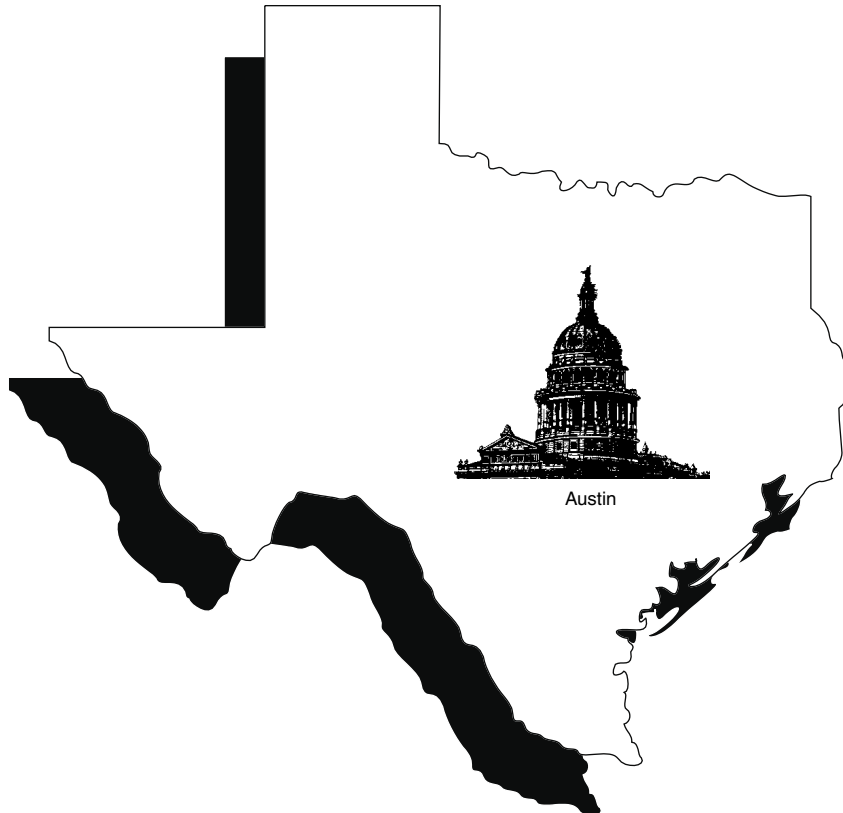


# **Sunset Advisory Commission**



## **State Soil and Water Conservation Board**



**Staff Report**

**2000**

## SUNSET ADVISORY COMMISSION

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In 1977, the Texas Legislature created the Sunset Advisory Commission to identify and eliminate waste, duplication, and inefficiency in government agencies. The 10-member Commission is a legislative body that reviews the policies and programs of more than 150 government agencies every 12 years. The Commission questions the need for each agency, looks for potential duplication of other public services or programs, and considers new and innovative changes to improve each agency's operations and activities. The Commission seeks public input through hearings on every agency under Sunset review and recommends actions on each agency to the full Legislature. In most cases, agencies under Sunset review are automatically abolished unless legislation is enacted to continue them. This report is the Commission staff's recommendations, which serves as the starting point for the Commission's deliberations.

**STATE SOIL AND WATER  
CONSERVATION BOARD**

**SUNSET STAFF REPORT**

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# **SUMMARY**

# Summary

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## Overview

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The Texas State Soil and Water Conservation Board is not the same agency it used to be. For years, it concentrated its efforts on working with landowners to promote land practices mainly for soil conservation. In recent years, the agency's role has changed to include significant environmental protection responsibilities as the lead agency in abating agricultural runoff. The Board addresses this charge by working closely with the state's 216 local soil and water conservation districts in encouraging local agricultural producers to voluntarily implement best management practices, to conserve and protect the state's water resources. This framework offers an opportunity for the State to extend its efforts to control pollution from diffused, or nonpoint sources, by engaging private landowners in cooperative efforts instead of a rigid regulatory approach.

Although the Board has a good overall framework in which to accomplish its goals, it could be more effective in its efforts to oversee and promote water quality improvements. The Sunset review found that the governing structure of the Board, as a body elected by the state's farmers and ranchers, does not ensure accountability or water quality expertise and hampers its ability to make objective decisions. Adding Governor-appointed members and including representation of the Texas Natural Resource Conservation Commission (TNRCC) would improve the Board's ability to oversee its water quality programs. The review also concluded the Board could improve its pollution abatement program by concentrating resources near impaired water bodies, regularly assessing funding priorities, using all of its state financial incentive funding, and improving coordination with the TNRCC on enforcement and water quality monitoring.

A summary of the key recommendations and findings for each of the issues identified in this report is outlined below.

## Issues / Recommendations

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### **Issue 1 Given an Expanded Mission, a Solely Elected Board No Longer Serves the Oversight Needs of the Agency.**

#### **Key Recommendation**

- Expand the State Soil and Water Conservation Board from five to eight members by adding two Governor appointees and the Chair, or designee, of the Texas Natural Resource Conservation Commission.

#### **Key Findings**

- The current structure of the Board reflects the agency's traditional mission of providing assistance to agricultural landowners.
- In recent years, the agency's mission has shifted from resource protection for agricultural production to environmental protection for the state's water resources.

- The current Board make-up does not ensure expertise in water quality issues or objectivity in environmental decision making.
- An elected Board does not provide the level of accountability as other state agency governing boards in Texas and comparable agencies in other states.

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## **Issue 2 The Board's Water Quality Management Efforts Do Not Ensure the Greatest Control of Agricultural Runoff.**

### **Key Recommendations**

- Require the Board to target its water quality management efforts in areas identified as having impaired water bodies.
- Require the Board to work more closely with the TNRCC in water quality monitoring efforts and enforcement of the state's water quality laws.

### **Key Findings**

- The Board uses outdated priorities to guide some of its water quality efforts.
- The Board does not use all available resources for making water quality management plans effective tools in abating agricultural nonpoint source pollution.
- The Board could take steps to increase its water quality monitoring capability.

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## **Issue 3 Local District Elections Do Not Encourage Sufficient Participation by Eligible Landowners.**

### **Key Recommendations**

- Require local districts to offer absentee ballots to voters in local district elections.
- Expand the requirement for notice of local soil land water district elections to require both the posting in a public place and publishing in local newspaper.

### **Key Findings**

- Members of the State Board are currently elected by a vote of the state's agricultural and forestry landowners.
- Convention-style elections and limited notification may limit voter participation.

## Issue 4 Texas Has a Continuing Need for the Soil and Water Conservation Board.

### Key Recommendation

- Continue the Soil and Water Conservation Board for 12 years.

### Key Findings

- Texas has a continuing interest in maintaining the agricultural community's involvement in protecting water quality.
- The Board's approach to dealing with agricultural interests is an appropriate way to address water quality issues with farmers.
- The Sunset review found no substantial benefit from having another state agency perform the functions of the Board.

### Fiscal Implication Summary

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This report contains two recommendations that will have a fiscal impact to the State. They are described below, followed by a five-year summary chart.

- Issue 1 - Adding three new members will create an additional expense of \$14,500 to the General Revenue Fund.
- Issue 2 - If the Board were given unexpended balance authority, the amount of money that would normally lapse back to General Revenue would no longer be subject to appropriation by the Legislature in the following biennium. In the last four years, the lapsed funds range from approximately \$128,000 to \$520,000 per fiscal year.

<b>Fiscal Year</b>	<b>Cost to the General Revenue Fund</b>	<b>Change in FTEs From FY 2001</b>
2002	\$14,500	0
2003	\$14,500	0
2004	\$14,500	0
2005	\$14,500	0
2006	\$14,500	0





## **ISSUES / RECOMMENDATIONS**

# Issue 1

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## Given an Expanded Mission, a Solely Elected Board No Longer Serves the Oversight Needs of the Agency.

### Summary

#### Key Recommendations

- Expand the State Soil and Water Conservation Board from five to eight members by adding two Governor appointees and the Chair, or designee, of the Texas Natural Resource Conservation Commission.

#### Key Findings

- The current structure of the Board reflects the agency's traditional mission of providing assistance to agricultural landowners.
- In recent years, the agency's mission has shifted from resource protection for agricultural production to environmental protection for the state's water resources.
- The current Board make-up does not ensure expertise in water quality issues or objectivity in environmental decision-making.
- An elected Board does not provide the level of accountability as other state agency governing boards in Texas and comparable agencies in other states.

#### Conclusion

Electing the members of the State Board from among the state's agricultural landowners has served the agency well in providing assistance to farmers and ranchers to protect soil and water resources for the continued benefit of agriculture. It does not, however, ensure the needed expertise, objectivity, and accountability in overseeing the agency's new environmental protection role.

Expanding the Board by including two Governor appointees and the Chair of TNRCC, or a designee, would provide the broader perspective and improved accountability needed to oversee the Board's new water quality responsibilities. Including a TNRCC representative and specifying that the two additional members have knowledge in water quality issues would also ensure greater expertise on the Board.

## Support

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The Legislature shifted the Board's focus from prevention of soil erosion to prevention of water pollution.

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**Current Situation:** The current structure of the Board reflects the agency's traditional mission of providing assistance to agricultural landowners.

- The Board is composed of five members, elected from the five regions of the State's 216 local soil and water conservation districts. They are elected every two years in conventions from among the delegates of the local districts, who were elected by agricultural landowners in district elections. The eligibility requirements to serve on the State Board are the same as for a person to vote in local district elections. A person must:
  - hold title to farmland,
  - be at least 18 years old,
  - be a resident of the state district, and
  - be actively engaged in farming or ranching.
- As created in 1939, the Board's basic mission was to help agricultural landowners protect soil and water resources for the promotion of agricultural production. An elected Board has served this purpose well. Representing the same landowners who need assistance, they know the land and the vagaries of agriculture. They have a direct stake in maintaining these resources for continued productivity of the State's agriculture.

**Current Situation:** In recent years, the primary mission of the agency has shifted from resource protection for agricultural production to environmental protection for the state's water resources.

