

**Minutes**  
**TEXAS STATE SOIL AND WATER CONSERVATION BOARD**  
**May 19, 1999**

The Texas State Soil and Water Conservation Board met on May 19, 1999 at 8:00 a.m. in the Hearings Room at 311 North Fifth Street, Temple, Texas.

Board members present were:

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

Staff members present were:

Robert G. (Bob) Buckley, Executive Director  
James M. Moore, Assistant Executive Director  
Mel Davis, Assistant Executive Director  
Bobbie Stephens, Assistant Executive Director  
Beade Northcut, Engineer  
Clyde J. Gottschalk, Program Administrator  
John Millican, Program Administrator  
Bo Spoons, Program Administrator  
Leonard Pietzsch, Jr., Accountant  
Victoria Gutierrez, Human Resources Specialist  
Karla Stone, Information Specialist  
Clay Wright, Information Specialist  
Sam Unberhagen, Program Specialist  
Kevin Canfield, Planner  
Lee Munz, Planner  
Kenny Zajicek, Contract Manager  
Mahendra Mohite, Engineering Assistant  
Richard Egg, Engineer  
Lois J. Cain, Administrative Technician  
Rex Isom, Program Specialist  
Bob Gruner, Program Specialist  
Johnny Oswald, Program Specialist  
Joe Freeman, Program Specialist  
Adrian Perez, Program Specialist  
Roy Freeman, Program Specialist  
David Powell, Program Specialist  
Joel Clark, Program Specialist  
Dub Crumley, Program Specialist  
Don Brandenberger, Program Specialist

Others present were:

Comer Tuck, Texas Water Development Board  
George Noelke, Attorney General's Office  
Dr. Sam Feagley, Texas Agriculture Extension Service  
Meredith Berger, Program Consultant, Assn. of Texas SWCDs  
John Burt, Natural Resources Conservation Service  
Dick Babcock, Natural Resources Conservation Service  
Reed Stewart, North Concho River Soil and Water Conservation District #252  
Larry Horwood, North Concho River Soil and Water Conservation District #252

Board member Waldo Smith was absent recovering from recent major heart surgery.

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

Minutes from the Board meeting held on March 17, 1999 were considered. On motion of Rooter Brite, seconded by Gene Sollock, the minutes were approved as mailed.

Mel Davis presented district director appointments for consideration and said the thirteen listed appointments on the agenda met the qualifications and appeared to be in order. One additional appointment for Dorothy Elders from the Marion-Cass Soil and Water Conservation District #433 was faxed in late, with original being mailed, but otherwise was in order. After discussion and on motion of Gene Sollock, seconded by Rooter Brite the following appointments were approved with the appointment for Dorothy Elders being approved pending receipt of original papers.

Bob Middleton, Oldham County SWCD #153  
Tom Moore, Sherman County SWCD #159  
Chuck Rowland, Gaines County SWCD #166  
Rickey Mills, Gaines County SWCD #166  
Gary Skalicky, Jackson County SWCD #336  
Scott Hall, Karnes County SWCD #343  
Jose E. (Eddie) Guerra, Hidalgo SWCD #350  
J. C. Ladd, Lower Trinity SWCD #435  
Clyde M. Waters, Delta SWCD #443  
Edwin J. Bouska, Ellis Prairie SWCD #504

E. Wayne Merrifield, Dalworth SWCD #519  
Jim B. Paschall, Wise SWCD #548  
Bart May, Cross Timbers SWCD #556

Bobbie Stephens discussed the need to adopt Financial Reporting Rules for Soil and Water Conservation Districts. She advised the notice had been posted and no comments had been received. On motion of Gene Sollock, seconded by Dayton Elam, the rules were adopted as recommended.

Ms. Stephens then advised there was \$105,973.03 in fiscal year 1999 Subchapter H Technical Assistance funds to be allocated and provided a list of proposed allocations if the same procedure was followed as in past years. She advised there were two letters of request for special allocations from Cross Timbers Soil and Water Conservation District #556 and Upper Leon Soil and Water Conservation District #525. After discussion and on motion of Rooter Brite, seconded by Gene Sollock, the Board approved the special allocations from the total amount to Cross Timbers SWCD #556 and Upper Leon SWCD #525 in the amount of \$2,000 each along with a letter advising there were needs in other areas of the state. After this action the adjusted proposed allocations were provided to field staff to review with their respective Board member.

Mel Davis then advised the Board another district director appointment had been received in the morning mail from the Callahan Divide Soil and Water Conservation District #552 appointing James Stapleton to Zone 3 to replace Howard D. Lowe and that the appointment appeared to be in order. On motion of Rooter Brite, seconded by Dayton Elam, the appointment was approved as presented.

Mel Davis informed the Board of the need to appoint a committee to begin plans for the Annual Statewide Meeting of Soil and Water Conservation District Directors to be

held in the Lubbock Convention Center, Lubbock, Texas on October 18, 19 and 20, 1999. He said in the past the committee had included the Chairman of the State Soil and Water Conservation Board, President of the Association of Texas Soil and Water Conservation Districts, Board Member and Association Director from the area where the annual meeting is being held, President of the Auxiliary, the State Board Executive Director and any staff he needs to assist. On motion of Rooter Brite, seconded by Gene Sollock, the committee was appointed and included all of the recommended officials.

