

Minutes
TEXAS STATE SOIL AND WATER CONSERVATION BOARD
March 26, 1998

The Texas State Soil and Water Conservation Board met on March 26, 1998 at 8:00 a.m. in the State Board's Hearings Room at 311 North Fifth Street, Temple, Texas.

Board members present were:

Paul Robertson, Chairman
Charles D. "Buddy" Clark, Vice Chairman
Waldo Smith, Member
Gene Sollock, 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
William C. "Bill" Neiser, Assistant Executive Director
Leonard Pietzsch, Accountant
Beade Northcut, Engineer
Clyde J. Gottschalk, Program Administrator
Bo Spoons, Program Administrator
Victoria Suniga, Human Resources Specialist
Sam Unberhagen, Program Specialist
John Millican, Program Administrator
Bobbie Stephens, Contract Manager
Richard Egg, Engineer
Mahendra Mohite, Engineering Assistant
Lois J. Cain, Administrative Technician

Others present were:

Comer Tuck, Texas Water Development Board
Bob Ensor, Natural Resources Conservation Service
Charles Mize, Nacogdoches Soil & Water Conservation District #401
Jerry Nichols, Nacogdoches Soil & Water Conservation District #401
Al Schmidt, Natural Resources Conservation Service
George Campbell, Nacogdoches County Commissioners Court

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

On motion of Rooter Brite, seconded by Gene Sollock, the minutes from the January 21, 1998 Board meeting were approved as mailed.

Chairman Robertson introduced Waldo Smith as a new member of the Board representing State District Three and welcomed him as a Board member.

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

Myron Calley, Upper Colorado SWCD #115
Billy Kenny, Cottle County SWCD #163
Berniece Seipp, Llano County SWCD #233
Jim McDaniel, West Nueces-Las Moras SWCD #236
Bobby Mask, San Saba SWCD #250
Howard Kuecker, Washington SWCD #348
Carl Weets, Delta SWCD #443
Wayne Wilcox, Mills County SWCD #554

Mel Davis presented a request from the West Nueces-Las Moras Soil and Water Conservation District #236 for subdivision boundary changes. The district advised they felt it would give them better representation. On motion of Gene Sollock, seconded by Rooter Brite, the subdivision boundary changes were approved as requested.

Mel Davis then discussed the upcoming Board member elections to be held on May 5, 1998 at Angelo State University, San Angelo at 6:00 p.m. for State District Two and in Nacogdoches at the Fredonia Hotel and Convention Center at 5:00 p.m. for State District Four. A list of delegates and alternates to both elections were provided to Board members representing those areas.

Mel Davis discussed the upcoming Conservation Awards Banquets and provided dates and locations of each banquet. They are to be held as follows:

- Area I - Plainview Country Club
Plainview, Texas
May 12, 1998
- Area II - Angelo State University
Houston Harte University Ballroom
San Angelo, Texas
May 5, 1998
- Area III - Refugio Community Center
Refugio, Texas
May 6, 1998
- Area IV - Fredonia Hotel and Convention Center
Nacogdoches, Texas
May 5, 1998
- Area V - Tarleton State University
Student Development Center
Stephenville, Texas
May 7, 1998

Board members were asked to bring back any comments they receive on the award programs to the next board meeting.

Bob Buckley reported on the national NACD meeting held in Nashville, Tennessee on February 1-5, 1998. He advised it was an exceptionally well attended meeting. Mr. Buckley was elected to serve as president of NASCA (National Association of State Conservation Agencies) at this meeting.

Mel Davis reported on a memorandum from the Office of Attorney General concerning an inquiry from the El Paso-Hudspeth Soil and Water Conservation District #205. The district had been questioned about the eligibility of a voter in their district

director election last October. According to the memorandum the State Board does not have the authority to question voter eligibility unless the individual is a district director. If the questioning party is challenging the election it has to be done in district court. Mr. Buckley indicated to the Board that if they wanted such authority the only option would be to have their law changed.

Clyde Gottschalk reported on Public Information/Education activities and said two water quality conferences had been held in Wharton and in the Lower Rio Grande Valley and were well attended. He advised the State Wildlife Clinic is moving along well and was being supported by most all of the area associations. Summer workshops for teachers have been booked and all programs meet the requirements of the Texas essential knowledge and skills components required by the Texas Education Agency.