- In 1985, the Legislature made the Board the State's lead agency for controlling water pollution that results from diffused runoff related to agricultural or forestry operations. This runoff, that does not come from an identifiable point of discharge, is referred to as nonpoint source pollution.
- The Legislature broadened the Board's water quality responsibilities in 1999, when it required the agency to work with the Texas Natural Resource Conservation Commission (TNRCC) to control agricultural and forestry nonpoint source pollution in impaired water bodies identified under the Clean Water Act. The Board plays a key role in improving water quality in bodies identified by TNRCC as exceeding pollutant loads for designated uses, known as its total maximum daily load.

- Today, the agency pursues both programs in much the same way, through a voluntary — as opposed to a regulatory — approach. This voluntary approach tries to encourage landowners to adhere to state laws by providing technical assistance and financial incentives for developing and implementing water quality management plans. These plans incorporate best management practices for controlling runoff from agricultural operations. While the plans are voluntary, under state law, they have the same legal status as TNRCC point source pollution permits.<sup>1</sup>

The Board and TNRCC work jointly on meeting these water quality objectives and have a memorandum of understanding to delineate the duties of each agency. Under the agreement, the Board is responsible for:

- assisting TNRCC in identifying and ranking state waters with water quality data and information,
- developing methodologies to create the state's impaired water body list,
- working with stakeholders to implement plans for water bodies with agricultural nonpoint source pollution, and
- providing state and federal funds to encourage development of water quality management plans.

TNRCC, working with the Board, is trying to establish pollutant loads for each impaired water body in the state by 2008.

**Problem: The current Board make-up does not ensure expertise in water quality issues, or objectivity in environmental decision-making.**

- The existing process of electing Board members does not ensure full representation of needed interests. These elections reflect not just the interests of the limited number of landowners who are eligible and who actually vote, but they also reflect the limitations of a field of candidates taken from the state's landowners who are actively engaged in agriculture. The elections process alone does not ensure that the Board reflects the broad perspectives and expertise needed to guide the agency in its important mission.
- The Board may also lack the objectivity needed to implement water quality plans in areas with the most need. Despite the voluntary nature of the Board's work, it must work to encourage needed action by landowners to control harmful runoff. The Board must be ready, as necessary, to refer cases to TNRCC for enforcement when it receives a complaint that can be linked to agricultural or forestry operation. Depending on these same landowners' votes to

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The Board recruits farmers to voluntarily implement pollution control measures on their property.

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serve on the State Board places these members in an uncomfortable situation when bold enforcement action is required.

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Other state boards have members appointed by the Governor.

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**Problem: An elected Board does not provide the level of accountability as other state agency governing boards in Texas and comparable agencies in other states.**

- Electing Board members does not provide a single point of accountability to ensure representation of needed expertise or interests, and to promote change in the agency, as needed. With the exception of boards elected by general population, all other state boards rely at least in part, on appointments by the Governor, subject to the advice and consent of the Senate. As the State's highest elected official, the Governor is accountable to the voters for guidance of executive agencies. No similar accountability occurs when the selection of Board members is diffused among the states' agricultural landowners.
- Other states with comparable agencies for controlling agricultural nonpoint source pollution have appointed members on their oversight boards. For example, the nearby states of Arkansas, Oklahoma, New Mexico, and Arizona have agencies overseen by boards with both appointed and elected members.<sup>2</sup>

## Recommendation

### Change in Statute

#### **1.1 Expand the State Soil and Water Conservation Board by adding two Governor appointees, and the Chair, or designee, of the Texas Natural Resource Conservation Commission.**

This recommendation would expand the size of the Board from five to eight members by providing for two new positions to be appointed by the Governor, with the advice and consent of the Senate. These members would represent the general public and would be required to have demonstrated knowledge in water quality issues. These Governor appointees would serve two-year terms, the same as the elected members. The Board would also include the Chair of TNRCC, or designee, to serve as an ex officio member. This person would serve as a non-voting member, providing information and assistance in coordination of activities between the two agencies.

This recommendation would not affect the five members elected from the soil and water conservation districts in each of the five regions of the state. It also would not change the current method of determining a Chair for the Board by election of its members.

## Impact

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Increasing the size of the Board from five to eight members would help provide expertise on the Board by specifying that these members have demonstrated knowledge in water quality issues and including the chair of TNRCC or a designee. It would also improve objectivity in decision making on water quality issues without sacrificing the existing agricultural expertise of the five members elected from the local soil and water conservation districts. Finally, by providing for these appointments to be made by the Governor, this recommendation would also strengthen the Board's accountability to the State's highest elected official, which heads the executive branch of State government.

Representation from TNRCC would strengthen the relationship between the Board and TNRCC. A TNRCC Commission member or a designee would assist the Board on issues relating to enforcement and meeting federal water quality mandates. The Board currently has two Memorandums of Understanding with TNRCC which relate to establishing pollution loads on impaired water bodies and developing a statewide management plan for the abatement of nonpoint source pollution.

## Fiscal Implication

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This recommendation would result in additional cost to General Revenue relating to travel and expenses for the new three new Board members to attend about six Board meetings each year in Temple and conferences in and out-of-state. These additional costs are estimated at \$14,550 per year.

Fiscal Year	Cost to the General Revenue Fund	Change in FTEs From FY 2001
2002	\$14,550	0
2003	\$14,550	0
2004	\$14,550	0
2005	\$14,550	0
2006	\$14,550	0

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<sup>1</sup> Texas Water Code, ch. 26, sec. 26.121

<sup>2</sup> Eugene Lamb, National Association of Conservation Districts, phone conversation with staff, March 2, 2000.





## Issue 2

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### The Board's Water Quality Management Efforts Do Not Ensure the Greatest Control of Agricultural Runoff.

#### Summary

##### Key Recommendations

- Require the Board to target its water quality management efforts in areas identified as having impaired water bodies.
- Require the Board to work more closely with Texas Natural Resource Conservation Commission (TNRCC) in water quality monitoring efforts, and enforcement of the State's water quality laws.

##### Key Findings

- The Board uses outdated priorities to guide some of its water quality efforts.
- The Board does not use all available resources for making water quality management plans effective tools in abating agricultural nonpoint source pollution.
- The Board could take steps to increase its water quality monitoring capability.

##### Conclusion

By putting much of its efforts to control runoff from agricultural operations into areas of the state identified before a more extensive, scientific effort by TNRCC, the Board risks focusing on the wrong areas for improving the State's water quality. The Board's efforts are further impaired by its difficulty in disbursing all of its funds for financial incentives for landowners. The Board does not adequately evaluate the impact of its water quality plans, and its interaction with TNRCC on enforcement matters is lacking.

The recommendations would enable the Board to address its water quality responsibilities in a more concerted effort with TNRCC. They would also streamline and focus the Board's approach by concentrating its efforts on impaired water bodies identified under the federal Clean Water Act. The Board's voluntary efforts would be strengthened by measures to better spend its funds for water quality purposes. Finally, improving the Board's ability to evaluate water quality management plans, and to seek corrective action when needed, would help ensure that these plans have the desired effect to improve water quality.

## Support

**Current Situation:** The Board's primary mandate is to abate agricultural and forestry nonpoint source pollution.

- The Board is responsible for a voluntary program for agricultural landowners to control runoff, or nonpoint source pollution, from their operations. The Board addresses this responsibility in two ways.

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Texas is under a federal mandate to improve its impaired water bodies.

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Under state law passed in 1993, the Board targeted parts of the state as priority areas, based on its own interpretation of where nonpoint source pollution from agriculture and forestry operations was thought to be the worst or where prevention efforts were needed to keep a water body from becoming impaired.<sup>1</sup> The Board has identified several priority areas, as shown in the map on page 13.

The Board works with the TNRCC to address water quality problems in impaired water bodies. These are identified by TNRCC as exceeding pollutant loads for designated uses, such as for recreation or aquatic life.<sup>2</sup> In 1998, TNRCC identified 147 impaired water bodies in the state, which are also shown in the map on page 13.

These pollutant loads, known as "total maximum daily loads," have been required under the federal Clean Water Act since 1972, but implementation only recently began after a series of lawsuits forced action by the U.S. Environmental Protection Agency (EPA).

- Under both priority areas and total maximum daily loads, landowners work with the Board in a voluntary effort to develop water quality management plans. Through these plans, landowners receive guidance on planning and developing best management practices to control erosion, conserve water, and protect water quality. These plans reflect the State's cooperative approach to abating agricultural and forestry nonpoint source pollution rather than imposing regulation by TNRCC.
- As an inducement to get these landowners to participate in water quality management plans, the Board provides financial incentives to help pay for implementing these plans. In fiscal year 1999, the Board disbursed \$1.3 million in state and federal funds to farmers and ranchers. Of the 775 water quality management plans established in 1999, 463 included financial incentives, with an average payment of \$2,800 for each participating landowner. These financial



incentives may pay for up to 75 percent of the costs of plan installation.

- The Board assesses the effectiveness of its nonpoint source program by the actual number of water quality management plans established, and by conducting status reviews that verify plan implementation. The Board is on target with its General Appropriations Act performance goal of having water quality management plans established for almost 10 percent of the agricultural and forestry operations in a priority area.
- The Board works with landowners to ensure continued compliance with their water quality management plans by conducting status reviews of these plans. Status reviews involve a farm visit to verify the plans were implemented as contracted. Out of compliance plans may be decertified by the Board. In addition, the Board reports to TNRCC quarterly regarding animal funding operations with certified water quality management plans.
- The Board seeks to resolve complaints about runoff from agricultural or forestry lands through the same cooperative approach of getting landowners to voluntarily implement water quality management plans. If a landowner refuses to enter into such an agreement or fails to maintain a certified plan, the Board may refer the matter to TNRCC for enforcement. Since the Board became the lead agency for agricultural nonpoint source issues, it has referred 11 enforcement cases to TNRCC.

