

**Minutes**  
**TEXAS STATE SOIL AND WATER CONSERVATION BOARD**  
**May 17, 2001**

The Texas State Soil and Water Conservation Board met on May 17, 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  
Dayton Elam, Member  
Donald Swann, Member  
W. T. (Dub) Crumley, 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  
Kevin Wagner, Natural Resources Specialist  
Johnny Oswald, Program Administrator  
Sam Unberhagen, Program Specialist  
Donna Long, Program Specialist  
Julia, Jeske, Program Specialist  
John Foster, Program Specialist  
John Millican, Program Administrator  
Clyde Gottschalk, Program Administrator  
Tonni Balas, Information Specialist  
Kenny Zajicek, Contract Manager  
Dawn Heitman, Human Resource Specialist  
Lee Munz, Planner  
Kevin Canfield, Planner  
Lois J. Cain, Administrative Technician

Others present were:

Clyde Bohmfalk, Texas Natural Resources Conservation Commission  
George Noelke, Attorney General's Office  
Russell Gregorczyk, Jansen & Gregorczyk CPAs  
John Burt, Natural Resources Conservation Service  
Anne Dubey, USDA-Natural Resources Conservation Service  
Salvador Salinas, Natural Resources Conservation Service

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

Minutes from the March 21, 2001 Board meeting were considered. On motion of Dayton Elam, seconded by Wayne Register the minutes were accepted as mailed.

Mel Davis presented a district director appointment and advised the appointment met the qualifications and appeared to be in order. On motion of Wayne Register, seconded by Dayton Elam, the Board approved the appointment of Jerry L. Kirby to the Upper Llanos Soil and Water Conservation District #225.

Bob Buckley updated the Board on the 2002-2003 Legislative Appropriation Request and said the agency has three items that have been recommended for increase which includes brush control, East Texas poultry projects and an increase for funding to supplement the Clean Water Act 319 federal grant funds for manure hauling in the Bosque and Leon Watersheds.

Mr. Buckley said the agency's Sunset Legislation had been passed in the Senate and will go back to the House for concurrence.

Bryan Daniel updated the Board on other legislation he had been following that could affect soil and water conservation districts and their programs.

Clyde Bohmfalk reported on activities of the Texas Natural Resources Conservation Commission and their Sunset Legislation. He said the TNRCC and the TSSWCB would be working more closely together and extended an invitation for a joint meeting between the two agencies to get to know each other better. On motion of Wayne Register, seconded by Dayton Elam, the Board voted to

participate in a joint meeting with TNRCC and requested that Mr. Bohmfalk work with staff to make necessary arrangements.

Clyde Gottschalk provided a written report on activities of the Public Information/Education Department. He said the regional and state wildlife program has been completed for the year with excellent results. He also said the new video catalog is at the printers and would soon be available. Mr. Gottschalk advised a conservation education seminar for soil and water conservation district employees is being planned for August.

Dawn Heitman gave the Human Resource update and said recruiting for an engineer for the Harlingen Regional Office is still underway. She also reported on employee training and the Affirmative Action/Recruitment Plan which showed 65 FTEs for the agency and a total number of minority employees as 32.

Ms. Heitman then discussed the Human Rights Commission audit of the agency and said we are in the final stages of the audit. She said when the recommended changes have been accepted by the Commission she would bring it back to the Board for final approval.

Mel Davis discussed the Conservation Awards Program and said he hoped to have an update on the 2000 program before the meeting was over. He asked the Board if they saw anything at the area banquets or in the awards packets that needed to be changed to please advise the staff. Several Board members felt the slide presentations needed to be shortened. Mr. Davis advised the packet will be reviewed at the next staff meeting.

The appointment of a planning committee for the 2001 Annual Statewide Meeting of Soil and Water Conservation District Directors was discussed.

Chairman Albrecht appointed the following to the committee:

Chairman of the State Board  
President of the State Association  
State Board Member from Area III  
Association Director from Area III  
Immediate Past President of the State Association  
President of Auxiliary  
Executive Director of the State Board and any staff he designates.

Mr. Buckley asked the Board to let staff know if they have any suggestions for the meeting.

Future state meeting sites were discussed for 2004. After discussion the Board directed Mel Davis to pursue hotels and the Convention Center on Sea Wall Boulevard in Galveston.

Mel Davis discussed a proposed Memorandum of Understanding between the Forest Service/State Board/Districts provided by NACD and asked the Board if the agency should pursue. Mr. Davis suggested some minor changes to fit our state. After discussion and on motion of Wayne Register, seconded by Dub Crumley, the Board directed staff to proceed to do further research and bring back to the Board.

Mr. Davis provided information for the joint NACD meeting of the South Central and Southeastern Regions to be held on July 8-10, 2001 in New Orleans, Louisiana at the Omni Royal Orleans Hotel. The Board was asked to advise staff if they plan to attend.

Johnny Oswald discussed a written report on brush control activities in the North Concho River Watershed. There are 96 approved contracts covering 183,761 acres to be treated. He advised producers are still very interested in the program and there is still a lot of support for the program.

