

Minutes
TEXAS STATE SOIL AND WATER CONSERVATION BOARD
May 21, 2002

The Texas State Soil and Water Conservation Board met on May 21, 2002 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
W. T. (Dub) Crumley, Member

Staff members present were:

Robert G. (Bob) Buckley, Executive Director
James M. Moore, Deputy Executive Director
Mel Davis, Director of District Operations
Bobbie Stephens, Director of Administration
Kris Parker, Director of External Customer Relations
Kevin Wagner, Natural Resources Specialist
Dawn Heitman, Human Resources Specialist
David Powell, Program Specialist
Sam Unberhagen, Program Specialist
Kenny Zajicek, Contract Manager
Jason McAlister, Planner
Jay Bragg, Planner
Lee Munz, Planner
Donna Long, Program Specialist
John Foster, Natural Resources Specialist
Richard Egg, Engineer
Lois J. Cain, Administrative Technician

Others present were:

Tomas Dominguez, Natural Resources Conservation Service
Salvador Salinas, Natural Resources Conservation Service
Dr. Clarence Richardson, Agricultural Research Service
Dr. Allan Jones, Texas Water Resources Institute
Clyde Bohmfalk, Texas Natural Resources Conservation Commission
George Noelke, Attorney General's Office

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

On motion of Dub Crumley, seconded by Donald Swann, the minutes of the April 25, 2002 Board meeting were approved as mailed.

Mel Davis presented district director appointments for the Board's consideration and said all appeared to be in order. On motion of Dayton Elam, seconded by Wayne Register, the following district director appointments were approved:

Shirley Moore, Upper Clear Fork SWCD #165
Charles E. Cypert, Concho SWCD #201
Kenneth Brandenberger, Llano County SWCD #233
Jan Bass, Hays County SWCD #351
Judy Stephens, Palo Pinto SWCD #518

Mel Davis then provided an preliminary financial report for the area awards banquets. He reported there was good attendance at all five banquets. He asked the Board to review the entry forms and advise staff of any changes they may wish to make for the 2003 Texas Conservation Awards Program.

Mr. Davis then discussed a request from the Maverick Soil and Water Conservation District #228 for subdivision boundary changes to better distribute qualified voters.. Staff recommended subdivision boundary changes be approved as requested. On motion of Wayne Register, seconded by Donald Swann, the subdivision boundary changes were approved as requested.

Mel Davis advised the Board of the need to appoint a planning committee for the Annual Statewide Meeting of Soil and Water Conservation District Directors which will be held in Corpus Christi, Texas on October 7-9, 2002 at the Bayfront Plaza Convention Center. On motion of Wayne Register, seconded by Dayton Elam, the following office holders were appointed to the committee:

State Board Chairman
State Board Member from State District III
President of the Association of Texas SWCDs
Association Director from State District III
President of the Auxiliary of Texas SWCDs
Executive Director of the State Board and any staff he delegates

Mr. Davis discussed the NACD South Central Area meeting to be held in Amarillo, Texas on July 22, 2002 at the Ambassador Hotel and provided reservations to each Board member.

District Director elections for 2002 were discussed and Mel Davis provided a checklist of districts who have submitted a copy of their proposed rules for State Board review.

Mel Davis advised the Board of the need to review and update the Public Information Policy that was adopted on October 15, 1984. He said the policy was outdated and recommended a new draft policy. On motion of Wayne Register, seconded by Dub Crumley, the Board adopted the new proposed policy. (Copy attached)

Clyde Bohmfalk reported on activities of the Texas Natural Resources Conservation Commission. He said EPA seems to be close to finalizing Total Maximum Daily Load watershed regulations and hope to have adopted by the end of summer. He said their agency is looking at the action on the Farm Bill and where it will go.

Tomas Dominguez, Acting State Conservationist for the Natural Resources Conservation Service, advised a new Chief, Bruce Knight, had been named to head the NRCS. He reported thirty-one college students had been offered summer employment and fifteen new range jobs had been posted. Mr. Dominguez said the agency was looking at the leadership team structure for a better enhanced field delivery. He also briefly

discussed the Farm Bill and provided a web site where more information could be obtained.

