

Minutes
TEXAS STATE SOIL AND WATER CONSERVATION BOARD
July 14, 1998

The Texas State Soil and Water Conservation Board met on July 14, 1998 at 8:00 a.m. in the State Board's Hearings Room at 311 North Fifth Street, Temple, Texas.

Board members present were:

Charles D. "Buddy" Clark, Chairman
Gene Sollock, Vice Chairman
Paul Robertson, Member
Waldo Smith, Member
James K. "Rooter" Brite, Member

Staff members present were:

Robert G. "Bob" Buckley, Executive Director
James M. Moore, Assistant Executive Director
Mel Davis, Assistant Executive Director
Leonard Pietzsch, Jr., Accountant
Clyde J. Gottschalk, Program Administrator
Sam Unberhagen, Program Specialist
Victoria Gutierrez, Human Resources Specialist
John Millican, Program Administrator
Bobbie Stephens, Contract Manager
Justin Hester, Planner
Kevin Canfield, Planner
Mahendra Mohite, Engineering Assistant
Lois J. Cain, Administrative Technician
Rex Isom, Program Specialist
Bob Gruner, Program Specialist
Joe Freeman, Program Specialist
Johnny Oswald, Program Specialist
Roy Freeman, Program Specialist
Adrian Perez, Program Specialist
David Powell, Program Specialist
Joel Clark, Program Specialist
W. T. "Dub" Crumley, Program Specialist
Don Brandenberger, Program Specialist
Charley Rodgers, Regional Manager
Steve Jones, Regional Manager
John O'Connor, Regional Manager
Stephen Deiss, Regional Manger
Andy Garza, Regional Manager

Others present were:

Renee Mauzy, Attorney General's Office
Dr. Sam Feagley, Texas Agricultural Extension Service
Charles Conklin, Natural Resources Conservation Service
Woody Anderson, Director, Mitchell Soil & Water Conservation District #207
Benny Engelbrecht, Director, McLennan County SWCD #512
Anna Lovecky, Director, McLennan County SWCD #512
M. G. Bud Smathers, Bookkeeper, McLennan County SWCD #512
Harry Holland, Director, McLennan County SWCD #512
Gilbert Wiethorn, Director, McLennan County SWCD #512
Max Sturdivant, Director, McLennan County SWCD #512
Monte Toombs, Natural Resources Conservation Service

Chairman Clark called the meeting to order and welcomed those present. He welcomed Bob Buckley, who had been recovering from major surgery, back to full time work.

On motion of Paul Robertson, seconded by Rooter Brite and Gene Sollock, the minutes from the May 20-21, 1998 Board meeting were approved as mailed.

Mel Davis presented district director appointments for consideration and advised all appointments appeared to be in order. On motion of Waldo Smith, seconded by Gene Sollock and Rooter Brite, the following district director appointments were approved as presented:

Danny B. Lewis, Middle Clear Fork SWCD #206
Mike Ratliff, Mitchell SWCD #207
Sam Morrow, Southmost SWCD #319
Danny Mikulencak, Taylor SWCD #513
Chester D. Meaney, Mills County SWCD #554

Mel Davis reported the 1998 Annual State Meeting of Soil and Water Conservation District Directors will be held in Corpus Christi, Texas on October 12-14 in the Corpus Christi Convention Center. The State Meeting planning committee met on July 13 and chose the Omni Bayfront Hotel as the headquarters hotel. The same format as last year will be used for the program with a reception on Monday night. Buddy Clark asked if it was feasible to have the same type of reception as last year and

Mr. Buckley said staff would check with caterers in the area for prices. Mr. Davis discussed a list of people who will be invited to speak to the group. It was also noted that state essay and poster winners will be recognized for the first time at the state meeting. Spouses activities will all take place on Tuesday with a luncheon, tour and business session. Shuttle buses will run between the hotels and convention center.

