

**Minutes**  
**TEXAS STATE SOIL AND WATER CONSERVATION BOARD**  
**November 16, 1994**

The Texas State Soil and Water Conservation Board met on November 16, 1994 at 8:00 a.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  
Harvey Davis, Member

Staff members present were:

Robert G. Buckley, Executive Director  
James M. Moore, Assistant Executive Director  
William C. Neiser, Assistant Executive Director  
Mel Davis, Assistant Executive Director  
Leonard Pietzsch, Chief Accountant  
Randy Jones, Human Resources Director  
Cherie King, Director of Programs  
Beade Northcut, Engineer  
Clyde J. Gottschalk, Information/Education Director  
Tricia Davis, Information Specialist  
Bo Spoons, Director of Programs  
Lupe Pinto, Hydrologist  
Sam Unberhagen, Soil Conservationist  
Mahendra Mohite, Research Specialist  
Lois Cain, Administrative Technician  
Bob Gruner, Soil Conservationist  
Rex Isom, Soil Conservationist  
Johnny Oswald, Soil Conservationist  
Joe Freeman, Soil Conservationist  
Roy Freeman, Soil Conservationist  
David Powell, Soil Conservationist  
Joel Clark, Soil Conservationist  
Dub Crumley, Soil Conservationist  
Don Brandenberger, Soil Conservationist  
Steven Jones, Dublin Regional Manager  
Charles Rodgers, Hale Center Regional Manager  
John O'Conner, Mt. Pleasant Regional Manager  
Stephen Deiss, Wharton Regional Manager  
Andy Garza, Weslaco Regional Manager

Others present were:

Bill Young, General Land Office  
Dr. Clarence Richardson, Agricultural Research Service  
Kenton Inglis, Natural Resources Conservation Service  
Memo Benavides, Pres.-Elect, Association of Texas SWCDs  
Mike Holt, Director, Association of Texas SWCDs  
Donald Swann, President, Association of Texas SWCDs  
John Earl Smith, Director, Association of Texas SWCDs  
Ed Albrecht, Alt. Dir., Association of Texas SWCDs  
Norman Bade, Natural Resources Conservation Service  
Comer Tuck, Texas Water Development Board

Chairman Robertson called the meeting to order and welcomed everyone.

On motion of Dick Schendel, seconded by Harvey Davis, the minutes for September 21 and October 27, 1994 were approved as amended. Motion carried.

Mel Davis presented district director appointments for consideration. An appointment from Bandera Soil and Water Conservation District #229 was received over the fax machine with original papers being mailed for Rob Sandidge for Zone 3 to replace Raymond Hicks who had been elected to serve in Zone 1. An appointment for Ray E. Creswell to serve in Zone 4 of Brazos Valley Soil and Water Conservation District #557 was also presented. Mel Davis advised the Board that both appointments appeared to be in order. On motion of Harvey Davis, seconded by Dick Schendel both appointments were approved pending receipt of original paper work from Bandera SWCD #229 on Mr. Sandidge. Motion carried.

Mel Davis provided the Board with the results of district director elections for Zones One and Two as of November 10, 1994.

A petition for division and reorganization for Montgomery-

Walker Soil and Water Conservation District #425 was presented by Mel Davis. The district wishes to form two districts - one for Montgomery County and one for Walker County. Mr. Davis said paper work is in order and that public hearings would need to be held in both counties if the State Board determined there is a need to divide the district. The reason for the division request is because of the significantly different workloads in each county. On motion of Harvey Davis, seconded by Buddy Clark, the staff was authorized to proceed with the next step and to work with the district to schedule public hearings. Motion carried.

Mel Davis discussed attendance of district directors at the Annual State Meeting of Soil and Water Conservation District Directors held in Austin in September and provided an attendance breakdown by area. Nine districts had 100% attendance. Mr. Davis also provided a Statement of Revenues and Expenses which showed a net loss. He said the number of people anticipated to attend the Legislative Appreciation Banquet did not materialize making the number guaranteed for the banquet too high. Mel Davis said if there were any comments or suggestions for next year's annual meeting to please advise the staff.

