

Minutes
TEXAS STATE SOIL AND WATER CONSERVATION BOARD
January 20, 1999

The Texas State Soil and Water Conservation Board met on January 20, 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
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
Bobbie Stephens, Assistant Executive Director
John W. Millican, Program Administrator
Victoria Gutierrez, Human Resources Specialist
Clyde J. Gottschalk, Program Administrator
Beade Northcut, Engineer
Sam Unberhagen, Program Specialist
Kevin Canfield, Planner
Mahendra Mohite, Engineering Assistant
Lois J. Cain, Administrative Technician

Others present were:

George Noelke, Attorney General's Office
Comer Tuck, Texas Water Development Board
John Burt, Natural Resources Conservation Service

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

Minutes from the Board meeting held on November 18, 1998 were considered. On motion of Gene Sollock, seconded by Paul Robertson, the minutes were approved as mailed.

Mel Davis presented district director appointments for consideration and said the ten appointments listed on the agenda met the qualifications and were in order. One appointment had been received by fax for Worth Whitehead from the Rusk Soil and Water Conservation District #447 and the Board was advised the original papers were in the mail and appeared to be in order. On motion of Rooter Brite, seconded by Waldo Smith, all appointments were approved pending receipt of original paperwork for Worth Whitehead from the Rusk SWCD #447. The other approved appointments are as follows:

Johnny Cooper, Donley County SWCD #127
Dan Langford, Salt Fork SWCD #133
Michael Hoelscher, Maverick SWCD #228
Jimmy Sterling, Howard SWCD #243
Romualdo L. Herrera, Loma Blanca SWCD #328
A. Melvin Reynolds, Upshur-Gregg SWCD #417
Rodney Smith, Hopkins-Rains SWCD #445
Ernest Herron, Jr., Palo Pinto SWCD #518
Warren R. Blackmon, Collin County SWCD #535
Clyde W. Steelman, Jr., Cross Timbers SWCD #556

Mel Davis discussed a request from the Dalworth Soil and Water Conservation District #519 for subdivision boundary changes to better equalize the cooperator numbers in the Dallas County portion of the district. On motion of Rooter Brite, seconded by Gene Sollock, the requested change was approved.

Mr. Davis then presented a request from the Austin County Soil and Water Conservation District #347 for a subdivision boundary change to better distribute the number of qualified landowners that are eligible to serve as district directors. Waldo Smith moved to accept the requested change, seconded by Paul Robertson and the requested change was approved.

Mel Davis discussed a request from Upshur-Gregg Soil and Water Conservation District #417 to change subdivision boundary lines. The request was made to better distribute landowners. On motion of Gene Sollock, seconded by Paul Robertson and Rooter Brite the change was granted as requested.

James Moore advised the Board that Article 9, Section 167 of the Appropriations Bill required all agencies to review and consider for re-adoption all agency rules. He said the plan for reviewing agency rules had been submitted for publication as required, but as of the Board meeting date had not been published by the Texas Register. He reported that he was waiting for a response from the Texas Register to determine if the Board could take action on the rule review prior to publication of the plan for review. The Board took no action.

Mr. Moore discussed a draft Memorandum of Agreement between the State Board and the Texas Natural Resources Conservation Commission on Total Maximum Daily Loads (TMDLs). A copy had been provided the Board prior to the meeting and Mr. Moore advised that wording had been changed as requested by the Board. On motion of Rooter Brite, seconded by Paul Robertson, the Executive Director was authorized to sign the MOU for the State Board.

Beade Northcut discussed fiscal year 1999 Senate Bill 503 cost share allocations. He presented two requests that had been deferred from the November board meeting because they were not complaint driven plus two additional requests, one complaint driven and one not. On motion of Rooter Brite, seconded by Gene Sollock, the complaint driven request was funded and action on the other requests was deferred until the May board meeting.

James Moore advised the Board that staff was in the process of revising the State Brush Control Plan. He said the plan had not been revised since 1985 because the program had been dormant, but there may be a chance of funding for brush control next biennium. A working draft of the plan was provided the Board members and Mr. Moore asked for any comments they might wish to make. He indicated that a public review draft would be presented for Board approval at the March Board meeting, and a public hearing scheduled in conjunction with the May Board meeting. He explained that final adoption could take place in July and the revised plan be in place before September 1, 1999.

