

**Minutes**  
**TEXAS STATE SOIL AND WATER CONSERVATION BOARD**  
**January 17-18, 1995**

The Texas State Soil and Water Conservation Board met on January 17, 1995 at 1:00 p.m. in its Hearings Room at 311 North Fifth Street, Temple, Texas.

**Board members present were:**

Paul Robertson, Chairman  
Charles D. "Buddy" Clark, Vice Chairman  
C. F. "Dick" Schendel, Member  
Albert Evans, Member  
Harvey Davis, Member

**Staff members present were:**

Robert G. Buckley, Executive Director  
William C. Neiser, Assistant Executive Director  
James M. Moore, Assistant Executive Director  
Mel Davis, Assistant Executive Director  
Leonard Pietzsch, Jr., Chief Accountant  
Clyde J. Gottschalk, Information/Educator Director  
Randy Jones, Human Resources Manager  
Beade Northcut, Engineer  
Cherié King, Director of Programs  
Suzanne Cardwell, Contract Manager  
Lupe Pinto, Hydrologist  
Lennie Winkleman, Planner  
Mahendra Mohite, Engineer Assistant  
Bo Spoons, Director of Programs  
Tricia Davis, Information Specialist  
Lois Cain, Administrative Technician  
Sam Unberhagen, Soil Conservationist  
Joel Clark, Soil Conservationist  
Rex Isom, Soil Conservationist

**Others present were:**

Wes Oneth, Natural Resources Conservation Service  
Dale Mengers, Natural Resources Conservation Service  
James Haley, Natural Resources Conservation Service

James K. "Rooter" Brite, Vice Pres., Assn. of Texas SWCDs  
Ed Albrecht, Alt. Dir., Assn. of Texas SWCDs

Chairman Robertson called the meeting to order and welcomed everyone.

On motion of Harvey Davis, seconded by Dick Schendel, the minutes of the November 16, 1994 board meeting were approved as mailed. Motion carried.

Mel Davis presented district director appointments for consideration. An appointment for Ms. Karla Dean from the Trinity Bay Soil and Water Conservation District #434 was postponed because of the question of her eligibility to serve since her father is currently serving as a district director on the Trinity Bay SWCD Board. An appointment for E. H. Keeter for the Throckmorton SWCD #543 was discussed since his age was unknown. Mr. Davis advised the Board the following appointments appeared to be in order.

Rebecca Annette Ray Pyburn, Middle Clear Fork SWCD #206  
Jim Ellington, Willacy SWCD #349  
Jimmy Mattingly, Trinity-Neches SWCD #442  
Penny Dooley, Upper Sabine SWCD #530

On motion of Harvey Davis, seconded by Buddy Clark, the appointments were approved as presented including E. H. Keeter for Throckmorton SWCD #543 pending the determination he meets age qualifications. Motion carried.

Mel Davis discussed public hearings held on January 9, 1995 for the division and reorganization of the Montgomery-Walker Soil and Water Conservation District #425. He said there was no opposition and those attending the hearings were strongly in favor of the division. A letter from State

Representative Bob Raybuck was read into the minutes of each hearing supporting the division. On motion of Albert Evans, seconded by Dick Schendel the Board voted to allow the Montgomery-Walker SWCD #425 to proceed with the division by having an audit done and completing other paperwork that is required.

Bob Buckley presented an assessment for the Board's NACD quota in the amount of \$550.00 and asked the Board for direction. Buddy Clark asked that this agenda item be considered at a later time on the agenda.

Clyde Gottschalk discussed a proposed cooperative agreement between Texas FFA, Vocational Agriculture Teachers Association of Texas, State Soil and Water Conservation Board and Association of Texas Soil and Water Conservation Districts. The purpose of the agreement is to provide funds and support to the Texas FFA to initiate a Gulf of Mexico speech contest. Mr. Gottschalk informed the Board the Gulf of Mexico program would provide all materials for the contest. Mr. Evans asked if the State Board office would see the material before it is mailed. He was advised that the material would be mailed directly from the Gulf of Mexico Program office and that it would be approved by the Agriculture Teachers Association before being provided to agriculture teachers. The State Association's Public Information/Education Committee is helping to provide financial support. On motion of Albert Evans, seconded by Dick Schendel, the Board agreed to support the proposed

cooperative agreement with the change that the agreement will commence upon the execution of all parties involved.

Mr. Gottschalk then discussed the New Director Orientation Conference held on January 10-11, 1995 in the Hearings Room of the State Board office in Temple. There were twenty-one directors and five new State Board staff members in attendance. He then advised the Board on other activities of his department which includes: updating the SB 503 Reference Guide; in the process of filming for a SB 503 video which should be finished by March 1, 1995; told the Board the exhibit was on display at the Texas Young Farmers Convention in Corpus Christi recently. He also told the Board that the agency was receiving good news media coverage on a poultry demonstration project being carried out on the Larry McCasland Farm in Pittsburg, Texas; the summer teachers seminars are currently being planned across the state; and that Tricia Davis is heading a state 4-H education project on water quality.