Dr. Clarence Richardson reported on activities of the Agricultural Research Service and said the local office had just hired a new soils scientist, Rick Haney, and were presently recruiting for a range scientist.

Dr. Allan Jones expressed his pleasure of having the opportunity of working with State Board staff in the brush program, TMDL and other programs. He said his staff was about to start their second year of a program along the Rio Grande River and would like to brief the State Board staff on what is going on.

Kris Parker provided a written Public Information/Education Activities Report for March and April, 2002 and discussed media outreach, web site maintenance, conferences/contests which were attended by State Board staff, and the addition of four new videos to the video library.

Bob Buckley discussed the Farm Security and Rural Development Act of 2002 and provided a recent summary prepared by the National Association of Conservation Districts.

Bobbie Stephens provided a summary report of new funding for Technical Assistance and Conservation Assistance grant funds for fiscal years 2004 and 2005 as requested by soil and water conservation districts. She reported all requests have been received. On motion of Wayne Register, seconded by Dayton Elam, the Board adopted the requests as presented to be included as an Exceptional Item in the agency's 2004-2005 Legislative Appropriation request.

Bobbie Stephens discussed the Legislative Appropriation Request for fiscal years 2004 and 2005. She provided existing riders and proposed changes and recommended

new riders covering Appropriation: Agriculture Water Conservation Bonds for Brush Control, Brush Control and Appropriation: Brush Control. One exceptional item for Texas Native Ecotypes Project was also discussed for the Texas Plant Material Centers.

Ms. Stephens updated the Board on the Strategic Planning Process and said the workforce report will be discussed at the next staff meeting.

Ms. Stephens discussed Technical Assistance Workgroup information. She had provided all participants a summary of survey responses and a list of all comments received from districts for their review. She advised the Board she hopes to work out a meeting date for the participants to meet in July or August to go over the information.

Kenny Zajicek updated the Board on Section 319 status report. He said the 2002 319(h) application for federal assistance was submitted to EPA on September 1, 2001 in the amount of \$5,490,650. To date, \$2,042,409 has been awarded with the balance of \$3,448,241 expected by July 1, 2002. In April contracts were executed for approved workplans including atrazine remediation in the Little River watershed, water quality management plan development and implementation in the Sam Rayburn Reservoir, continuing water quality work with the Texas Forest Service, and TMDL monitoring on Aquilla Reservoir.

Bobbie Stephens provided the Budget Versus Expenditure Report for the period ending April 30, 2002 and discussed. There were no questions.

Dawn Heitman updated the Board on activities of the Human Resources Department. She reported two new hires in the Information/Education Department and that the agency is currently recruiting for a program administrator for the Pedernales River Watershed Brush Control, an engineer in the Mount Pleasant Regional Office and a

secretary in the Wharton Regional Office. She also reported two resignations. Ms. Heitman briefly reported on employee training and affirmative action/recruitment plan.

Kevin Wagner provided the Board a status report on the brush control program and updated them on activities in the North Concho Watershed and provided a quarterly progress report from the Upper Colorado River Authority on monitoring in the North Concho Brush Program. He reported watershed meetings had been held recently for landowners in the feasibility study areas in the Palo Pinto Lake, Lake Brownwood, Lake Fort Phantom Hill and Lake Arrowhead watersheds. He said work is currently progressing according to schedule on the maintenance/management study. Mr. Wagner discussed new implementation areas and said the Board would need to approve the sign up process and eligible practices and costs for the Pedernales and Upper Colorado/Twin Buttes Reservoir watersheds. At the July Board meeting the Board would need to approve basin wide projects.

The Board considered approved practices and maximum practice costs in the Pedernales and Twin Buttes/Upper Colorado Brush Control Projects. Mr. Wagner discussed two meetings held on May 15 and 16, 2002 in the Pedernales and Upper Colorado/Twin Buttes watersheds attended by soil and water conservation district directors. After discussion with these districts, staff requested the State Board's approval of the SWCDs' recommendations that no change be made in the area eligible for the first sign-up in the Pedernales watershed and that the area eligible in the Upper Colorado/Twin Buttes watershed be expanded into the identified sub-basins in the Spring Creek/Dove Creek watershed as identified. On motion of Wayne Register, seconded by Donald Swann, the Board adopted staff recommendations as presented.

