

Minutes
TEXAS STATE SOIL AND WATER CONSERVATION BOARD
November 15, 1995

The Texas State Soil and Water Conservation Board met November 15, 1995, at 8:00 a.m. in its Hearings Room at 311 North Fifth Street, Temple, Texas.

Board members present were:

Charles D. "Buddy" Clark, Chairman
C. F. "Dick" Schendel, Vice Chairman
Paul Robertson, Member
Albert Evans, 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
Clyde J. Gottschalk, Information/Education Director
Cherié King, Director of Programs
Sam Unberhagen, Program Specialist
Randy Jones, Human Resources Director
Mahendra Mohite, Engineer Assistant
Beade Northcut, Engineer
Lois J. Cain, Administrative Technician
Rex Isom, Program Specialist
Robert 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
Steve Jones, Regional Manager
Stephen Deiss, Regional Manager

Andy Garza, Regional Manager
John O'Connor, Regional Manager

Others present were:

Wes Oneth, Natural Resources Conservation Service
Atlan Pfluger, Texas Water Development Board
Guillermo "Memo" Benavides, Assn. of Texas SWCDs
James K. "Rooter" Brite, Assn. of Texas SWCDs
John Earl Smith, Assn. of Texas SWCDs
Mike Holt, Assn. of Texas SWCDs
Wayne Halbert, Assn. of Texas SWCDs
Irene Bucek, Alternate Director, Assn. of Texas SWCDs

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

On motion of Paul Robertson, seconded by Albert Evans, the minutes from the September 20, 1995 meeting were approved as mailed. Motion carried.

Mel Davis presented district director appointments for consideration. He advised the Board the following district director appointments appeared to be in order:

Billy Williams, Middle Concho SWCD #234
Charles Roswell, Chaparal SWCD #240
Byron Sandel, Walker County SWCD #453
W. C. Barton, Johnson County SWCD #541

On motion of Harvey Davis, seconded by Dick Schendel, the appointments were approved as presented. Motion carried.

Mel Davis then discussed the Annual Statewide Meeting of Soil and Water Conservation District Directors held October 16-18, 1995 in Galveston. Handouts were provided that showed who was in attendance and who they represented; expense and revenue of the meeting and a list of personnel and addresses for the Federal Land Bank Associations of Texas and Associated Milk Producers, Inc. in order that letters may be written thanking them for their contributions in helping to make the meeting a success.

Several suggestions were made on how to improve the 1996 annual meeting which will be held in Fort Worth on September 16-18, 1996. Also discussed was how to improve district director service awards, and the possibility of using a motivational speaker sometime during the meeting, either on Tuesday morning or Wednesday morning. Cherié King discussed the resolutions adopted in Galveston and what action the Association Directors took on each resolution at their November 14th meeting.

Information on district director election results for zone three of each soil and water conservation district was provided by Mel Davis.

Clyde Gottschalk gave the public information/education report and said there will be a district director training conference on January 9-10, 1996 for newly elected or appointed district directors to be held in Temple. He also updated the Board on: activities of the 4-H Water Quality Program Committee; press releases done in Area I on S.B. 503; a Water Quality Conference being coordinated with Texas Tech; working with NRCS to update an audio visual entitled "What's the Difference"; work being done to make the Wildlife Clinic a statewide program; Section 319 activities update; and the Food, Land and People Steering Committee meeting he had recently attended in Chicago, Illinois and said the material the committee has been working on will be field tested in several states next Spring.

Bill Neiser reported on the status of fiscal year 1995 district financial statements. He said there were 43 districts that have not filed their financial statements as of November 13, 1995 and state grant moneys are being withheld from these districts until the reports are filed.

Mr. Neiser then discussed the fiscal year 1996 agency expenditure report for two months ending October 31, 1995.

A list of districts receiving fiscal year 1995 supplemental technical assistance grant moneys was provided by Mr. Neiser. He said the maximum amount paid was \$162.84.

Subchapter H Technical Assistance allocations were then discussed. Mr. Neiser reported there was \$57,298.79 available to be allocated. He provided the Board copies of letters received from Cross Timbers Soil and Water Conservation District #556 and Upper Leon Soil and Water Conservation District #525 requesting additional Subchapter H funding. Mr. Neiser explained these two districts have received special allocations in the past of \$5,000 per district because of severe problems in each district. Bob Buckley explained the situation in the area relating to nonpoint source pollution and recommended to continue this special funding to the two districts for one more year. On motion of Dick Schendel, seconded by Harvey Davis, Cross Timbers SWCD #556 and Upper Leon SWCD #525 were granted the special allocation of \$5,000 each. After the special allocations were approved it left \$47,298.79 to be allocated to other districts. Mr. Neiser presented proposed Subchapter H Technical Assistance allocations using the same process as in past years. If approved Area I would receive \$13,258.96; Area II \$9,816.73; Area III \$11,346.61; Area IV \$4,207.17 and Area V \$8,669.32. On motion of Paul Robertson, seconded by Dick Schendel, the Board voted to accept the proposed allocations as presented. Motion carried. Buddy Clark then called for a brief recess so that Board members and field staff could begin work on allocations to each district. (Copy of allocations attached.)

