

Minutes
TEXAS STATE SOIL AND WATER CONSERVATION BOARD
September 15, 1998

The Texas State Soil and Water Conservation Board met on September 15, 1998 at 8:00 a.m. in its Hearings Room at 311 North Fifth Street, Temple, Texas.

Board members present were:

Charles D. "Buddy" Clark, 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
John W. Millican, Program Administrator
Beade Northcut, Engineer
Bo Spoons, Program Administrator
Clyde J. Gottschalk, Program Administrator
Sam Unberhagen, Program Specialist
Victoria Gutierrez, Human Resources Specialist
Lois J. Cain, Administrative Technician
Bobbie Stephens, Contract Manager
Mahendra Mohite, Engineering Assistant

Others present were:

George Noelke, Attorney General's Office
Comer Tuck, Texas Water Development Board
John Burt, Natural Resources Conservation Service
Freddie Williams, Natural Resources Conservation Service
Norman Bade, Natural Resources Conservation Service
James Hailey, Natural Resources Conservation Service
Logan Crews, Texas Association of Watershed Sponsors

Board member Gene Sollock was absent due to illness of his wife.

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

Minutes of the Board meeting held on July 14, 1998 were considered. Rooter Brite had a question on wording of the minutes concerning the 2000-2001 Legislative Appropriation Request but after discussion and on motion of Paul Robertson, seconded by Rooter Brite, the minutes were approved as mailed.

Mel Davis presented district director appointments for consideration and said four of the appointments were complete and appeared to be in order. They were:

Don Ponder, Moore County SWCD #137
William J. Kleimann, Colorado SWCD #333
Andy Wright, Hopkins-Rains SWCD #445
John B. Stroud, Navarro SWCD #514

Mr. Davis then discussed two appointments that had incomplete paperwork but appeared to be in order otherwise. They were: Eddie Meadows, Hemphill Soil and Water Conservation District #138 and Tony Lyon, Jack Soil and Water Conservation District #549. On motion of Paul Robertson, seconded by Rooter Brite, all appointments were approved pending receipt of original paperwork for Eddie Meadows and Tony Lyon. Motion carried.

Bo Spoons gave the Section 319 status report and advised the Fiscal Year 1999 package that was sent to EPA contained five projects most of which were to provide technical and financial assistance for implementation of TMDLs. Mr. Clark asked about follow up on Woody Anderson's visit from the Mitchell Soil and Water Conservation Board from last Board meeting. James Moore replied that he had offered to send someone to one of their board meetings if they so desired, but had not heard from that district regarding their desire for someone to attend. Bo Spoons then discussed a draft letter to be sent to each district advising them of changes in Section 319 priorities and encouraging districts to contact him or James Moore for more detailed explanations.

The Board was asked to review and provide any comments as soon as possible so material could be ready for the Annual State Meeting which will be held October 12-14, 1998 in Corpus Christi, Texas.

Beade Northcut discussed the Senate Bill 503 Status Report and advised that 615 water quality management plans were certified during the 1998 Fiscal Year. He also provided a Senate Bill 503 cost share report by priority areas. Paul Robertson asked how many end of the year cost share applications had been funded and Mr. Northcut advised that funding was provided through the second round of priorities as approved in the July Board meeting. Beade Northcut then discussed complaint activity and reported that five complaints had been investigated since the last Board meeting, all of which were invalid; one complaint was currently under investigation. He also advised that 248 annual status reviews for plans certified during fiscal years 1994, 1995 and 1996 had been completed. The allocation request and practice list status for Fiscal Year 1999 was provided to the Board and discussed by Mr. Northcut who said the process was on going.

James Moore discussed TMDL (Total Maximum Daily Load) activity and said there are three on-going TMDL development projects which involve agricultural nonpoint sources. He said the project on the Arroyo Colorado has completed the first round of public meetings in the Rio Grande Valley and that the process is underway to enter into a contract with Tarleton State University to assist in the modeling effort. The Big Cypress Creek TMDL is being carried out through Clean Rivers Program steering committees and staff members Bo Spoons and John O'Connor represent the agency on those committees. Mr. Moore said there are no formal processes underway at this

time on the North Bosque River TMDL but a meeting has been set for September 24th to develop plans for how that TMDL will be developed.

Mr. Moore discussed the Unified Watershed Assessment, which falls under the President's Clean Water Action Plan and provided a map showing four categories of watershed status in Texas. He indicated that the assessment had been sent out for public comment.

Mr. Moore gave the Board an update on the Texas Coastal management Program. He advised that a meeting of the Executive Committee had been set for September 30th and the next Coastal Coordination Council meeting is set for December 9, 1998. He advised the Board that the Coastal Nonpoint Source Management Program submission document is out for public comment and on September 17th staff will be meeting with NOAA and EPA to review their preliminary comments. The finished document will be presented to the Legislature when it convenes in January 1999.

