

Minutes
TEXAS STATE SOIL AND WATER CONSERVATION BOARD
November 18, 1998

The Texas State Soil and Water Conservation Board met on November 18, 1998 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. Buckley, Executive Director
James M. Moore, Assistant Executive Director
Mel Davis, Assistant Executive Director
Bobbie Stephens, Assistant Executive Director
Leonard Pietzsch, Jr., Accountant
John W. Millican, Program Administrator
Beade Northcut, Engineer
Bo Spoons, Program Administrator
Clyde J. Gottschalk, Program Administrator
Sam Unberhagen, Program Specialist
Mahendra Mohite, Engineering Assistant
Kevin Canfield, Planner
Lois J. Cain, Administrative Technician

Others present were:

Comer Tuck, Texas Water Development Board
Dr. Sam Feagley, Texas Agricultural Extension Service
George Noelke, Attorney General's Office
John Burt, Natural Resources Conservation Service
Wayne Register, Association of Soil & Water Conservation Districts
Merideth Burger, Consultant to Assn. of Texas SWCDs

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

Minutes from the Board meeting held on September 15, 1998 were considered. On motion of Paul Robertson, seconded by Rooter Brite, the minutes were approved as mailed.

Mel Davis presented district director appointments for consideration and said four appointments appeared to be in order and complete. They were:

Jesse B. Tate, McCulloch SWCD #249
Leroy C. Jones, Dimmit County SWCD #320
Bruce Barker, Dimmit County SWCD #320
Anna M. Fitzgerald, Jack SWCD #549

Mr. Davis then discussed three appointments that had incomplete paperwork but appeared to be in order otherwise. They were:

William D. Wright, Donley County SWCD #127
James Stanley, Upper Neches SWCD #438
Don Butler, Miller-Brazos SWCD #542

On motion of Rooter Brite, second by Gene Sollock, all appointments were approved pending receipt of original paperwork for Mr. Wright, Mr. Butler and Mr. Stanley.

Mel Davis discussed the statement of revenues and expenses for the Annual Statewide Meeting of Soil and Water Conservation District Directors held October 12-14, 1998 in Corpus Christi, Texas at the Bayfront Plaza Convention Center. He said 801 individuals had registered.

Meeting sites for the years of 2001 and 2002 were discussed for the Annual Statewide Meeting. Sites being considered are: San Antonio, Austin, Galveston, El Paso and Arlington. Mel Davis presented the information he had received at the time of the Board meeting and felt it wasn't enough to make a decision. Mr. Buckley asked the Board if there were other locations the Board wished the staff to look at and no suggestions were made.

Mr. Buckley introduced Bobbie Stephens as the new Assistant Executive Director for Administration. Ms. Stephens provided the Board a report on budget versus expenditures ending October 31, 1998 and said everything is in line with the previous year.

Ms. Stephens then advised the Board of some supplemental Technical Assistance funds and asked the Board for approval to distribute these funds. On motion of Rooter Brite, seconded by Waldo Smith, the staff was authorized to distribute these supplemental Technical Assistance funds in a manner consistent with the previous fiscal year.

Mel Davis provided information on the national NACD meeting to be held in San Diego, California on January 31-February 4, 1999 and asked the Board who would be planning on attending and what accommodations they would need.

The Board was provided a spreadsheet identifying district directors elected to Zones One and Two during the first two weeks of October 1998.

Clyde Gottschalk provided the Information/Education report.

Dr. Sam Feagley updated the Board on activities of the Extension Service. He said he had been working with NRCS on what they can do to develop a phosphorus index that better describes surface water transport of phosphorus into streams. He advised he was working with Dr. Tommy Daniel from the University of Arkansas on phosphorus issues where they will be looking at extracts from soils collected from across the nation to develop protocols for phosphorus benchmarks.

John Burt updated the Board on recent activities relative to the USDA, NRCS workload analysis, showed charts and discussed why capacity building is so important. He advised the Board that Bob Ensor from his staff has been working on the national workload analysis and is getting acceptance of the process in Washington, D.C. Mr. Clark asked Mr. Burt how much funding Texas received for the GLCI program. Mr. Burt advised he would mail the figures to Mr. Clark.

