

**Minutes**  
**TEXAS STATE SOIL AND WATER CONSERVATION BOARD**  
**March 12, 2002**

The Texas State Soil and Water Conservation Board met on March 12, 2002  
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  
Dayton Elam, Member  
Donald Swann, Member  
W. T. (Dub) Crumley, Member

Staff members present were:

Robert G. (Bob) Buckley, Executive Director  
James M. Moore, Deputy Executive Director  
Mel Davis, Director of District Operations  
Bobbie Stephens, Director of Administration  
Kris Parker, Director of External Customer Relations  
Kevin Wagner, Conservation Program Manager  
Kevin Canfield, Planner  
Sam Unberhagen, Program Specialist  
Clay Wright, Network Specialist  
John Foster, Natural Resources Specialist  
Lee Munz, Planner  
Dawn Heitman, Human Resources Specialist  
Lois J. Cain, Administrative Technician

Others present were:

Tomas Dominguez, Natural Resources Conservation Service  
Salvador Salinas, Natural Resources Conservation Service  
Bryan Daniel, Rural Development  
George Noelke, Attorney General's Office  
Russell Gregorczyk, Jensen & Gregorczyk Certified Public Accountants  
Dr. Allan Jones, Texas Water Resource Institute  
Jose Dodier, Association of Texas Soil & Water Conservation Districts

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

On motion of Wayne Register, seconded by Donald Swann, the minutes from the January 17, 2002 board meeting were approved as mailed.

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

Leonard Lawson, Lamb Co. SWCD #130  
J. M. (Mark) McKiernan, McClellan Creek SWCD #156  
Leon Jurena, Lavaca SWCD #334  
Stuart Traylor, Montgomery Co. SWCD #452  
Grady Gibson, Hill Country SWCD #534

Bobbie Stephens introduced Russell Gregorczyk of Jansen & Gregorczyk Certified Public Accountants who discussed the final draft report of the Texas State Soil and Water Conservation Board's Internal Audit of Human Resource Systems and Controls. He stated the agency had a very good human resource system in place. He suggested adding a couple of subjects to the Human Resource Manual and staff agreed to the recommendations. On motion of Dayton Elam, seconded by Donald Swann, the Board adopted the report as presented. Mr. Gregorczyk said the next program to be audited would be the Brush Control Program beginning in March.

Mel Davis provided information on dates and locations of each area conservation awards banquet which are:

Area I	-	May 9, 2002 – 7:00 PM Plainview Country Club Plainview, TX
Area II	-	May 7, 2002 – 7:00 PM Sutton County 4-H Civic Center Sonora, TX

- Area III - May 1, 2002 – 6:00 PM  
Bee County Coliseum  
Beeville, TX
- Area IV - May 7, 2002 – 6:00 PM  
Norman Activity Center  
Jacksonville, TX
- Area V - May 2, 2002 – 7:00 PM  
Tarleton State University  
Stephenville, TX

Mr. Davis said State Board member elections would be held in State Areas II and IV on May 7, 2002 before the area awards banquets. He provided Mr. Albrecht and Mr. Register copies of the checklist of delegates that had been received as of the Board meeting date.

Bob Buckley reported on and provided a copy of the agency's testimony that was presented before the House Agriculture and Livestock Committee on February 26, 2002.

Kris Parker discussed the written Public Information/Education activities report which covered media outreach, web site development and maintenance, video library, soil stewardship public speaking contest, brush control program pamphlets and interoffice newsletters.

Ms. Parker then discussed future information and education activities which included conservation newsletters, pamphlets, fact sheets, brochures, press releases, and web site updates. She said she would like to have input from the soil and water conservation districts. Ms. Parker asked the Board if they wanted to prioritize the activities. Dayton Elam expressed his desire for the agency to have more contact with Farm Editors. Wayne Register felt we needed to promote the

agency's website at every opportunity and keep it updated. The Board felt the marketing and information plan targeting rural and urban audiences should be used.

Clay Wright made an in-depth presentation on the agency website and how to find it on the web ([www.tsswcb.state.tx.us](http://www.tsswcb.state.tx.us)). The Board said the site was impressive and should be promoted.

Tomas Dominguez was introduced as Acting State Conservationist for the Natural Resources Conservation Service in Texas and advised the Board that John Burt had announced his retirement from the NRCS effective March 30, 2002. He expressed the strength of the Partnership has to be kept in place and advised the Board his door was open to them. Salvador Salinas presented a written NRCS report and gave a brief overview. He said NRCS will hire 30 summer trainees. He also advised they were currently taking applications for EQIP; every SWCD in Texas is to receive a CCE compliant computer; partnering with FSA and Rural Development on a telecommunication project in West Texas; McLennan County Soil Survey has been published. Donald Swann asked how many soil surveys were still needing to be done and Mr. Salinas said twelve, two are currently being done and modifications are also being done on older surveys.

