

**Minutes**  
**TEXAS STATE SOIL & WATER CONSERVATION BOARD**  
**January 4, 2001**

The Texas State Soil and Water Conservation Board met on January 4, 2001, at 8:00 a.m. in its Hearings Room at 311 North Fifth Street, Temple, Texas.

Board members present were:

Edward G. Albrecht, Chairman  
T. Wayne Register, Vice Chairman  
Donald Swann, Member  
James K. (Rooter) Brite, Member

Staff members present were:

Robert G. (Bob) Buckley, Executive Director  
James M. Moore, Director of Conservation Programs  
Mel Davis, Director of District Operations  
Bobbie Stephens, Director of Administration  
Bryan Daniel, Director of External Customer Relations  
John Millican, Program Administrator  
Johnny Oswald, Program Administrator  
Sam Unberhagen, Program Specialist  
Dawn Heitman, Human Resources Specialist  
Donna Long, Program Specialist  
Julia Jeske, Program Specialist  
John Foster, Program Specialist  
Richard Egg, Engineer  
Lee Munz, Planner  
Andrea Pennington, Accountant  
Kenny Zajicek, Contract Manager  
Clay Wright, Technical Writer  
Kevin Canfield, Planner  
Lois J. Cain, Administrative Technician

Others present were:

State Representative Rick Hardcastle  
Freddie Williams, Natural Resources Conservation Service  
Tim Buscha, Natural Resources Conservation Service  
Clyde Bohmfalk, Texas Natural Resources Conservation Commission  
George Noelke, Attorney General's Office  
Dr. Sam Feagley, Texas Agriculture Extension Service

Kraig Gallimore, Texas Water Development Board  
Jeff Walker, Texas Water Development Board  
Dr. Clarence Richardson, Agriculture Research Service

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

The Board then considered excusing Board Member Dayton Elam from attendance of the board meeting per Section 201.0151 of the Agriculture Code. Mr. Elam had very recently undergone heart by-pass surgery. On motion of Rooter Brite, seconded by Donald Swann, Mr. Elam was excused.

Minutes from the November 13, 2000 board meeting were considered. On motion of Wayne Register, seconded by Rooter Brite, the minutes were approved as mailed.

Mel Davis presented district director appointments and advised all met the qualifications and appeared to be in order. On motion of Donald Swann, seconded by Wayne Register, the following district director appointments were approved:

Craig Williams, Moore County SWCD #137  
Jody Schumann, Midland SWCD #244  
John Alex Sample, Gonzales County SWCD #338  
Cody E. Gillispie, Wise SWCD #548  
Ben Buerger, Archer County SWCD #559

Mel Davis provided information for State Board member elections which will be held on May 1, 2001 in State Areas I, III and V at the following locations and times:

- Area I - Plainview Country Club  
Multi Purpose Room  
2902 West 4<sup>th</sup>  
Plainview, Texas  
6:00 PM
  
- Area III - Yoakum Community Center Complex  
105 Huck  
Yoakum, TX  
5:00 PM

Area V - Tarleton State University  
Student Development Center, Room 219  
Stephenville, TX  
6:00 PM

State Representative Rick Hardcastle was introduced by Board member Rooter Brite and the Board offered to answer any questions Representative Hardcastle might have concerning safety and liability issues relative to flood control structures sponsored by soil and water conservation districts. The Board then took up the agenda item concerning Safety and Liability Issues Relative to Flood Control Structures in order for Representative Hardcastle to hear discussion and background information on the subject. James Moore reported that some districts are not receiving adequate funding from counties to cover the cost of required maintenance and that there has been concern expressed over the potential liability of districts in the case of dam failure because of lack of proper maintenance. The Board was provided a draft letter to districts in the PL 534 program, describing potential liability and responsibility for maintenance and recommending that they approach counties to ensure adequate funding is provided for proper maintenance. Staff proposed to follow up on discussions with the Natural Resources Conservation Service personnel and then send the letter to all districts with PL 534 responsibility. On motion of Rooter Brite, seconded by Wayne Register, the letter was approved. Mr. Register then expressed the Board's thanks to Mr. Noelke for his efforts in resolution of this issue. The Board then discussed other problems several districts are facing concerning encroachment of urban developments on or near some dam sites. Representative Hardcastle advised the Board of some ideas that are being discussed

in the legislature and asked the Board for any input and ideas they may have concerning liability issues. Bob Buckley expressed the Board's appreciation to Representative Hardcastle for his time, concern, and support.

