

Minutes
TEXAS STATE SOIL AND WATER CONSERVATION BOARD
November 17, 1999

The Texas State Soil and Water Conservation Board met on November 17, 1999 at 8:00 a.m. in its Hearings Room at 311 North Fifth Street, Temple, Texas.

Board members present were:

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

Staff members present were:

Robert G. (Bob) Buckley, Executive Director
James M. Moore, Director of Conservation Programs
Mel Davis, Director of District Operations
Bobbie Stephens, Director of Administration
John Millican, Program Administrator
Beade Northcut, Engineer
Sam Unberhagen, Program Specialist
Richard Egg, Engineer
Kevin Canfield, Planner
Kenny Zajicek, Contract Manager
Clyde Gottschalk, Program Administrator
Johnny Oswald, Program Administrator
Donna Long, Program Specialist
Kevin Wagner, Program Specialist
Lois J. Cain, Administrative Technician

Others present were:

Dick Babcock, Natural Resources Conservation Service
Salvador Salinas, Natural Resources Conservation Service
George Noelke, Attorney General's Office
Susan Solterman, Sunset Commission

Chairman Gene Sollock called the meeting to order and welcomed those present.

He brought up for consideration excusing Board member Waldo Smith from the November 17, 1999 board meeting per Section 201.0151 of the Agriculture Code because of his health situation. After some discussion, on motion of Rooter Brite, seconded by Dayton Elam, Mr. Smith's absence from the meeting was excused but felt this should be the last excused absence.

Minutes from the September 8, 1999 Board meeting were considered. Buddy Clark had a question on wording and felt it should be clarified. On motion of Dayton Elam, seconded by Buddy Clark, the minutes were approved with clarification of wording as discussed.

Mel Davis presented district director appointments listed on the agenda for consideration and advised they met the qualifications and appeared to be in order. On motion of Rooter Brite, seconded by Buddy Clark, the following district director appointments were approved:

Gary L. Black, Ochiltree SWCD #142
Bob Johnson, Trinity-Neches SWCD #422
Clyde M. Waters, Delta SWCD #443
L. C. Hill, Delta SWCD #443

James Moore reported on Section 319 activities and discussed the summary of proposals for CWA 319(h) base funding for Fiscal Year 2000 for proposed projects and proposals for CWA 319(h) incremental funding. Mr. Moore also presented information on and discussed grant funding for the period 1994 to present. He pointed out that there would normally be unexpended dollars left when grant projects are closed at the end of their life and explained that these dollars can be rolled over and used in other projects. He advised the Board that a letter had been sent to EPA requesting an extension on remaining funds from the

Fiscal Year 1994 grant to be used on two projects and provided information on the projects. Mr. Moore reported that the Statewide Nonpoint Source Management Plan prepared by the State Soil and Water Conservation Board and Texas Natural Resources Conservation Commission had been through the public comment process and would soon go to the Governor's office for transmittal to EPA.

Beade Northcut discussed the summary report on Water Quality Management Program activities. He advised that 106 water quality management plans had been developed for Fiscal Year 2000 as of the board meeting date and that 367 water quality management plans will require status reviews for Fiscal Year 2000. He reported that two complaints were pending from last period, three complaints had been received this period, three had been investigated and two were in the process of being investigated. Buddy Clark questioned the staff about cost share funds that had lapsed and asked if reasons for the lapsed funds were known. Mr. Buckley advised the Board that staff should have a complete report available by the March board meeting relative to lapsed funds which would include an analysis of reasons some applicants let their funds lapse. Discussion followed on ways to minimize or reduce lapsed funds. The Board instructed staff to look at causes for the January board meeting before any rules are set.

James Moore introduced new State Board employees Donna Long, TMDL Team Leader, and Kevin Wagner who also works on the TMDL program. Ms. Long updated the Board on activities of the Total Maximum Daily Load (TMDL) program. She discussed each TMDL project along with their projected completion

dates. She then discussed a written report that was provided to the Board on EPA Summary of Proposed Regulatory Revisions to the Total Maximum Daily Load Program, which consisted of Proposed Regulatory Revisions to the National Pollutant Discharge Elimination System and the Water Quality Standards Programs. Comments are due to EPA on January 20, 2000. Ms. Long advised the Board they would receive a draft copy of staff comments for their review before the deadline date.