Bryan Daniel, Director of USDA Rural Development invited the Board to let his agency know of needs in our areas for quality loans to help create and sustain jobs.

Mel Davis discussed final adoption of new 31 TAC Chapter 520, Elections. He said these rules would take care of requirements set by the agency's Sunset Legislation. There were questions concerning absentee voting on a Saturday from several districts. After discussion and on counsel from George Noelke of the

Attorney General's Office, the Board was advised districts may conduct absentee voting at a different site on the required Saturday if properly posted. They requested that districts be advised of this option. After discussion and on motion of Wayne Register, seconded by Donald Swann, the Board adopted the rules as proposed.

Mr. Davis then discussed staff recommendations on draft model rules for districts to implement Sec. 201.073, Agriculture Code. After discussion, the Board directed staff to respond to letters received from districts with questions and concerns regarding the proposed model rules. On motion of Donald Swann, seconded by Dayton Elam, staff was directed to send out the model rules for districts to consider in adopting their rules for conducting 2002 elections in Zones I and II.

Mr. Davis advised the NACD South Central Regional meeting will be in Amarillo at the Ambassador Hotel on July 21-23, 2002.

Mr. Davis discussed the NACD Spring Legislative Conference being held in Washington, D.C. on March 17-19, 2002. He provided an information sheet on appointments with legislative officials.

Kevin Wagner provided a status report on the brush control program. He said work is progressing at a rapid pace and that over 90,000 acres have been treated in the North Concho. He reported feasibility studies were progressing according to schedule in the Palo Pinto Lake, Lake Brownwood, Lake Fort Phantom Hill and Lake Arrowhead watersheds. He also discussed a time line for implementation of brush control projects in the Pedernales and Upper Colorado/Twin Buttes Reservoir watersheds.

Mr. Wagner discussed consideration of priorities for funding in the Pedernales and Twin Buttes/Upper Colorado Brush Control Projects. He said at an earlier meeting the Board had allocated \$11.3 million to the Upper Colorado/Twin Buttes Reservoir watershed and \$3.7 million to the Pedernales River watershed. Staff recommended the State Board allocate cost share funds in the Upper Colorado/Twin Buttes watershed as follows:

- \$6.75 million - Twin Buttes watershed
- \$1 million - Oak Creek Lake watershed
- \$ .5 million - Lake Ballinger watershed
- \$2.75 million - basin wide projects submitted by SWCDs

On motion of Donald Swann, seconded by Wayne Register, the Board approved as recommended. Twin Buttes sub-basins eligible for first sign up was discussed. Staff recommended the Board approve Twin Buttes sub-basins identified by the Upper Colorado River Authority as most cost effective to be eligible for the first sign-up for the \$6.75 million of FY 02-03 funds. On motion of Dayton Elam, seconded by Wayne Register, the Board approved as recommended. Mr. Wagner discussed Pedernales sub-basins priority and eligibility for the first sign up. Staff recommended the Board approve the 13 highest ranking Pedernales sub-basins to be eligible for the first sign up for the estimated \$3.2 million cost share funds available in FY 02-03. On motion of Donald Swann, seconded by Dub Crumley, the Board approved as recommended.

Sam Unberhagen discussed a written status report on water quality management plans. He said as of March 12, 2002, 574 water quality plans have been approved and 204 status reviews have been completed.

Mr. Unberhagen then discussed allocation of FY 02 water quality cost share funds. After discussion the staff recommended, in keeping with the Board's action

from last fiscal year, to fund the plans shaded on the attached spreadsheet and allocate the remaining balances from each priority area to fund statewide requests. The staff then recommended the Board fund all deferred and pending requests in the statewide program. Dayton Elam moved to follow staff recommendation, seconded by Wayne Register. Dub Crumley asked to discuss before voting. After discussion Donald Swann called for a question. The staff then recommended to fund statewide poultry requests using funds appropriated for implementing Senate Bill 1339, fund remaining requests using statewide funds which would leave a balance of \$68,697.28 in the statewide allocation as a contingency against complaint driven and other new requests. Motion carried. (Copy attached).

James Moore discussed the disposition of un-obligated water quality cost share funds. He said the funds in question are cost share funds which are released between March 1st and August 31<sup>st</sup>. Staff recommended any funds released from cost share after April 1<sup>st</sup> of this year and March 1<sup>st</sup> of subsequent years revert to the State Board for reallocation. On motion of Wayne Register, seconded by Dub Crumley, the Board adopted staff recommendation.