Mr. Gottschalk then informed the Board about a program called Border XXI which is EPA driven through the Department of the Interior. After discussion, on motion of Waldo Smith, seconded by Gene Sollock, the staff was asked to write districts along the border to advise them about the program and to inform them that their names and addresses will be provided, with their concurrence, to the Texas Parks and Wildlife Department for future local meeting notices. The State Board will be represented by staff. Mr. Buckley advised Waldo Smith and Buddy Clark they would be kept up to date since border districts are in the areas they represent.

Clyde Gottschalk discussed the Pesticide Applicators CEU program and provided a copy of a letter from Rick Perry, Commissioner, Texas Department of Agriculture asking that water protection related issues be incorporated into CEU courses sponsored

by the State Board. Mr. Gottschalk provided a topic list. After discussion Buddy Clark said this is long overdue and moved to go ahead with the program. Rooter Brite seconded and motion carried. The Board felt this program is an excellent opportunity to put districts out in the forefront and to better serve their cooperators.

Mr. Buckley provided a copy of a letter from the Wise Soil and Water Conservation District #548 requesting the Texas State Soil and Water Conservation Board to develop a common liability insurance policy, negotiate the best rate and make the policy available to all soil and water conservation districts. Mr. Buckley said this was not legal for the State Board to do but the request had been put on the agenda for the Association of Texas Soil and Water Conservation Districts directors' meeting on March 31, 1998 for them to address.

Bob Buckley updated the Board on the NACD Spring Legislative Conference held in Washington, D.C. on March 22-23, 1998. He said they had good sessions with Congressional staff and were very well received.

Comer Tuck reported on activities of the Texas Water Development Board and said his agency would be considering their matching grant program at their May board meeting. He also advised they were beginning the implementation of Senate Bill One Regional Water Bill. He advised Mr. Moore an entire membership list could be obtained from the Texas Water Development Board.

Bob Ensor reported on his trip to Washington, D.C. He said Congressional staff were invited to visit soil and water conservation districts and they were really receptive to

the invitation. He also reported the first sixteen team leaders have been named and NRCS will be providing training for the team leaders.

Bob Buckley provided a projected NRCS staffing plan for Texas for the year 2002 and said it looks grim. The projection is less than one person per county which is not enough to get the job done. Buddy Clark asked what kind of secretarial or clerical help would be involved at Team headquarters. Mr. Ensor replied Team Leaders would be responsible and they do not intend to use SWCD district secretaries or clerks. He said district equipment could be used between districts as long as they have a cooperative agreement, but district employees cannot work outside their own district.

Bill Neiser provided the Budget versus Expenditure Report for six months ending February 28, 1998 and discussed each appropriation item in detail. He reported that fund balances are normal for agency operations at this time of year.

Rooter Brite advised the Board he was planning to send a thank you letter to Congressional personnel that had been visited while in Washington, D.C. during the Spring Legislative Conference inviting them to visit districts and attend tours whenever possible. He advised the Board he would send these letters with their permission. All agreed this would be a good idea.

Bob Buckley then discussed District Capacity Building. He said budget material was getting close to being finalized and over half the dollars we would be asking for will be cost share funds. Material was provided that would be used at the Committee of 100 meeting to be held on April 19-20 in Austin at the Omni Hotel South. Mr. Buckley discussed the summary report on dollars necessary for 2000-2001 biennium to reach

projected needs. Agency needs to support the Capacity Building budget, should it be appropriated, were discussed by Bill Neiser, Mel Davis and James Moore. The Board broke for lunch at this point.

When the Board meeting resumed after lunch, representatives from the Nacogdoches Soil and Water Conservation District #401 met with the Board to seek help to expedite the Site 23A (Lake Naconiche) water rights permit application under review by the Texas Natural Resources Conservation Commission. Al Schmidt, District Conservationist working with the Nacogdoches SWCD presented the background information and said on March 27 they would be meeting with TNRCC. After discussion and on motion of Gene Sollock, seconded by Rooter Brite, the Board voted to support the Nacogdoches SWCD #401 with a letter to TNRCC staff to find out what needs to be done to obtain approval of this application.

The Board then returned to discussing the item on District Capacity Building. After discussion and on motion of Gene Sollock, seconded by Rooter Brite the Board voted to include requested funding levels in the 2000-2001 biennium legislative appropriation request for districts as they requested. Motion carried. Funding and personnel needed for agency operations in support of Capacity Building was discussed. Buddy Clark asked where we are on salary for current agency personnel with added responsibilities. Mr. Buckley said agency budget is not due until late summer and direction was needed from the Board. Gene Sollock moved to tentatively accept the proposal with reservations to be discussed at the May board meeting. Rooter Brite seconded and motion carried.

