voted to start the process of developing the criteria, credentials and process for future selection of an executive director.

Formulation of process and document for evaluation of the executive director was discussed and Chairman Sollock appointed Dayton Elam, Bob Buckley, Dawn Heitman and George Noelke from the Attorney General's Office to serve as the committee developing this information with Board member Dayton Elam serving as chairman of the committee.

The date for the May Board meeting was discussed. On motion of Rooter Brite, seconded by Dayton Elam, the date was set for May 18, 2000.

Bob Buckley publicly expressed his appreciation to Gene Sollock and Buddy Clark, outgoing Board members who chose not to seek re-election, for their service to this agency and the State of Texas and for the support they have given to the state, agency and staff.

The meeting adjourned at 12:08 p.m.

Edward H. Albrecht  
Chairman

Lois J. Cain  
Secretary

May 25, 2000  
Date

I certify that the above is a true and correct copy of the minutes of the Board meeting held on March 16, 2000.

May 25, 2000  
Date

Bob Buckley  
Executive Director