James Moore discussed a written status report on the Total Maximum Daily Load (TMDL) program. He said the Commissioners from the Texas Natural Resources Conservation Commission adopted the Aquilla Reservoir Implementation Plan on January 18, 2002, the day after the State Board had adopted the plan. The report also included the status of E. V. Spence Reservoir, Arroyo Colorado, Lake Toledo Bend Reservoir, Sam Rayburn Reservoir and atrazine projects on Lake

Waxahachie, Bardwell Reservoir, Richland Chambers Reservoir, Joe Pool Lake, Lake Lavon, Lake Tawakoni and Big Creek Lake.

John Foster provided a status report on implementation of Senate Bill 1339. At the January 2002 Board meeting, staff reported 95 poultry facilities located in sixteen soil and water conservation districts in East Texas did not meet the first deadline for obtaining a certified water quality management plan. He said since that time 74 have requested a plan and 21 still need to submit a request.

Mr. Moore briefly discussed a written report on funding for rehabilitation of flood control structures, PL 106-472. The Natural Resources Conservation Service submitted four applications for federal assistance in January 2002 from four sponsors. In February 2002 the NRCS' national office approved all four Texas requests. The first funded project will be Site 3C, East Fork Trinity above Lavon Lake in Collin County.

Technical assistance for State Water Quality Programs was discussed by James Moore who provided a corrected bar chart to replace one that had been passed out at the January 2002 Board meeting and contained an error.

Mr. Moore discussed a requirement in the Sunset Legislation for the Texas Water Development Board (SB 312) that requires they conduct a study jointly with the State Board of the ways to improve or expand water conservation efforts in the State and report to the Legislature.

Bob Buckley discussed Federal Farm Program Legislation and provided a House-Senate Farm Proposal developed by NACD. He said Conference Committees will begin on March 13, 2002.



Bobbie Stephens updated the Board on the status of the Technical Assistance survey. She provided comments received from districts and stated the overall consensus was the survey did not give staff and/or the workgroup enough information to set criteria. She proposed a meeting of the workgroup to discuss Arkansas' information and specific comments cited in survey comments.

Ms. Stephens provided an update on district biennium budget requests which included a checklist of districts and a summary of budget requests for the 2004-2005 biennium. The budget summary reflected request by districts for new Technical Assistance and Conservation Assistance grant funds.

Bob Buckley discussed the need to begin thinking about the Legislative Appropriation Request for the 2004-2005 biennium. He asked direction from the Board. After discussion and on motion of Wayne Register, seconded by Donald Swann, the staff was directed to request current brush control program level, technical assistance and conservation assistance at the level requested by the districts and \$750,000 as an exceptional item for the Texas Plant Material Centers.

Bobbie Stephens discussed the Strategic Planning Process and advised the Board that the performance measures due date had been moved to April 2, 2002. She also informed the Board of the volunteer workgroup that would be working with her through the process.

Ms. Stephens then provided and discussed the Budget Versus Expenditure Report in detail, ending February 28, 2002.

Dawn Heitman provided a Human Resource report and said the agency had one new hire, Nancy Stowell as Administrative Technician, and was currently

recruiting for an Information Specialist II and an Administrative Technician II. She also advised there were two resignations. Ms. Heitman updated the Board on employee training and affirmative action.

Ms. Heitman discussed State Board member training and provided an outline to be used in training of the two Board members that are elected on May 7, 2002 at the State Areas II and IV Board member elections. She said training would be conducted the day before the May Board meeting.

Bobbie Stephens provided a status report on the CWA Section 319(h) grant program. The agency is still awaiting approval from EPA for the 2002 grant package. Staff is currently updating the Milestone Schedule to be submitted to EPA by March 29, 2002 for review and approval. She also stated the staff and TNRCC is beginning the process of amending the Statewide Management Plan.

Ms. Stephens provided a copy of the travel and per diem report for Board members.

At 2:55 p.m. Chairman Edward Albrecht called the Board into Executive Session at the request of Bob Buckley to discuss the employment and duties of the Executive Director. The Executive Session ended at 3:30 p.m. The Board then reconvened in regular session at which time Bob Buckley read his resignation letter he had just presented to the Board effective August 31, 2002. Dayton Elam sadly moved to accept Mr. Buckley resignation and Donald Swann reluctantly seconded the motion. The Board then set the date of April 15, 2002 at 10:00 a.m. in Temple for their next meeting.

The May 2002 regular Board meeting was scheduled for May 21, 2002 at 8:00 a.m. and Board member training will be conducted on May 20, 2002.

On motion of Dayton Elam, seconded by Donald Swann, the meeting adjourned at 3:40 p.m.

Edward H Albrecht  
Chairman

Lois J Cain  
Secretary

4-15-02  
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 March 12, 2002.

4-15-02  
Date

Robert H Buckley  
Executive Director