Comer Tuck said the Texas Water Development Board would be meeting on November 19th and would be considering a grant to California Creek Soil and Water Conservation District for land leveling equipment. He updated the Board on the Senate Bill 1 regional planning process. He explained a new method of funding. The state will pay 100% of the planning costs and local groups will be responsible for local administrative

costs. This is intended to reduce the funding burden on the local entities. Mr. Tuck also provided information on the Water for Texas Conference to be held in Austin on December 1-2, 1998.

George Noelke from the Attorney General's Office advised he had been permanently assigned to the State Board as our contact in the Attorney General's Office and asked us to call on him at any time he could be of service.

John Burt informed the Board the CRP sign up is underway and will continue until mid-December. He also discussed the Livestock Assistance Program and indicated he would find out in the near future what kind of assistance is expected from NRCS. He also expressed concern about the mohair and honey loan programs and the impact they might have on NRCS workload.

Wayne Register informed the Board the Association of Texas Soil and Water Conservation Districts' Special Committee of 100 would be meeting in Austin on December 13-14, 1998 at the Austin Hilton.

Mr. Buckley reported to the Board the status of the Small Agency Management Control Audit of June 30, 1998. Of the eight items that had been recommended, the report stated that five items had been completed and three were in the process of being implemented. Mr. Buckley

indicated that since that time all items have been implemented. He further reported that on December 2nd at 9:00 a.m. the agency would appear before the Performance Subcommittee of the House Appropriations Committee in the Capitol Extension.

The Board then considered the 2000-2001 Legislative Appropriation Request and Mr. Buckley discussed options for phasing in Capacity Building and proposed three new performance measures. The Board was asked to review possible questions that may be addressed during the upcoming session. A resolution adopted by the Texas and Southwestern Cattle Raisers Association supporting soil and water conservation district legislative funding was provided for the Board's information. Mr. Buckley and Mr. Moore discussed the phase-in options for the Board to consider. Wayne Register addressed the Board and offered the Association's assistance in locating qualified people for the requested new positions. John Burt provided a plan on district employee training. After discussion Waldo Smith moved to proceed with Option 2 as presented, Paul Robertson seconded. Chairman Clark voiced concern about proposed program support in the 2002-2003 biennium. After discussion Mr. Smith stated he would leave his motion as stated. There was no further discussion and Gene Sollock called for question. There were three votes for the motion (Mr. Sollock, Mr. Smith, and Mr. Robertson) and two against (Mr. Brite and Mr. Clark).

Mel Davis provided a tracking report for proposed legislation for the Board's review. He advised that prefiled bills SB 26 and SB 35, which promote uniform election dates, would effect the soil and water conservation district director elections. James Moore advised the Board that the State Groundwater Protection Committee had developed a set of legislative recommendations which included a recommendation to re-write Section 36.117 of the Texas Water Code for water well permitting and remove the current exemptions. Mr. Moore said State Board staff declined to sign the letter as did the Texas Department of Agriculture. The Board, by consensus, agreed that staff had acted appropriately.

Bo Spoons gave a status report on Section 319 and discussed the statewide nonpoint source management plan that had earlier been mailed to each Board member. Mr. Spoons said the plan was currently out for review. Mr. Moore advised the Board that he would be meeting with the Mitchell Soil and Water Conservation District #207 and several surrounding districts in January concerning Section 319 eligibility and priorities. He also advised that staff would be meeting with the Wise County Soil and Water Conservation District #548 concerning a question about the 303(d) list. He then informed the Board that a letter from EPA had just been received congratulating the State for completion of its Unified Watershed Assessment.

Beade Northcut provided the Senate Bill 503 status report and said 127 water quality management plans had been certified as of November

11, 1998 for the 1999 fiscal year. A cost share report for fiscal year 1999 was discussed and Mr. Northcut said 16% of the funds have been obligated. One complaint was under investigation at the September Board meeting and one complaint had been received since that date. Both complaints had been investigated and both were determined to be invalid. He gave a status report on cost share allocation requests and practice list submittals for fiscal year 1999. Mr. Northcut then discussed a meeting he had with Brazos Soil and Water Conservation District #450 which has some concerns about signing WQMPs and how it could effect their liability as district directors. Board member Gene Sollock voiced his concern because the local district is taking no action on signing Water Quality Management Plans. Staff was instructed to work with Attorney General's Office to obtain guidance on the situation.