Mel Davis discussed the Regional Conservation Awards Program and banquets and provided a list of dates and locations.

Mr. Davis also provided a letter from NACD advising that the Goodyear Tire and Rubber Company will no longer sponsor the Goodyear/NACD Conservation Awards Program after this year. Several options are being considered by the NACD Executive Board.

Mr. Davis provided information to the Board on the upcoming NACD national meeting being held in Fort Worth, Texas on February 4-8, 2001 at the Radisson Plaza Hotel.

Mr. Davis reviewed the final Statement of Revenues and Expenses of the 2000 Annual Statewide Meeting of Soil and Water Conservation District Directors held in Fort Worth, Texas on October 2-4, 2000.

Mel Davis discussed future annual statewide meeting sites. He stated a partial payment to the San Antonio Municipal Auditorium had been processed and mailed for the 2001 annual meeting to be held there. He also has contracts for the 2002 meeting being held in Corpus Christi. Currently he is working with El Paso for facilities in 2003 (October 20-22, 2003). The Board had requested staff to pursue Austin for 2004. Mr. Davis had not received any information from Austin and the Board asked staff to continue to pursue the matter.

A written report was provided the Board on Public Information/Education Activities. It was noted that a District Director Training Conference would be held on January 9-10, 2001 in Temple primarily for newly elected or newly appointed district directors.

Freddie Williams provided the Natural Resources Conservation Service report and introduced Tim Buscha who will be working with water quality issues. He advised the State Technical Committee meeting that was set for December had been cancelled due to an ice storm. He said NRCS is dealing with a lot of ice damage to trees in north and northeast Texas.

Clyde Bohmfalk from the Texas Natural Resources Conservation Commission brought greetings from his Chairman and Commissioners and said he appreciated the opportunity to attend.

Dr. Sam Feagley updated the Board on the activities of the Texas Agriculture Extension Service. He said they were working closely with NRCS on nutrient management programs and workshops; were involved in looking at phosphorus extraction methods; gave updates on manure management training areas; and discussed having a number of people within the Texas A & M University System working on TMDLs.

Jeff Walker from the Texas Water Development Board (TWDB) introduced Kraig Gallimore who has been designated to attend Board meetings as a representative of TWDB. Mr. Gallimore discussed status of SB 1 regional water plans. He said all plans are scheduled to be received by January 5, 2001. He stated

several grants had been approved at the TWDB's last board meeting for several soil and water conservation districts.

Dawn Heitman provided the Human Resource Report and said there had been three new hires - Kendria Whitaker as Field Representative in Area III, John Foster as Program Specialist with the TMDL Team and Bryan Daniel as Special Assistant for External Customer Relations. There had been one promotion, Clay Wright as Technical Writer for Conservation Programs and one resignation, Chris Anzaldua from the Harlingen office. We are currently recruiting for two positions - Engineer in the Harlingen office and Information Specialist in the Temple office. Total current staff is 63. She also provided an update on Affirmative Action and Employee Training. Rooter Brite moved to accept her report, seconded by Don Swann, carried.

Dawn Heitman provided a copy of the proposed Human Resources Policies and Procedures Manual and advised the Board the agency is required to have a current and adopted Human Resources Manual. On motion of Wayne Register, seconded by Rooter Brite, the Board adopted the manual as presented.

Andrea Pennington updated the Board on the status of district financial statements and audits.

