

Meeting Minutes
TEXAS STATE SOIL & WATER CONSERVATION BOARD
November 21, 2002

The Texas State Soil and Water Conservation Board met on November 21, 2002 at 8:00 a.m. in its Hearings Room at 311 North Fifth Street, Temple, Texas.

Board members present were:

T. Wayne Register, Chairman
Dayton Elam, Vice Chairman
Edward G. Albrecht, Member
W. T. (Dub) Crumley, Member

Board members not present were:

Donald Swann, Member

Staff members present were:

James M. Moore, Executive Director
Bobbie Stephens, Director of Administration
Kris Parker, Director of External Customer Relations
Mark Cochran, Director of Conservation Programs
Kevin Wagner, Natural Resources Specialist
Dawn Heitman, Human Resources Specialist
John Foster, Natural Resources Specialist
Richard Egg, Engineer
Jason McAlister, Planner
Sam Unberhagen, Program Specialist
Kenny Zajicek, Contract Manager
Avery Buckholt, Information Specialist
Vicki Davis, Executive Assistant

Others present were:

George Noelke, Attorney General's Office
Larry Butler, Natural Resources Conservation Service
Salvador Salinas, Natural Resources Conservation Service
Clarence Richardson, Agricultural Research Service
Clyde Bohmfalk, Texas Commission on Environmental Quality
Comer Tuck, Texas Water Development Board
Mike McMurry, Texas Department of Agriculture
Bryan Daniel, Rural Development Agency
Tamara Daniel, Association of Texas Soil & Water Conservation Districts

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

AGENDA ITEM 1. Minutes of the September 20, 2002 Board Meeting

Chairman Register called for a motion to approve the minutes of the September 20, 2002, meeting as mailed. Mr. Elam moved that the minutes be approved. Mr. Albrecht seconded the motion. The motion passed unanimously.

AGENDA ITEM 2. District Director Appointments

Kris Parker presented district director appointments for the Board's consideration and verified they were in order and met all qualifications. Mr. Moore and Mr. Noelke addressed several issues concerning the new election procedures and Mr. Moore stated a written opinion would be requested from the Office of the Attorney General to address these issues. Mr. Crumley moved the appointments be approved. Mr. Albrecht seconded the motion. The following appointments were unanimously approved:

Floyd Franklin, Hartley #152
David Williams, Highland #210
Billy Foster, Devil's River #224
Jon Walther, Burlison-Lee #313
Jerry Hudec, Colorado #333
Calvin Boecker, Washington #348
James L. Waldrop, Davy Crockett-Trinity #404
Jim Meley, Harris #442
Robert Wright, Delta #443
John E. Mauney, Montgomery County #452

During the meeting an appointment was received by fax from Wood SWCD #444. Mr. Crumley moved the appointment be approved contingent upon original paperwork being received. Mr. Albrecht seconded the motion. The following appointment was unanimously approved contingent upon original paperwork being received:

Al Harris, Wood #444

AGENDA ITEM 3. Public Information/Education Report

Ms. Parker reviewed the agenda information and answered questions from the Board concerning gathering of information for district fact sheets and discussed the Texas Water Law Seminar.

AGENDA ITEM 4. 2002 Annual State Meeting

Ms. Parker reviewed the agenda information, reported that historical data concerning the state meeting was now in a database and answered questions concerning facilities for the 2003 State Meeting in El Paso, pre-registration figures and the resolution process. Mr. Register stated he had received positive input on the 2002 meeting and the new pre-registration procedures and thanked Ms. Parker for her part in the success of the meeting.

AGENDA ITEM 5. District Director Elections

Ms. Parker reported that all district elections had been held and addressed problems and issues concerning the new election procedures. She stated Temple staff will be working with the Field Representatives to correct any existing problems.

AGENDA ITEM 6. Human Resources Report

Ms. Heitman reviewed the agenda information and reported on the progress in filling the Director of District Operations position. Chairman Register congratulated Mark Cochran and Avery Buckholt on their new positions.

AGENDA ITEM 7. Amendments to Policy & Procedure Manual Pursuant to Recommendations Made by Auditor

Ms. Heitman reviewed the agenda information and answered questions from the Board. She explained that the internal auditor suggested the changes, and Mr. Noelke of the Attorney General's Office provided input. Mr. Elam moved that the manual be approved as presented. Mr. Albrecht seconded. The motion passed unanimously.

AGENDA ITEM 8. 2002 Annual Report of the Internal Auditor

Ms. Stephens reviewed the agenda information from the folders and clarified the auditor's findings and recommendations. She then addressed how the agency has and will respond to the recommendations.

AGENDA ITEM 9. Reports from Agencies and Guests

Dr. Butler, Natural Resources Conservation Service, introduced himself as the new State Conservationist for Texas. He then discussed: NRCS was operating on a continuing resolution since the new apportionments had not been made; their staffing/reorganization plan is continuing contingent on budgeting; emergency watershed projects; newly completed and out of print soil surveys; their draft rules and the Subcommittee of the State Technical Committee meeting. Chairman Register questioned and discussion was held concerning the EQIP Program's conservation program development committees, local working groups and funding levels.

Clyde Bohmfalk, Texas Commission on Environmental Quality, discussed: October public hearing on the TMDL implementation plan for the North Bosque River; management review of 319 funding; TMDL rules revision being stalled at EPA; finalization of CAFO rules.

Comer Tuck, Texas Water Development Board, presented a handout and explained the final delineation of groundwater management areas in Texas.

