

**Minutes**  
**TEXAS STATE SOIL AND WATER CONSERVATION BOARD**  
**July 14-15, 1999**

The Texas State Soil and Water Conservation Board met on July 14 and 15, 1999 at 8:00 a.m. in the 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. Buckley, Executive Director  
James M. Moore, Assistant Executive Director  
Mel Davis, Assistant Executive Director  
Bobbie Stephens, Assistant Executive Director  
Clyde J. Gottschalk, Program Administrator  
John Millican, Program Administrator  
Bo Spoons, Program Administrator  
Victoria Gutierrez, Human Resources Specialist  
Lois Forehand, Human Resources Specialist  
Karla Stone, Information Specialist  
Lee Munz, Planner  
Kenny Zajicek, Contract Manager  
Kevin Canfield, Planner  
Richard Egg, Engineer  
Sam Unberhagen, Program Specialist  
Mahendra Mohite, Engineering Assistant  
Lois J. Cain, Administrative Technician  
Rex Isom, Program Specialist  
Bob Gruner, Program Specialist  
Johnny Oswald, Program Specialist  
Joe Freeman, Program Specialist  
Roy Freeman, Program Specialist  
Adrian Perez, Program Specialist  
David Powell, Program Specialist  
Joel Clark, Program Specialist  
Dub Crumley, Program Specialist  
Don Brandenberger, Program Specialist  
Charley Rodgers, Regional Manager

Stephen Deiss, Regional Manager  
John O'Connor, Regional Manager  
Steve Jones, Regional Manager  
Andy Garza, Regional Manager

Others present were:

George Noelke, Attorney General's Office  
Charles Conklin, Natural Resources Conservation Service  
Allan Colwick, Natural Resources Conservation Service  
Merideth Berger, Program Consultant, Association of Texas SWCDs

Chairman Gene Sollock called the meeting to order and welcomed those present. He expressed his pleasure to serve as chairman and advised he would be at the agency's disposal as much as possible.

Chairman Sollock advised the Board of fellow board member Waldo Smith's health situation and asked for consideration of excusing Mr. Smith's absences from the May 19 and July 14-15, 1999 Board meetings per Section 201.0151 of the Agriculture Code. On motion of Buddy Clark, seconded by Rooter Brite, Mr. Smith's absences from the above meeting dates were excused.

On motion of Rooter Brite, seconded by Dayton Elam, the minutes from the May 19, 1999 Board meeting were approved as mailed.

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

Harry Klar, Kendall SWCD #216  
J. M. Auld, Jr., Kerr County SWCD #217

Mr. Davis presented a request for a transfer of land from the Anderson-Houston Soil and Water Conservation District #421 to the Davy Crockett-Trinity Soil

and Water Conservation District #404 involving approximately 600 acres to consolidate in one district a property owner's entire holdings. On motion of Rooter Brite, seconded by Dayton Elam, the Board approved the request as presented.

Mel Davis presented the recommendations of the Planning Committee for the Annual Statewide Meeting of Soil and Water Conservation District Directors to be held October 18-20, 1999 in the Lubbock Memorial Civic Center, Lubbock, Texas. A list of hotels to be used was provided and the Holiday Inn Civic Center was recommended to serve as the headquarters hotel. The same program format was recommended with registration fee to not exceed \$50.00 and \$20.00 for spouses. It was the consensus of the Board to use the above mentioned registration fee as a maximum and allow staff to make recommendation. The possibility of having a post meeting tour of Lubbock area feedlots and wineries was discussed. It was the consensus of the Board to have field staff seek interest among districts and if there is enough interest Temple staff should recommend a proposal. On motion of Dayton Elam, seconded by Rooter Brite, the Holiday Inn Civic Center was chosen as headquarters for the statewide meeting.

Mel Davis discussed the Conservation Awards Program. Several ways to generate more interest in the program were discussed and it was the consensus of the Board that increased participation by districts should be encouraged. Content of the awards packet was discussed for any changes the Board might wish to make. On motion of Buddy Clark, seconded by Dayton Elam, the awards packet was accepted as presented.