John Burt reported on activities of NRCS and introduced Anne Dubey from the national office of NRCS in Washington, D.C. He congratulated the Board members on their election to the Board and advised John Huston is the new executive director of FSA. He said NRCS had advertised employment opportunities for two new RC&D areas and three team leader positions in Texas. He said they had also received a special allocation from Washington to employ a few student trainees for the summer. He noted there is a lot of concern and interest in Texas about the hoof and mouth disease and that inspections are being increased at the borders. He advised the Board there are nine co-location sites left and six should be done by September 1<sup>st</sup> with the remainder to be done by the end of the calendar year.

Kevin Wagner discussed a letter from the Kerr County Soil and Water Conservation District requesting the Upper Guadalupe River Watershed be included as a future brush control feasibility study area. Staff did not recommend this Watershed be given a priority for future study at this time because it was not included in the State Brush Control Plan as an area recommended for future study. After discussion and on motion of Wayne Register, seconded by Dub Crumley, the staff was directed to assimilate data on the Guadalupe River Watershed with a view

toward including it in the State Brush Control Plan as a watershed recommended for future study and bring results back to the Board at their next regular meeting.

Bobbie Stephens and Russell Gregorczyk discussed the final draft of an internal audit of the Accounting System and Accounting Internal Controls. Mr. Gregorczyk advised the Board that TSSWCB staff was doing a good job and he was pleased with what he had found. On motion of Dayton Elam, seconded by Wayne Register, the Board voted to postpone action on the audit until the next Board meeting in order that they might have time to review the draft.

Kevin Wagner gave a status report on the 319(h) program and reported that staff was currently working on fiscal year 2002 projects to be presented to the State Board at their July meeting. He gave an overview of 319(h) projects being developed and currently underway. He said the Annual Report on the State Nonpoint Source Management Program had been completed and published. He also gave a brief status report on the composting project in the North Bosque River Watershed.

Donna Long reported on current status of Total Maximum Daily Loads (TMDL) projects. She said the State Board is currently working on impaired water bodies on Lake Aquilla, Arroyo-Colorado, Big Cypress Creek/Lake O' the Pines and the North Bosque River. Preparations are underway to address the 303(d) listed Sam Rayburn Reservoir, Toledo Bend Reservoir and the Leon River below Procter Lake. Edward Albrecht asked what is involved in TMDL process. Clyde Bohmfalk from TNRCC explained TMDL background, regulations and overall purpose of TMDL.

Sam Unberhagen discussed a status report on the Water Quality Management program. He reported the re-allocation of funds that was done at the March 17, 2001 board meeting provided funding for twenty-seven plans. He said status reviews are progressing very well and the annual goal will be exceeded. There had been no new complaints received to be investigated since the last Board meeting. The Board was provided a map showing areas of the state served by regional offices.

Mr. Unberhagen discussed allocation of fiscal year 2001 water quality program cost share funds. He said there were three items the Board needed to address. He explained there will be funds released from the initial allocation and the reallocation made in March through the remainder of the fiscal year. Historically any released funds had been directed to the statewide program. After discussion and on motion of Wayne Register, seconded by Dayton Elam the Board directed staff to direct any released funds to the statewide requests. Mr. Unberhagen then advised the Board of two new requests for statewide allocations from Rusk SWCD and Nacogdoches SWCD. Staff recommended the new requests be deferred since they were not the results of complaints. On motion of Wayne Register, seconded by Donald Swann, the two requests were deferred and added to the list of pending statewide requests. Mr. Unberhagen then discussed the possibility of funding some of the requests for statewide funds that had been deferred during the year. Staff recommended the State Board fund the first eleven requests on the deferred list and maintain the remaining funds as a contingency until July in case complaint

driven requests are received. On motion of Dub Crumley, seconded by Wayne Register, the Board voted to fund the first eleven requests on the deferred list.

Kevin Wagner discussed four requested changes to the Water Quality Management Program Approved Cost-Share Practice List. The first item presented was a modification to the practice of closure of waste impoundment. He provided and discussed additional language which read: "Waste impoundments constructed under other cost-share programs – ACP, LTA, EQIP, etc. – are not eligible to be cost-shared for closure unless they have been in place longer than their minimum life span or permission to close the structure is granted by the cost sharing entity." Staff recommended the State Board approve the additional stipulation to the practice. On motion of Wayne Register seconded by Donald Swann, the additional stipulation was approved. The Board then considered a request from the Yoakum SWCD concerning a waiver to the three gallons per minute and A-slope requirements as now outlined for LEPA systems in the NRCS Irrigation Systems, Sprinkler (442) Conservation Practice Standard. Staff recommended the State Board deny the requested waiver. Wayne Register moved to deny the request, seconded by Dub Crumley. Wayne Register, Dub Crumley, Donald Swann and Edward Albrecht voted for the motion and Dayton Elam voted against the motion. Mr. Wagner then discussed a request from Johnson County SWCD to add Practice Code 390, Riparian Herbaceous Cover, to the approved cost-share practice list. Mr. Wagner explained that this practice is similar to the already approved practice Riparian Forest Buffer (391-A). Staff recommended the State Board approve the addition of Riparian Herbaceous Cover (390) to the approved cost-share list with