Mr. Davis discussed a preliminary financial report on the Area Awards banquets recently held across the state. He said 189 districts had paid dues to enter the awards program and 134 districts had participated. A copy of guidelines and entry forms were provided for the Board's review for any changes they feel should be made in next year's program. There was much discussion on why fewer entries are being received, what the reasons are and what could be done to correct the problem. The Board is very concerned about the program and wants more emphasis placed on the program in the field to get better participation.

The National Association of Conservation Districts Spring Legislative Conference recently held in Washington, D.C. was briefly discussed.

Bob Buckley gave a legislative update and said the session will end on May 31, 1999. He discussed House Bill 1592 concerning the brush control program and also House Bill 2599, which deals with prescribed burning.

Mr. Buckley then updated the Board on House Bill 1 - the General Appropriations Bill. He said the agency received additional funding to cover programs which include the brush control program and Total Maximum Daily Loads (TMDLs). Mr. Buckley said staff would discuss a staffing plan with the Board at the July . The FTE cap for the

State Board in the Appropriations Bill being considered is 65. He also advised the Board the agency would be going through the Sunset process next year and staff would be attending a training session soon.

James Moore gave a brief status report on Section 319 activities. He said a revision of the statewide management plan that covers urban and agricultural nonpoint sources has been sent to EPA and is expected to be approved in the near future. He also indicated that work on the fiscal year 2000 grant application was beginning and would include a TMDL project on the North Bosque River.

Mr. Moore gave a report on Senate Bill 503 activities which indicated that 532 water quality management plans had been certified this fiscal year and 153 of the required 306 status reviews had been completed. The report further stated that since the last Board meeting five complaints had been investigated - three were valid and two were invalid.

James Moore discussed Total Maximum Daily Load (TMDL) activities and said we may be dealing with several other atrazine impacted water supplies in the upcoming fiscal year. He said all TMDLs are proceeding as planned and we should be seeing results this summer or fall on sources and contributions for the pollutants in the impacted water bodies.

George Noelke, Assistant Attorney General, invited Board and staff to call on him anytime he could be of service.

Comer Tuck advised the Board of the Texas Water Development Board was also meeting on May 19<sup>th</sup> and would be considering six conservation grants to districts which should be approved. He said two more districts would be considered for grants at their July meeting. He reported Senate Bill 1 Regional Water Planning is making progress

and getting results and is very encouraging that things are working so well. He discussed Senate Bill 1911 dealing with Ground Water Conservation Districts and said there is a potential for 21 new districts if the bill passes and local voters approve.

Dr. Sam Feagley discussed activities of the Texas Agriculture Extension Service. He said the phosphorus project is going well with samples from across the United States being evaluated. He said they were also working with the Natural Resources Conservation Service on a phosphorus index to indicate pollution potential from phosphorus application, and currently working on a poultry litter project in Lavaca County. He read a portion of a letter from Ron Lacewell at Texas A & M University that had been submitted to the State Board concerning comments on the State Brush Control Plan. He reported some of their staff are serving on the Governor's Drought Management Team and on TMDL projects. He also advised they were working on a project with the Texas Natural Resources Conservation Commission on the development of manure management handbooks for poultry, swine, beef cattle and dairies.

John Burt reported on activities of the Natural Resources Conservation Service. He said the National Watershed Coalition had just concluded their meeting in Austin with good attendance. He said there are limited funds available to complete CRP contracts for the last sign up period and that there is an emergency supplemental funding bill before Congress that will allow CRP-18 to be fully funded. Mr. Burt said they were getting close to the cap on CRP lands.

Dick Babcock discussed the Fair Labor Standards Act and how it affects NRCS. John Burt said it would change the way NRCS operates nationwide. He provided

information informing the Board that NRCS was observing the centennial year of the Soil Survey program in Texas.

James Moore discussed a request from the Gonzales County Soil and Water Conservation District #338 to be included in the Senate Bill 503 program and provided a copy of the reply stating that it will be considered at the July Board meeting. Mr. Moore said staff felt it might be time to re-assess some of the Senate Bill 503 funding and planning. The Board requested staff to be prepared at the July Board meeting for the program to be looked at in depth.

James Moore provided a list of sixteen requests from districts for funding from statewide SB 503 cost share funds. Mr. Moore advised the Board that six of the requests result from complaint and recommended those six be approved including the request from Steve and Susan Martin, Central Texas Soil and Water Conservation District #509 whose water quality management plan was pending certification. On motion of Gene Sollock, seconded by Rooter Brite, the six complaint driven requests were funded as recommended and the remaining requests were deferred until the July Board meeting.

Mr. Moore advised the State Board of a request from the Texas Department of Agriculture asking the State Board to cooperate with them on a study to evaluate the use of a chemical, Arsenal, on Salt Cedar along the Pecos River. He said there is a meeting set for June 2 and soil and water conservation districts in the area will be involved. There are plans to spray about 100 miles of the Pecos River and then collect data on forage and water, the purpose of which is to request a label change so the chemical can be used in this situation. Mr. Moore said staff would keep the Board informed on the project.