Mel Davis provided information on the South Central Region meeting of the National Association of Conservation Districts (NACD) to be held in Tulsa, Oklahoma on July 18-20, 1999. Gene Sollock and Rooter Brite will be the Board members attending along with staff members Bob Buckley and John Millican.

Mr. Davis also provided an agenda and other information on the NACD Leadership Conference to be held in Portland, Maine, August 22-24, 1999.

Mel Davis discussed a final report on the 76th Legislative Session. He provided a copy of the final tracking report and discussed HB 156, HB 1592, HB 3135 and SB 1514, which directly affect the agency and its programs.

Clyde Gottschalk thanked Board member Dayton Elam for attending the State FFA Convention in Amarillo and for presenting the FFA Soil and Water Stewardship Public Speaking Leadership Development Award. Mr. Gottschalk provided a written report on activities of the Information/Education Department. He said the recently held Wildlife Clinic in Stephenville had good participation from teachers from across the area. Plans for a Nonpoint Source Conference in Rockdale for October 27, 1999 are currently underway and producers will be notified by mail.

Victoria Gutierrez provided the Human Resources update and advised that Roy Freeman, Program Specialist, would be retiring the end of August 1999; Doug Johnson had resigned his position in the Dublin Regional Office, and introduced Lois Forehand as the Human Resources Specialist who is replacing her. Ms. Gutierrez advised recruiting is underway for the Engineer III position in Dublin, Program Specialist II for the South Central-Gulf Coast area, and that recruiting would soon begin for the Program Administrator IV for the North Concho Brush Control program

in San Angelo, the Program Specialist III and Program Specialist IV for the TMDL project located in Temple and a Secretary IV position in the NPS Abatement Division in the Temple office. She also provided a report on affirmative action and training.

Charles Conklin provided a report on NRCS activities and reported John Burt was in Houston attending a meeting. He reported the appropriation process is still underway in Washington, D.C. He also said co-location of state offices of the NRCS, FSA and Rural Development is still under discussion. He discussed the possibility of these three agencies being converted into one agency and how it would affect the work of local soil and water conservation districts.

Bobbie Stephens reported on the Bookkeepers Workshop recently held and said it had good participation. A list of attendees was provided. She advised two workshops may be conducted next year.

Bob Buckley discussed the agency's involvement in the Sunset Review process. Currently the agency is involved in completing the Self-Evaluation Report, which is due August 15, 1999 to the Sunset Commission. He discussed the results of the agency's last Sunset Review period (1983) and what changes were made at that time.

Ms. Stephens discussed the Budget versus Expenditure Report for the months ending June 30, 1999. She said there is 37% of the budget remaining to be expended.

Bobbie Stephens provided a summary of the agency travel budget. She advised the Board a response had been received from the Legislative Budget Board acknowledging receipt of the agency's travel cap revision request. After discussion,

Dayton Elam moved to authorize staff to write the Legislative Budget Board and the Governor's Office to amend the agency's capital acquisition plan in order to purchase five new half ton pickups - one for each of the regional offices. Motion died for lack of a second. Rooter Brite moved to table this item to be brought up again before the end of the Board meeting. No second. There was additional discussion and Dayton Elam again made his motion, which was seconded by Buddy Clark and all four Board members present, voted for the motion.

Bobbie Stephens discussed the Board members travel report. The Board agreed by consensus to shift funds from one Board member to another in order to pay travel.

Bobbie Stephens discussed the proposed operating budget for fiscal year 2000. She advised the maximum number of employees had increased to 65. Bob Buckley discussed the North Concho River Brush Control operating budget in detail. On motion of Rooter Brite, seconded by Dayton Elam, the proposed operating budget was adopted as presented.

Ms. Stephens provided proposed fiscal year 2000 Technical Assistance allocations and said they were the same as fiscal year 1999. She also provided a letter from Fannin Soil and Water Conservation District #520 requesting an increase in Conservation Assistance and Technical Assistance for fiscal year 2000 and a letter from Throckmorton Soil and Water Conservation District #543 requesting a Technical Assistance allocation for fiscal year 2000. After discussion and by consensus, the Board adopted the fiscal year 2000 figures by area as presented.