**Problem: The Board uses outdated priorities to guide some of its water quality management efforts.**

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Not all of the Board's priority areas receive financial incentive funding.

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- The Board's effort to control nonpoint source pollution under the 1993 state law is largely the same as its joint effort with TNRCC under the federal Clean Water Act. The Board's initial effort, however, targeted parts of the state for its attention using its own knowledge of erosion control and runoff problems. This initial analysis still serves as the basis for areas of the state that receive State General Revenue funds used as financial incentives to farmers. The map on page 13 delineates these areas. The Board did not have the benefit of the kind of water quality data used by TNRCC to identify impaired stream segments through its analysis of total maximum daily loads under the federal Clean Water Act.
- Working with TNRCC, the Board now addresses agricultural nonpoint source pollution in water bodies exceeding their total maximum daily loads. However, the Board continues to give much of its attention and monies to priority areas identified under the older state law, some of which do not reflect TNRCC's analysis of impaired water bodies. While some of the Board's efforts reflect

its interest in preventing water bodies from becoming impaired, the Board has not adequately updated these priority areas to ensure the proper targeting of these prevention efforts.

- Large parts of some priority areas, such as one area containing 34 soil and water districts in the Panhandle, do not address impaired water bodies at all.
- Some regions of the state with impaired water bodies do not receive state funding for financial incentives. The most notable example of this is the North Bosque River, which is impaired because of nutrient runoff from dairy operations in the region. This area receives special attention from TNRCC to control runoff from regulated concentrated animal feeding operations. In contrast, most of it is not included in the Board's priority areas for financial incentives to control nonpoint source pollution from unregulated agricultural operations.

**Problem: The Board does not use all available resources for making water quality management plans effective tools in abating agricultural nonpoint source pollution.**

- The Board does not use all of the financial incentive funds appropriated from General Revenue. An average of 21 percent of the Board's funding for financial incentives was returned to the State each year between 1994 and 1997, equaling just over \$400,000 per year. The Board encumbers financial incentives that have been obligated to a farmer for three years, which is the time the farmer has to implement a water quality management plan. The Board actually pays a portion of the completed work on a receipt reimbursement basis. When farmers fail to install water quality management plans within approximately three years, the encumbered funds lapse back to General Revenue.
- Most water quality management plans are not checked by Board staff to verify that plans are properly implemented. Through its status reviews, the Board evaluates 10 percent of the plans in each local district, with a minimum of two plans that must be checked in each district. By trying to distribute its status reviews to plans all over the state, the Board risks misallocating its resources to districts with fewer plans and less serious water quality issues. This system misses many plans in parts of the state with more serious water quality problems.
- Landowners are not subject to adequate enforcement if they fail or refuse to implement actions to control agricultural nonpoint source pollution. The Board has no direct enforcement authority, but may refer cases to TNRCC for enforcement if the Board receives a complaint. The Board also reports information to TNRCC on

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The Board has referred 11 landowners to TNRCC for enforcement since 1994.

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animal feeding operations with certified water quality management plans. Even under this limited scope, however, enforcement measures are lacking. The Board and TNRCC do not work well together to take enforcement action.

Since the beginning of the nonpoint source pollution program in 1994, the Board has received 11 complaints that it could not resolve with the landowner. These complaints were referred to TNRCC for enforcement. When Sunset staff inquired about the referrals, TNRCC had difficulty locating information on the status of the complaints.<sup>3</sup> In addition, in its reports to TNRCC regarding animal feeding operation, the Board does not specifically report information about operations whose plans have been decertified. The disconnect between the two agencies does not well serve the State's interest in having a meaningful program to improve water quality.

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The Board lacks resources for water quality testing.

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- Most water quality management plans are not tested for their effectiveness in abating nonpoint source pollution with water quality monitoring. In an effort to address this situation, EPA requires the Board to monitor water bodies near farms and demonstration projects receiving federal funds. However, only 95 of the Board's 775 water quality management plans received federal financial incentive funds in 1999. In effect, just a small percentage of the plans have water quality monitoring to show the results of the plan's pollution measures.

**Opportunity: The Board could take steps to increase its water quality monitoring capability.**

- State financial incentive funds do not allow for water quality monitoring due to the prohibitively high cost. A typical ambient monitoring unit runs approximately \$7,500. Without the scientific assessment of water quality monitoring, the Board lacks the ability to determine an individual plan's success at abating pollution.
- According to TNRCC's Clean Rivers Program's enabling legislation, the Board staff is required to attend stakeholder group meetings. Each stakeholder group has a coordinated monitoring subcommittee which Board staff is not required to attend, but would provide a forum for them to share information on the locations of water quality management plans within that basin. This would allow additional water quality monitoring at no expense to the Board and would assist the Clean Rivers Program in gathering valuable data on the location of impaired water bodies.

## Recommendation

### Change in Statute

- 2.1 Require the Board to periodically update its priority areas for addressing agricultural and forestry nonpoint source pollution to better target impaired water bodies and to promote prevention.**
- 2.2 Require the Board to re-examine its financial incentives for establishing water quality management plans to reflect its updated priority areas.**

These recommendations would require the Board to update, every four years, the areas it has identified as priorities for controlling nonpoint source pollution. In updating this information, the Board would be required to make these priority areas reflect either existing impaired water bodies identified by TNRCC through the total maximum daily load process, or threatened areas in which action is needed to prevent nonpoint source pollution.

The Board would also be required to reexamine its process for providing financial incentives to landowners to establish water quality management plans for controlling nonpoint source pollution. In its funding decisions, the Board would be required to give a heavier weight to landowners in the updated priority areas. The Board would be required to record the disbursement of its financial incentives to landowners adjacent to impaired water bodies or in areas in need of prevention activities. The Board should report this information as part of its annual report.

The recommendation would not affect the Board's status as the lead state agency for agricultural and forestry nonpoint source pollution. It would not change the Board's process for working with landowners on a voluntary basis to implement and certify water quality management plans. It would provide for the Board to redirect state funds to implement approaches to address water quality problems in areas identified by TNRCC under the authority of the federal Clean Water Act. Landowners with existing water quality management plans in priority areas would continue to receive state funding and technical assistance under the terms of their agreement with the Board. In the future, however, water quality management plans would be targeted at impaired stream segments determined through the total maximum daily load process.

- 2.3 Require the Board to work more closely with TNRCC's Clean Rivers Program by providing information on where water quality plans are located in each river basin.**

This recommendation would require the Board to provide information on the location of water quality management plans to stakeholder groups responsible for coordinating monitoring efforts under the Clean Rivers Program. This information would better link these monitoring efforts to the specific water quality management plans to better judge the effectiveness of these plans.<sup>4</sup>

- 2.4 Require the Board to keep detailed records on referrals of farming operations to TNRCC, with information on TNRCC's enforcement measures for each operation.**

**2.5 Require the Board to report to TNRCC whenever it decertifies a water quality management plan for an animal feeding operation.**

These recommendations would improve the flow of information between the Board and TNRCC. The Board would be required to maintain information on all referrals to TNRCC for enforcement, including final disposition by TNRCC, and would provide this information in its annual report.

The requirement to report to TNRCC regarding decertified animal feeding operations expands and clarifies an existing reporting requirement regarding animal feeding operations with certified plans. By reporting this information, the Board would not be recommending enforcement action by TNRCC and would be making no judgment on the compliance status of these operations. Rather, the Board would only be providing TNRCC with information about operations that are no longer working with the Board to implement water quality management plans. Before it could take enforcement action, TNRCC would still have to confirm that a violation of the state's water quality laws occurred and that any pollution that resulted is attributable to the operation in question.

**Change in Agency Appropriations** 

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**2.6 Allow the Board to have unexpended balance authority to prevent General Revenue financial incentive funds from lapsing to the State.**

This recommendation would request the appropriations committees of the House and Senate to enable the Board to carry forward funds for financial incentives to farmers and ranchers. Because the Board encumbers funds for approximately three years, it has lapsed funds at the end of the fiscal year when landowners do not spend the money within this time frame. This change would simply allow the Board to carry this unspent money forward from one fiscal year to the next so that the Board can use it for water quality purposes.

**Management Action** 

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**2.7 The Board should require local districts to obligate financial incentive funds early in the fiscal year and follow-up before the end of the fiscal year.**

Requiring local districts to obligate financial incentive funds within the first six months of the fiscal year, rather than within the entire fiscal year, would improve the current system in two ways. First, districts that do not obligate their funds quickly would lose their allocation, allowing this money to be redirected by the Board for other water quality management plans that have a demonstrated need. Second, more time would be available for follow-up visits before the end of each fiscal year, allowing local districts to work with landowners to use the funds before the three-year obligation period expires and the money lapses back to the State.

This process would require local districts to work with farmers in finalizing their water quality management plans before the start of the fiscal year. Local districts would submit their plan proposals to the Board for certification and financial incentive funds could be allocated.



## **2.8 Require the Board to target its status reviews of water quality management plans, rather than distributing them statewide.**

This recommendation would focus the Board's attention on water quality management plans in those parts of the state with significant water quality problems related to agriculture or forestry. It would not change the existing requirement that 10 percent of these plans be reviewed each year, but would change the Board's requirement that a minimum number of plans in each local soil and water district be reviewed. The Board would instead be able to decide where these status reviews should occur according to the highest risk to water quality.

### **Impact**

The intent of these recommendations is to strengthen the existing voluntary measures the State uses in abating nonpoint source pollution. By requiring the Board to update its priority areas and target more of its financial incentives to these updated areas, the State may more effectively use state and federal funds for abating agricultural nonpoint source abatement. In addition, improving the relationship between the Board and TNRCC in water quality monitoring efforts and enforcement of the State's water quality laws will provide more information on the effect of these efforts on water quality and help ensure that landowners will be held accountable if they do not adhere to their water quality management plans. Providing unexpended balance authority to the Board, and improving outreach efforts to encourage local districts and landowners to spend financial incentive money, would ensure that funds intended to control nonpoint source pollution are actually used for that purpose.

