

**Minutes**  
**TEXAS STATE SOIL AND WATER CONSERVATION BOARD**  
**March 21, 2001**

The Texas State Soil and Water Conservation Board met on March 21, 2001 at 8:00 a.m. in its Hearings Room at 311 North Fifth Street, Temple, Texas.

Board members present were:

Edward G. Albrecht, Chairman  
T. Wayne Register, Vice Chairman  
Dayton Elam, Member  
Donald Swann, Member  
James K. (Rooter) Brite, 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  
Bryan Daniel, Director of External Customer Relations  
Kevin Wagner, Natural Resources Specialist  
Sam Unberhagen, Program Specialist  
Clyde J. Gottschalk, Program Administrator  
Lee Munz, Planner  
Kevin Canfield, Planner  
John Foster, Program Specialist  
Donna Long, Program Specialist  
Julia Jeske, Program Specialist  
Johnny Oswald, Program Administrator  
Dawn Heitman, Human Resource Specialist  
Richard Egg, Engineer  
John Millican, Program Administrator  
Lois J. Cain, Administrative Technician

Others present were:

Melvin Reynolds, Northeast Texas Assoc. of SWCDs  
Bob Pearson, Deep East Texas Assoc. of SWCDs  
George Noelke, Attorney General's Office  
Dr. Clarence Richardson, Agricultural Research Service

Kraig C. Gallimore, Texas Water Development Board  
John Burt, Natural Resources Conservation Service  
Salvador Salinas, Natural Resources Conservation Service

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

Minutes from the January 4, 2001 Board meeting were considered. On motion of Donald Swann, seconded by Wayne Register, the minutes were approved as mailed.

Mel Davis presented district director appointments and advised all met the qualifications and appeared to be in order. On motion of Wayne Register, seconded by Donald Swann, the following district director appointments were approved:

Cary Don Neeley, Salt Fork SWCD #133  
John Brinson, Cottle County SWCD #163  
Craig J. Ingram, Howard SWCD #243  
Don LeCompte, Waters Davis SWCD #318  
Wilfred Peltier, Waters Davis SWCD #318  
Mike Wilson, Frio SWCD #325  
David E. Puig, Webb SWCD #337  
Charles White, Victoria SWCD #346  
Ernest Bippert, Jr., Kleberg-Kenedy SWCD #356  
William D. Martindale, Jasper-Newton SWCD #441  
David Keene, Fannin SWCD #520  
Byron Cobb, Johnson County SWCD #541

Donna Long reported on Section 319 and Total Maximum Daily Load (TMDL) activities and introduced new TMDL team member John Foster. She said projects are currently being addressed in Aquilla Lake, North Bosque River Watershed and Big Cypress/Lake O' the Pines. Julia Jeske updated the Board on Aquilla Lake and said the public comment period had closed on January 16, 2001 and six public comments were received and incorporated

into the report. Ms. Long discussed the North Bosque River TMDL to reduce phosphorus loadings and said the State Board is proposing another 319 project in the North Bosque. She advised a workshop was planned for composters in the North Bosque. John Foster discussed technical and financial assistance to dairy producers in the North Bosque. Ms. Jeske discussed the 319 project in Big Cypress/Lake 'O the Pines which calls for mapping and modeling. Information was also provided on 319 projects in Arroyo Colorado, Sam Rayburn/Toledo Bend TMDL, and a 319 project proposal drafted for Sam Rayburn/Toledo Bend. Ms. Long discussed proposed non-TMDL 319 projects in the Gonzales Watershed and Leon River Watershed. The Board was advised that states receiving 319(h) funding are required to submit an annual report to EPA on their nonpoint source abatement activities. The Texas State Soil and Water Conservation Board is the agency responsible for compiling the 2000 Annual Report. This activity is being coordinated with the Texas Natural Resources Conservation Commission and reviewed by both agencies. The report has been sent to the printers and will be made available when received from the printers.

Julia Jeske discussed the final draft of the TMDL for Atrazine in Aquilla Reservoir and explained how public comments were included in the document. Staff recommended approval by the Board. On motion of Dayton Elam, seconded by Wayne Register, the Board voted to approve the document "A TMDL for Atrazine in Aquilla Reservoir".

Sam Unberhagen reported on the status of the Water Quality Management Program and gave statistics through the end of February. He stated 564 water quality management plans have been completed for fiscal year 2001 and 184 status reviews had been performed. Complaint activity included two remaining from last period, five received this period, with four having been investigated and three in the process of being investigated.