Bobbie Stephens presented the Budget versus Expenditure Report for Fiscal Year 2001 ending December 2000.

Ms. Stephens briefly discussed the agency's Fiscal Year 2001 Travel Report ending December 2000.

Ms. Stephens discussed allocations to Districts of Agriculture Soil and Water Conservation Account 563 (Subchapter H Technical Assistance) and provided

proposed allocations as worked out with input from field representatives.

Recommendations were:

Area I	-	\$8,341.84
Area II	-	\$6,176.17
Area III	-	\$7,299.11
Area IV	-	\$2,646.93
Area V	-	\$5,454.28
<b>Total</b>	-	<b>\$29,918.33</b>

On motion of Rooter Brite, seconded by Don Swann, the Board approved staff recommendations. (Copy attached)

Bobbie Stephens discussed the Fiscal Years 2002 and 2003 Legislative Appropriation Request. She provided a copy of a letter sent to key legislative officials concerning an amendment to Exceptional Item #2 that had been approved at the November 13, 2000 board meeting entitled State Brush Control Program for Water Yield. The amendment would include initial funding for eight watersheds. She advised that staff has not received any replies from the letter.

Bob Buckley discussed the Senate Committee assignments for the 77<sup>th</sup> Legislature and provided a list.

Sam Unberhagen provided the status report on the Water Quality Management Program. He reported 270 plans had been certified and 71 status reviews had been done as of January 4, 2001 for Fiscal Year 2001. He said since last board meeting three complaints had been received, one had been investigated and two were in the process of being investigated.

Donna Long provided a status report on Section 319(h) of the Clean Water Act. She said base grant funding for 2001 would have an approximate increase of

\$800,000. Currently they are awaiting EPA approval. James Moore updated the Board on the North Bosque manure hauling contract and activities in the watershed. He said a Technical Contractor will be hired under a contract with the Texas Institute for Applied Environmental Research. Ms. Long said some finished compost is now available and will be applied on the Highway 281 project through the efforts of Texas Department of Transportation.

Donna Long presented a status report on TMDLs including Bosque River, Big Cypress Creek, Arroyo Colorado River and Aquilla Reservoir. Julia Jeske reported there would be a public meeting held on the Aquilla Reservoir TMDL on January 9, 2001.

James Moore discussed the Water Quality Management Program Cost Share Reallocation Process and presented staff recommendation as follows:

All un-obligated funds will be released to the State Board on March 1. Funds will be reallocated based on the following priorities:

1. Un-obligated funds will return to the priority area originally allocated if there are districts in that priority area that obligated all their allocation and submit a written request for additional funds including a listing of certified water quality management plans to be funded. All requests for additional allocations must be received by the State Board on or before March 1 and must be based on certified water quality management plans ready for funding.
2. All remaining released funds would be reallocated to other priority areas as determined by the State Board.



On motion of Wayne Register, seconded by Donald Swann, the Board adopted the guidelines as presented.

Sam Unberhagen provided a report on Water Quality Management Program cost share obligations by district and priority area. With less than two months to go, a tremendous amount of activity is expected before the March 1 deadline.

James Moore discussed requested changes to the Approved Water Quality Management Program Cost Share List. He presented staff recommendations that "use exclusion" be taken off the cost share list. On motion of Wayne Register, seconded by Don Swann "Use Exclusion" (472) was removed as recommended. Mr. Moore then discussed a request from Dalworth Soil and Water Conservation District #519 to include the following four additional practices to the list: (329A) Residue Management, No-Till; (329B) Residue Management, Mulch-Till; (332) Contour Buffer Strips and (595) Pest Management. After discussion and on motion of Wayne Register, seconded by Rooter Brite, the Board approved staff recommendations to approve the addition of Contour Buffer Strips (332) to the approved cost share list and to continue to cost-share only structural practices at this time until the results of pilot projects evaluating the effectiveness of cost sharing management practices are completed.