Field staff was involved in working out allocations for their districts with Board approval. Area allocations for Technical Assistance are as follows:

Area I	\$213,858.51
Area II	\$157,141.84
Area III	\$192,057.83
Area IV	\$163,068.05
Area V	<u>\$245,766.73</u>
Total	\$971,892.96

Conservation Assistance fund allocations for fiscal year 2000 were recommended at the same level as fiscal year 1999. The Board agreed by consensus to adopt the fiscal year 2000 figures by area as presented. Field staff was involved in working out allocations for their districts with Board approval. Area allocations for Conservation Assistance are as follows:

Area I	\$211,494.00
Area II	\$183,586.00
Area III	\$184,337.99
Area IV	\$153,480.00
Area V	<u>\$179,040.00</u>
Total	\$911,937.99

The Board then discussed agency compliance for an internal auditor. Statute requires agencies with appropriations of \$10,000,000 or greater to have an internal auditor. Ms. Stephens recommended out-sourcing this requirement as a contracted service utilizing the General Services Commission Master Bid List. Interested Certified Public Accountant firms would then submit a bid. Staff asked for authorization to continue this process to go with an out of agency auditor. On motion of Dayton Elam, seconded by Rooter Brite, the staff was authorized to continue this process for an out of agency auditor.

James Moore discussed and updated the Board on Section 319 activities and the status of the revision to the Statewide Nonpoint Source Management Plan which is currently being reviewed by EPA. He said EPA is reviewing fiscal year 1999 319 grant requests and approval should be forthcoming. He added that the fiscal year 1999 proposals included Total Maximum Daily Load projects in the Arroyo Colorado, Big Cypress Creek and Aquilla Reservoir as well as a silvicultural project supporting the Big Cypress Creek project. Mr. Moore said staff is currently looking at projects that are being submitted for possible funding in fiscal year 2000. He also discussed estimated 319 cost share assistance funds that would be available to districts for fiscal year 2000.

Mr. Moore provided a status report on the Water Quality Management Program and reported 660 water quality management plans had been certified to date this fiscal year and that 242 status reviews had been completed. He further reported that three complaints had been received since the last board meeting and that all had been investigated with one being valid and two invalid.

James Moore provided and discussed a written report on recent activity in each TMDL (Total Maximum Daily Load) area in which the agency is involved, including Arroyo Colorado, Armand Bayou, Big Cypress Creek/Lake O' the Pines, Aquilla Lake, Marlin City Lake, E. V. Spence and North Bosque River.

The Board again discussed the allocations to districts for the Technical Assistance fund for fiscal year 2000 that had been reviewed by field staff as directed by the Board earlier in the meeting. On motion of Rooter Brite, seconded by Dayton Elam, the Board adopted Technical Assistance allocations. (Copy attached).



The Board then considered adopting Conservation Assistance allocations to districts for fiscal year 2000 that had been reviewed by field staff as directed by the Board earlier in the meeting. On motion of Rooter Brite, seconded by Buddy Clark, allocations to districts for fiscal year 2000 for Conservation Assistance was adopted as presented. (Copy attached).

Mr. Moore discussed the need to re-allocate fiscal year 1999 Senate Bill 503 cost share funds that had been released and provided a report of funds released. The report showed released funds and the balance of statewide funds totaled \$57,282.11. Staff recommended funding from the list of deferred requests for statewide funds as far as available dollars allow, and authorize the Executive Director to allocate any funds released subsequent to the Board meeting for requests in the order they were received. On motion of Rooter Brite, seconded by Buddy Clark, the above staff recommendation was approved. Buddy Clark requested staff to look into ways to prioritize requests for statewide funds other than on a first come first serve basis.

James Moore reviewed and updated the Board on water quality management program priority areas, provided a map showing existing priority areas and explained the history behind them. Mr. Moore then proposed additional priority areas in several major poultry production areas which included the Navasota River (Seg. 1209), Guadalupe River Basin (Seg. 1803, 1804, 1808, 1810), Sam Rayburn Reservoir (Seg. 0610), Toledo Bend Reservoir (Seg. 0504), Brazos River (Seg. 1242), Little River (Seg. 1213) and recommended the Board include these as priority

watersheds. Rooter Brite made the motion to include these as priority watersheds. The motion died from lack of a second. Discussion followed.