The Board then considered program guidance in the Pedernales and Twin Buttes/Upper Colorado Brush Control Projects. Staff suggested the Board approve a month sign-up period following the July Board meeting at which time the Board would approve the basin wide proposals for funding. On motion of Dub Crumley, seconded by Dayton Elam, the Board approved the one-month sign up period beginning July 15, 2002 and ending August 15, 2002. The Board then considered participation requirements. Staff requested the Board approve the SWCDs' recommendation to eliminate the 50% participation requirement and authorize the SWCDs with input from State Board staff to assess participation and designate which watersheds are funded. After discussion and on motion of Donald Swann, seconded by Dayton Elam, the Board eliminated the 50% participation requirement and directed staff to work with districts in determinations of watershed eligibility.

Approved practices and maximum practice costs in the Pedernales and Twin Buttes/Upper Colorado Brush Control projects were then considered. On motion of Wayne Register, seconded by Donald Swann the Board adopted the following practices in the Pedernales.

- | | |
|--|---|
| <p><u>Juniper</u>
 Mechanical
 Dozing/Grubbing
 Shearing
 Hand Cutting
 Root Plowing
 Chemical
 Individual Plant Treatment</p> | <p><u>Mesquite and Mixed</u>
 Mechanical
 Dozing/Grubbing
 Root Plowing
 Chemical
 Aerial
 Individual Plant Treatment</p> |
|--|---|

Staff requested the Board approve the recommended maximum costs for the approved practices in the Pedernales. (Copy attached) On motion of Dub Crumley, seconded by

Wayne Register, the Board adopted as recommended to be effective September 1, 2002 in all brush areas.

On motion of Wayne Register, seconded by Dayton Elam, the Board approved the following practices for cost share in the Upper Colorado/Concho:

- | | |
|----------------------------|----------------------------|
| <u>Juniper</u> | <u>Mesquite and Mixed</u> |
| Mechanical | Mechanical |
| Dozing/Grubbing | Dozing/Grubbing |
| Root Plowing | Root Plowing |
| Chemical | Chemical |
| Individual Plant Treatment | Aerial |
| | Individual Plant Treatment |

On motion of Dub Crumley, seconded by Wayne Register, the Board approved the maximum costs for the approved practices in the Upper Colorado/Concho. (Copy attached)

James Moore discussed proposed rule amendments for Title 31, Natural Resources and Conservation Part XVII Soil and Water Conservation Board, Chapter 517. Financial Assistance, Subchapter B. Cost-Share Assistance for Brush Control. Mr. Moore pointed out changes and said proposed amendments had been reviewed by the Attorney General's office with a positive response. On motion of Donald Swann, seconded by Wayne Register, the Board adopted the rules as amended for publication.

Sam Unberhagen provided and briefly discussed a status report on the Water Quality Management Program. He said as of May 21, 2002, 689 WQMPs had been developed and 289 status reviews had been performed. He said since the last report to the Board two complaints had been investigated, both were invalid, and two complaints are currently under investigation.

Mr. Unberhagen discussed allocation of fiscal year 2002 water quality cost share funds and said there were two new requests for statewide allocations – one from Bedias Creek SWCD and one from Lamar SWCD. Neither was complaint driven. Staff recommended approval of both requests. On motion of Wayne Register, seconded by Dayton Elam, the Board approved both requests. Mr. Unberhagen advised the board of a letter from the Marion-Cass SWCD requesting a second cost share for a poultry operation. The operator had expanded his operation and the district wanted to transfer three freezers from one producer who had gone out of business to the other producer who needed three extra freezers. The Board said there would need to be a transfer agreement between the two producers. On motion of Wayne Register, seconded by Dub Crumley, the Board approved the request from Marion-Cass SWCD.

James Moore discussed the disposition of unobligated water quality cost share funds. He said at the March 12, 2002 Board meeting a policy was adopted requiring all funds released by producers after February 28th of the year they were allocated to revert to the State Board for allocation. Mr. Moore reported that six of the seventy-one SWCDs notified of the policy change responded proposing the policy be amended. After discussion and on motion of Dayton Elam, seconded by Donald Swann, the Board voted to maintain the policy set on March 12, 2002 and to notify the six soil and water conservation districts explaining the reasoning.