James Moore discussed the effectiveness of the Nonpoint Source Pollution Abatement Program and provided additional information the Board had requested at the September board meeting. He asked Beade Northcut to present and discuss a summary analysis of water quality management plans, the activities addressed by the plans and their effectiveness in addressing targeted activities. Mr. Northcut also discussed projected requirements for conducting annual status reviews of water quality management plans, and noted that the workload would continue to increase in proportion to the number of plans certified.

Allocation of Fiscal Year 2000 Water Quality Management Program cost share funds was discussed by Beade Northcut. He advised the Board that four applications had not been funded with Fiscal Year 1999 funds and at the request of the local districts submitting them, were being presented for Board consideration to be funded from statewide funds during Fiscal Year 2000. He indicated that none of the applications were complaint driven. The requests were from Fayette SWCD #341, Bedias Creek SWCD #428, and Upper Elm-Red SWCD #524. Mr. Northcut also presented a special request to waive rule

requirements from Wise SWCD #548 regarding a cost share payment for C & S Dairy for work done after the obligated cost share funds had lapsed. After discussion and on motion of Dayton Elam, seconded by Rooter Brite, the Board denied the waiver. The FY 1999 requests were then discussed. On motion of Rooter Brite, seconded by Buddy Clark, the Board deferred approval until later in the fiscal year when they could better determine what the need to fund complaint driven cost share requests might be.

Possible changes to Chapter 523 Cost Share Assistance for Soil and Water Conservation Land Improvement Measures were discussed by James Moore. He advised the Board of some situations that would require changes in the present rules where more than one cost share agreement for a Water Quality Management Plan might be needed. After some discussion it was the consensus of the Board for the staff to develop proposed changes and present them to the Board for consideration at the January board meeting.

Beade Northcut discussed requests for changes in the approved cost share component list. Upshur-Gregg Soil and Water Conservation District #417 requested tree planting be added to the list of approved practices. Harris County Soil and Water Conservation District #443 requested portable shade and sediment basin be added. After discussion on motion of Rooter Brite, seconded by Buddy Clark, portable shade and sediment basin were included in the approved practice list. The Board instructed staff to prepare more detailed information on the advisability of including tree planting and report back at the January board meeting.

Johnny Oswald updated the Board on the status of the North Concho River Brush Control Program. He discussed information that would be mailed to approximately 400 landowners and operators in the program area. Mr. Oswald said there is a need to treat approximately 432,000 acres. He expressed his thanks to NRCS for their help in training new district employees in the brush program. A list of approved initial brush control practices which included chemical and mechanical control was discussed. Costs and cost share rates were also discussed along with requirements for future follow up treatments. On motion of Buddy Clark, seconded by Dayton Elam the Board approved the initial brush control practice list.

James Moore advised the Board of the need to adopt emergency rules under TAC 517.23 dealing with cost share assistance for brush control in order to implement the changes that had just been made in the brush control program. Mr. Moore presented and discussed the revised wording and recommended it be approved. On motion of Buddy Clark, seconded by Rooter Brite, the Board approved the proposed changes to TAC 517.23 as presented and directed the staff to have them printed in the **Texas Register** as emergency rules and at the same time propose them as permanent rules.

Dick Babcock discussed the activities of the Natural Resources Conservation Service. He said the Farm Bill had been signed and accepted. He also advised they were currently under a stop order for any new hires or purchases. He touched briefly on the FSA loan program, Support Services Bureau, dam rehabilitation and state office co-location. He advised the next CRP

sign up period is January 18 - February 11, 2000 and the State Technical Committee would be meeting January 19-20, 2000.

Salvador Salinas briefly discussed new technology that would allow mapping, etc. out in the field and will link information for Farm Service Agency, Rural Development and NRCS where all three agencies can use it in a timely and more effective manner.

Susan Solterman from the Sunset Commission reported Ilan Levin has been assigned as the new project manager for our agency replacing Larry Graham who had left the Commission. She also advised our review has been extended to the middle of May 2000.