Buddy Clark called the meeting back to order and Bob Buckley updated the Board on the Farm Bill.

Wes Oneth reported on activities of the Natural Resources Conservation Service. He discussed the possibility of doing two field trials and requested to work with the State Board and possibly look at some S.B. 503 projects for the field trials. The Board, by consensus, agreed to help on this request. He also discussed Site 10 on Salado Creek in San Antonio on which a roller compacted concrete emergency spillway is being installed. He said this process is cost effective and durable and almost eliminates all surface cracking. Mr. Oneth expressed appreciation to the State Board and districts for their support of NRCS . He said his goal is to put more technical people in the field.

Atlan Pfluger from the Texas Water Development Board said their board would be meeting the following day and would consider seven applications for the \$45,000 grant funds they have available for water conservation equipment purchases. He reported that the TWDB will also be considering a Memorandum of Understanding with the State Soil and Water Conservation Board in response to riders in both agencies' appropriation bills dealing with programs for small communities.

Memo Benavides reported on the Association of Texas Soil and Water Conservation District directors' meeting on November 14th. He discussed Association committees and said some have been funded for operation for the coming year; however, some have been eliminated due to cost. Association dues were increased to \$300, conservation awards dues increased to \$35 and the dues for public information/education remained at \$200. A standing invitation was extended to State Board members to attend

any Association directors' meeting and stated their next meeting will be January 30th to review resolutions that will be considered at the national NACD meeting to be held at the Riviera Hotel in Las Vegas, Nevada on February 3-8, 1996. Wayne Halbert explained the Association directors would keep watch on where the greatest committee needs are and may find the need to restructure some of the committees of the Association.

Randy Jones provided the Board a training update for the first quarter of fiscal year 1996 along with a report on staffing and affirmative action.

James Moore reported on the status of the S.B. 503 program and said since the beginning of the program there have been 1,056 water quality management plans certified. He also discussed the status of the cost-share program and provided a map depicting counties where complaints have originated.

He then discussed allocation of S.B. 503 statewide cost-share funds and the fact that five requests had been received for statewide funds. Staff recommended allocations be granted to Upper Elm-Red SWCD #524 and Pedernales SWCD #218 and to defer the other requests until later in the fiscal year. On motion of Harvey Davis, seconded by Albert Evans, board accepted staff recommendations. Motion carried.

James Moore and Bob Buckley gave the Board background information on an appeal by Mr. J. M. Graham of the decision by the Waters Davis Soil and Water Conservation District #318 to deny Mr. graham cost-share under S.B. 503. The district had denied cost-share because the practice was completed prior to the certification of his water quality management plan and before his cost-share application was approved. Mr. Graham had the understanding that all the paper work for cost-share of this pasture

planting had been completed at the time he requested the water quality management plan and was not aware of a problem until he requested reimbursement for the implementation of the practice. Texas State Soil and water Conservation Board staff from Temple and the Wharton Regional Office, with district and NRCS personnel met with Mr. Graham and his son to review the water quality management plan and confirm Mr. Graham's intention to implement the whole plan. The staff recommended the Board grant a waiver to the rules and pay Mr. Graham cost-share. On motion of Paul Robertson, seconded by Dick Schendel, the Board agreed to grant an exception to the rules and provide cost-share money from 1996 statewide funds. Motion carried.

Mr. Moore discussed renewal of a Memorandum of Agreement between the State Board and Texas Natural Resources Conservation Commission relating to management of nonpoint source pollution in Texas. TNRCC had recommended no changes but State Board staff made minor changes to reflect the fact that S.B. 503 programs are now ongoing and no longer new. Mr. Moore advised the Board that TNRCC preferred the agreement be renewed in the form of a letter of agreement. After discussion and on motion of Paul Robertson, seconded by Dick Schendel, the Board agreed to adopt the letter of agreement with TNRCC to replace the former Memorandum of Agreement and authorized the Executive Director to sign. Motion carried.

James Moore provided the Board with a Section 319 status report. He discussed a letter from the Medina Valley Soil and Water Conservation District # 226 in which they were questioning why a section of Seco Creek was listed on TNRCC's proposed revision to the Nonpoint Source Assessment as having moderate water quality impacts from

pathogens originating from rangeland. Mr. Moore explained that he had contacted TNRCC about the proposal since Seco Creek is supposed to be one of the cleanest water bodies in the state. Mr. Moore said there had been a mistake made on some of the data used for the assessment and Seco Creek would likely be removed. He advised the Board that he and Mr. Buckley would be attending a two-day conference in Dallas on November 30 and December 1 relating to Performance Participation Grants by EPA and would report back to the Board.

