

Meeting Minutes
TEXAS STATE SOIL & WATER CONSERVATION BOARD
January 16, 2003

The Texas State Soil and Water Conservation Board met on January 16, 2003, at 8:00 a.m. in its Hearings Room at 311 North Fifth Street, Temple, Texas.

Board members present were:

T. Wayne Register, Chairman
Dayton Elam, Vice Chairman
Don Swann, Member
Edward G. Albrecht, Member
W. T. (Dub) Crumley, Member

Staff members present were:

James M. Moore, Executive Director
Bobbie Stephens, Director of Administration
Kris Parker, Director of External Customer Relations
Mark Cochran, Director of Conservation Programs
Jeff McAdams, Director of District Operations
Kevin Wagner, Natural Resources Specialist
Dawn Heitman, Human Resources Specialist
Richard Egg, Engineer
John Foster, Natural Resources Specialist
Donna Long, Program Specialist
Kenny Zajicek, Contract Manager
Jason McAlister, Planner
Jay Bragg, Planner
Kevin Canfield, Planner
Sam Unberhagen, Program Specialist
Lee Munz, Program Specialist
Avery Buckholt, Information Specialist
John Millican, Program Administrator
Marianna McKown, Administrative Technician
Vicki Davis, Executive Assistant

Others present were:

George Noelke, Attorney General's Office
Salvador Salinas, Natural Resources Conservation Service
Kathleen White, Texas Commission on Environmental Quality
Derrick Seals, Texas Commission on Environmental Quality
Clyde Bohmfalk, Texas Commission on Environmental Quality
Allan Colwick, Wilson Company

Virgil Helms, Wilson Company
Alan Jones, Texas Agricultural Experiment Station
Bret Raymis, Adventure Landscape
Tamara Daniel, Association of Texas Soil & Water Conservation Districts

Chairman Register called the meeting to order at 8:05 and welcomed those present.

AGENDA ITEM 1. Accept Public Comments on Amendments to 31 TAC Chapter 517 Brush Control Program.

Chairman Register requested comments. None were offered.

AGENDA ITEM 2. Minutes of the November 21, 2002 Board Meeting

Chairman Register called for a motion to approve the minutes of the November 21, 2002, meeting as mailed. Mr. Albrecht moved that the minutes be approved. Mr. Crumley seconded the motion. The motion passed unanimously.

AGENDA ITEM 3. District Director Appointments

Mr. McAdams presented district director appointments for the Board's consideration and verified they were in order and met all qualifications. Mr. Albrecht moved the appointments be approved contingent upon all paperwork being received in the Temple office. Mr. Swann seconded the motion. The following appointments were unanimously approved:

Rolan R. Brewster, High Point #230
Kyle C. Brookshier, High Point #230
Barbara Linn, Matagorda County #316
Gary Schott, Alamo #330
Alton Schneider, Alamo #330
Clifford L. Brown, III, Navarro #514
Sid McGuire, Miller Brazos #542
Ivan Neal, Frio #325

AGENDA ITEM 6. Format of Board Meetings, Briefing of Board Members

Mr. Moore stated that the agency is undertaking more complex issues therefore, he asked the board to consider holding briefings outside of scheduled board meeting time. George Noelke explained that if more than one or two members were present, the briefings would need to be posted. After discussion, board members stated they were in favor of briefings but would prefer they be held the afternoon before the actual board meeting.

AGENDA ITEM 7. Subdivision Boundary Changes for Coke County SWCD #219

Mr. McAdams presented a request from Coke County SWCD #219 for changes in their subdivision boundaries. Mr. Elam moved that the requested changes be approved, Mr. Swann seconded and the motion passed unanimously.

AGENDA ITEM 8. Status Report of District Financial Statements and Audits

Ms. Stephens reviewed the agenda information and reported the field representatives are working with districts that do not have their financial statements in at this time. She also stated that Cottle SWCD and Cochran SWCD are on hold at their field representative's request,

AGENDA ITEM 9. Budget vs. Expenditure Report Ending December 31, 2002

Ms. Stephens reviewed the agenda information.

AGENDA ITEM 10. Clean Water Act 319(h) Status Report

Mr. McAlister deferred to Mr. Canfield. Mr. Canfield reviewed the agenda information.

AGENDA ITEM 11. NACD Spring Legislative Conference

Mr. Moore explained that out of state travel, other than the NACD Annual Meeting, must be approved by the Board. After polling the Board members it was decided Mr. Elam, Chairman Register and Mr. Crumley would attend the Conference. Mr. Swann moved the board approve Mr. Elam, Chairman Register and Mr. Crumley's travel to Washington D.C., Mr. Albrecht seconded and the motion passed unanimously.