Bill Neiser provided a report on District Financial Statements. He informed the Board that two districts had still not filed their financial statements and payments of state funds to those two districts are currently on hold.

Mr. Neiser then discussed Strategic Planning for fiscal year 1999 - fiscal year 2003. He said he had just received instructions and the plan is due by the middle of June. He has a target of May 1st to have a draft for Board review before the May 20th Board meeting.

Mr. Neiser informed the Board he has not yet received instructions for the 2000-2001 biennium Legislative Appropriation Request. He advised the Board if District Capacity Building doesn't occur we are still going to need significant funding increases to handle increased mandates such as Total Maximum Daily Loads and Source Water Protection.

Bill Neiser reported on the 1996 Management Control Audit follow up. He provided the Board a copy of management's responses to the auditor's recommendations. The auditor's report had not yet been released but is expected in the near future.

Mr. Neiser provided a status report on the local funding survey for district budget requests for the 2000-2001 biennium.

Bill Neiser reported on the Senate Finance Interim Subcommittee Hearing on Performance Budgeting which was held on February 25th and was attended by Paul Robertson, Bob Buckley, Mel Davis and John Millican.

Mr. Neiser discussed the agency's travel budget status report. He encouraged Board members to keep as current as they can be in submitting their travel expenses. He

said a request to exceed the cap may be necessary. On motion of Gene Sollock, seconded by Waldo Smith, the Executive Director was given authority by the Board to seek approval from the Legislative Budget Board to exceed the travel cap.

Board member travel was then discussed. The balance of Dick Schendel's travel budget was transferred to Waldo Smith. Waldo Smith made a motion to move \$1,500 from his travel budget to Chairman Paul Robertson's budget. Gene Sollock seconded the motion and motion carried.

Victoria Suniga provided the staffing update and said there was one vacancy in the Temple office for a Planner. Clay Wright had been hired and began work on March 9th as an Information Specialist. She also provided an Affirmative Action update and Employee Training update.

Mr. Neiser informed the Board of a Human Rights Commission Audit recently conducted at the agency. He said the audit is required by the current Appropriations Bill. The audit was conducted on March 16, 1998 and included all items in the human resources area. Mr. Neiser said the agency would also be required to pay approximately \$4,800 for this compliance audit.

Bo Spoons reported on Section 319 activities. He said we should receive fiscal year 1998 grant funding from EPA by April 15th. He also discussed a meeting with poultry industry people in Caldwell on March 24th attended by 50 people interested in SB 503 water quality management plans. James Moore mentioned the President's Clean Water Action Plan and advised he would be attending a meeting in Dallas on April 1st to receive more information. He said the proposed EPA strategy for animal feeding

operations which could bring more small animal feeding operations under permit control will be discussed on April 2nd in Dallas.

TNRCC Dam Safety Task Force was then discussed. James Moore provided an outline being considered for program recommendation and discussed the portion "Issues Not Resolved" which were issues where no viable solution has been found. The Board was also provided a copy of the statement given by Rooter Brite to the House Natural Resources Committee on February 20, 1998 representing the State Soil and Water Conservation Board.

James Moore then discussed representation of a Board member on the Coastal Coordination Council. Gene Sollock had been designated as a temporary representative and has attended one meeting. Mr. Sollock agreed to represent the Board on the Council for the remainder of the fiscal year. On motion of Rooter Brite, seconded by Buddy Clark, Gene Sollock was selected to represent the State Board on the Coastal Coordination Council through the end of fiscal year 1998.

James Moore updated the Board on TMDL activities and said he has provided TNRCC five names recommended for the Arroyo Colorado Steering Committee. He said a meeting had been set for April 10th to discuss how the TMDL will be developed on the North Bosque. Mr. Moore also advised the Board that the TSSWCB has been listed as a participating agency by the Corp of Engineers on their Middle Brazos Reconnaissance Study. An addendum to the state's 303D list which contains water bodies with Atrazine detections exceeding 50% of the maximum contaminant level was discussed.