James Moore discussed a draft Memorandum of Agreement regarding cooperation between the State Board and the Texas Natural Resources Conservation Commission on developing total maximum daily loads (TMDL's). He gave an update on TMDL activities in the Arroyo Colorado, Big Cypress Creek, North Bosque River and Armond Bayou Watersheds, and said meetings were ongoing in all four TMDL project areas.

Mr. Moore updated the Board on the Agriculture Drought Preparedness Planning Committee. He reported that he had attended a

meeting on October 8th and provided the Board a copy of the paper he had presented on Brush Control and Conservation Program Enhancement issues.

A letter from the Southmost Soil and Water Conservation District #319 requesting to make shallow wells a component of practice #441-drip/trickle irrigation systems on the Board's approved cost-share list. On motion of Paul Robertson, seconded by Gene Sollock, the staff was instructed to write the Southmost SWCD asking how this request related to water quality. Beade Northcut discussed a question that had arisen regarding cost share on fences. He discussed the situation and asked for guidance. After discussion it was the consensus of the Board to strike "existing" from Guidance Note No. 1 on the practice list.

Beade Northcut then discussed two requests from the Bedias Creek Soil and Water Conservation District #428 for SB 503 statewide cost share funding – both for waste storage structures. These requests are not complaint driven. On motion of Rooter Brite, seconded by Paul Robertson, these requests were deferred until later in the fiscal year. Mr. Northcut then discussed a letter from Trinity Bay Soil and Water Conservation District #434 concerning a FY 97 cost share application for Jimmy Turner. Mr. Northcut said we have no record of receiving this application. Mr. Turner, believing he had a valid cost share application, has done the work and submitted a performance report. Mr. Northcut pointed out that unobligated FY 97 funds have lapsed. The district

requested approval to use FY 99 funds to pay this obligation. After discussion and on motion of Rooter Brite, seconded by Gene Sollock, the Board granted a waiver to cost share this as an existing practice and allocated FY 99 statewide funds in the amount requested.

Beade Northcut discussed a letter of request from the Running Water Soil and Water Conservation District #136 and the Parmer Soil and Water Conservation District #140 requesting SB 503 special funding for proposed demonstration project sites for drip irrigation. After discussion and on motion of Waldo Smith, seconded by Gene Sollock, the staff was directed to write the districts and explain that SB 503 cost share money cannot be used for such projects.

James Moore discussed 1999 revision of the State 303(d) list which is out for public comment. He said there are 179 water bodies on the proposed 1999 list. He also provided a draft list of water quality concerns as provided by TNRCC.

Mr. Moore updated the Board on the status of the EPA proposed general permits for CAFOs (concentrated animal feeding operations). He then reported on an upcoming USDA/EPA listening session on their unified strategy for animal feeding operations scheduled for Fort Worth on December 10th.

A status report on the Coastal Nonpoint Source Program was presented by James Moore. He gave the Board the latest draft of the document and explained that a few changes still needed to be made. He

told the Board that the Agricultural and Silvicultural portion of the document as currently written accurately reflected the Board's programs and policies and was consistent with current laws. He further explained that the document was to be presented to the Coastal Coordination Council on December 9th for their approval and that the Board's approval was being requested by GLO staff prior to submission to the Council. Since the Board has representation in the Council any problems arising before December 9th could be brought up at the Council meeting. Mr. Moore asked for the Board's approval to go ahead and proceed with preparations to present the document to the Coastal Coordination Council on December 9th with the approval of the Board. On motion of Paul Robertson, seconded by Gene Sollock, the staff was authorized to go ahead with the process.

James Moore discussed the need to select a new representative for the State Board on the Coastal Coordination Council. On motion of Gene Sollock, seconded by Paul Robertson, the Board selected Waldo Smith to replace Gene Sollock who had been serving temporarily since the death of Dick Schendel.

Bobbie Stephens provided the Human Resources report and said the staffing level is 59 with one vacant position in the Temple office. She also provided an Affirmative Action update and the employee training update.

Ms. Stephens also reported on Board member travel and per diem expenses for the end of fiscal year 1998 and for fiscal year 1999 through October 31, 1998.

The next regular State Board meeting was set for January 20, 1999.

On motion of Gene Sollock, seconded by Rooter Brite, the meeting adjourned at 3:40 p.m.

Charles D. Clark
Chairman

Lois J. Coen
Secretary

1-20-99
Date

I certify that the above is a true and correct copy of the minutes of the Board meeting held on November 18, 1998.

1-20-99
Date

Robert H. Buckley
Executive Director