Bill Neiser discussed the status of the district financial statements and audits. He said there are three districts with financial statements still out and that any funding to these districts is being withheld until the reports are received. There are also three districts with audits still out but they are expected to be received soon. Those funds are also being withheld.

Mr. Neiser provided the Board with copies of the agency's Fiscal Year 1994 Annual Financial Report. He discussed the differences in the report from last year's report and asked if there were any questions. There were none. Mr.

Neiser informed the Board that the State Auditor's office would be in Temple on February 1st to begin a certification audit of selected agency's measures.

Bill Neiser discussed a report on Budget Versus Expenditure for the four-month period ending December 31, 1994.

Next Mr. Neiser gave a status report on the Legislative Appropriations Request for the 1996-1997 biennium. He reported the Legislative Budget Board recommendation reduced the appropriated amount for Subchapter H Technical Assistance from \$200,000 each year to \$118,686. He also said that no riders are included in the recommendation. Mr. Neiser advised the Board the agency's first hearing is scheduled for the afternoon of January 18, 1995 before Subcommittee Two of the Senate Finance Committee.

Bob Buckley discussed a draft of proposed legislation that would remove any doubts about counties giving districts a donation to be used for receiving state matching funds. The Board agreed this proposed legislation was needed to address existing uncertainty among various districts and counties. Mel Davis and Cherié King gave a report on legislation affecting districts. They discussed several bills that have been introduced that they felt the Board would be interested in.

Randy Jones gave a recruiting update and discussed the agency's Affirmative Action Plan. He said the agency currently has 56 employees actually on staff with three people hired but not on staff yet. He reported the State Board

has 10 minorities in the workforce for 17.8% of total staff. An updated organizational chart was provided which reflected recent hires and promotions.

Mel Davis discussed State Board member elections to be held on May 2, 1995 in State Districts One, Three and Five in the following locations:

Area I - Ollie Liner Center, Plainview, Texas

Area III - Yoakum Community Center Complex, Yoakum, Texas

Area V - Student Development Center, Room 219, Tarleton State University, Stephenville, Texas

First mailing to districts for delegate selections will be mailed on January 26, 1995.

Cherié King reported the deadline for the Conservation Awards Program is February 15, 1995.

Bob Buckley reported on the upcoming NACD National Convention to be held in New Orleans, Louisiana, February 5-9, 1995 at the Marriott Hotel. He said Shelby Soil and Water Conservation District #449 will be recognized at that meeting for being the South Central Regional Winner for the 1994 Newsletter Contest. Mr. Buckley briefly discussed some of the meetings that would be held in New Orleans and advised the Board to contact staff if they needed assistance on travel reservations.

Wes Oneth reported that Texas received \$2 million in financial assistance for emergency watershed protection funding to address damage done by October, 1994 floods in Southeast Texas. He also said there is a proposal to expand the Corpus Christi Bay National Estuary Program to include Cameron,

Hidalgo and Willacy Counties. He reported NRCS now has four engineers in a training program for newly hired engineers. He said initial indication is that the training program is a success and will result in a highly trained engineering workforce in NRCS. A new satellite system has been installed in the state office. He said the soil survey for LaSalle County has been published and released.

Dale Mengers and James Haley from the Natural Resource Conservation Service discussed PL 83-566 Small Watershed Program Analysis. NRCS Chief Paul Johnson has directed the Watershed Projects Division to make a detailed review of the backlog of projects under the Small Watershed Program and provide a report to him by April 1, 1995. This is being done in two phases. He explained the procedure for each phase and that in Phase I, 45 structures were deleted and 91 miles of channel work were deleted. NRCS plans to work with the State Board to determine the appropriate category for each watershed.

The status on USDA-NRCS reorganization was discussed. Bob Buckley said there was a possible merger of some functions of the Forest Service and NRCS and asked Wes Oneth to discuss it. Mr. Oneth said this was the plan presented to State Conservationists in December in Washington, D.C. and he discussed the proposal in length. The State Board was provided all information available concerning the consolidation and Mr. Buckley asked the Board for guidance. The Board directed State Board staff to send Jim Lyons and Paul Johnson a letter with questions and concerns of the State Board with copies going to the Texas Congressional delegation.

James Moore updated the Board on the 31 TAC Part XVII Chapter 523, Agricultural/Silvicultural Water Quality Management Program. At the November Board meeting emergency rules were adopted and at the same time and proposed as permanent rules. He provided the Board copies of comment letters from three soil and water conservation districts. After some discussion it was the consensus of the Board to leave the proposed rules as they were published without any changes.

Mr. Moore advised the Board that the proposed rules would have to be re-published, as adopted, in the **Texas Register** and 20 days from the publication date the rules would become permanent. On motion of Albert Evans, seconded by Dick Schendel, the rules were adopted without change. Motion carried.