Future state meeting sites were discussed. After discussion of information presented by Mel Davis, on motion of Rooter Brite, seconded by Gene Sollock the Board voted to hold the 1999 Annual Meeting in Lubbock and the 2000 Annual Meeting in Fort Worth. Staff was then instructed to investigate facilities for the years 2001 and 2002 in the following cities: Austin, San Antonio, Galveston, El Paso and Arlington and bring findings back to the Board.

Mel Davis discussed the 1998 Area Conservation Awards Program and provided expense breakdown and balance sheets. He also provided a list of number of districts that have participated in the program over the years. A copy of the 1998 Conservation Awards packet was provided and Mr. Davis asked for any input or changes that might be necessary for the 1999 awards packet. He advised the staff had no recommended changes. There were no changes recommended by the Board.

Mr. Davis advised the Board of a request from Jim Wells County SWCD #355, Kleberg-Kenedy SWCD #356 and Nueces SWCD #357 (new districts formed after the division of the old Nueces-Jim Wells-Kleberg-Kenedy SWCD #311) for a new director training workshop in their area. Other new directors in that area will be invited to participate. A date for the workshop has not been set but staff is working to schedule a time that is acceptable to the districts.

Clyde Gottschalk provided the report on activities of the information/Education Department. He said a number of teacher and Boy Scout Workshops were held in

June with very good participation. He also discussed the CEU program and what it will look like when it is fully developed. A report on the number of news articles that have been developed by his department and published during fiscal year 1998 was provided. He reported the Wildlife Clinic is moving along quite well and also advised that Gene Sollock would be presenting the award to the winner of the State FFA Essay Contest at the State FFA meeting in Fort Worth on July 15th. Mr. Clark asked Mr. Gottschalk to report to the Board his actions on Border XXI from the March board meeting and how the districts had been advised of this program. Mr. Gottschalk advised Mr. Clark he had misunderstood the board's instructions and apologized for not following them.

Dr. Sam Feagley reported on activities of the Texas Agricultural Extension Service. Currently they are working on a statewide initiative seeking information from local communities of their needs. If Extension cannot meet their needs they will seek help from other agencies. He advised of CAFFO training on poultry, swine, beef cattle and dairy. He also advised they were working on a phosphorous project with Dr. Tommy Daniel from the University of Arkansas and continuing to work on projects with the State Board on dead bird composting in Gonzales County. He also advised he had recently attended a meeting concerning the Gulf of Mexico Program.

Renee Mauzy advised the Board she has been assigned to work with the State Board for the Attorney General's Office and was looking forward to being of service to our agency and hoped we will call on her.

Charles Conklin reported on the restructuring changes in the Natural Resources Conservation Service and advised there would not be any offices closed in 1999. He advised they were planning on moving forward with the Team Concept and would collocate every site possible. Mr. Buckley asked him to explain the process for collocation and asked him if we could get the process down on paper so it can be

gotten out to districts. He discussed the collocation of state offices of the NRCS, Rural Development and Farm Services Agency. He said the City of Temple is really working to keep NRCS and Rural Development in Temple. Mr. Conklin discussed the National Workload Analysis and said the model for Texas was the one chosen to be used nationwide and that Bob Ensor will be working on that project for most of the next year.

Bob Buckley discussed the Budget versus Expenditure Report for the ten month period ending June 30, 1998 and said spending was going according to budget.

Mr. Buckley then discussed a department by department travel report and advised the Board that staff would be asking for a waiver from the Legislative Budget Board of about \$8,000 to cover expenses of travel for the remainder of the fiscal year.

The proposed operating budget for fiscal year 1999 was discussed by Mr. Buckley. He asked for Board approval and advised they could make changes any time they choose to do so. On motion of Rooter Brite, seconded by Gene Sollock, the Board adopted the proposed operating budget for fiscal year 1999 as presented. (Copy attached).

Mr. Buckley then discussed proposed allocations for fiscal year 1999 for Technical Assistance and Conservation Assistance. He also provided a copy of a letter from Anderson-Houston Soil and Water Conservation District #421 requesting an increase in their Conservation Assistance allocation to the maximum of \$7,500. On motion of Rooter Brite, seconded by Gene Sollock, action was delayed until after lunch so Board members could discuss proposed allocations with their respective fieldmen.