the addition of a stipulation which reads: "Riparian Herbaceous Buffer is only eligible for mechanically altered areas and critically eroding areas." On motion of Wayne Register, seconded by Dub Crumley, the Board voted to accept staff recommendation. Mr. Wagner then discussed the need to clarify the State Board's definition of "operating unit" in order to be able to develop WQMPs on agricultural operations containing permitted concentrated animal feeding operations. He recommended the definition read: "All the lands owned and/or operated by the applicant as an independent unit within a SWCD excluding those areas regulated by a TNRCC permit." On motion of Dub Crumley, seconded by Donald Swann, the Board approved the recommended "operating unit" definition.

Kevin Wagner discussed the Water Quality Management Program Evaluation Process. He explained that the State Board has authority to reassess priority areas and allocations and set new priority areas and locations at its discretion. On July 20, 2000 the State Board directed staff to develop a process for evaluating the 503 program annually. On January 3, 2001, the Board adopted an evaluation process. On March 21, 2001, the Board directed staff to evaluate changes to the adopted evaluation process. The allocation to each SWCD according to the proposed change would be reduced by the average percent funds lapsed/unobligated over the previous five fiscal years minus 15%. Several scenarios were prepared for the Board to review. After discussion and on motion of Donald Swann, seconded by Dub Crumley, the Board adopted the process which included a 15% base.

James Moore discussed a need to provide guidance for districts participating in 319 projects which would outline necessary program procedures and

requirements and provided a draft of such guidance for Board review. He advised the Board that the guidance would be discussed with the field staff at the June staff meeting and requested the Board review the draft with a view toward finalizing the guidelines at their July Board meeting.

Bobbie Stephens presented a letter from Devil's River SWCD requesting to be included in the technical assistance grant funding for fiscal year 2002 and a letter from Upper Nueces-Frio SWCD requesting increased funding. Ms. Stephens said out of 216 soil and water conservation districts in the state 205 currently receive technical assistance funding and asked the Board for direction on requests such as these. The Board directed staff to pull together some different scenarios for the Board to consider at the July Board meeting. Mr. Swann requested the field staff convey to the districts they have to request technical assistance funding in their budget request before it can be considered.

Bobbie Stephens discussed Subchapter H Technical Assistance allocations for fiscal year 2001 and said there is \$67,023.09 to be allocated. She advised she had worked with the field staff and recommended the following allocations per state area:

Area I	\$18,686.72
Area II	\$13,835.36
Area III	\$16,350.88
Area IV	\$ 5,929.44
Area V	\$12,218.24

After discussion the Board, on motion of Donald Swann, seconded by Dayton Elam, voted to go with staff recommendations. (Copy attached).

Ms. Stephens discussed Budget Versus Expenditures for the eight-month period ending April 30, 2001 and said everything is on track. She reported the 319 group was doing an excellent job collecting federal funds this year.

Ms. Stephens provided a travel report for State Board members and noted some were getting low in their balances. Mr. Buckley suggested amending the allocation of Board members so each would have a minimum balance of \$1,600 at the end of May. On motion of Wayne Register, seconded by Donald Swann, the Board voted to follow staff recommendation.

Edward Albrecht said the next item on the agenda was election of officers and called for nominations for Chairman. Dub Crumley nominated Wayne Register and Dayton Elam nominated Edward Albrecht. Nominations were ceased and a vote was taken. Wayne Register received one vote and Edward Albrecht received three votes. Mr. Register and Mr. Swann said Mr. Albrecht had worked very hard and had done a great job. Mr. Albrecht expressed his thanks to the Board for their vote of confidence.

Mr. Albrecht then called for nominations for Vice Chairman. Dub Crumley and Dayton Elam nominated Wayne Register. Donald Swann moved for nominations to cease and to elect Mr. Register by acclamation. Unanimous.

Bryan Daniel advised the Board the Association of Texas Soil and Water Conservation Districts is having a legislative conference in Washington, D.C. on June 13<sup>th</sup> for the Texas Congressional Delegation and invited the Board to attend. Since out-of-state travel would be required on motion of Don Swann, seconded by

Dub Crumley any Board member's travel was approved if they wished to attend this function. All State Association Directors plan to attend.

The next Board meeting date was set for July 26, 2001.

Mel Davis provided the Board an incomplete financial statement for the 2001 Area Conservation Awards banquets.

On motion of Dayton Elam, seconded by Wayne Register, the meeting adjourned at 1:55 p.m.

Edward L. Albrecht  
Chairman

Lois J. Cain  
Secretary

7-26-01  
Date

I certify that the above is a true and correct copy of the minutes of the Board meeting held on May 17, 2001.

7-26-01  
Date

Robert L. Buckley  
Executive Director