Mr. Unberhagen then discussed Allocation of Fiscal Year 2001 Water Quality Cost Share Program Funds and presented recommendations for re-allocation of funds. Staff recommended the State Board fund the four carryover plans assigned to the Statewide Fund that have been pending since last July. On motion of Dayton Elam, seconded by Don Swann, the Board approved as staff recommended. On motion of Wayne Register, seconded by Don Swann, the twelve new requests in the Statewide Fund were deferred to a later date. Mr. Unberhagen then reported that \$179,786.24 of cost share funds had been returned to the Board as of March 1, 2001 for re-allocation and each priority area had requested more than was returned from each respective area. Staff recommended the re-allocations be done on a first-come basis for one additional plan and any remaining after one plan had been funded on all requests could be allocated to statewide. Wayne Register moved, seconded by Donald Swann, to approve staff recommendations. Don Swann, in reference to the program evaluation process approved at the last Board meeting, said he would like to see the allocation change threshold

changed to 15% of the district's allocation. Staff agreed to develop a revised process for consideration at the next Board meeting.

Kevin Wagner discussed requested changes to the Water Quality Management Program Approved Cost-Share List. Hopkins-Rains Soil and Water Conservation District #445 requested that Closure of Waste Impoundment Structures be added to the list. Staff recommended the practice be added to the practice list but with the stipulation that only those structures built without state cost share or those built with state cost share that have exceeded their program life would be eligible. On motion of Wayne Register, seconded by Donald Swann, the practice was added to the practice list as recommended by the staff.

Mr. Wagner then discussed a request from the Northeast Texas Association of Soil and Water Conservation Districts to add Tree/Shrub Establishment (612) to the approved practice list. Directors Melvin Reynolds from the Northeast Texas Association of SWCDs and Bob Pearson from the Deep East Texas Association of SWCDs spoke in support of this request. Mr. Buckley explained the funds the State Board has for cost share are to address water quality. Staff explained Tree/Shrub Planting is currently on the State Board Approved Practice List with stipulations which are: "Riparian forest buffer and tree/shrub establishment are only eligible for mechanically altered areas and critically eroding areas when trees are the best cover to protect these areas from erosion, reduce runoff and protect water quality." Staff recommended the State Board maintain the practice as currently listed with

the current stipulation in the Approved Cost-Share List on Tree/Shrub Planting (612). On motion of Dayton Elam, seconded by Donald Swann, the Board voted to accept staff recommendations. Mr. Wagner had a request from the Johnson County SWCD to add riparian forest buffer to the approved practice list. The Board directed staff to develop and put together information on the practice for consideration at the May Board meeting.

Johnny Oswald provided the status report on the North Concho River Brush Control Project. He reported the North Concho River Watershed project had benefited from the use of Texas Department of Criminal Justice inmates from the San Angelo Wilderness Camp hand grubbing juniper plants. Mr. Oswald discussed the progress of planning in the watershed and gave a report on the status of project cost share funds. He reported that in a couple of cases, after brush removal work was done, springs now appear to be flowing that have not done so in years.

James Moore discussed final adoption of new 31 TAC Chapter 523, Agricultural and Silvicultural Water Quality Management, Section 523.7, Incentives for Composting Animal Manure. He reported these rules were adopted at the November 13, 2000 Board meeting on an emergency basis and at the same time proposed as permanent rules. Staff reported that the rules had undergone a 30-day public comment period and that no comments had been received. Mr. Moore recommended these rules be adopted as permanent rules. On motion of Donald Swann, seconded by Dayton Elam,

these proposed rules were adopted as final rules as recommended by the staff.

Kraig Gallimore from the Texas Water Development Board (TWDB) discussed SB 2 that was introduced into the Natural Resource Committee. He reported the Haskell SWCD had requested and received TWDB grant money for a drip irrigation system. He said he was pushing this grant program and will encourage more soil and water conservation districts to make applications.

Bob Buckley provided an update on the agency's Legislative Appropriation Request and gave a schedule on how it will proceed.

Mr. Buckley discussed the agency Sunset Legislation and how it was progressing.

John Burt provided a report on activities of the Natural Resources Conservation Service. He briefly discussed their budget and said there has been a lot of activity on Farm Bill issues. He also advised the Board of his plan to hire ten student trainees for summer employment. He then discussed watershed rehabilitation in Texas and provided an information sheet, which indicated 283 dams in Texas are in need of rehabilitation measures. Mr. Burt also said there will not be a CRP contract sign up this year but existing contracts that are expiring this year will be extended. He was questioned about the state office co-location plans and said no decisions had been made.

Bryan Daniel provided a legislative update and discussed bills he was following and how they could affect districts.