Mr. Moore provided the Board a copy of its comment letter on the Unified National Strategy for Animal Feeding Operations which had been discussed at the last Board meeting. Bob Buckley also provided a copy of a letter he had signed as president of NASCA containing comments on the same subject. Both letters had been sent to USDA.

James Moore updated the Board on EPA Region 6 proposed general permits for Confined Animal Feeding Operations (CAFOs) and said they had published a "finding no significant impact." He also brought to the attention of the Board a proposed TNRCC general permit for offsite land application of animal waste. Mr. Moore said that State Board staff had been working with the animal feeding industry to develop an educational program for commercial land applicators that industry representatives hoped might negate the need for the TNRCC general permit.

Mr. Moore provided the Board the final report of the Agriculture Drought Preparedness Committee and noted the input provided by the State Soil and Water

Conservation Board which included discussion on funding for soil and water conservation and brush control programs. He indicated that this report would be provided to the State Legislature.

Mr. Moore then discussed the North Concho River Brush Control Program. The staff had been contacted by Steven Brown regarding a brush control demonstration project in that area using prison labor and developing the necessary agreements between the Texas Department of Criminal Justice and the State Board. After discussion and on motion of Paul Robertson, seconded by Rooter Brite, staff was authorized to move ahead with the project.

Mel Davis then provided information on prospective sites for the 2001 and 2002 annual statewide meeting of soil and water conservation district directors. After discussion of the possible sites (Arlington, Galveston, San Antonio) Paul Robertson moved to hold the 2001 statewide meeting in San Antonio on October 15-17, 2001. Rooter Brite seconded and motion carried. The Board then discussed possible sites (Arlington, El Paso, and Galveston) for the 2002 statewide meeting. After discussion the Board decided to take no action and to conduct a new survey of where district directors would like to have future state meetings.

John Burt discussed the activities of the Natural Resources Conservation Service and provided a listing of priority areas for fiscal year 1999 as ranked by the State Technical Committee. He said they hope to open EQIP in late February or early March. Mr. Burt said the President's budget would soon be out and he felt there would be some major cuts for 2000. He also advised there will be a strong

effort to open up the Farm Bill and there may be an opportunity to address some concerns in the current language of the bill.

Comer Tuck reported that the Texas Water Development Board met in December and approved changes in their rules for Regional Water Management Planning. He said most contracts would be signed by the end of January with work to begin by February 1st. He briefly discussed their brush control program and a court case involving Ozarka Water, which is in the State Supreme Court.

George Noelke from the Attorney General's Office reported he is currently working with State Board staff on several issues. Bob Buckley informed the Board that the agency is extremely fortunate to have Mr. Noelke's assistance.

The USDA-NRCS budget for fiscal years 1999 and 2000 was discussed. John Burt said the 1999 budget across the nation is very tight. Mr. Buckley said there is an effort going on to get \$300 million in the 2000 budget that would put one more person in every field office across the nation. Mr. Burt said NRCS is trying to restore some of their visibility.

The Board was provided a legislative update report on bills that have been introduced that would affect the agency or districts.

Mr. Moore passed out a report on recommendations for dam safety for the Board's information.

Bob Buckley reported on the agency's hearing before the Performance Subcommittee of House Appropriations Committee. He reported there were no problems and that it dealt with audit recommendations.

James Moore discussed the Section 319 Status Report. He said the Unified Watershed Assessment had been submitted and next we would have to submit a Watershed Restoration Strategy.

Beade Northcut discussed the Senate Bill 503 Status Report. He said 243 water quality management plans have been developed and certified so far this fiscal year and 22 status reviews have been completed. The Board was informed that four complaints had been investigated and completed since the last Board meeting. Mr. Moore provided a copy of a letter from Texas Pork Producers Association for the Board's information concerning a training session for the On Farm Odor/Environmental Assistance Program which is designed to assess environmental risk on individual pork operations. He stated that someone from the staff would attend. Mr. Moore informed the Board of a meeting he had attended with the Brazos Soil and Water Conservation District concerning the potential liability of the district and its directors relating to approval of water quality management plans. After their discussion the district indicated it would sign the plans if provided a copy of a letter from the Attorney General's Office about the official immunity of soil and water conservation district directors relating to their approval or non-approval of water quality management plans.

James Moore provided a report on Total Maximum Daily Load (TMDL) activities. The report included projects currently underway and projects planned to begin in 1999. Mr. Moore, at the request of Buddy Clark, had drafted a letter for the Board's review on the importance of TMDLs and to make districts aware of the

program. It was the consensus of the Board to send the letter to all districts statewide.