### **Fiscal Implication**

If the Board were given unexpended balance authority, the amount of money that would normally lapse back to General Revenue would no longer be subject to appropriation by the Legislature in the following biennium. In the last four years, the lapsed funds range from approximately \$128,000 to \$520,000 per fiscal year.

<sup>1</sup> Texas Agriculture Code, ch. 201, sec. 201.026 and sec. 201.301.

<sup>2</sup> U.S. Code, title 33, ch. 26, sec. 1319.

<sup>3</sup> Telephone interview with Clyde Bohmfalk, Technical Specialist, Water Policy Division, Texas Natural Resource Conservation Commission, March 9, 2000.

<sup>4</sup> Texas Water Code, ch. 26, sec. 26.1035, Texas Natural Resources Conservation Commission operates volunteer and ambient water monitoring stations around the state. The program consists of a network of community and industry member stakeholder groups, one for each of the 23 river basins in the state. Stakeholder group members represent public, government, industry, business, agricultural and environmental interests and generally meet four to five times per year for the purpose of coordinating water monitoring efforts.



## Issue 3

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### **Local District Elections Do Not Encourage Sufficient Participation by Eligible Landowners.**

#### **Summary**

##### **Key Recommendations**

- Require local districts to offer absentee ballots to voters in local district elections.
- Expand the requirement for notice of local soil and water district elections to include both posting in a public place and publishing in a local newspaper.

##### **Key Findings**

- Members of the State Board are currently elected by a vote of the state's agricultural and forestry landowners.
- Convention-style elections and limited notification may limit voter participation.

##### **Conclusion**

The pool of available candidates for State Board elections is limited by poor outreach in local district elections. The process for electing these local district board members limits this pool by requiring farmers and ranchers to leave their farm to participate in convention-style elections. This process does not encourage active participation by landowners who have an interest in the Board and how it is run. Opening up the process for electing local district board members would encourage greater participation in these local elections and would potentially increase the pool of candidates to serve on the State Board.

## Support

**Current Situation:** Members of the State Board are currently elected by a vote of the state's agricultural and forestry landowners.

- The Board's five members are elected to two-year terms from the five regions of the state's local soil and water conservation districts. These members are elected in conventions from among board members of the state's 216 local districts. The same eligibility requirements control the ability to vote and to serve on a district or the State Board. Basically, only landowners actively engaged in agriculture or forestry may vote.
- The election of local district board members, who ultimately decide on the members of the State Board, occurs through a convention-style electoral process. Landowners are informed of the election time and location through notice either published in an area newspaper or posted in a conspicuous place in the area.<sup>1</sup> Nominations are taken at the meeting, followed by a secret ballot. Candidates do not campaign before an election, and absentee voting is not allowed. These elections are conducted every year, and local district board members are elected to four-year terms. The Board's field staff try to monitor as many local district elections as possible and arrange for the remainder to be monitored by county extension agents.

**Problem:** Convention-style elections and inadequate notification may limit voter participation.

- Convention-style elections operate like a meeting: an exact time and place are set and participants show up. Because good farming relies on unpredictable weather patterns, often necessitating that a farmer work all night to sow or harvest a crop, farmers may have difficulty attending convention-style elections.

Local elections not only provide the forum for selecting members of local soil and water district boards, but also create the pool from which members of the State Board are chosen. Current law does not allow for absentee ballots for local district elections. If farmers are not present at an electoral convention, they cannot nominate, be nominated, or vote.

- Local notice requirements are not adequate to notify landowners of pending elections. The choice of posting the notice in a conspicuous place in the area or publishing it in an area newspaper does not ensure that word will get out to eligible landowners who may have an interest in the election.

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Local soil and water conservation districts use convention style elections to elect their local district board members.

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- Local districts may not take advantage of opportunities to improve outreach into the agricultural community, and to promote greater participation by eligible landowners. For example, some districts conduct conservation tours of certain agricultural operations as a way to demonstrate new and innovative techniques and technology. They may also provide educational programs for landowners, typically in conjunction with continuing education credits required as part of pesticide applicators' licensing. The local districts that are most active in providing these types of community outreach have shown higher-than-average turnout at district elections. Compared to a statewide average turnout of 11 voters in each local district, these more active districts had an average of 15 voters in their elections.

## Recommendation

### Change in Statute

#### **3.1 Require local districts to offer absentee ballots to voters in local district elections.**

This recommendation would require local districts to make ballots available to landowners for one week following the local district election. The ballot would reflect the nominations made at the local district convention. Landowners would have just one week to cast their ballot and deliver it in person to the local district offices. The local district would be responsible for administering this change, including tallying the votes cast at the local meeting and subsequently through the absentee process. It would also have to ensure eligibility of those seeking to vote.

#### **3.2 Expand the requirement for notice of local soil and water district elections to include both posting in a public place and publishing in a local newspaper.**

This recommendation would change the current process for providing public notice of district elections. It would require local districts to post notice in a public place where it is customary to post notices concerning county or municipal affairs, such as a courthouse. In addition, local districts would need to publish a notice in an area newspaper in accordance with the existing notice requirements already in statute.

### Management Action

#### **3.3 Require the Board to work with local districts to improve their outreach to encourage more participation in local district elections.**

This recommendation would provide specific guidance to the Board to work with local districts to improve outreach to landowners through mechanisms such as educational programs and conservation tours. The Board could serve as a clearinghouse of information about practices of some local districts, making this information available to other local districts.

## **Impact**

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These recommendations are designed to improve participation in local district elections and thus to increase the pool of candidates for local district boards and ultimately for the State Board. Directing the Board to work with local districts to improve outreach would not only help improve turnout at these local elections, but would also help share information on innovative local district programs.

## **Fiscal Implication**

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The recommendations would increase some of the administrative overhead for local soil and water conservation districts to process absentee ballots in local board elections and to expand notice requirements. Additional costs should be minimal and could not be estimated for this report.

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<sup>1</sup> Texas Agriculture Code, ch.201, sec. 201.004. The specific requirement is for notice to be published at least twice, at least seven days apart, in a newspaper or other publication of general circulation within the appropriate area, or to be posted for at least two weeks at a reasonable number of conspicuous places within the appropriate area, including, if possible, public places where notices concerning county or municipal affairs are customarily posted.

## Issue 4

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### Texas Has a Continuing Need for the Soil and Water Conservation Board.

#### Summary

##### Key Recommendation

- Continue the Soil and Water Conservation Board for 12 years.

##### Key Findings

- Texas has a continuing interest in maintaining the agricultural community's involvement in protecting water quality.
- The Board's approach to dealing with agricultural interests is an appropriate way to address water quality issues with farmers.
- The Sunset review found no substantial benefit from having another state agency perform the functions of the Board.

##### Conclusion

The State's need to protect its soil and water resources is important to Texans. In response to changing conditions the Legislature has, over time, given the Soil and Water Conservation Board new functions. With a changing agricultural economy and a federal mandate to protect water quality, a new emphasis has been placed on the Soil and Water Conservation Board's role in environmental protection.

The Board has addressed this environmental protection mission by encouraging farmers to engage in voluntary measures to improve the state's water quality and conservation. By honoring this grassroots tradition and maintaining voluntary involvement from farmers within their own framework, the State is able to achieve a high level of compliance with water quality laws. The Sunset review found that because the Board plays a unique role in providing on-site technical assistance to farmers in managing their environmental resources, transferring the Board's functions to another agency is not a logical step in streamlining state government.

## Support

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Texas has 1,839 stream miles impaired from nonpoint source pollution.

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**Need for Agency Functions:** Texas has a continuing interest in maintaining the agricultural community's involvement in protecting water quality.

- Over time, the mission of the Soil and Water Conservation Board has grown. The Legislature created the Board in 1939, following the Dust Bowl days of the 1930s, to assist farmers in soil conservation. In the 1950s, following a severe drought, the Board became active in water conservation. In 1985, in recognition of the Board's special relationship with the agricultural community, the Legislature made the Board responsible for abating non-point source pollution in agriculture and forestry.
- The Board's responsibilities for abating non-point water pollution have increased in importance since 1997, when the Environmental Protection Agency (EPA) began requiring states to identify the total maximum daily loads for impaired water bodies. Of the 14,348 stream miles that have been assessed in Texas, 4,878 miles are impaired and more than one-third of those stream miles, or 1,839 miles, are considered to be impaired from agricultural non-point source pollution. Federal law provides that if Texas does not address its impaired water bodies the EPA may assume this responsibility. The Board's role in this initiative is to establish voluntary water quality management plans with farmers adjacent to impaired water bodies.
- The Board's policies to protect the state's water resources from agricultural pollution are increasing in importance because large farms are more likely to contribute to water pollution.<sup>1</sup> In Texas, although agricultural production has remained fairly constant over the last 50 years, the number of farming operations has declined and the average farm size has increased.<sup>2</sup>

**Need for Agency Approach:** The Board's approach to dealing with agricultural interests is an appropriate way to address water quality issues with farmers.

- The Board works with farmers in a cooperative, voluntary manner to protect soil and water resources. This approach is effective because farmers generally consider themselves to be stewards of the land and want to preserve it for future generations. Since farmers rely on soil quality to sustain crops, they are accustomed to implementing measures to address environmental concerns. The Board's structure, consisting of a network of landowners, enhances its ability to gain the cooperation of landowners. For example,



since the inception of its agricultural non-point source program in 1994, 3,582 farmers have voluntarily adopted water quality management plans.

- The Board also encourages the use of sustainable farming and conservation practices — such as manure composting and the creation of value-added products from manure — through demonstration and education projects with local landowners. The Board currently has 39 active projects around the state, located near impaired water bodies as shown by the map on page 42. The goal of these projects is to use innovative technology to conserve natural resources, stimulate local economies, and protect the environment. Because farmers are more willing to adopt new technology after seeing it installed and working, the Board's demonstration program and its grassroots network increases the acceptance of these innovations.