Mr. Moore updated the Board on Source Water Protection Activities and advised that on February 18, 1998 the Aquilla Water Supply District was notified that Atrazine levels in their treated drinking water was in violation of the maximum contaminant level. He reported there were 57 producers in the Lake Aquilla Watershed which potentially used Atrazine. The 10 largest producers had been contacted and all will be invited to attend an educational meeting in mid April. Mr. Moore also noted the City of Marlin has detected Atrazine in their city water supply and a meeting has been set with them to identify some things the city can do to fulfill responsibilities they currently have under a grant from Texas Natural Resources Conservation Commission.

Beade Northcut discussed Senate Bill 503 water quality management plans status report and said 314 WQMP have been certified for fiscal year 1998 making a total of 2,532 since the program began. He said 54.77% of cost share funds had been obligated for fiscal year 1998. It was reported that seven new complaints had been received - five were investigated and four were valid, one was invalid. Two complaints were under investigation. Mr. Northcut said of the 244 annual status reviews to be done this fiscal year 162 plans had been done. Mr. Northcut reported on a visit to Matt Moore's farm in Brazos County for SB 503 planning assistance on an animal feeding operation. The district will prepare a WQMP on applicable portions of the operation. Waldo Smith said the opposition to this operation comes from people who have just moved into the area the last couple of years.

Beade Northcut discussed letters of request from two districts to amend the SB 503 cost share practice list. The first letter from Tom Green SWCD #248 requested to

add 552A (irrigation pit) and 552-B (irrigation regulating reservoir). The district said these practices would reduce water loss and reduce nitrates leaching into the underground water table. After discussion and on motion of Buddy Clark, seconded by Rooter Brite, the practices were approved. The second request to amend the practice list was from Hemphill SWCD #138 for windmills and submersible pumps as a power source for livestock water. After discussion and on motion of Rooter Brite, seconded by Waldo Smith, the request was tabled.

Beade Northcut provided a letter from the Marion-Cass SWCD #433 requesting additional SB 503 cost share dollars to install an incinerator for dead birds on a poultry farm in their district. On motion of Rooter Brite, seconded by Buddy Clark, action on this request was deferred until the May board meeting.

James Moore discussed the status of Senate Bill One and discussed the booklet left by Comer Tuck from the Texas Water Development Board entitled "Regional Water Planning Areas and Special Water Resources - Adopted Rules for: Regional Water Planning Grants, Regional Water Planning Guidelines, State Water Planning Guidelines and Initial Coordinating Body Representatives - Effective March 11, 1998."

Mr. Moore updated the Board on Concentrated Animal Feeding Operations (CAFO) rules proposed by TNRCC. He said Subchapter K rules in the state are invalid as ruled by the courts and TNRCC is now proposing to revise the Subchapter B rules. These rules retain the exemption for operations if they have a certified SB 503 WQMP in place.

James Moore discussed development of the Coastal NPS Program. He provided a rough draft of the agricultural part to be given to the General Land Office for inclusion in

the state program and advised the Board that a more complete draft would be provided each Board member for their review before the May 20th board meeting.

The BRA Brazos-Navasota Watershed Project was discussed by Mr. Moore who said the agency had been approached by BRA to support the project. He told the Board that the project would involve an intensive study of water quality in the watersheds along with water quality modeling. He further indicated that BRA had assured him that any identified problems would be given to the responsible agency for solution.

Mr. Moore reported on landowner meetings held concerning the North Concho River Brush Control Study in San Angelo and Sterling City on February 26, 1998. He said the meetings were very well attended and that landowners present were supportive of efforts to seek funding for brush control.

Mel Davis updated the Board on information received so far from cities being contacted to host future state meetings. The cities include San Antonio, Austin, Fort Worth, Galveston and Lubbock. Mr. Davis said all cities are interested and proposals are still in the process of being developed. He indicated he will have more information at the May board meeting.

Mr. Buckley advised the May board meeting falls on the day (May 20th) when the agency appears before the House Agriculture and Livestock Subcommittee Budget Hearing which begins at 8:00 a.m. The Board set the time of the State Board meeting to begin at 1:00 p.m. in the Hearings Room of the Texas State Soil and Water Conservation Board in Temple, Texas.

The meeting adjourned at 5:20 p.m.

Paul E. Robertson
Chairman

Lois J. Cain
Secretary

May 21, 1998
Date

I certify that the above is a true and correct copy of the minutes of the board meeting held on March 26, 1998.

May 21, 1998
Date

James M. Moore
Executive Director
(Assistant)