Mr. Moore updated the Board on Source Water Protection activities. He advised that nine water bodies had been placed on the 303d list because of atrazine detection in drinking water. He explained that Lake Aquilla would have to have a formal TMDL developed because of violation of the maximum contaminant level for atrazine in drinking water. The other eight water bodies will not have to have formal TMDLs but a program in place to take care of the problem and a determination that the maximum contaminant level will not likely be exceeded over the following two years.

A copy of the Executive Summary on the North Concho River Brush Control Study as it went to the printer was provided the Board and discussed by James Moore. He said if all models are correct, this program could triple the flow in the North Concho

River. Mr. Moore added that if this program is funded it will be administered by the State Board and local districts. The staff recommended drafting a letter to convey cost of the program to State Representative Rob Junell. On motion of Waldo Smith, seconded by Rooter Brite, staff was directed to draft and send such a letter. Mr. Moore also said there would be a public hearing held on September 22nd in San Angelo to present the plan to the public.

Comer Tuck reported on activities of the Texas Water Development Board and said they were also involved with the Brush Control Study and would be at the public hearing on September 22nd. He said their grants program is continuing and grant requests will be considered in November. He advised that he was working full time on Senate Bill 1 regional planning and said sixteen regional planning groups had completed their scope of work and applied for funding. He added that the Regional Water Plans are to be completed by September 2000 and everything is on schedule.

George Noelke from the Attorney General's Office advised he had been assigned to provide assistance to our agency and requested that we call on him whenever the agency or staff needs his service.

John Burt reported on the 1998 NRCS Work Force Analysis and the Statewide Agreement with the State Historic Preservation Officer. Mr. Burt reported that the Texas model was chosen as the model to be used for their Work Force Analysis and would be presented to Chief Pearlie Reed on October 1, 1998. Bob Buckley informed the Board that NRCS has involved the State Board's field staff extensively in the development of the Work Force Analysis. Freddie Williams was then asked to explain the process that NRCS went through in Texas. Mr. Williams said the process used in Texas in 1997 was

chosen for the development of the national process but was expanded, modified and nationalized. Mr. Buckley said the Work Force Analysis is important and will be used as a basis for the State Board's budget request.

Mr. Burt then addressed questions that have been raised on a memo that had been sent out from NRCS to districts concerning the State's agreement with the State Historical Preservation Office (SHPO). Norman Bade explained the process being used for record keeping and reporting on private lands and said the landowner is involved in the entire process. Mr. Burt agreed to contact the landowner that had raised the questions and explain that there are no new changes in the process. Mr. Burt further agreed to draft a letter to the Board clarifying the state level agreement between NRCS and SHPO. He explained every effort is being made by NRCS and SHPO to protect the privacy of landowners. He said any changes in the historic preservation or cultural resources laws that may affect the state level agreement would result in renegotiation of the agreement. Mr. Burt said NRCS has adopted a very firm policy that information in a conservation plan will not be released unless the landowner agrees to it.

Beade Northcut advised the Board that legislation (HR 4409) had been introduced in Congress to amend the PL 83-566 law. He then asked Logan Crews of the Texas Association of Watershed Sponsors to present the information concerning this legislation. Mr. Crews said his purpose in attending the Board meeting was to solicit the Board's help and backing to amend the PL 83-566 law. He said a number of watershed projects nationwide are nearing 50 years of age and the purpose of HR 4409 is to provide cost share assistance for the rehabilitation of floodwater retarding structures in these projects. He also pointed out that the TSSWCB is on the steering

committee of the National Watershed Coalition and that the National Watershed Conference will be held in Austin next May. James Hailey, NRCS Planning Staff Leader, also spoke on three things that would be addressed if the amendment passes and asked for the Board's support. On motion of Rooter Brite, seconded by Waldo Smith, the Board endorsed the concept of HR 4409.

Beade Northcut discussed proposed changes to the SB 503 Reference Manual. He advised that the changes to the annual status review process were being recommended to meet audit requirements. Paul Robertson moved to approve the entire manual as presented. Rooter Brite asked Mr. Northcut what the changes were and Mr. Northcut advised that more specific information was added, no substantive changes were made. He clarified that the changes had been reviewed by the field staff and their recommendations included. Rooter Brite then seconded the motion and motion carried.

James Moore updated the Board on Drought Response activities. He explained that SB1 made us a member of a drought response monitoring committee that has been meeting weekly since drought conditions became severe. In addition a drought preparedness committee had been set up to deal with agricultural impacts. This committee is chaired by the Texas Department of Agriculture and has the task of looking at agriculture and natural resources needs on a long-term basis and making recommendations to the House Appropriations and Senate Finance Committees. The State Board is on this committee which will meet again on October 8, 1998.