The meeting recessed until 8:00 a.m. the following day, July 15, 1999.

Chairman Sollock called the meeting back to order at 8:00 a.m., July 15, 1999, in the Hearings Room, TSSWCB, Temple, Texas.

Chairman Sollock continued discussion on the proposed water quality management program priority areas and voiced his opinion, concern and desires regarding water quality concerns in the identified water quality areas. After much discussion, on motion of Rooter Brite, seconded by Buddy Clark, this item was tabled until staff could develop additional information to allow the Board to evaluate all existing priority areas and make determinations relative to overall priority needs for the entire state. Staff was requested to present a proposed method for accomplishing such a review at the September 8, 1999 Board meeting. Rooter Brite, Buddy Clark and Dayton Elam voted in favor of the motion, Gene Sollock voted against the motion.

James Moore discussed the allocation of fiscal year 2000 Agricultural Water Quality Management Program cost share funds. He discussed a report on the current status of expenditures within the program and the need evaluate priorities to assure that funds are being allotted in the most effective manner possible. On motion of Rooter Brite, seconded by Dayton Elam, the fiscal year 2000 allocations were set at fiscal year 1999 levels with the exception of Upper Leon SWCD #525, Rio Blanco SWCD #107, Duck Creek SWCD #169, Hidalgo SWCD #350, Southmost SWCD #319, Upshur-Gregg SWCD #417, Sulphur-Cypress SWCD #419 and

Marion-Cass SWCD #433 where allocations will be set at the next Board meeting. Staff was directed to discuss with these districts the agency's need to evaluate the levels of cost share funding they receive from Section 319 program grants and evaluate the desirability of moving their state allocations to other districts in need of funds and to allow them input into the discussion at the September meeting.

The revision of the State Brush Control Plan was discussed. Richard Egg reviewed comments received during the public comment period, and recommended agency response to each comment. After discussion, on motion of Buddy Clark, seconded by Dayton Elam, the Board adopted the Revised Brush Control Plan with recommended changes and authorized notice of adoption to be published in the **Texas Register**.

James Moore discussed the adoption of final rules for the Statewide Brush Control Program - Title 31, Part XVII, Chapter 517, Financial Assistance, Subchapter B, Cost-Share Assistance for Brush Control. Comments received from the Natural Resources Conservation Service were reviewed along with changes in response to the comments. Mr. Moore advised the Board that these were the only comments received and recommended adoption of the rules as presented which included responses to comments. On motion of Rooter Brite, seconded by Dayton Elam, the revised draft rules were adopted and staff was directed to cause them to be published in the **Texas Register**.

Mr. Moore updated the Board on the North Concho River Brush Control Program and discussed monitoring and evaluation requirements. He reviewed a proposal submitted by the Upper Colorado River Authority and the Texas A & M

University Agriculture Program that would accomplish the monitoring and evaluation needs. The Board agreed that the proposal should be pursued. Mr. Moore then discussed the status of efforts to accomplish eight feasibility studies as directed by the Appropriation Bill. He advised the Board that staff is currently working with Texas A & M University and other interested people to develop a work plan to accomplish the feasibility studies.

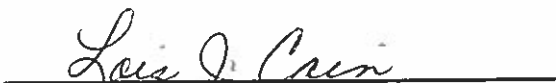
Mr. Moore updated the Board on the Pecos River Salt Cedar Project. He said the label change had been secured and that application of Arsenal herbicide was being planned on about 50 to 100 miles of the Pecos River to show effects on water quality and grazing, in an effort to obtain a permanent label change.

The Fort Hood Brush Control Program was discussed by James Moore. He indicated that everything was in place to extend this project in order to utilize the \$163,187 appropriation to match additional Section 319 grant funds. He explained that EPA approval would not be forthcoming unless help was obtained from additional sources outside the agency.

The date for the next board meeting was set for September 8, 1999 at 8:00 a.m. in Temple.

The meeting adjourned at 11:50 a.m.

  
Chairman

  
Secretary

9-8-99  
Date

I certify that the above is a true and correct copy of the minutes of the Board meeting held on July 14-15, 1999.

9-8-99  
Date

*Robert L. Buckley*  
Executive Director