Bill Neiser discussed proposed Subchapter H Technical Assistance allocations for Fiscal Year 1995. Mr. Neiser informed the Board that the staff was researching a new formula for allocating funds but was not far enough along at this time to recommend any change in the procedure used. Mr. Moore discussed the formula procedure being researched. He said the staff has

done some investigating on how to quantify critical criteria and said formula criteria could be established for irrigation considerations but sedimentation data would be more difficult to develop. Mr. Moore said a ratio approach could be developed by the May, 1995 board meeting so the Board could evaluate the new procedure in comparison with the existing one to see how they would like to proceed. Buddy Clark asked if the new system would reflect more accurately the districts that need the allocations and Mr. Moore replied that it would. John Earl Smith questioned the proposed allocation for Maverick Soil and Water Conservation District #228. The proposed allocation was the same as the district had received in May 1994. After the discussion, on motion of Harvey Davis, seconded by Dick Schendel, the Board approved using the current procedure for allocations. Motion carried. Mr. Neiser then discussed letters from the Upper Leon Soil and water Conservation District #525 and Cross Timbers Soil and Water Conservation District #556 requesting special allocations because of the particular problems in their areas. There was more discussion on how the current allocation procedure had been designed to work and on motion of Dick Schendel, seconded by Buddy Clark, the staff was directed to continue to look for a better procedure to allocate Subchapter H funds. The discussion then returned to the letters of request from Upper Leon and Cross Timbers SWCDs. Dick Schendel asked if any progress is being made in those two districts. Mr. Moore said these allocations were critical for the two districts because of the anticipated workload

associated with implementing S.B.503 programs in the districts. On motion of Dick Schendel, seconded by Harvey Davis, both districts, Upper Leon and Cross Timbers SWCDs, were given a special allocation of \$5,000 each. Motion carried. There was additional discussion of the allocation for Maverick SWCD #228. On motion of Harvey Davis, seconded by Buddy Clark, the Maverick SWCD was approved for the irrigated cropland criteria for allocation purposes. Motion carried.

Kenton Inglis reported on activities of the Natural Resources Conservation Service (NRCS, formerly Soil Conservation Service). He said emergency watershed funds have been requested for counties in Southeast Texas which sustained considerable flood damage in October. Mr. Inglis reported that NRCS Chief Paul Johnson had recently been in Texas and they hope to have him back in the Spring. He reported the South Texas Plant Material Center in Kingsville had been renamed and is now the Kika de la Garza Plant Material Center. He indicated that meetings are being held across the state concerning the reorganization of the NRCS and are resulting in some good discussions. John Earl Smith asked why the NRCS was clustering offices across the state and Mr. Inglis replied they had no choice due to personnel decreases. He indicated the eleven Area Conservationist positions would be abolished and recreated to eight Assistants for Field Operations positions.

Donald Swann reported on Association of Texas Soil and Water Conservation District activities. He felt the Annual Statewide Meeting was outstanding and thinks it is the responsibility of each

district director to attend if at all possible. Mr. Swann reported the Association Directors at their directors' meeting on November 15 had voted to increase their annual dues by \$25.00 making their yearly dues to each district \$300.00. He advised that the next directors meeting of the Association has been set for December 14 to set goals and begin development of a strategic plan. Memo Benavides said he plans to do everything he can for the Association and State Board to work toward the same goals.

Bill Young from the General Land Office expressed Commissioner Gary Maro's appreciation for the cooperation of the State Board and staff on the Coastal Zone Management Program. He said they appreciate working with Dick Schendel and James Moore on their Coastal Coordination Council and associated work groups and committees.

Comer Tuck reported the Texas Water Development Board has two new Governor appointees on their Board - one is from the Orange-Beaumont area and one is from Fort Worth. He said the Texas Water Development Board has \$52,000 of Subchapter H funds to distribute at their meeting on November 17. At that time they will consider nine grant requests, three of which are from soil and water conservation districts.

Dr. Clarence Richardson reported the USDA reorganization did very little to change the Agricultural Research Service and he doesn't foresee any change in the philosophy of his agency.

Bill Neiser then presented allocation proposals for Fiscal Year 1995 Subchapter H technical assistance. The amount to be

allocated being \$35,616. Proposed amounts to be allocated for each state area are:

Area I	- \$10,080
Area II	- \$ 7,296
Area III	- \$ 8,544
Area IV	- \$ 3,168
Area V	- \$ 6,528

On motion of Dick Schendel, seconded by Buddy Clark, the Board adopted the area allocations for Fiscal Year 1995 Subchapter H Technical Assistance funding and directed staff to continue working on an alternative method to improve the current method of allocating funds. Motion carried.

Bill Neiser provided the Board a checklist of districts that have filed financial statements for Fiscal Year 1994. He also provided a checklist of districts that chose to have a biennial audit. Eighteen districts are doing audits which are due by January 1, 1995.