Clyde Gottschalk provided a written report on the activities of the Information/Education Department. He said there had been a successful Nonpoint Source Conference held in Mount Pleasant in March with 120 producers attending and his staff is currently working on a database for a Nonpoint Source Conference to be held in Rockdale, in Central Texas, on October 27, 1999. He also advised his department is working on an internet web site to be put on the World Wide Web.

Victoria Gutierrez discussed the Human Resources Update and said since the last Board meeting there had been one resignation, one promotion, three new hires and one vacancy. She said the Human Resources Specialist position is currently open and recruiting is underway to fill that position.

Bobbie Stephens discussed the Budget versus Expenditure Report ending April 30, 1999.

Ms. Stephens then discussed the status of district financial reports. She advised of a concern with the Cottle Soil and Water Conservation District #163 but said the district had done what was requested of them and an audit has been completed and everything is now in order.

The Board then discussed the next Board meeting date. After discussion, the date of July 14, 1999 at 8:00 a.m. was set for the next Board meeting to be held in the Hearings Room of the State Board office in Temple and to continue the next day. The planning committee for the Annual Statewide Meeting of Soil and Water Conservation District Directors will meet at 3:00 p.m. on July 13<sup>th</sup> in the Hearings Room.

The Board was informed by Mel Davis of the South Central Region NACD meeting to be held in Tulsa, Oklahoma on July 18-20, 1999 at the Adams Mark Hotel.

Bob Buckley and Bobbie Stephens discussed the agency-wide travel budget report ending March 1999 and indicated travel will be extremely tight for the remainder of the year. After discussion and on motion of Rooter Brite, seconded by Gene Sollock, staff was authorized to seek travel authorization for an additional \$15,000.

At 1:30 p.m. Chairman Buddy Clark opened the floor for Public Comment on the State Brush Control Plan. Comer Tuck, Jr. from the Texas Water Development Board provided the Board with information he asked to be considered saying the Texas Water Development Board might have some authority to compliment the Brush Control Plan. He referred to Section 15 of the Texas Water Code, Water Assistance Fund and said funds may be used to provide grants for brush control along with other uses for agriculture. He said the Texas Water Development Board is authorized to loan money to districts for conservation programs. He referred to Senate Bill 1 and said it did include brush control as an eligible purpose. He closed by saying he wanted to make the Board aware the Texas Water Development Board has financing available to compliment the Brush Control Program.

It was noted that Dr. Sam Feagley mentioned written comments from the Texas Agriculture Extension Service on the Brush Control Program when he made his report earlier in the day and the comments will be included in the written comments.

There were no other persons present wishing to make comments on the Brush Control Plan. Chairman Clark closed the public comment period at that time.

James Moore discussed the North Concho River Brush Control Program that is proposed to be funded by the Legislature. He said after September 1, 1999 there would be a tremendous amount of brush control to be done over the next few years. He indicated meetings would be held in the local area to get things underway before

September 1, 1999. Mr. Moore discussed some anticipated questions he felt that might be asked at those meetings.

James Moore discussed the proposed revision of the State Brush Control Plan and provided a summary of written comments that had been received. It was noted that comments had not been received from Texas Parks and Wildlife Commission, Natural Resources Conservation Service and some other entities and recommended extending the comment period 30 days. On motion of Dayton Elam, seconded by Gene Sollock, the comment period was extended 30 days.

Mr. Moore then discussed draft proposed rules for the Brush Control Program. After discussion staff recommended proposing these rules for adoption and publishing them in the **Texas Register** for a 30-day comment period. On motion of Gene Sollock, seconded by Rooter Brite, the recommendation was accepted to adopt the proposed rules and publish them in the **Texas Register**.

The Board then went back to Item #4 - Subchapter H Technical Assistance Allocations. On motion of Rooter Brite, seconded by Gene Sollock, the Board accepted recommendations as worked out with field staff. (Copy attached)

Board member travel was discussed. It was explained travel dollars are very short. Two Board members, Buddy Clark and Gene Sollock, released a portion of their travel dollars in order that other Board members could be reimbursed. Board member travel will again be examined at the July Board meeting.

Buddy Clark announced the next item on the agenda was the election of officers for the next year. Mr. Clark called for nominations for chairman. Rooter Brite nominated Gene Sollock, seconded by Dayton Elam. Gene Sollock was elected chairman. Mr. Clark then called for nominations for vice chairman. Gene Sollock

nominated Rooter Brite, seconded by Dayton Elam. Mr. Brite was elected vice chairman.

Mr. Clark expressed his appreciation for the support that he had received from the Board and staff for the past year.

Mr. Buckley thanked Mr. Clark for his dedication and support and for the job he had done during the Legislative Session.

The meeting adjourned at 3:05 p.m.

Charles S. Clark  
Chairman

Louis J. Cain  
Secretary

7-14-99  
Date

I certify that the above is a true and correct copy of the minutes of the Board meeting held on May 19, 1999.

7-14-99  
Date

Robert L. Buckley  
Executive Director