Bryan Daniel, Rural Development Agency, discussed: his agency's budget; January meeting on USDA programs; public comment period for the December hearing on Section 906 of the Farm Bill in Washington.

Tamara Daniel, Association of Texas Soil & Water Conservation Districts, discussed the NACD Spring Legislative Tour to be held in March, 2003.

AGENDA ITEM 10. Farm Bill Implementation

Mr. Moore stated that Farm Bill implementation had been covered during Dr. Butler's presentation.

AGENDA ITEM 11. Status Report on Brush Control Program

Mr. Wagner reviewed the 16 discussion items from the agenda folders: satisfied with the progress on projects listed as items 1-9; handed out feasibility study for item 10; items 11, 12 and 13 will be discussed at the January board meeting; awaiting rules approval on item 14 which will be discussed further in January; reported on follow up to audit on item 15; presented a handout for item 16.

AGENDA ITEM 12. Approval of Brush Control Feasibility Studies on Lake Brownwood, Lake Palo Pinto, Lake Fort Phantom Hill and Lake Arrowhead

Action was deferred until January on this agenda item.

AGENDA ITEM 13. Proposed Amendments to 31 TAC Chapter 517 Brush Control Program

Mr. Wagner reviewed the agenda information, answered questions from the Board and went over the Texas Register rule process. Mr. Albrecht moved that the rules be published in the Texas Register for public comment. Mr. Crumley seconded the motion. The motion passed unanimously.

The Board agreed to hold a public hearing to discuss changes in the Brush Control rules at 8:00 on the day of the January Board meeting.

AGENDA ITEM 14. Water Quality Management Program Status Report

Mr. Unberhagen reviewed the agenda information.

AGENDA ITEM 15. Allocation of FY 03 Water Quality Cost Share Funds

Mr. Unberhagen reported that no requests for funds had been received.

AGENDA ITEM 16. Certification of Water Quality Management Plans

Mr. Moore stated that in the past, the Board had set the policy that Robert Buckley or James Moore sign Water Quality Management Plans. In their absence, plans were held until their return, which can occasionally cause delays in turn around time. He requested the Board change the policy to read "Executive Director or his designees". Mr. Albrecht moved that the wording be changed to "Executive Director or his designees". Mr. Elam seconded and the motion passed unanimously.

AGENDA ITEM 17. Status Report on TMDL Program

Mr. Wagner reviewed the agenda information. Mr. Moore stated that the agency would be working in conjunction with the Texas Commission on Environmental Quality on the Bosque River Implementation Plan per the Board's request.

AGENDA ITEM 18. Consideration of TSSWCB Technical Criteria and Guidance for Comprehensive Nutrient Management Planning

Mr. Foster reviewed the agenda information. After discussion Mr. Crumley moved that the Board adopt the technical criteria recommendations of the staff. Mr. Albrecht seconded and the motion passed unanimously.

AGENDA ITEM 19. Proposed Amendments to TAC Chapter 523 Agricultural and Silvicultural Water Quality Management – CNMP

Mr. Foster reviewed the agenda information. After discussion, Mr. Albrecht moved that the proposed rules be approved and that they be published in the Texas Register. Mr. Crumley seconded and the motion passed unanimously.

AGENDA ITEM 20. Status of Implementation of Senate Bill 1339

Mr. Foster reviewed the agenda information.

AGENDA ITEM 21. Flood Control Dam Rehabilitation Projects

Mr. Egg reviewed the agenda information and stated that four additional applications have been received and should be ready for presentation at the January Board meeting.

AGENDA ITEM 22. Update/Approval of TWDB/TSSWCB Water Conservation Report

Mr. Egg reviewed the agenda information. After discussion concerning the Subchapter H Technical Assistance funds, Mr. Elam made a motion that the report be accepted with the understanding that Texas Water Development Board funding for Technical Assistance for Agricultural Water Conservation would be maintained or increased. Mr. Albrecht seconded and the motion passed unanimously.

AGENDA ITEM 23. Status Report on the CWA 319(h) Program

Mr. McAlister reviewed the agenda information and answered questions from the Board.

AGENDA ITEM 24. 2000 LAR

Ms. Stephens reviewed the agenda information and stated she is working closely with the Governor's Office and Legislative Budget Board staff on request for information. In answer to

Board questions concerning the State deficit, Ms. Stephens stated that she is assessing the agency budget in case a cut is required without affecting State Board programs.

AGENDA ITEM 25. Status Report of Fiscal Year 2002 Budget vs. Expenditures Ending August 31, 2002

Ms. Stephens reviewed the agenda information.

AGENDA ITEM 26. Status Report of Fiscal Year 2003 Budget vs. Expenditures Ending October 31, 2002

Ms. Stephens reviewed the agenda information.

AGENDA ITEM 27. Status Report of Grant for "Conservation Across America" Signs

Ms. Stephens reviewed the agenda information and the Board was updated on cost changes from the amount approved at a prior Board meeting. The Board agreed to continue with the project.

AGENDA ITEM 28. Status Report of Board Member Travel for Years 2002 and 2003


Ms. Stephens reviewed the agenda information.

AGENDA ITEM 29. Set Date for Next Board Meeting

The date of the next Board meeting was set as January 16, 2003. A public hearing on the Brush Control rules will be held in conjunction with the Board meeting.

On motion of Mr. Elam, seconded by Mr. Albrecht, the meeting adjourned at 12:00 noon.


Chairman


Secretary

1/16/03
Date

I certify that the above is a true and correct copy of the minutes of the State Soil and Water Conservation Board meeting held on November 21, 2002.

January 16, 2003
Date


Executive Director