James Moore provided a status report on Brush Control Feasibility Studies involving eight watersheds. All or part of the Canadian River, Wichita River, Upper Colorado River, Middle Concho River, Edwards Aquifer, Pedernales River, Frio River, and Nueces River watersheds will be involved.

Mr. Moore explained that House Bill 2599 designated the Texas State Soil and Water Conservation Board as a member of the Prescribed Burning Board and specified that the Executive Director should appoint a representative. Mr. Moore reported that Andy Garza had been designated by Bob Buckley to represent the agency on that Board.

James Moore discussed the Texas Coastal Nonpoint Source Pollution Management Program and gave a brief summary on the history of the development of the program. He said that the program submitted for approval included voluntary incentive-based approaches for agriculture and silviculture. He

also indicated that comments had been received from NOAA and EPA and that a work group had been formed to address them.

Mel Davis reviewed the 1999 Annual Statewide Meeting of Soil and Water Conservation District Directors held October 17-19, 1999 at the Lubbock Memorial Convention Center. He provided a preliminary statement of expenses and expenditures and attendance breakdown. Mr. Davis said 63% of the soil and water conservation districts were represented at the meeting.

Mr. Davis then provided a layout of the Radisson Plaza Hotel in Fort Worth, Texas, where the 2000 Annual Meeting will be held on October 2-4, 2000.

Information on district director elections held during October 1-15, 1999 for directors in zone 3 was provided for the Board's information.

Clyde Gottschalk provided a written report on public information/education activities. He reported on a Water Quality Conference held on October 27, 1999 in Rockdale, Texas with 550 participants. He also advised a District Director Training Conference is planned for February 15-16, 2000 in the Hearings Room of the State Board office. Rooter Brite commented on an information newsletter mailed from our agency that contained misleading information. Mr. Brite stated that printed material from this agency needs to reflect the voluntary nature of programs and provide positive encouragement to those whom it reaches. Mr. Brite expressed his desire to make sure future printed material contained no negative or misleading information that might discourage program participation. Mr. Brite asked staff to develop a policy that would insure that Board philosophy and policies of promoting a voluntary conservation program are reflected in

material published by the agency. Mr. Buckley stated that staff would have a draft policy ready for the Board to consider at their January meeting.

Bobbie Stephens provided and discussed the Fiscal Year 1999 Budget Versus Expenditure Report for twelve months ending August 31, 1999.

Ms. Stephens also provided and discussed the Fiscal Year 2000 Budget Versus Expenditure Report for two months ending October 31, 1999.

Ms. Stephens discussed Human Resources activities and advised of two pending retirements - Nelton Salch and Beade Northcut; one resignation - Mahendra Mohite and two new hires - Dawn Heitman and Ben Wilde. She said recruiting is currently ongoing for six current and future vacant positions - four in the Temple office and two in regional offices. Total agency staff is 61, which includes 24 minority employees.

Bobbie Stephens discussed the Sunset Review and provided a log of district responses that had been received as of the board meeting date to the Sunset questionnaire mailed out by the State Board. She said results would be provided at the January board meeting. The agency's public hearing is set for June 19, 2000. As reported earlier in the meeting Ilan Levin is the new Sunset Project Manager for our agency.

Ms. Stephens discussed the compliance with the Internal Audit Act and provided a list of Results for CMBL plus HUBs Search.

Rooter Brite discussed a NACD Farm Task Force meeting he and Bob Buckley had recently attended in Reno, Nevada. He said the purpose of the

meeting was to have input into the revision of conservation program sections of the next Farm Bill.

The Board members were provided a travel report showing their allocations and what had been claimed for travel and per diem for the two-month period ending October 31, 1999. No out of state travel was requested.

The next board meeting was set for January 19, 2000.

On motion of Dayton Elam, seconded by Buddy Clark, the meeting adjourned at 2:55 p.m.

Gene S. Slack
Chairman

Leis J. Cain
Secretary

01-20-2000
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 November 17, 1999.

1-20-00
Date

Robert L. Buckley
Executive Director