James Moore discussed the Water Quality Management Program Approved Cost Share Practice List. He said two requests to add practices to the cost share list had been received covering deep tillage and waste utilization. Staff recommended adding deep tillage on waste application fields only to the practice list but did not recommend waste

utilization be added. On motion of Wayne Register, seconded by Donald Swann, the Board approved the addition of deep tillage to the approved cost share list. No action was taken on waste utilization.

Mr. Moore discussed a letter from Delta SWCD requesting the Board to add conservation tillage to the list of cost share practices available for the Big Creek 319 Atrazine Project. Due to the discovery of some conflicting data, staff asked the Board to table this request until the July Board meeting, the Board concurred.

Donna Long provided the status report on the Total Maximum Daily Load program and discussed a 66 mile area of the Upper Colorado designated as Segment 1426. She reported the Texas Natural Resources Conservation Commission and the Upper Colorado River Authority have organized stakeholder meetings with the next one to be held in Ballinger at the Runnels County Courthouse on September 10, 2002 at 7:00 pm.

John Foster provided a status report on Implementation of Senate Bill 1339 which required all poultry facilities in Texas to operate in accordance with a water quality management plan certified by the State Board. He reported that 186 poultry WQMPs had been certified since the bill's passage on March 8, 2001. He said staff is only aware of 9 operations that have not requested a WQMP by their respective deadline. The State Board regional office is in contact with the companies working to facilitate their request.

Richard Egg discussed an update on funding for rehabilitation of flood control structures. He said in February 2002 the NRCS national office approved four requests from Texas for rehabilitation of aging watershed dams which include: 1)Site 3C, East Fork Trinity above Lavon Lake in Collin County; 2)Site 5, Martinez Creek Watershed protection and Flood Prevention Project in Bexar County; 3)Site 2, Salt Creek and

Laterals Watershed Project in Wise County; and 4) Site 14A, Richland Creek Watershed Project in Navarro County.

James Moore informed the Board of a meeting he and Kris Parker had attended regarding a recently issued Governor's Water Policy. He advised the Board the agency would be mentioned in this policy as one of the agencies looked to to provide assistance with efficient use practices in Texas. Ms. Parker will maintain communications with the Governor's office.

Mr. Moore advised the Board that staff had met with the Texas Water Development Board on May 12, 2002 concerning a joint water conservation study mandated by Senate Bill 312 in the 77th Legislature. A goal was set to have a draft out in early August and the final ready for approval at the September Board meeting.

Bobbie Stephens provided the Board members a copy of their travel and per diem report for the nine-month period ending May 31, 2002.

At 1:22 p.m. Chairman Edward G. Albrecht called the Board into Executive Session to discuss duties, appointment and employment of an Executive Director for the Texas State Soil and Water Conservation Board. The Board reconvened into open session at 2:10 p.m.

Dub Crumley moved to hire David Powell as Executive Director to serve at the pleasure of the Board beginning September 1, 2002 and be compensated at the highest allowed compensation. The motion died for lack of a second. Wayne Register moved to hire James Moore as Executive Director to serve at the pleasure of the Board beginning September 1, 2002 and be compensated at the highest allowed compensation. Dayton Elam seconded the motion and the vote was unanimous to hire James Moore as Executive

Director beginning September 1, 2002. Mr. Moore thanked the Board for their vote of confidence and said he would give all that is required of him to do the best job he is capable of doing.

The Board then set their next Board meeting date to be July 11, 2002 at 8:00 a.m. in Temple.

Officers were then elected. Edward Albrecht called for nominations for Chairman and nominated Wayne Register to serve. Dub Crumley moved for nominations to cease and to elect Mr. Register by acclamation. Dayton Elam seconded and motion carried. Mr. Albrecht then called for nominations for Vice Chairman and nominated Dayton Elam. Donald Swann moved for nominations to cease and Mr. Elam be elected by acclamation. Wayne Register seconded the motion and motion carried.

The meeting adjourned at 2:15 p.m.

Edward G Albrecht
Chairman

Lois J. Cain
Secretary

7-11-02
Date

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

7-11-02
Date

Robert L Buckley
Executive Director