Mr. Buckley discussed proposed exceptional items for the 2000-2001 Legislative Appropriation Request which has to be submitted by August 14, 1998. He said those items were over and above what was appropriated for fiscal years 1998 and 1999 and asked for the Board's thoughts on Item #3 (Technical and Administrative

Support Component). It was the consensus of the Board to accept the proposed figures on Item #1 (District Capacity Building - TA Component), Item #2 (District Capacity Building - Cost Share Component), and Item #4 (Brush Control Projects). After much discussion, on motion of Rooter Brite, seconded by Gene Sollock, action was delayed until after lunch on Item #3 (Technical and Administrative Support Component).

Mel Davis advised the Board of a letter received from Ms. Kelly Haragan of the Henry, Lowerre, Johnson, Hess and Frederick Attorneys at Law from Austin asking for an Open Records Request regarding the Tom J. Moore Cattle Company, Inc. in Washington County including their water quality management plan. Mr. Davis provided a copy of the reply to Ms. Haragan along with a copy of a letter addressed to Sandra Coaxum, Chief of the Open Records Division, for their review and opinion

James Moore provided the Senate Bill 503 program Status Report which stated that 444 water quality management plans had been certified in fiscal year 1998. He indicated the program should reach its performance measures goal for this year of 600 plans. He reported there was a balance of \$413,993.71 in cost share remaining to be obligated. There had been five complaints received since the May Board meeting. Three had been investigated - two were valid and one was invalid. Two complaints were currently under investigation. Mr. Moore reported that 222 annual status reviews had been conducted so far this fiscal year. He discussed those that had indication of where follow up assistance was needed and said provisions were being made to get the problems resolved. Mr. Moore made the Board aware that area producer Arthur Skidmore had been sent a letter advising him to bring his operation into compliance with his plan or he may face de-certification. Buddy Clark asked what had happened to the complaint that had been turned over to TNRCC. Sam Unberhagen updated and

advised where it now stands saying the complaint concerned a dozen swine in an urban area.

Buddy Clark introduced Woody Anderson, District Director from Mitchell Soil and Water Conservation District #207 who had requested to address the Board to get a better understanding of where Section 319 is heading and how it could be utilized by their board. He said their board was a young board but was eager to learn and asked questions concerning cost share and what is happening between Senate Bill 1 and Senate Bill 503. James Moore responded to his questions and explained how S. 319 funds are distributed and how priorities relate to the 303D list, and the old 319 assessment and that TMDL's (Total Maximum Daily Loads) are being developed in the Rio Grande Valley on the Arroyo Colorado, on the Big Cypress Creek in East Texas and on Armond Bayou near Houston. Mr. Moore advised that the first two projects would probably take most of the 319 funds for fiscal year 1999. Mr. Moore offered to send someone from the State office to make a presentation to the Mitchell SWCD board about nonpoint source priorities and programs if they so desired.

Mr. Moore then updated the Board on the Section 319 program. He reported that all contracts under the FY 1998 grant have been signed except for the one on Fort Hood where some local opposition has slowed the process. He discussed the fiscal year 1999 grant cycle and indicated that most of the funding will be needed to implement TMDL action plans in the Arroyo Colorado and Big Cypress Creek basins.

The McLennan County Soil and Water Conservation District #512 board of directors was welcomed to the meeting and invited to address the Board. Monte Toombs, District Conservationist for the district spoke for the district and explained that they would like to be included in the Senate Bill 503 designated area because of problems they experience with the Bosque and Brazos Rivers. The district was

informed that all FY '98 funding had been allocated. Mr. Buckley advised that staff is recommending the Bosque Watershed as a priority area because there are high nitrite levels coming out of that watershed.