Dawn Heitman updated the Board on Human Resources activities. She said the agency had recently hired Tonni Balas as the Information Specialist II for the Public Information/Education Department and was currently recruiting to fill the Engineer position in the Harlingen regional office. She also provided an employee training update and affirmative action update.

Ms. Heitman then discussed amendments to the Equal Employment Opportunity and Affirmative Action Plan of the agency that was adopted September 20, 2000. On motion of Donald Swann, seconded by Dayton Elam, the amendments were adopted as presented.

Amendments to the agency's Disaster Recovery/Business Contingency Plan were discussed by Ms. Heitman. She indicated all addresses were removed (such as Board member addresses and soil and water conservation district directors' addresses from the published directory) and the inventory list was updated. On motion of Donald Swann, seconded by Wayne Register, the amendments were adopted as presented.

Clyde Gottschalk provided a written report on activities of the Public Information/Education Department. No action was required.

Bobbie Stephens discussed the Internal Audit of the Accounting Department Recommendation and Report. She advised the internal auditor Russell Gregorczyk was not able to attend this Board meeting but asked to be on the agenda for the May, 2001 Board meeting. She also indicated the Accounting Department was already in the process of implementing the majority of recommendations.



Ms. Stephens presented information for the Final Adoption of amendments to Title 31, Natural Resources and Conservation, Part XVII, Soil and Water Conservation Board, Chapter 519, Technical Assistance Subchapter A, Technical Assistance Program which would raise the maximum hourly pay rate for district technicians from \$7.50 to \$10.00 per hour. On motion of Rooter Brite, seconded by Dayton Elam, the Board adopted as recommended by the staff.

Ms. Stephens discussed the Budget Versus Expenditure Report Through Six Months Ending February 28, 2001 and said the agency was in line with their spending and no questions were asked.

Soil and Water Conservation District Fiscal Compliance with the Texas Agriculture Code, Chapter 201.080 - Records, Reports, Accounts and Audits was discussed by Ms. Stephens to keep the Board abreast of what is going on with districts' financial statements and technical assistance reports.

Mel Davis discussed future state meeting sites for soil and water conservation district directors and said nothing is definite in Austin for 2004. He said that Galveston and South Padre Island are still holding open their offers for 2004. The Board suggested Mr. Davis contact Galveston to follow up on their offer to re-negotiate meeting rates for 2004.

Mr. Davis discussed Board member elections to be held in State Areas I, III and V on May 1, 2001 at the following locations and times:

Area I	-	Plainview Country Club Plainview, Texas 6:00 PM
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- Area III - Yoakum Community Center  
Yoakum, Texas  
5:00 PM
- Area V - Tarleton State University  
Student Development Center  
Stephenville, TX  
6:00 PM

He said districts had until March 30, 2001 to get their delegates in and certified.

Mr. Davis provided information on the five area conservation awards banquets for 2001 to be held on the following dates:

- Area I - Plainview, Texas - 7:00 PM
- Area II - San Angelo, Texas - 7:00 PM
- Area III - Yoakum, Texas - 6:00 PM
- Area IV - Nacogdoches, Texas - 6:00 PM
- Area V - Stephenville, Texas - 7:00 PM

He advised the Board if they wished to make any changes in the conservation awards program that now is the time to start.

Mel Davis presented a district director appointment received over the fax from the Upper Pease Soil and Water Conservation District #164 appointing Joyce Smith in Zone 5 to replace Gale Stafford. On motion of Donald Swann, seconded by Dayton Elam, the appointment was approved pending receipt of original paperwork.

The National Association of Conservation Districts (NACD) Spring Legislative Conference to be held in Washington, D.C. was discussed. Mr. Buckley said Dayton Elam was the only Board member attending and staff attending would be James Moore, Bryan Daniel, John Millican and himself.

NACD dues for the amount of \$725.00 were then discussed by Mr. Buckley. After discussion and on motion of Dayton Elam, seconded by Donald Swann, the Board voted to pay the dues in the amount of \$725.00.

Bobbie Stephens provided the Board a travel report for the first six-month period ending February 28, 2001, which showed their travel expenses paid and per diem paid.

The next regular State Board meeting was set for May 17, 2001.

On motion of Wayne Register, seconded by Donald Swann, the Board meeting was adjourned at 11:45 a.m.

Edward G. Albert  
Chairman

Lois J. Cain  
Secretary

5-17-01  
Date

I certify that the above is a true and correct copy of the minutes of the Board meeting held on March 21, 2001.

5-17-01  
Date

Robert S. Buckley  
Executive Director