**Need for Agency Structure: The Sunset review found no significant benefit from having another state agency perform the functions of the Board.**

- Several other state agencies — the Texas Natural Resource Conservation Commission (TNRCC), the Department of Agriculture, and the Texas Agricultural Extension Service — perform functions that are similar in nature to those provided by the Board. Although these agencies could be equipped to take over the functions and strategies of the Board, the Sunset staff review found no obvious benefit from transferring the Board's functions to these other agencies.
- TNRCC is the State's environmental enforcement agency. While TNRCC has responsibility for regulating industries that discharge pollutants into Texas' waterways, it focuses more on issuing and overseeing permits, and has little experience working with farmers on a voluntary basis to control pollution. In contrast, the Board's efforts to control non-point source pollution are effective because they are based upon the voluntary cooperation of farmers. TNRCC may not be effective in this role of gaining the voluntary compliance of farmers with water quality laws because TNRCC lacks the trust of rural Texas farmers.
- The Department of Agriculture does have experience in working with the farming community through its efforts to market and promote Texas agricultural products, and by regulating the use of pesticides and herbicides. However, the Department of Agriculture lacks the same level of environmental and technical expertise to address the state's agricultural non-point source abatement effort.

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The Board's efforts to control nonpoint source pollution are effective because of the voluntary cooperation of farmers.

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The Texas Agricultural Extension Service does not have the same connection to the local districts as the Board.

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- The Texas Agricultural Extension Service does have experience in working with the farming community, has similar functions as the Board, and could offer a greater statewide presence. In fact, the two agencies have worked closely together in rural areas. However, the Board's role is more hands-on, with on-site demonstration projects and technical assistance, while the Agricultural Extension Service performs a more academic education function for farmers. The Extension Service also does not have the direct connection to the local soil and water conservation districts that is key to the Board's conservation activities. In addition, transferring the Board's functions to the Extension Service would likely not offer a great savings to the State since most of the Board's personnel and administrative expenses would need to be continued.

**Comparison: Most other states use conservation districts to abate agricultural non-point source pollution.**

- Most states with large agricultural industries have created structures similar to the Board, that perform similar functions. Forty-five other states also use their soil conservation districts with a comparable state oversight board and agency to abate agricultural non-point source pollution. Of those 45 states, 38 provide financial incentives to landowners to implement the measures contained in their conservation plans, as does the Board.

## Recommendation

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### Change in Statute

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#### 4.1 Continue the State Soil and Water Conservation Board for 12 years.

### Impact

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This recommendation would continue the State Soil and Water Conservation Board as an independent agency responsible for protecting the state's soil and water resources.

### Fiscal Implication

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If the Legislature continues the functions of the Board, using its existing organizational structure, the Board's current annual appropriation of \$14.2 million would continue to be required to maintain the operation of the agency.

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<sup>1</sup> Dana L. Hoag, *Agricultural Crisis in America* (ABC-CLIO, Inc), p. 11.

<sup>2</sup> Steve Murdock, *Demographic and Socioeconomic Change in Rural Texas*, (College Station, Texas: Department of Rural Sociology, Texas A&M University, February 2000), p. 1.



# **ACROSS-THE-BOARD RECOMMENDATIONS**

<b>State Soil and Water Conservation Board</b>	
<b>Recommendations</b>	<b>Across-the-Board Provisions</b>
	<b>A. GENERAL</b>
N/A	1. Require at least one-third public membership on state agency policymaking bodies.
Update	2. Require specific provisions relating to conflicts of interest.
Apply*	3. Require that appointment to the policymaking body be made without regard to the appointee's race, color, disability, sex, religion, age, or national origin.
N/A	4. Provide for the Governor to designate the presiding officer of a state agency's policymaking body.
Update	5. Specify grounds for removal of a member of the policymaking body.
Update	6. Require that information on standards of conduct be provided to members of policymaking bodies and agency employees.
Update	7. Require training for members of policymaking bodies.
Already in statute	8. Require the agency's policymaking body to develop and implement policies that clearly separate the functions of the policymaking body and the agency staff.
Already in statute	9. Provide for public testimony at meetings of the policymaking body.
Update	10. Require information to be maintained on complaints.
Update	11. Require development of an equal employment opportunity policy.

\* This recommendation would apply to Governor appointees under recommendaton 2.1.



## **AGENCY INFORMATION**



# Agency Information

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## AGENCY AT A GLANCE

The Texas State Soil and Water Conservation Board works with agricultural landowners to protect the State's soil and water resources by providing technical and financial assistance through voluntary, non-regulatory programs. The Board's major responsibilities include:

- defining the State's management plan for abating nonpoint source pollution from agricultural and forestry operations,
- providing technical assistance and financial incentives to farmers in establishing water quality management plans,
- offering technical assistance and financial incentives to ranchers for a brush control pilot project in the North Concho Watershed.

### Key Facts

**Funding.** The Board's budget for fiscal year 1999 was \$9.7 million, with General Revenue contributing 73 percent and federal funds providing 26 percent.

**Staffing.** The Board currently employs 65 staff, 29 of whom work in agency's Temple headquarters. The remaining 36 employees are field staff serving as liaisons between the Board and local soil and water conservation districts. The Board has five regional offices located in Wharton, Harlingen, Hale Center, Mount Pleasant, and Dublin.

**Nonpoint Source Pollution.** Through voluntary efforts to control nonpoint source pollution, the Board has worked with landowners to implement 3,582 water quality management plans. Just over half of these plans received financial incentives from the Board.

**Brush Control.** Despite having authority since 1985, the Board received its first appropriation in the 2000 - 2001 biennium to control water-depleting brush and trees, such as cedar and mesquite. The program received \$9.1 million to establish a pilot project in the North Concho Watershed.

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The Board's main responsibility focuses on water quality concerns.

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### On the Internet

Visit the Board's web site at: [www.tsswcb.state.tx.us](http://www.tsswcb.state.tx.us) for information about the agency, local soil and water conservation districts, and the Board's water quality and brush control programs.

## MAJOR EVENTS IN AGENCY HISTORY

The Legislature created the Board in response to the Dust Bowl soil erosion crisis of the 1930s.

The Texas State Soil and Water Conservation Board was originally established as the Texas State Soil Conservation Board in 1939, in response to the severe soil erosion problems of the Dust Bowl era. The Board's early mission was to help agricultural landowners implement farming techniques through local soil and water districts to protect resources for agricultural use. While the agency still works with landowners to protect soil and water resources for the benefit of agriculture, over time, its focus has shifted to reflect a broader responsibility to protect the environment.

This shift began in 1975, when the Governor designated the Board as the lead agency for planning and management responsibilities for agricultural and forestry-related pollution under the federal Water Pollution Control Act. In 1993, the Legislature named the Board the lead agency to address water quality issues relating to runoff from diffused, or nonpoint, sources resulting from agricultural and forestry operations.<sup>1</sup> In the 1999, the Legislature expanded the Board's environmental mission and appropriated money to address water pollution from nonpoint sources under a separate, federally mandated program.<sup>2</sup>

In 1985, the Legislature gave the Board authority to administer the State's Brush Control Program. In this program, the Board addresses water quantity issues by encouraging farmers to voluntarily control the growth of noxious brush species that are believed to deplete water resources. The Board did not receive funding for this effort until the 1999 Legislative Session when the Legislature appropriated approximately \$9 million for a pilot project to provide technical assistance and financial incentives to landowners in the North Concho Watershed.

## ORGANIZATION

### Governing Body

The Board is composed of five members, elected by delegates from each of five regions of the state's 216 local soil and water districts. Elections occur annually at regional conventions of the local soil and water conservation districts, with members serving two-year, staggered terms. Board members must be at least 18 years old, own agricultural land, and actively engaged in farming and ranching. The Board elects

its own Chair and generally meets bi-monthly, unless specific programs or issues require more immediate action. The chart, *Texas State Soil and Water Conservation Board*, lists the current Board members and shows which soil and water conservation region they represent.

State Soil and Water Conservation Board			
Member Name	Region	Term	Residence
Dayton Elam	#1	May 4, 1999 - May 1, 2001	Seminole
Edward Albrecht	#2	May 2, 2000 - May 7, 20002	Comfort
Donald Swann	#3	May 3, 2000 - May 7, 2002	Taft
Wayne Register	#4	May 4, 1999 - May 7, 2002	New Waverly
James K. Brite	#5	May 4, 1999 - May 1, 2001	Bowie

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State law requires that all Board members be actively involved in farming or ranching.

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## Staff

The Board employs 65 staff, 29 of whom work in the Temple headquarters. The remaining 36 employees are field staff, either working out of their homes or located in the five regional offices located throughout the state. The Board's five regions and the locations of the regional offices are shown in the map, *Texas State Soil and Water Conservation Board Regions* on page 37. The organization chart on page 36 describes the agency's structure. A comparison of the agency's workforce composition to the minority civilian labor force is shown in Appendix A.

The regional staff provide on-site technical assistance to farmers and serve as liaisons between the Board and local districts. The field staff also coordinate with the Texas Natural Resource Conservation Commission (TNRCC), Texas Agricultural Extension Service, and the U.S. Department of Agriculture's Natural Resource Conservation Service to provide technical assistance to landowners on conservation projects.