Mr. Moore then discussed letters from the following districts requesting that they be included in the SB 503 priority areas:

Upper Colorado SWCD #115
King SWCD #168
Bosque SWCD #555
McLennan County SWCD #512
Hamilton-Coryell SWCD #506
Hill County-Blackland SWCD #540

Mr. Moore provided a map showing SWCDs with 319(h) technical assistance projects and State Board priority watersheds. Staff recommended revising the priority watersheds to include Oak Creek Watershed in Nolan County and the Middle and South Bosque River Watershed. He also recommended that nine water bodies included on the State 303(d) list because of Atrazine detection in drinking water be added to the state priority watersheds. They include: Aquilla Lake, Joe Pool Lake, Bardwell Reservoir, Marlin City Lake, Lake Waxahachie, Lake Lavon, Lake Tawakoni, Richland Chambers Reservoir, and Big Creek Lake. On motion of Waldo Smith, seconded by Paul Robertson, the Board agreed to include the recommended watersheds. Board chairman asked staff to inform districts by letter explaining action taken and nonpoint source priorities.

James Moore discussed SB 503 statewide cost share and the reallocation of cost share funds that have been released. He presented requests that had been deferred from previous Board meetings plus twelve additional requests for funding from statewide funds. Mr. Moore advised the Board there would be adequate dollars in the statewide funds to fund all of these requests. After some discussion, on motion of Paul

Robertson, seconded by Gene Sollock, the fifteen requests were approved. Mr. Moore then advised the Board that there was \$31,466.23 released from regular SB 503 cost share allocations, plus \$4,559.11 remaining in statewide funds if the Board chose to include it, making a total of \$36,025.34 available for reallocation. Mr. Clark asked for staff recommendations. Mr. Moore advised the Board that he expected more funds would be released and recommended funding the first round of plans when enough funds were released to cover them; fund the second round if additional funds are released in an amount sufficient for the entire round, etc. On motion of Rooter Brite, seconded by Gene Sollock, the Board voted to fund these priorities as recommended. Buddy Clark asked if any remaining dollars could be moved to a different fund and used for another purpose. After discussion and on motion of Gene Sollock, seconded by Paul Robertson, the Board voted to direct the Executive Director to investigate the possibility and use any remaining funds for other purposes if possible.

Mel Davis passed out an article that appeared in the House Research Organization newsletter and a letter from Wayne Register to districts seeking support from the Texas Farm Bureau on District Capacity Building. He also provided copies of the draft response to Representative Pete Patterson on questions raised by the House Agriculture and Livestock Committee. After the Board reviewed the responses on motion of Waldo Smith, seconded by Rooter Brite, the Board voted to forward the responses to the House Agriculture and Livestock Committee.

The Board then resumed discussion on the 2000-2001 Legislative Appropriation Request that had been deferred earlier in the day. On motion of Gene Sollock, seconded by Paul Robertson, Exceptional Items 1, 2 and 4 were accepted as presented. Exceptional Item #3 (Technical and Administrative Support Component) was discussed further. After discussion on motion of Rooter Brite, seconded by Gene

Sollock, the Board voted to include Item #3 in the Legislative Appropriation Request as an exceptional item as presented. The Board then discussed a draft revised concept versus original district requests for District Capacity Building. After discussion, on motion of Rooter Brite, seconded by Paul Robertson, the Board voted to leave as districts had originally requested.

The Board then discussed allocation of fiscal year 1999 Technical Assistance and Conservation Assistance grant funds. Field representatives had discussed allocations with their respective Board member and only recommended changes were in State District Three, all others remained the same. On motion of Waldo Smith, seconded by Gene Sollock, allocations were approved as discussed. (Copy attached).

James Moore discussed allocations of fiscal year 1999 SB 503 cost share funds. He recommended they remain the same as the fiscal year 1998 allocations. He also recommended that as the 503 program moves toward TMDL implementation, future allocation decisions look at progress made toward reaching priority objectives.

Rooter Brite expressed concern about Cross Timbers SWCD #556 expending considerable amounts of cost share funds for actions not considered high priority and recommended the Board examine their use of cost share funds prior to making allocations next year. On motion of Waldo Smith, seconded by Gene Sollock, the Board accepted staff recommendations. (Copy attached).

Mr. Moore then discussed a letter from the Johnson County SWCD #541 requesting the Board to raise the SB 503 cost share cap from \$10,000 to \$40,000. After discussion Paul Robertson moved to deny their request, seconded by Rooter Brite. Motion carried.