Mr. Neiser reported there was \$22,733.62 available for Fiscal Year 1994 supplemental allocations. There were 119 districts claiming supplemental funding. The maximum amount paid was \$201.98. He reported there is currently \$17,522.95 of Fiscal Year 1994 funds in district bank accounts. Any remaining balances will be treated as an advance toward their Fiscal Year 1995 allocations.

Mr. Neiser then discussed the agency report on budget versus expenditures for the two month period ended October 31, 1994.

Tricia Davis reported on activities of the Information/Education Department. She reported Clyde Gottschalk had recently met with a representative of the Gulf of Mexico

Program where he proposed a FFA speech contest to officials from the Texas Education Agency and Vocational Agriculture Teachers Association. According to Tricia, Mr. Gottschalk informed both organizations that the Texas State Soil and Water Conservation Board and the Association of Texas Soil and Water Conservation Districts would like to make this FFA speech contest a cooperative effort in Texas. The next meeting to outline responsibilities for the speech contest is set for November 22, 1994.

Ms. Davis advised the Board of a press release which had been done regarding a poultry litter demonstration project on the Larry McCasland Farm in Pittsburg, Texas. An additional section for the S.B. 503 Reference Guide is also being completed. She also reported that work is beginning on a script for a video to support the 503 program.

James Moore gave a report on statewide nonpoint source management activities. He reported that the revised Statewide Agricultural and Silvicultural Nonpoint Source Management Plan developed pursuant to the Federal Clean Water Act had been submitted to EPA and approved. Mr. Moore reported that EPA had recently voiced concerns, based on their experience in grant management activities, that the TSSWCB does not have adequate staff to manage the large amount of grant funds expected to be administered under Section 319 of the Clean Water Act. The TSSWCB will be responsible for the expenditure of between \$5 and \$10 million over the next several years. Mr. Moore reviewed the staff assigned to the Section 319 program which consists of a Director of

Programs, two Planners and one secretary. He proposed that the Board authorize an addition to the current staff to include a Grant Administrator, Contract Technician, and an Accounting Technician in the Accounting Department. All three positions would be funded out of the federal grant funds. Mr. Buckley informed the Board that personnel hired for the three positions, if approved by the Board, would have to sign a form acknowledging that when the federal funds have been exhausted the jobs will expire. After some discussion, on motion of Dick Schendel, seconded by Harvey Davis, the Board unanimously authorized the addition of new positions as contained in staff recommendations.

James Moore discussed the Fiscal Year 1994 and 1995 Section 319 Grant Program and provided the Board a breakdown on active projects. He clarified that the Fiscal Year 1995 proposed projects are still in negotiation and could change before finalized.

Mr. Moore discussed the Corpus Christi Bay National Estuary Program and reminded the Board that at the last board meeting he had advised them of the possibility of the State Board being invited to appoint a representative to the Management Committee. The Board did get a letter of invitation and Bob Buckley appointed James Moore to serve as a voting member of the Management Committee. He also advised the Board an agriculture representative for the policy committee is being considered but would have to be appointed by the Governor.

James Moore advised the Board the next meeting of the Coastal Coordination Council is set for December 2, 1994, in the Capitol

Extension. Mr. Moore discussed two letters he had received copies of from the Railroad Commission of Texas concerning further review to the Coastal Management Program. He advised the Board he would keep them informed as discussion progresses.

Reauthorization of the Clean Water Act was discussed next. At a previous meeting the Board had discussed formation of a work group to develop language to be incorporated into a proposed amendment to the Clean Water Act to deal specifically with agricultural and silvicultural nonpoint source pollution. Mr. Buckley asked if the Board wanted to proceed with such a meeting. After some discussion Harvey Davis and Buddy Clark were appointed to meet with representatives from several agricultural organizations: Texas and Southwestern Cattle Raisers, Texas Farm Bureau, Associated Milk Producers, Inc., Texas Cattle Feeders and the Association of Texas Soil and Water Conservation Districts to work toward drafting language to amend the Clean Water Act and to report back to the Board.

Mike Holt reported on activities of the Association of Texas Soil and Water Conservation Districts and said current officers were Donald Swann, President, Memo Benavides, President Elect, Rooter Brite, Vice President and Larry McCasland, Secretary. He said the Association Board had met on November 15 to set their budget for 1995. The district quota was raised from \$275 to \$300 per district. All per diem for Association Directors and all travel expenses for Association committees were cut out of the budget. He invited the State Board members to attend a strategic

planning meeting for the Association Board of Directors set for December 14th in the Hearings Room in the State Board office in Temple.

