

Minutes
TEXAS STATE SOIL AND WATER CONSERVATION BOARD
November 20, 1996

The Texas State Soil and Water Conservation Board met on November 20, 1996
at 8:00 a.m. in its Hearings Room at 311 North Fifth Street, Temple, Texas.

Board members present were:

Clarence F. "Dick" Schendel, Chairman
Harvey Davis, Vice Chairman
Paul Robertson, Member
Charles D. "Buddy" Clark, Member
Gene Sollock, Member

Staff members present were:

Robert G. "Bob" Buckley, Executive Director
James M. Moore, Assistant Executive Director
William C. "Bill" Neiser, Assistant Executive Director
Mel Davis, Assistant Executive Director
Beade Northcut, Engineer
Clyde J. Gottschalk, Information/Education Director
Randy Jones, Human Resources Director
Leonard Pietzsch, Chief Accountant
Sam Unberhagen, Program Specialist
Cheremie Viator, Director of Programs
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, Hale Center Regional Manager
Steve Jones, Dublin Regional Manager
Stephen Deiss, Wharton Regional Manager

John O'Connor, Mt. Pleasant Regional Manager
Andy Garza, Harlingen Regional Manager

Others present were:

Wes Oneth, Natural Resources Conservation Service
Comer Tuck, Texas Water Development Board
Sam Feagley, Texas Agricultural Extension Service
Joe McKay, Retired TSSWCB Employee

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

On motion of Paul Robertson, seconded by Harvey Davis, the minutes from the September 11, 1996 board meeting were approved as mailed.

Mel Davis discussed a subdivision boundary change between Zones One and Five for Toyah-Limpia Soil and Water Conservation District #209 to better balance the landowners between the two subdivisions. On motion of Buddy Clark, seconded by Gene Sollock, the subdivision boundary change was approved as requested.

Mel Davis presented district director appointments for consideration. The appointment for Clifton M. Caldwell II, North Concho River SWCD #252, could not be considered until a later meeting because his papers were signed by an individual who wasn't legally a district director at the time. On motion of Gene Sollock and seconded by Paul Robertson, the following district director appointments were approved including Billy Don Davis, Runnels SWCD #232 pending receipt of original papers and Terry Herrington, Trinity-Neches SWCD #422 pending receipt of his birthdate:

Edwin Moore, Rio Blanco SWCD #107
Woody Anderson, Mitchell SWCD #207
Jack Hoffman, Toyah-Limpia SWCD #209
Hardin Moore, Toyah-Limpia SWCD #209
Dr. J. T. Hubbs, Jr., Upper Llanos SWCD #225
Tammy Ritchie, Winter Garden SWCD #326
William C. Barfield, Monte Mucho SWCD #331

Jerry D. Ingram, Bastrop SWCD #340
Robert W. Briggs, Victoria SWCD #346
Charles Goeke, Austin County SWCD #347
Charles Victor Hill, Upshur-Gregg SWCD #417
Stanley Graham, Trinity-Neches SWCD #422
Ronny C. McMillan, Panola SWCD #448
A. C. Gilbert, Palo Pinto SWCD #518
Joe Compton, Callahan Divide SWCD #552

Mr. Davis then discussed the legal description for Burleson-Lee Soil and Water Conservation District #313. The subdivision boundaries remain the same but the district proposed to re-describe the zones because of some road name changes. On motion of Harvey Davis, seconded by Gene Sollock, the new description as requested by the district was approved.

Mel Davis presented a subdivision boundary change request from North Concho River SWCD #252 requesting changes in descriptions for Zones One, Two, Three, and Four in order to better align landowners in the district. On motion of Buddy Clark, seconded by Paul Robertson, the changes were approved as requested.

James Moore gave a status report on Section 319 activities and reported that the Fiscal Year 1997 grant proposal did receive EPA approval. He advised the Board that requests for Fiscal Year 1998 grants are now being received and that the agency's grant request will have to be in to the EPA by April 1, 1997. He discussed the revision of the 319 NPS assessment and said a more sound basis on which to base the assessment is being looked for.