AGENDA ITEM 12. Human Resources Report

Ms. Heitman reviewed the agenda information. Chariman Register and Mr. Moore welcomed our new employees.

AGENDA ITEM 13. Status Report on Brush Control Program

Mr. Wagner reviewed the agenda information and answered questions from the Board. Mr. Albrecht moved the Brush Control Program 2002 Annual Report be approved contingent upon final revisions. Mr. Elam seconded and the motion passed unanimously.

AGENDA ITEM 14. Consideration of Request for Addition of San Saba River to the State Brush Control Plan

Mr. Wagner reviewed the agenda information and answered questions from the Board. Mr. Elam moved that the San Saba River and Cherokee Creek watershed be assessed for inclusion in the State Brush Control Plan. Mr. Swann seconded and the motion passed unanimously.

AGENDA ITEM 15. Approval of Brush Control Feasibility Studies for Lake Brownwood, Lake Palo Pinto, Lake Fort Phantom Hill, Lake Arrowhead

Mr. Wagner reviewed the agenda information. Mr. Crumley moved that the feasibility studies for Lake Brownwood, Lake Palo Pinto, Lake Fort Phantom and Lake Arrowhead be approved. Mr. Elam seconded and the motion pass unanimously.

Chairman Register called for public comments on the brush program rules. None were made.

AGENDA ITEM 5. Reports from Agencies and Guests.

Allan Colwick and Virgil Helms, Wilson & Company, a technical service provider working with NRCS and the Association made a presentation and answered questions.

Tamara Daniel, Association of Texas Soil & Water Conservation Districts, discussed the NACD Conference in Orlando, the NACD Spring Legislative Tour, and the upcoming Texas legislative session.

Clyde Bohmfalk, Texas Commission on Environmental Quality deferred to Commissioner White.

Alan Jones, Texas Agricultural Experiment Station reviewed their upcoming projects.

Salvador Salinas, Natural Resources Conservation Service discussed: NRCS is still operating on a continuing resolution; continuing to work on staffing; EQIP rules; meeting in Victoria concerning the Farm Bill.

Bret Raymis, Adventure Landscape, discussed his company's new method of brush control.

AGENDA ITEM 4. North Bosque TMDL Implementation Plan

Commissioner White, TCEQ introduced herself to the board and stated she is pleased with the plan as a first step. Donna Long reviewed the agenda information concentrating on the changes made after receipt of public comments. Mr. Moore and Ms. White explained that TCEQ and TSSWCB rules might have to be revised to facilitate the changes made in the plan. Mr. Moore emphasized that the plan is directed at the Bosque only, not the entire state.

Mr. Albrecht moved that the Implementation Plan for Soluble Reactive Phosphorus in the North Bosque River Watershed be approved. Mr. Crumley seconded and the motion passed unanimously.

AGENDA ITEM 1. Chairman Register called for public comments on the brush program rules. None were made.

AGENDA ITEM 21. Consider adoption of 31 TAC Chapter 523, Agricultural and Silvicultural Water Quality Management

John Foster reviewed the agenda information and discussed changes to the proposed rules as a result of public comments.

Mr. Elam moved that 31 TAC Section 523.8 be adopted. Mr. Swann seconded and the motion unanimously passed.

AGENDA ITEM 22. Revision to the CNMP Technical Guide

Mr. Foster reviewed the agenda information. Mr. Albrecht moved that the Board approve the revision to the CNMP Technical Guide. Mr. Swann seconded and the motion passed unanimously.

AGENDA ITEM 16. Adoption of 31 TAC Chapter 517 Brush Control Program

Mr. Wagner reviewed the agenda information, and requested action from the Board on the following:

(1) The Foard County SWCD opposed a 100% allocation to critical areas

On motion of Mr. Swann seconded by Mr. Crumley the board did not accept this change by unanimous vote.

(2) The TPWD (Texas Parks and Wildlife Department) recommended adding the following wording to §517.37(c):

“TPWD will provide technical assistance to the critical area working group in the development and implementation of the brush control plans.”

On motion of Mr. Elam seconded by Mr. Albrecht the board unanimously approved this change.

(3) The TPWD recommended adding the word “native” to §517.27(c)(5) to read:

“will allow the revegetation of the area after the brush is removed with **native** plants that are beneficial to livestock and wildlife.”

On motion of Mr. Swann seconded by Mr. Albrecht the board did not accept this change by unanimous vote.