Mr. Moore discussed proposed amendments to the approved cost share practice list. He said at the last Board meeting incentive payments for deferred grazing

had been approved and staff was asked to develop guidance for eligibility criteria. Incentive payments for nutrient management had not been approved but staff had been asked to develop proposed wording to present to the Board. Rooter Brite moved to accept the staff recommendation on technical criteria on deferred grazing. Gene Sollock seconded. After discussion Mr. Brite withdrew his motion and asked staff to revise the criteria so that it not contain numbers which are subject to change. Mr. Sollock withdrew his second. This will be discussed further at the September Board meeting.

Mr. Moore then discussed incentive payments for nutrient management and provided a copy of EQIP guidelines along with the recommendation to adopt them for use in the 503 program. After discussion, Mr. Moore proposed to withdraw his recommendation and asked the Board to authorize a demonstration project in the Arroyo Colorado to evaluate the use of incentive payments for nutrient management. On motion of Gene Sollock, seconded by Waldo Smith, the Board adopted the recommendation as proposed by Mr. Moore.

James Moore reported on TMDL activities and discussed two sets of meetings recently held relative to the development of the Arroyo Colorado TMDL. He also discussed TMDL activities in Big Cypress Creek, North Bosque and Armond Bayou.

Mr. Moore discussed a meeting he had attended on the Unified Watershed Assessment which is being undertaken by the State Board, Texas Natural Resource Conservation Commission, and Natural Resources Conservation Service. The draft assessment is scheduled to be ready by August 14, 1998 with the final assessment to be complete by October 31, 1998.

Mr. Moore updated the Board on activities of the Coastal Management Program. He reported that Willacy County SWCD #349 had applied for a coastal management

program grant to help with implementation of water quality management plans. The next meeting of the Coastal Coordination Council had been set for August 12, 1998. He also provided a draft copy of the state's Coastal Nonpoint Source Program Public Review document.

Mr. Moore discussed the North Concho River Brush Control Study and briefly informed the Board of a multi-agency meeting with State Representative Rob Junell concerning the status of the study. Other watersheds are being proposed for possible future feasibility studies. Mr. Moore said the contract with the Upper Colorado River Authority has been modified to allow districts to be reimbursed for a limited amount of technical assistance provided on the project and will be in effect in the near future.

Activities of the State Drought Response Committee were explained by Mr. Moore who asked the Board if they had any information on drought related needs the State Board could fulfill that are not already being done. He advised that the Governor had issued a Drought Proclamation and the Drought Committee would be meeting on July 23, 1998 in the Rio Grande Valley.

Victoria Gutierrez provided the Human Resources update and advised Bill Neiser resigned on July 3rd and recruitment is underway to fill his position. She also advised Kevin Canfield had been hired in the Planner position and began work on July 1st. She also provided an Affirmative Action update and Employee Training update.

Mr. Buckley discussed the Re-Adoption Plan for Agency Rules and provided a recommended schedule calling for review in January, 1999 for the Board's consideration. On motion of Gene Sollock, seconded by Paul Robertson, the Board voted to accept the proposed rule re-adoption plan.

The NACD South Central Region Meeting in South Padre Island, Texas scheduled for July 26-28 was discussed by Mel Davis who advised Board members

that hotel rooms had been blocked for their use. All Board members indicated they would be attending except Buddy Clark.

A report on Board member travel was provided and discussed by Mr. Buckley. Waldo Smith offered to transfer \$1,200 of his travel funds to other Board members if needed.

The next regularly scheduled Board meeting was changed to Tuesday, September 15, 1998 in Temple.

On motion of Rooter Brite, seconded by Paul Robertson, the meeting adjourned at 5:45 p.m.

Charles D. Clark
Chairman

Lois J. Cain
Secretary

9-15-98
Date

I certify that the above is a true and correct copy of the minutes of the Board meeting held on July 14, 1998.

9-15-98
Date

Robert A. Buckley
Executive Director