Mr. Moore discussed Senate Bill 503 activities reporting that 1704 water quality management plans had been certified since the program began and 139 had been certified since the beginning of Fiscal Year 1997. He provided a FY97 cost share report and

discussed annual status reviews conducted to date in Fiscal Year 1997. He discussed several plans that needed follow up and explained why the follow up was required. He reported in more detail on a follow up review for James Willoughby who, at the last Board meeting had been reported as having problems, and advised the Board that Mr. Willoughby has accomplished all that was needed and is now consistent with his plan. Mr. Moore stated that since the last Board meeting six complaints had been investigated. Two of those were valid and four were invalid.

Dick Schendel and James Moore reported on the Coastal Coordination Council meeting they attended on November 18, 1996 in Austin. Mr. Moore provided the Board with background information and considerations and issues discussed at that meeting on the Coastal Nonpoint Source Pollution Control Program and the CMP Grants Program. Mr. Moore said the districts in the Coastal Zone might be interested in the grants program particularly as it applies to coastal erosion. The deadline for the grants program is December 2nd. Mr. Moore informed the Board that meetings have been conducted by the General Land Office for interested parties along the coast and that the San Patricio SWCD had received funding for a demonstration project relating to coastal erosion from the first grant cycle.

James Moore briefed the Board on activities relative to the Upper North Bosque River and a meeting he and Harvey Davis attended on November 14th held by Friends of the Bosque. He stated that the meeting, with over 50 people attending, was held to clarify perceived confusion over activities to manage dairy waste in the Bosque Watershed. He also made the Board aware that a group called Cross Timbers Concerned Citizens had

filed a notice of intent to file suit against the United States Environmental Protection Agency and the USDA Natural Resources Conservation Service under provision in the Federal Water Pollution Control Act relative to the North Bosque Project being funded by USDA through NRCS.

Beade Northcut discussed a letter from the McClellan Creek SWCD #156 requesting a variance on State Board Guidance concerning cost sharing of fences. They were asking for approval of fencing on CRP land to separate it from cropland. After discussion by the Board and on motion of Gene Sollock, seconded by Paul Robertson, the Board denied the variance request.

James Moore discussed the Corpus Christi Bay National Estuary Program and informed the Board that Andy Garza, Regional Office Manager for the TSSWCB in Harlingen, is serving as Co-Chairman on the Task Force addressing Agricultural Runoff. He asked Mr. Garza to report on their activities. Mr. Garza briefed the Board on task force work and explained the Task Force's two main goals: 1) determine impacts of agricultural runoff on estuarine water quality and 2) minimize impacts of agricultural runoff on estuarine water quality. Dick Schendel expressed his appreciation to Mr. Garza for his work and support of agency position while serving on the Task Force.

Mr. Moore presented seven requests for Senate Bill 503 Statewide Cost Share Funds. He explained that three requests were complaint driven. Based on past board action the staff recommended approving the three complaint driven requests. Paul Robertson moved to follow the staff recommendation. After some discussion, Mr. Robertson withdrew his motion and more discussion followed. After additional

discussion Mr. Robertson again made the motion to fund the complaint generated requests and consider the other four at a later date. Harvey Davis seconded the motion and motion carried.

James Moore provided a letter from the King SWCD #168 requesting inclusion in the Senate Bill 503 program. Mr. Moore discussed the process taken on previous requests. Based on that discussion, the Board directed staff to proceed with an evaluation of the request to determine the advisability of including it in the program.

Wes Oneth advised the Board he would be retiring from NRCS on January 3rd, 1997 to work with the NACD Grants to Districts program. He discussed the locally led conservation program and said this is a sound program to get districts in the forefront and to get local input on how to deal with local conservation problems. Mr. Oneth advised the Board of a short fall in watershed funding and expressed concern about easements and projects that are about to expire. He advised NRCS was evaluating the use of another roller compacted concrete dam on the last site on Salado Creek in San Antonio. Mr. Oneth said NRCS handed out 2,000 teacher information packets in Austin in October at a teachers' conference.