Mr. Moore discussed the 1999 draft revision of the state 303(d) list. He said the segments being concentrated on are from the Brazos River Basin south. The list for 1998 contained 147 water bodies and the proposed 1999 list contains in excess of 180 water bodies.

James Moore updated the Board on the Coastal Nonpoint Source Program. He said the Coastal Coordination Council had voted to submit the program to NOAA and EPA for approval at their last meeting.

Mr. Moore informed the Board that he had been invited to participate on a committee for the Mid-Brazos Reconnaissance Study being done by the Corp of Engineers along the Brazos, Leon and Lampasas Rivers and gave a brief overview of the project's purpose.

Victoria Gutierrez provided the Human Resources update and said the agency is currently recruiting for three positions that are vacant in the Temple office. The Board members received a copy of a letter from a former employee that had been terminated and is being considered individually by each Board member.

Bobbie Stephens discussed the Budget versus Expenditure Report for the four-month period ending December 31, 1998 and said it was in line with expenditures from the previous fiscal year.

Ms. Stephens then provided a status report on district financial statements received. She advised there have been very few problems and is pleased with the response.

Mel Davis informed the Board that first mailings regarding elections for State Board members in State Areas I, III, and V would be mailed on January 25, 1999. Elections will be held on May 4, 1999 in the following locations and times:

Area I - Plainview Country Club Ballroom
Plainview, Texas
6:00 p.m.

Area III - Yoakum Community Center
105 Huck
Yoakum, Texas
5:00 p.m.

Area V - Tarleton State University
Student Development Center
Room 219
Stephenville, Texas
6:00 p.m.

Clyde Gottschalk provided a written report on activities of the Information/Education Department. He reported that 32 people attended the District Director Workshop held on January 13-14, 1999 in Temple. He also provided a report of Legislative Outreach Programs in other states. He said the Association of Texas Soil and Water Conservation Districts was reviewing the material and considering such a program in Texas.

Mel Davis provided the Board with resolutions to be considered at the National Association of Conservation Districts' national meeting to be held in San Diego, California on January 31-February 4, 1999.

Bobbie Stephens provided the Board member travel report through the four-month period ending December 31, 1998. The NACD Spring Board meeting will be held in Washington, D. C. on March 20-24, 1999. On motion of Paul Robertson, seconded by Rooter Brite and Waldo Smith any Board member was authorized to

attend. Mr. Brite informed the Board he had been asked to serve on the NACD Farm Task Force Committee and will serve.

The Board then returned to Review of Agency Rules, which had been discussed earlier in the day. Discussions with the Texas Register indicated the State Board could take action to propose rules for re-adoption even though the Texas Register had not published the Agency Plan for Review of Rules. On motion of Gene Sollock, seconded by Waldo Smith, the Board proposes the readoption of agency rules under Title 31, Part XVII, Chapters 517, 519, 521, 523 and the Board finds the rules are still needed. Motion carried.

Bobbie Stephens presented information on the 2000-2001 Biennium Legislative Appropriation Request concerning information on four options for Exceptional Item funding. After much discussion on the Statewide Conservation Technical Assistance Item Gene Sollock moved, seconded by Rooter Brite to ask for \$50,000 for the first year and \$75,000 for the second year per district for district support. Motion carried. Cost share assistance was then discussed. Rooter Brite moved, seconded by Paul Robertson to ask for cost share funding in the amount of \$5 million the first year and \$12 million the second year. Motion carried. Mr. Moore mentioned the North Concho River Brush Control Program and discussed the Program Support exceptional item and what it would require to meet our obligations on TMDLs. On motion of Paul Robertson, seconded by Gene Sollock the Board voted to support staff recommendations on program support on TMDLs. Motion carried. Staff requested ten additional field representatives for program support for district operations. Gene Sollock moved to accept staff recommendations,

seconded by Paul Robertson. Three votes were cast in favor of the motion and motion passed.

Bobbie Stephens discussed the administrative needs and said staff recommended five additional employees in the Temple office to handle these needs. On motion of Rooter Brite, seconded by Gene Sollock, the Board voted to accept staff recommendations.

The meeting adjourned at 4:30 p.m.

Charles D. Smith
Chairman

Lois J. Cain
Secretary

March 17, 1999
Date

I certify that the above is a true and correct copy of the minutes of the Board meeting held on January 20, 1999.

March 17, 1999
Date

Robert L. Buckley
Executive Director