Mr. Moore then discussed a letter from the Hopkins-Rains Soil and Water Conservation District #445 requesting to add "Closure of Waste Impoundment" to the cost share practice list. Mr. Moore advised the Board that staff had not had time to look at the pros and cons of the request and was reluctant to make a

recommendation at this time. On motion of Wayne Register, seconded by Don Swann, the request was deferred until the March board meeting.

Johnny Oswald provided a progress report on the North Concho River Brush Control Project. He said one new contract had been signed since the last board meeting making a total of 93 contracts. Mr. Oswald discussed some concerns on tree shearing and he said he feels a good job is being done. He said there are plans to conduct a workshop on tree shearing for landowners that will be working their own land.

Rooter Brite reported on the Grazing Lands Conservation Initiative (GLCI) meeting he had recently attended in Las Vegas, Nevada. He said it was a very positive meeting with good participation by the 869 registered attendants.

Bob Buckley advised the Board of state involvement in the American Farm Bureau versus EPA lawsuit on newly adopted TMDL regulations. Clyde Bohmfalk representing the Texas Natural Resources Conservation Commission, discussed the status of their involvement in the suit. George Noelke, Assistant Attorney General, suggested to the Board to allow him time to discuss the issue with the Attorney General's Office and advise them before making a decision about possible State Board involvement.

James Moore discussed manure-hauling rates in the North Bosque Watershed. He said a technical person to oversee this has not yet been hired and staff from the Dublin Regional Office had been overseeing the process. Mr. Moore said he hopes to have a technical person in place very shortly to clear up problems that appear to be taking place.

Bobbie Stephens provided a Board Member Travel Report for their review and information.

The next regular Board meeting was set for March 15, 2001.

James Moore discussed approval of brush control feasibility studies for the following: Pedernales, Nueces, Frio, Edwards Aquifer, Wichita, Canadian, and Upper Colorado-Concho watersheds. He reported that final copies of all seven feasibility studies had been received and appeared to meet contractual requirements. Staff recommended approval by the Board so the studies could be distributed to Members of the Legislature and affected soil and water conservation districts on January 5, 2001. On motion of Wayne Register, seconded by Donald Swann, the feasibility studies were approved.

Mr. Moore then discussed selection of future brush control feasibility study areas. He said funding for additional feasibility studies may be included in the base request of the agency's Legislative Appropriation Request and the Board should begin consideration of additional areas to be studied. Staff recommended the following as priority for future feasibility studies: Palo Pinto Lake Watershed, Lake Brownwood Watershed, Lake Fort Phantom Hill Watershed, Lake Arrowhead Watershed, and Lake Proctor Watershed. On motion of Wayne Register, seconded by Donald Swann, the Board adopted this list of high priority areas as potential study areas.

James Moore discussed the Water Quality Management Program Priority Evaluation Process. He said the Evaluation Procedure had been developed and presented at the November 13, 2000 board meeting where the Board directed the

staff to conduct a test run of the process. Mr. Moore said the process appears to do what the Sunset Commission had recommended. After discussion on motion of Rooter Brite, seconded by Wayne Register, the Board adopted the final evaluation procedure, which would reduce district allocations by the average amount lapsed over the previous five fiscal years in increments of 15 per cent of the districts previous allocation and maintain a \$10,000 minimum allocation.

Mel Davis informed the Board he had finally received some information from Austin as a possible site for the 2004 Annual Statewide Meeting of Soil and Water Conservation District Directors and said the Hyatt Regency Hotel quoted availability at \$165.00 per room. The Board requested staff to continue working with Austin.

On motion of Wayne Register, seconded by Donald Swann, the meeting adjourned at 1:45 p.m.

Edward A. Albert  
Chairman

Lain J. Cain  
Secretary

March 21, 2001  
Date

I certify that the above is a true and correct copy of the minutes of the State Soil and Water Conservation Board meeting held on January 4, 2001.

March 21, 2001  
Date

Robert L. Buckley  
Executive Director