Comer Tuck advised the Board that the Texas Water Development Board would be meeting in the afternoon in Dallas and would be considering matching grants. He said they had 19 applications and 12 would be funded of which eleven were from soil and water conservation districts. Other items they will be discussing are approval of an ag conservation loan program, 1996 consensus Texas Water Plan and changes in

groundwater law. He provided the Board a list of scheduled meetings to be held concerning groundwater law to allow the public and other agencies to comment.

Sam Feagley discussed activities of the Texas Agricultural Extension Service and said they had recently hired an environmental specialist to work in the coastal area. He also reported that they were working hard on phosphorus issues and on management practices to reduce the problem.

Memo Benavides was unable to attend the meeting but asked Mel Davis to provide the Board with information of the Association's directors meeting held on November 14th. He provided Board members with the Association's 1997 budget and proposed committee membership.

Bob Buckley discussed the 1996 Farm Bill Implementation and said he was hearing very positive response from the local work group meetings being held across the state. Mr. Buckley asked Joe Freeman to comment on meetings in his area. Mr. Freeman said he had attended thirteen meetings with an average of fifteen to twenty people attending. He said a tremendous amount of support is being shown for our program and local districts. He also said these meetings have been so encouraging they plan to hold more frequent meetings. Clyde Gottschalk informed the Board of the successful media cooperation to publicize the local meetings. Mel Davis provided the Board with a copy of a comment letter drafted for Board review regarding proposed rules for the Environmental Quality Incentives Program (EQIP).

Bill Neiser discussed the expenditure report for two months ending October 31, 1996 and informed the Board expenditures were normal for two months at the start of the year. There were no questions.

Mr. Neiser advised the Board there was \$58,652.94 available to allocate for FY97 Subchapter H Technical Assistance funds. Mr. Neiser informed the Board that \$28,000 of that amount had not been deposited into agency appropriations. Mr. Buckley recommended the Board use the \$58,652.94 amount to allocate but not notify any districts until the full amount has been transferred to agency appropriations. On motion of Harvey Davis, seconded by Paul Robertson, the Board agreed to follow staff recommendation.

Letters from Cross Timbers SWCD #556 and Upper Leon SWCD #525 requesting special allocations for their districts because of the heavy dairy activity in these two districts were discussed. After discussion and on motion of Harvey Davis, seconded by Gene Sollock the Board voted to continue funding these two districts as in the past year by allocating each district \$5,000. Mr. Neiser informed the Board that \$48,652.94 was the remaining balance to be allocated and passed out proposals for the Board's consideration which showed the following amounts for each state area:

Area I - \$13,638.56
Area II - \$10,097.78
Area III - \$11,671.46
Area IV - \$ 4,327.62
Area V - \$ 8,917.52

The field staff was then directed to review the proposed allocations for district allocations within each area.

Bill Neiser then discussed FY96 Supplemental Technical Assistance Allocations and provided the Board a list of 125 districts who have submitted supplemental claims. He informed the board there would be \$130,000 available for supplemental payments making the maximum amount any district could receive be \$1,751.34. Discussion followed. Paul Robertson made the motion to distribute the funds as recommended by the staff and not discriminate against any district. There was no second to the motion. Mr. Robertson then made the same motion but took the word "discriminate" out and then the motion was seconded by Gene Sollock. Motion carried. Mr. Buckley then informed the Board that a transfer of funds between appropriations would be necessary and he wanted the board's approval to transfer the funds. On motion of Gene Sollock, seconded by Buddy Clark, the Executive Director was given approval to transfer funds as necessary.

Bill Neiser provided the Board a checklist showing which districts have filed their financial statements. He reported there were twenty-eight districts still out. Since the deadline was October 30th no grant fund payments are being released to any of the twenty-eight districts until their financial statements have been received in the State Board office.