The meeting recessed at 6:00 p.m. and reconvened at 8:00 a.m. on January 18, 1995 in its Hearings Room at 311 North Fifth Street, Temple, Texas.

The Board considered the NACD quota in the amount of \$550.00 on which action was delayed. On motion of Dick Schendel, seconded by Harvey Davis, the Board voted to pay the \$550.00 quota. Motion carried.

James Moore gave a status report on Senate Bill 503. He said a total of 63 water quality management plans have been certified in Fiscal Year 1995 as of January 17, 1995. He also reported that the regional office in Wharton is fully staffed and is having a lot of involvement and interest from the agriculture industry, particularly from the rice industry. He updated the Board on the status on the regional office in Weslaco. The contract for lease is in place with three

soil and water conservation districts in the Valley who jointly own land where the office is to be built. Andy Garza is manager for the Weslaco regional office and the engineer has been hired and will report to work on March 1, 1995. Albert Evans reported the poultry industry in East Texas is showing great interest in the Senate Bill 503 cost share program. Dick Schendel asked about the swine industry. Mr. Moore reported there have been contacts with swine producers and they are wanting to work with the State Board on the water quality program. Mr. Moore then provided each Board member a copy of a report entitled "Status of Implementation of Agricultural and Silvicultural Nonpoint Source Pollution Management Programs in Texas by the Texas State Soil and Water Conservation Board" which discusses accomplishments of Senate Bill 503. The State Auditor's office reviewed the Senate Bill 503 program in the Fall of 1994 and asked that a number of questions be addressed. This report includes answers to those questions. Copies of this report have been provided to Representative David Counts' office to be distributed to the State Legislature.

Mr. Moore indicated that the Section 319 nonpoint source grant activities report given at the November, 1994 board meeting had not changed. He notified the Board that the Fiscal Year 1996 grant cycle will begin in the next few months. He told the Board that the King Ranch is looking to do a demonstration project on water quality practices and that he and Bo Spoons will be meeting with King Ranch officials about a cooperative project on January 23.

James Moore informed the Board he had attended his second Management Committee meeting for the Corpus Christi Bay National Estuary Program and provided and discussed the agenda from the meeting. The Policy Committee will be meeting on February 2, 1995.

Mr. Moore advised that the agency participates on a work group that is re-examining the coastal boundary. He discussed a map he provided the Board showing the two boundaries being considered. Mr. Buckley told the Board the Coastal Coordinating Council's approved plan to be sent to EPA included all the changes requested by the State Board.

James Moore provided the Board with results of a work group set up as directed at the last Board meeting to draft a proposed amendment to the Clean Water Act. He said there would be a follow up meeting of this group to discuss comments and make needed changes. A representative from the poultry and pork industries has been included on the work group and will be invited to the next meeting. Mr. Moore asked the Board to review the handout he provided them and provide any comments on the proposed material that they wished to make.

Proposed rules for confined animal feeding operations were discussed by James Moore. He said only new activities would be under the new rules. He informed the Board that he and Bob Buckley would be attending a teleconference on these rules at the NRCS office in Temple the following day.

James Moore discussed a possible Senate Bill 503 demonstration project for confined animal feeding operations. He said the State Board has been asked by the Texas Pork Producers to work with small pork producers in the state to develop innovative solutions to water quality management problems. He reported that the staff has met with a producer near San Antonio who has about 100 sows as a possibility for one such demonstration project.

Bill Neiser provided travel reports for the State Board for the four month period ending December 31, 1994.

Mr. Buckley reminded the Board he is currently serving as treasurer of the National Association of State Conservation Agencies (NASCA). He asked if the Board wishes for him to continue in that capacity. On motion of Harvey Davis, seconded by Albert Evans, the Board indicated support for him to continue serving on the NASCA board. Mr. Buckley discussed the Senate Subcommittee Budget hearing the Board would be attending that afternoon in the Capitol Extension in Austin at 3:00 p.m.

In the past there has been discussion of the need for a set of guidelines explaining implementation of Senate Bill 503 for district use. James Moore discussed a proposed set of guidelines in detail and explained that the guidelines were written to keep decision making at the local level. Mr. Buckley explained a February board meeting would be required to adopt the guidelines. Beade Northcut provided a list of requested additional practices to be added to the approved practice list eligible for cost share. There was discussion on

inclusion of irrigation systems with regard to land slope plus there was discussion on the practice of plugging abandoned irrigation water wells. On motion of Dick Schendel, seconded by Albert Evans, the Board approved the addition of plugging of abandoned wells to be added to the list of statewide approved practices for cost share assistance. Motion carried.

The Board then set the next board meeting date of February 16, 1995.

The meeting adjourned at 11:15 a.m.

Paul E. Robertson  
Chairman

Lois J. Cain  
Secretary

2-16-95  
Date

I certify that the above is a true and correct copy of the minutes of the board meeting held on January 17-18, 1995.

2-16-95  
Date

Robert A. Buckley  
Executive Director