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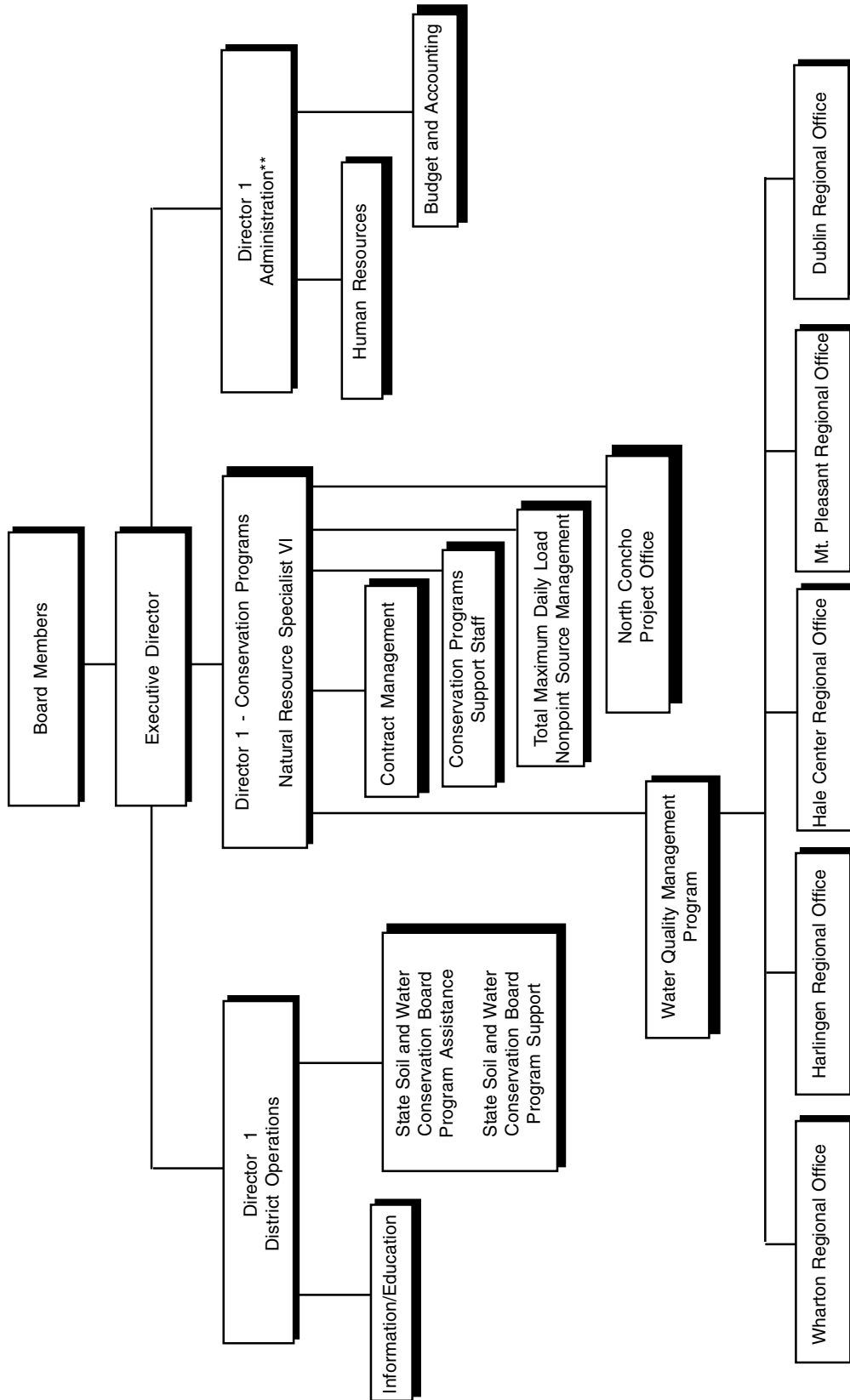
216 local districts are a key part of the States' conservation efforts.

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## Local Soil and Water Conservation Districts

The Board performs many of its activities in coordination with the state's 216 local soil and water conservation districts. These local districts are political subdivisions of the state, established through local option elections of agricultural landowners. These districts generally reflect county boundaries, but may also follow river basin or watershed boundaries. The map *Local Soil and Water Conservation Districts and Regions* on page 37, shows the 216 local districts that cover almost the entire state, except a portion of Kenedy County, containing the privately

## State Soil and Water Conservation Board Organizational Chart



\*\* Responsible for administration of Risk Management function.

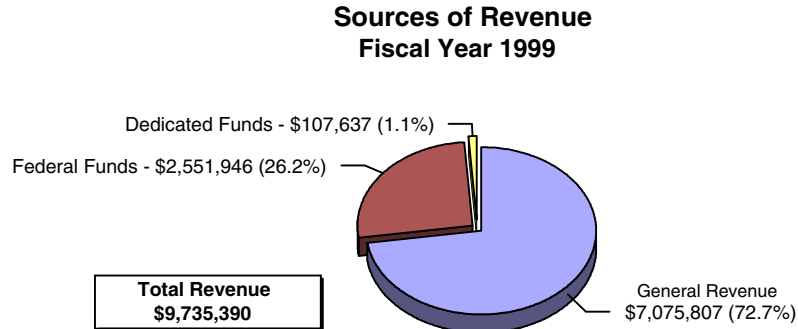
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owned King Ranch. It also shows the grouping of these districts into the five regions that each elect a State Board member.

As mentioned, landowners in these local districts elect the members of the State Soil and Water Conservation Board through a series of convention-style elections. These districts do not have taxing authority and instead receive federal assistance, state assistance from the Board, and locally-generated funds, such as from the lease of farm equipment to landowners. Statewide, the districts have 58 full-time and 189 part-time personnel to provide technical assistance and to manage financial incentive payments to landowners.

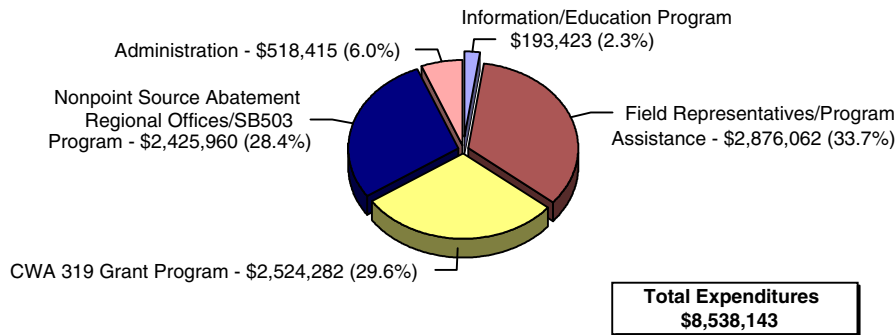
### Funding

In fiscal year 1999, the Board received approximately \$9.7 million from state and federal sources. The piechart, *Sources of Revenue — Fiscal Year 1999*, identifies each source of the Board's funds. Approximately 73 percent, or \$7 million, came from the General Revenue Fund. The remaining 26 percent is federal funds under the Clean Water Act.<sup>3</sup>



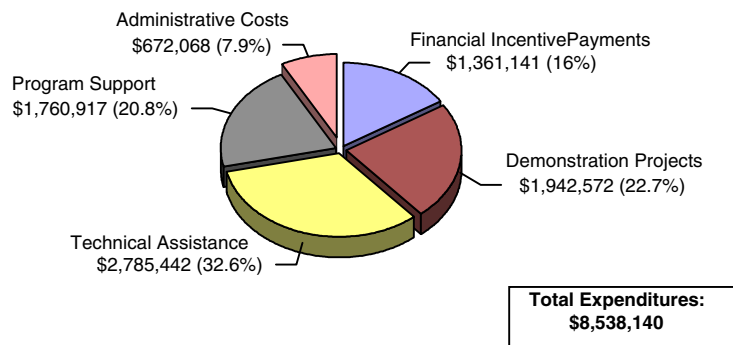
The Board split fiscal year 1999 expenditures between assistance programs to agricultural landowners and local districts, and administering its program for abating nonpoint source pollution. The piechart, *Expenditures by Strategy — Fiscal Year 1999*, shows how the Board spent \$8.54 million in fiscal year 1999. The difference between the \$9.7 million in revenue and \$8.5 million in expenditures represents the encumbrance of General Revenue for financial incentive payments to farmers and mileage and per diem payments to district directors.

**Expenditures by Strategy  
Fiscal Year 1999**



The piechart, *Expenditures by Major Activity - Fiscal Year 1999*, delineates the Board’s main program disbursements. The Board spent 16 percent of its to budget on financial incentive payments to farmers, totaling approximately \$1.7 million. Administration accounts for 7.9 percent of the Board’s expenditures and is in contrast to the 6 percent Administration figure in the piechart above, which adds incremental administrative services to each of its other categories. Program support, 20.8 percent of the Board’s expenditures in fiscal year 1999, includes the Board’s field staff salaries, some operational costs for regional offices and contracted support services for federally funded demonstration projects. Technical assistance, which accounts for 32.6 percent of the Board’s expenditures, involves staff people providing on-site environmental technical expertise for both demonstration projects and individual farming operations. It also accounts for money sent to districts in the form of grants, which is described below.

**Expenditures by Major Activity  
Fiscal Year 1999**



Much of the assistance the Board provides to the local soil and water conservation districts is financial. The following material describes the two largest grant programs for these districts.

*Technical Assistance Grants Program* - The Board disbursed \$971,833 in fiscal year 1999 from General Revenue in grants to 206 local districts, averaging \$4,700 per district. Local districts use this money to hire

part-time employees who provide bookkeeping and technical services to the local district directors and landowners.

*Conservation Assistance Program* - In fiscal year 1999, the Board distributed \$911,937 in General Revenue to 215 of the 216 local districts, averaging \$4,426 grant per district. Local districts receive these funds as a dollar for dollar match for money that they generate locally. The local districts use this money to pay office rent and utilities.

## AGENCY OPERATIONS

The Board's use of Historically Underutilized Businesses (HUBs) in purchasing goods and services can be seen in Appendix B.

The Board works to conserve the State's soil and water resources through voluntary efforts with agricultural landowners. With the local soil and water conservation districts, the Board provides technical assistance and financial incentives to encourage landowners to implement conservation practices. The Board also works closely with other state and federal agencies to draw on their expertise and to coordinate the flow and content of information to landowners. Appendix C, *Federal and State Agency Coordination on Major Program Activities*, describes relationships between the Board and other state and federal agencies.

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The Board uses the voluntary efforts of landowners to achieve most of its mission.

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The Board's largest responsibility is to oversee voluntary programs to control water pollution from agricultural and forestry land runoff. This runoff does not discharge from an easily identifiable or known source. For this reason, it is referred to as nonpoint source pollution. The second major responsibility for the Board is the control of water-depleting brush. The following material provides more detail regarding these activities.