Mr. Neiser updated the Board on the 1998-1999 Biennium Legislative Appropriation Request. He said since the last Board meeting he and Mr. Buckley have met with both the budget analysts from the Legislative Budget Board and the Governor's Budget and Planning Office. They have been very supportive and cooperative.

The Board then went back to the FY97 Subchapter H Technical Assistance allocations they had discussed earlier. The Field Representatives had reviewed and worked out district allocations within the area. On motion of Gene Sollock and seconded by Paul Robertson, the Subchapter H Technical Assistance allocations were approved as proposed. (Copy attached) Mr. Buckley reminded the Board and staff that no communication or payments of the allocations would take place before December 2 or later provided funds are deposited to agency appropriations.

Bill Neiser provided attendance breakdown for the Annual Statewide Meeting of Soil and Water Conservation District Directors held in Fort Worth, September 16-18, 1996. Mel Davis asked if the Board had any comments or suggestions for future state meetings. Harvey Davis asked about two resolutions that were passed that pertained to the State Board. He was informed the State Board would be getting a letter from the Association by the next Board meeting for action to be taken.

Mel Davis discussed the Conservation Awards Program and discussed the possibility of plaques for Roddy Peebles and Barry Mahler. The field staff advised they would like to see this done at the area awards banquets next Spring. The Board was informed that field staff has been informed of the information Clyde Gottschalk had developed on production possibilities available for videos for the area awards banquets.

Mel Davis discussed the Governor's Award for Environmental Excellence. He said so far several entries have been received.

Mr. Davis discussed the status report on District Agreements with NRCS-USDA and the State of Texas and provided a list of districts who have signed the agreement.

Mr. Davis then provided the Board a checklist of district director election results for Zone Four for their review and information.

Randy Jones gave a recruiting and staffing update saying there were 28 employees in Temple, 59 statewide with two vacancies to fill.

Clyde Gottschalk reported on Public Information/Education activities. He discussed an Ag Symposium to be held in Canyon on December 13, 1996 and provided the Board a copy of the program entitled "The Ag Producer's Role in Environmental Stewardship". He advised there would be a District Director Training Workshop in Temple on January 7-8, 1997 and registration forms were currently being received. Mr. Gottschalk provided a list of TSSWCB news articles published since September 1, 1996; quarterly reports on Section 319 NPS news articles from July 1, 1996 to September 30, 1996. He also discussed meetings he had recently attended regarding the State Wildlife Program; Project Food, Land and People; and Soil Stewardship Program with FFA.

Bob Buckley advised the Board that prefiling of legislation for the 1997 Legislative Session has begun.

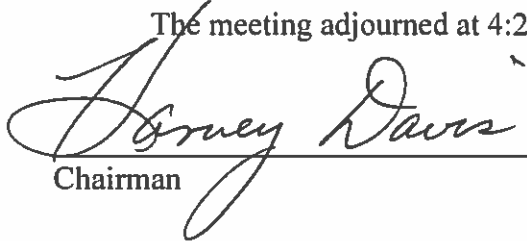
Mr. Buckley reported to the Board on the Performance Measures Audit recently done by the State Auditor's Office. He explained the auditors failed to certify four out of seven measures. He advised the Board he has requested the State Auditor's Office to come in and do an overview on all our programs and they will be in the Temple office the week of December 9, 1996.

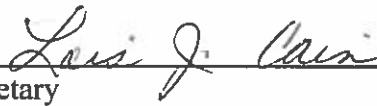
Board member travel was discussed. Members were asked for accommodations they prefer for the national NACD meeting to be held in Kansas City, Missouri for

February 2-5, 1997. Reservations will be made starting on Sunday unless the staff is advised differently.

The next regular State Board meeting is scheduled for January 15, 1997.

The meeting adjourned at 4:20 p.m.



Chairman


Secretary

1-24-97
Date

I certify that the above is a correct and true copy of the minutes for the Texas State Soil and Water Conservation Board meeting held on November 20, 1996.

1-24-97
Date


Executive Director