Beade Northcut discussed a request from Tom Green Soil and Water Conservation District for an amendment to the Approved SB 503 Cost Share Practice

List. The request was for cost share of pivot irrigation systems on "A" slope lands using sewage affluent. Staff advised there was nothing technically wrong and recommended that if the Board approved the request, it be approved for Tom Green SWCD only and that future requests be considered on a case-by-case basis. On motion of Rooter Brite, seconded by Waldo Smith, the Board approved the Tom Green SWCD's request and agreed to consider future requests on a case-by-case basis.

At the July Board meeting staff was asked to come up with a dollar value for deferred grazing which stemmed from a request from Nolan County Soil and Water Conservation District #245. Since the July Board meeting the district has written a letter asking to drop the original request. Mr. Brite asked why the district had requested to drop their request and he was advised the staff felt they were looking for incentive payments. After discussion, on motion of Rooter Brite, seconded by Paul Robertson, the Board adopted Use Exclusion as a practice to be added to the practice list. Mr. Clark asked that the Nolan County SWCD be advised of the adoption of the practice.

James Moore advised the Board the meeting for the Drought Response Committee had been changed to September 29th for the purpose of briefing legislators on water supply problems in Texas resulting from the drought.

Mr. Moore discussed a meeting to be held in Dallas on September 18th to discuss new EPA proposed general permits for CAFOs (Confined Animal Feeding Operations). He said the state had received NPDES Delegation and the Texas Natural Resources Conservation Commission would assume the NPDES program from EPA in the near future. He added that assumption of the NPDES program would include enforcement of

the new CAFO permits when EPA finally adopts them. Mr. Moore provided copies of the two proposed general permits that will be discussed at the meeting.

Mel Davis discussed the upcoming Annual State Meeting of Soil and Water Conservation District Directors to be held in Corpus Christi, Texas on October 12-14, 1998 in the Bayfront Plaza Convention Center. Mr. Davis discussed the program for each day and advised the Board that the Federal Land Bank Associations of Texas had graciously donated \$3,000 again this year to help with expenses of the Monday evening Get Acquainted Reception. Mr. Buckley asked direction from the Board for a maximum registration fee. On motion of Waldo Smith, seconded by Paul Robertson, the staff was allowed to set the registration fee not to exceed \$60.00 and \$25.00 for spouses. Entertainment for the reception was discussed. Mr. Davis said elections for Association Directors and Alternates in State Districts II and IV would be held. He also provided a list of district directors that will get service awards and went over resolutions to be considered by district directors at the state meeting.

The Board was provided a copy of the 2000-2001 Legislative Appropriation Request with all changes. Mr. Buckley discussed the hearing before the Legislative Budget Board and the Governor's Budget and Planning Office.

Mr. Buckley then discussed proposed conservation legislation and said the Brush Control Law will need to be updated. Staff will also look at some possible ways that would allow districts to share employees without use of a cooperative agreement or memorandum of understanding.

Leonard Pietzsch provided the twelve-month expenditure report as of August 31, 1998. He explained we were still paying out of the 1998 fiscal year but sees no problems.

Mr. Pietzsch then discussed the summary report on Fiscal Year 1998 Conservation Assistance Funds and said the maximum supplemental any district received was \$555.86 and that all payments have gone out to districts. (Copy attached)

Victoria Gutierrez provided the Human Resources staffing update and advised we are continuing to recruit for the Assistant Executive Director for Administration position for the Temple office.

Clyde Gottschalk provided a report on the activities of the Public Information/Education Department. He updated the Board on the State Wildlife Clinic; advised of a district director training workshop to be held in State Area III on November 10th; advised the grant applied for the CEU program through USDA was rejected; said new Soil and Water Environmental Workshops for Boy Scouts were being implemented. He also said a new brochure for EQIP was being developed; advised the Food, Land and People project is about to come on line for Texas and should start in 1999; also advised that districts can get a free E-mail address through NACD if they desire; and discussed the number of press releases done for 319 projects, etc. Mr. Clark asked if it was feasible to develop a program to educate legislators on who we are and what we do. After discussion Mr. Gottschalk advised he would report back to the Board at the November board meeting with suggestions.

The next Board meeting was scheduled for November 18, 1998 in Temple at 8:00 a.m. in the State Board's Hearings Room.

The meeting adjourned at 4:15 p.m.

Charles D. Clark
Chairman

Laird J. Cain
Secretary

11-18-98
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 September 15, 1998.

11-18-98
Date

Robert A. Buckley
Executive Director