James Moore reported that the next Coastal Coordination Council meeting will be on December 1 at South Padre Island. Agenda items include adoption of several rule amendments and a tour to acquaint Council Members with several local areas of concern.

A draft Memorandum of Understanding between the State Board and the Texas Water Development Board was presented by Mr. Moore. The MOU is to describe and define the cooperative efforts of the two agencies involved to improve outreach and service to small communities regarding financial and/or technical assistance available from the Water Development Board. On motion of Dick Schendel, seconded by Harvey Davis, the Board approved the MOU and authorized the Executive Director to sign on behalf of the Board. Motion carried.

Mr. Moore advised the Board of an Atrazine detection in a city lake at Marlin which had previously been discussed at the Board meeting on September 20, 1995. He said the State Board had been contacted by the Texas Department of Agriculture and asked to assist in determining the source of the Atrazine so that any needed preventive actions could be cooperatively undertaken. Mr. Moore proposed to contact the

Limestone-Falls SWCD #501 for their input at their meeting on November 20 in Groesbeck and follow-up with TDA consistent with the district's desires. The Board concurred in the staff recommendation.

James Moore updated the Board on the status of the water quality assessment in the North Bosque River and provided the latest press release from Senator David Sibley's office. He reported that Clyde Bohmfalk will head up the assessment for TNRCC and will hold an organizational meeting on November 29th in the TSSWCB's Hearings Room in Temple. Mr. Moore informed the Board that the meeting would likely be attended by personnel from TNRCC, Agricultural Extension Service, Natural Resources Conservation Service, State Board, Institute for Applied Research at Tarleton State University, Brazos River Authority and City of Waco.

Beade Northcut briefed the Board on the status of the Pesticides in Groundwater Protection Plan being proposed for the State by the Groundwater Protection Committee. He said the Task Force had made major revisions in the plan and he hoped to have a copy of the redrafted plan before the end of the board meeting or a copy would be provided Board members as soon as it is received.

Rooter Brite advised the Board that he had been contacted by the Lone Star Gas Company about mowing on rights-of-way and was being pressured by EPA and the Railroad Commission to do this. Mr. Brite requested the State Board to look into this. Mr. Buckley advised that the staff has already committed to looking into this matter.

James Moore brought the Board up-to-date on the status of the Galveston Bay National Estuary Program and said the Galveston Bay Conference will hold its

organizational meeting November 30th. He indicated that the State Board and agricultural nonpoint sources are mentioned in the management plan.

The Corpus Christi Bay National Estuary Program Management Committee met on November 9 and was attended by James Moore. He reported on an action plan task force being set up to prepare the Management Plan for the bay and indicated that nonpoint source pollution is one of the items to be considered. He further stated that either State Board staff or district director input will be sought for most action items involving agriculture and nonpoint source pollution. The Board discussed the possibility of seeking an appointment on the policy committee and asked staff to make some inquiries as to that possibility.

Beade Northcut reported on the organizational meeting of the Texas Association of Watershed Sponsors held in Galveston on October 16, 1995. Those in attendance voted to form the Texas Association of Watershed Sponsors. Logan Crews of the Elm Creek Watershed Authority was elected to serve as president. The Board was provided copies of the minutes from the organizational meeting.

Bill Neiser discussed a proposed amendment to the fiscal year 1996 operating budget. The amendment would restore travel budgets to FY95 levels and would eliminate three budgeted positions from the current operating budget. Any staffing required due to the loss of positions would be provided by the districts through a cooperative agreement. Mr. Buckley said that to restore the travel reductions the Board would need to authorize him to transfer funds between line items. Paul Robertson moved to adopt the operating budget amendment as presented and authorize the Executive Director to transfer funds as

needed between line items. Dick Schendel seconded and motion carried. Mr. Buckley advised the Board that if any further vacancies occur the staff would consider additional cooperative agreements with soil and water conservation districts in order to comply with salary reduction mandates in the Appropriation Bill.

A proposed cooperative agreement with the Upper Leon SWCD #525 was then discussed and Mr. Buckley advised the Board he hoped to have two individuals working under this agreement by January 1, 1996. On motion of Paul Robertson, seconded by Harvey Davis, the staff was authorized to work out the cooperative agreement and the Executive Director authorized to sign the agreement. Motion carried. Mr. Buckley said the Board members could expect to receive a copy of the agreement in the mail for their review and comment.

Bill Neiser provided a travel report to the Board members for the end of fiscal year 1995 and for the first two months of fiscal year 1996. They were asked to advise staff what accommodations they would need for the national NACD meeting in Las Vegas, Nevada for February 3-8, 1996.

The meeting adjourned at 2:35 p.m.

Charles D. Clark
Chairman

Lois J. Cain
Secretary

1-17-96
Date

I certify that the above is a true and correct copy of the minutes of the Board meeting held on November 15, 1995.

1-17-96
Date

Robert H. Buckley
Executive Director