Bob Buckley advised the Board that legislative bills are now being prefiled. He informed the Board members that the agency is now tied to the Legislative Service electronically and the agency will be able to get timely updates on the status of any legislation being considered. Mr. Buckley discussed the need to look at wording in the current district law concerning donations to a district by a county.

Randy Jones gave a report on employee recruiting and said the State Board currently has 54 employees which includes a fully staffed Wharton regional office. He reported that six positions remain to be filled and several good candidates have been interviewed.

Mr. Buckley informed the Board that hotel reservations had been made for Board members for the NACD national meeting to be held in New Orleans, Louisiana on February 5-9, 1995 and if airline reservations are needed to let Lois know of their needs.

James Moore then discussed the SB 503 program. He said one thing that needed to be determined was the definition of an individual as it applies to the cost share cap. After some discussion on motion of Dick Schendel, seconded by Harvey Davis, the following wording was adopted. "No person, whether as an individual, a partnership, or a corporation, may receive more than \$10,000 per year in cost share funds from the State Board. Any

amount received by a person through a partnership or corporation shall be assessed against the annual \$10,000 limit in proportion to that person's interest in the partnership or corporation." Motion carried.

Dick Schendel requested the staff develop a list of cost share practices for State Board consideration as eligible practices later in the meeting.

James Moore discussed several amendments that needed to be made to 31 TAC, Part XVII, Chapter 523, Agricultural/Silvicultural Water Quality Management. He discussed each change and the reason for suggesting it. On motion of Dick Schendel, seconded by Buddy Clark, the Board accepted the revisions as presented. Motion carried. He then discussed a proposed definition of "maintenance agreement" which would read: "A written agreement between the eligible person and the SWCD wherein the eligible person(s) agrees, as a condition of the receipt of State cost share funds, to implement and maintain all measure(s) in the certified resource management plan consistent with its implementation schedule. The maintenance agreement shall remain in effect for a minimum period of two years after the certified resource management plan is completely implemented for all practices except those cost-shared. The maintenance agreement shall remain in effect on cost-shared practices for the expected life of the practice as established by the State Board or for a period of two years after the certified resource management plan is completely implemented, whichever period of time is longer." On motion of Buddy Clark, seconded by

Dick Schendel, the Board voted to use the above language for the "maintenance agreement" definition and to incorporate it as presented in the rule amendments, to adopt the rules as emergency rules and propose them as permanent rules and authorized the staff to publish said rules in the Texas Register. Motion carried.

Mr. Moore then discussed a list of questions and concerns the Board had received from NRCS District Conservationists and Soil and Water Conservation Districts pertaining to S.B. 503. Mr. Moore advised the Board that in his opinion all concerns and questions would be addressed by the changes adopted in the rules or other action taken by the Board.

The Board then took up the recommended list of cost share practices along with their proposed life expectancy. On motion of Harvey Davis, seconded by Dick Schendel, the Board adopted the attached list as the Fiscal Year 1995 statewide list of eligible cost share practices and added a stipulation to grandfather any plans already approved by the local district as of November 16, 1994. Motion carried.

Beade Northcut reported on the possible identification of Concho River Watershed for S. B. 503 implementation as directed by the Board at their last meeting. This watershed includes the Concho and Tom Green Soil and Water Conservation Districts. He reported the existence of suspected water quality problem in the area for which agriculture is perceived to be part of the problem. Staff recommended this area be identified by the Board to be included in SB 503 implementation. On motion of Buddy Clark,

seconded by Harvey Davis, the Concho River Watershed between O. H. Ivie and Twin Buttes Reservoirs was identified as eligible for S.B. 503 implementation. Motion carried.

The Board then discussed a cost share allocation for Concho and Tom Green SWCDs. Staff recommended an allocation of \$150,000 to be divided between the two districts. On motion of Harvey Davis, seconded by Buddy Clark the Board voted to allocate \$150,000 to the districts in the Concho River Watershed to be divided between the Concho and Tom Green SWCDs to the Area II Board member's satisfaction. Motion carried.

Bill Neiser provided the Board a report on Board member travel.

The next regularly scheduled Board meeting is January 18, 1995.

The meeting adjourned at 5:20 p.m.

Paul E. Robertson  
Chairman

Lain J. Cain  
Secretary

1-18-95  
Date

I certify that the above is a true and correct copy of the minutes of the Board meeting held on November 16, 1994.

1-18-95  
Date

Robert A. Buckley  
Executive Director