### Nonpoint Source Pollution

Agricultural and forestry nonpoint source pollution generally results from runoff from agricultural practices, such as the application of fertilizers, the irrigation of cropland and the use of animal feedlots. Pollution occurs when rainfall carries soil sedimentation containing pesticides, pathogens, salts, phosphorous, and nitrogen into surface water or groundwater. Urban nonpoint source pollution, which is regulated by TNRCC, is often contained in runoff from storm water drains, construction sites, and golf courses.



The federal government first sought to address nonpoint source pollution with the enactment of the Clean Water Act of 1972,<sup>4</sup> requiring states to develop plans for abating this pollution. In 1987, Congress required states not only to develop, but to implement the strategies defined in these plans.<sup>5</sup> However, the law remained largely unenforced for years until a series of lawsuits in other states caused the U.S. Environmental Protection Agency (EPA) to require implementation of the law. Texas initiated this program in 1997, with the Board and TNRCC sharing responsibility for controlling nonpoint source pollution.

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Runoff from cropland and animal feedlots can cause nonpoint source pollution.

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TNRCC is responsible for determining how much pollution a water body can receive and still meet surface water quality standards for beneficial uses, such as for aquatic life, recreation, or drinking water. The level of pollution that a water body can accept before it is considered impaired is known as its total maximum daily load, or TMDL. In Texas, TNRCC has identified 147 impaired stream segments as shown in the map on page 42. TNRCC is further charged with determining the causes of pollutants that contribute to the impairment of these stream segments. Of the 147 impaired stream segments, TNRCC has identified 29 that result from agricultural runoff. None of the segments has forestry runoff.<sup>6</sup>

The Board works with TNRCC to implement measures to comply with these federal mandates. While TNRCC has regulatory authority for controlling discharges from point sources and for nonpoint urban storm water runoff, the Board is responsible for agricultural and forestry nonpoint source pollution.

Before EPA began requiring states to implement nonpoint source programs under federal law, Texas had a law making the Board the lead agency for agricultural and forestry nonpoint source pollution. Under this effort, the Board identified water bodies that had water quality problems resulting from agricultural and forestry runoff. The Board designated these water bodies as priorities based on the best information available at the time. Since that time, TNRCC's development of total maximum daily loads under the federal Clean Water Act provides more reliable data on the location of impaired water bodies and the extent of their impairment.

With the exception of educational demonstration projects that are conducted with federal funds, the Board's activities under both the federal and state programs are largely the same. Both programs involve voluntary efforts by landowners to control nonpoint source pollution through the development of water quality management plans and

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through the provision of technical and financial assistance. These efforts are discussed in the following material.

**Water Quality Management Plans** - Agricultural and forestry landowners may enter into cooperative agreements, known as a water quality management plans, with their local district to control nonpoint source pollution from their operations. While the decision to develop a plan is voluntary, landowners have many reasons to do so. These plans provide for landowners to use best management practices in their operations to protect their most precious agricultural resources by controlling erosion, conserving water, and protecting water quality. In addition, certified plans have the same legal status as TNRCC point source pollution permits, without having to go through that agency's regulatory process.<sup>7</sup> Landowners may also receive financial incentives to help pay for implementing these plans.

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Most of the state's  
animal feeding  
operations do not  
require a TNRCC  
permit.

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Water quality management plans are especially useful for animal feeding operations. Depending on their size, animal feeding operations may be regulated by TNRCC as a point source or are unregulated and subject to the Board's voluntary program. Generally, these feeding operations are classified according to the number of animals they have, calculated as "animal units." Animal feeding operations with more than 1000 animal units must apply for a permit from TNRCC. Most animal feeding operations in Texas are not large enough to require permit. The chart, *Concentrated Animal Feeding Operations*, describes how feeding operations are classified for regulatory purposes.

Type	Number equaling 1000 animal units
Slaughter cattle	1000
dairy cows	700
pigs (<55 lbs.)	2,500
horses	500
sheep	10,000
turkeys	50,000

**Technical Assistance** - In developing the water quality management plan, the Board, TNRCC, and USDA's Natural Resources Conservation Service provide technical assistance to help the landowner meet the criteria of the plan. A plan establishes practices and installations on the farm that adhere to best management practices specific for that area.<sup>8</sup> The various installations that a plan calls for depends on the operation. A farm may include a combination of crop land, dairy cows, poultry, hogs, or cattle.

These plans may include erosion control measures such as terraces or grass waterways; or they may address nutrient management to help landowners avoid over-fertilizing their land, or over-applying waste from animal feeding. Although a plan will take into consideration each farm's unique components, all water quality management plans

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The Board cost shares with farmers who are willing to implement pollution control measures.

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generally attempt to control erosion, conserve water, and protect water quality.

***Financial Incentives*** - Upon Board certification of a water quality management plan, a landowner may apply for a financial incentive that will help pay for implementing the plan. Local districts have varying rates for sharing the cost of plan implementation, but most share 50 percent of the plan's cost, with a maximum \$10,000 grant limit. When landowners complete part or all of a plan's installations, they must send a receipt to the local district which verifies that the implementation adheres to the agreement. Once verified, the local district mails the receipt to the Board and a reimbursement is sent directly to the farmer. Landowners receiving financial incentive have approximately three years to implement the provisions of the water quality management plan.

The Board allocates money to local districts for financial incentives based on whether the area has impaired water bodies as determined by TNRCC, or if it had previously been designated as a priority by the Board. In 1999, the Board worked with landowners to establish 775 water quality management plans. Of these, 463 received financial incentives at an average of \$2,939 paid to each landowner. Most of these financial incentives were funded with General Revenue. Only 95 of these plans received financial incentives from federal funds.

In addition to certifying plans to ensure that they help abate nonpoint source pollution, the Board monitors plans to ensure they are properly implemented. Each year, the Board checks 10 percent of the plans and may decertify any plans not properly implemented. If a plan has not been properly implemented, and the Board receives a complaint, such as from an adjacent landowner, it may refer the matter to TNRCC for enforcement action. The Board has referred 11 such matters to TNRCC for enforcement since the beginning of its nonpoint source program.

***Demonstration Projects*** - The Board enters into agreements, similar to grant contracts, with various government and academic entities which propose projects addressing agricultural and forestry nonpoint source pollution abatement. Projects range from establishing a water quality steering committee in the Leon River Watershed to demonstrating best management practices for phosphorous levels in the North Bosque River Basin. These projects have a three to five year life span and often involve the cooperation of several other state and federal agencies.

See Appendix D, *Soil and Water Conservation Board's Demonstration Projects*, for a list of these projects.

## **Brush Control**

The Board's brush control program is designed to conserve water by removing water-depleting brush and trees, such as cedar and mesquite, which have invaded much of the state's cattle grazing land. In 1985, the Legislature directed the Board to administer the program entailing the development of management strategies and the designation of areas where brush control is most needed.

In 1999, the Legislature appropriated \$9 million to the Board for financial incentives to landowners involved in a brush control pilot project in the North Concho River Basin, for farmers who set up water quality management plans.<sup>9</sup> Financial incentive grants have no maximum limit. These funds will also pay for feasibility studies to determine other watersheds where brush control would provide water conservation benefits.

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<sup>1</sup> Texas Agriculture Code, ch. 201, Sec. 201.026.

<sup>2</sup> U.S. Code, title 33, ch. 26, Sec. 1319.

<sup>3</sup> U.S. Code, title 33, ch. 26, Sec. 1319.

<sup>4</sup> U.S. Code, title 33, ch. 26, Sec. 1208.

<sup>5</sup> Sec. 1319(h) of the Federal Clean Water Act also requires the statewide management plan for abating nonpoint source pollution be reviewed and re-submitted to EPA for approval every four years.

<sup>6</sup> Memorandum from Louanne Jones, Texas Natural Resources Conservation Commission, to Sunset Advisory Commission staff, February 22, 2000.

<sup>7</sup> Texas Water Code, ch. 26, Sec. 26.121.

<sup>8</sup> The Board references NRCS's "Field Office Technical Guide", which offers the industry standard for best management practices in agriculture.

<sup>9</sup> The Legislature recommended the project based on a feasibility study conducted by the Upper Colorado River Authority in the North Concho River Watershed. The study report was submitted to the Legislature in 1998.