(4) The Texas Department of Agriculture recommended adding the underlined wording to §517.23(5) so that the definition of brush control reads as follows:

“The selective control, removal, or reduction of noxious brush such as mesquite, prickly pear, salt cedar, or other phreatophytes that, as determined by the State Board, consume water to a degree that is detrimental to water conservation; and the revegetation of land on which this brush has been controlled.”

Staff suggested deleting prickly pear and adding juniper which is a change TDA agrees to. Mr. Elam moved the change be accepted with the substitution of juniper for prickly pear. Mr. Swann seconded and the motion passed unanimously.

(5) The TDA recommended the following change to §517.25(a):

“Prior to designating a critical area, the State Board, in cooperation with affected SWCDs, other agencies, universities, and appropriate local interest, may shall study the feasibility of utilizing brush control to conserve water.”

On motion of Mr. Elam seconded by Mr. Crumley the board accepted the change unanimously.

(6) The TDA recommended that notice in the *Texas Register* be required in §517.24(c) regarding the public hearing to consider the Brush Control Plan.

On motion of Mr. Albrecht seconded by Mr. Crumley the board accepted the change unanimously.

(7) The TDA recommended that §517.37(c) be expanded to include “notification of working group meetings in the *Texas Register* and/or to other agricultural interests in the affected area.”

Mr. Wagner explained that staff planned on using mailouts for notification instead of the *Texas Register* which would be burdensome. He recommended the wording read: “to other agricultural interests in the affected area.”

On motion of Mr. Albrecht seconded by Mr. Crumley the board accepted TDA’s recommended change as amended.

On motion of Mr. Crumley seconded by Mr. Swann the board unanimously approved the final brush control rules be adopted with changes listed above.

AGENDA ITEM 17. Approval of Brush Control Program Reference Guide

Mr. Wagner reviewed the agenda information. Mr. Albrecht moved the Brush Control Program Reference Guide be approved, Mr. Swann seconded and the motion passed unanimously

AGENDA ITEM 18. Public Information/Education Report

Ms. Parker reviewed the agenda information. In response to board questions Ms. Parker stated that district fact sheets have been completed, they will be available on the agency’s website and fact sheet packets will be assembled and distributed to each legislator.

AGENDA ITEM 19. Legislative Update

Ms. Parker presented a legislative update including: Speaker to be Tom Craddick, explanation of some standing committees and suggestions for dealing with budgetary shortfall.

AGENDA ITEM 20. Update on Senate Bill 1339

Mr. Cochran reviewed the agenda information.

AGENDA ITEM 23. Status Report on TMDL Program

Ms. Long reviewed the agenda information including updates since compilation of the board handout.

AGENDA ITEM 24. Revision of West Texas Priority Area to Consider Adding Any Dry Cropland Under Water Quality Management Plan Program

Mr. Cochran reviewed the agenda information. Following discussion, a motion was made by Mr. Elam seconded by Mr. Albrecht to approve the expansion of the West Texas Water Quality Management Program Priority to include non-irrigated cropland while maintaining irrigated cropland as the highest priority. The motion passed unanimously.

AGENDA ITEM 25. Water Quality Management Program Status Report

Mr. Unberhagen reviewed the agenda information.

AGENDA ITEM 26. Allocation of FY 03 Water Quality Cost Share Funds

Mr. Unberhagen reported that no requests for funds had been received.

AGENDA ITEM 27. Flood Control Dam Rehabilitation Projects

Mr. Egg explained that the board must approve Site 18A, Little Elm Watershed and Laterals Watershed Project before it can receive federal funds.

On motion of Mr. Elam seconded by Mr. Swann, the motion to approve Site 18A, Little Elm Watershed and Laterals Project passed unanimously.

AGENDA ITEM 28. District Director Elections

Mr. Moore deferred to Ms. Parker. Ms. Parker reviewed two possible changes to the district director election statutes.

§201.073 states "During July of each year, the directors shall designate a date, time and place for that year's election of directors." This language would present a problem to districts who do not hold board meetings during the month of July. Several suggested options were discussed. Mr. Crumley moved that staff initiate contacts with legislators to make statutory changes which would get relief for the July time frame. Mr. Swann seconded and the motion passed unanimously.

Discussion was held as to the length of time for the filing period. This matter will be discussed with field staff.

AGENDA ITEM 29. State Board Member Elections

Mr. Moore stated the first election mailing will go out on January 29, 2003.

AGENDA ITEM 30. Set Date for Next Board Meeting

The date of the next Board meeting was set as March 27, 2003.

Chairman Register declared the meeting adjourned at 11:10 a.m.

J. W. [Signature]
Chairman

Justin L. Davis
Secretary

3/27/03
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 16, 2003.

April 2, 2003
Date

James M. [Signature]
Executive Director