# **APPENDICES**

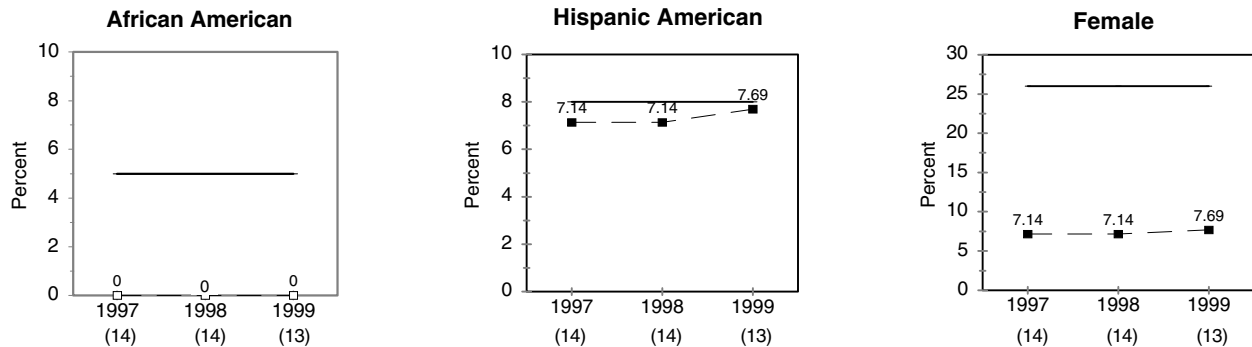
## Appendix A

### Equal Employment Opportunity Statistics

#### 1997 to 1999

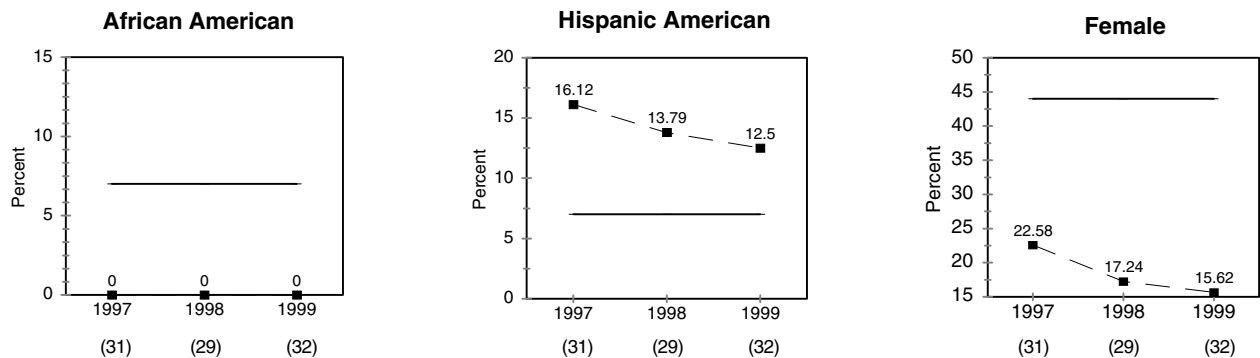
In accordance with the requirements of the Sunset Act,<sup>1</sup> the following material shows trend information for the agency's employment of minorities and females. The agency maintains and reports this information under guidelines established by the Texas Commission on Human Rights.<sup>2</sup> In the charts, the flat lines represent the percentages of the statewide civilian labor force that African Americans, Hispanic Americans, and females comprise in each job category. These percentages provide a yardstick for measuring agencies' performance in employing persons in each of these groups. The dashed lines represent the agency's actual employment percentages in each job category from 1996 to 1999. Finally, the number in parentheses under each year shows the total number of positions in that year for each job category.

#### State Agency Administration



The agency fell well below the civilian labor force percentages for African Americans and Females, and almost achieved the percentages in 1997 through 1999 for Hispanic Americans.

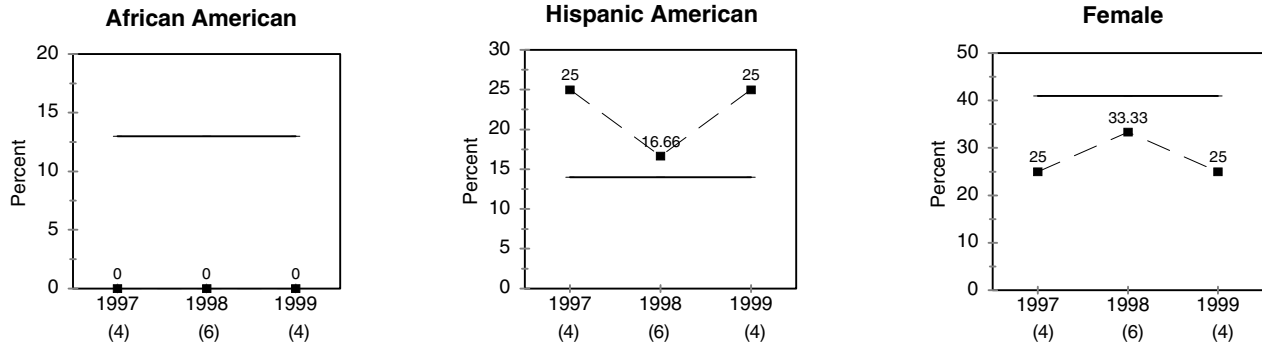
#### Professional



In 1997 through 1999, the Board met the civilian labor force percentages for Hispanic Americans, but fell well below the percentage for both African Americans and Females.

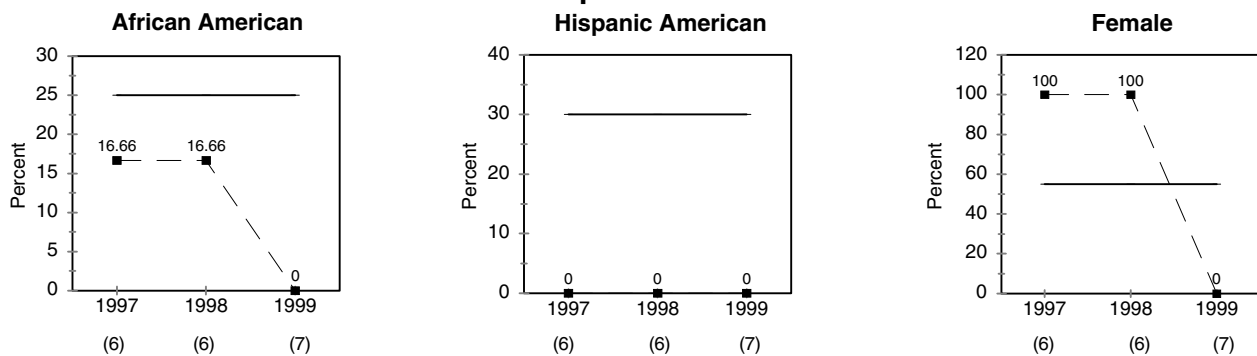


**Technical**



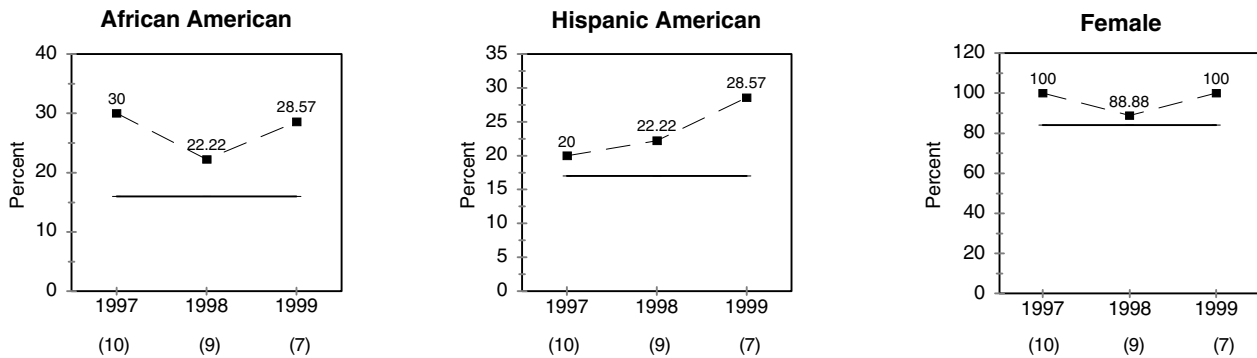
Again, in 1997 through 1999, the Board met the civilian labor force percentages for Hispanic Americans, but did not for African Americans and Females.

**Paraprofessional**



The Board exceeded the Female civilian labor force percentages in the Paraprofessionals category, but was well below for Hispanic Americans and African Americans.

**Administrative Support**



The Board exceeded the civilian labor force for African Americans, Hispanic Americans and Females.

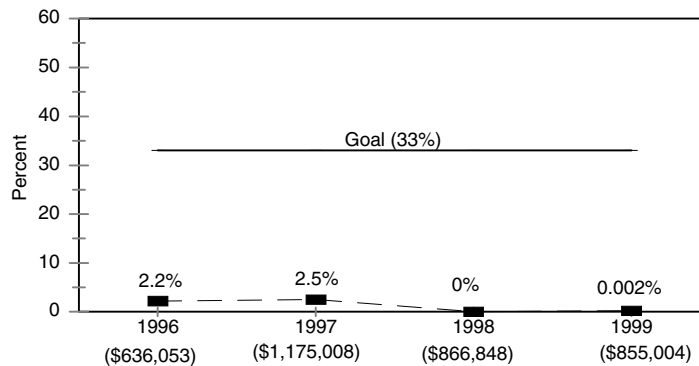
## Appendix B

### Historically Underutilized Businesses Statistics

#### 1996 to 1999

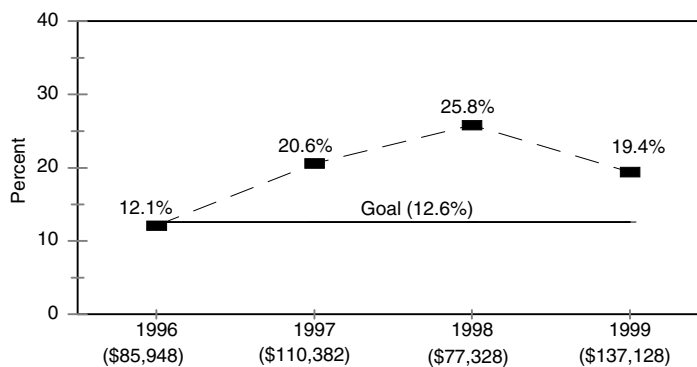
The Legislature has encouraged state agencies to use Historically Underutilized Businesses (HUBs) to promote full and equal opportunities for all businesses in state procurement. In accordance with the requirements of the Sunset Act,<sup>1</sup> the following material shows trend information for the agency's use of HUBs in purchasing goods and services. The agency maintains and reports this information under guidelines in the General Services Commission's enabling statute.<sup>2</sup> In the charts, the flat lines represent the goal for each purchasing category, as established by the General Services Commission. The dashed lines represent the agency's actual spending percentages in each purchasing category from 1996 to 1999. Finally, the number in parentheses under each year shows the total amount the agency spent in each purchasing category.

#### Other Services



The Board fell well below the statewide HUB goal every year shown.

#### Commodities



The Board has generally met the statewide HUB goal for this category.



## Appendix C

### Federal and State Agency Coordination on Major Program Activities

State Agencies	Program Coordination
Texas Natural Resource Conservation Commission	<ul style="list-style-type: none"> <li>• Establishment of total maximum daily loads and educational demonstration projects</li> <li>• Complaint resolution for permitted farms</li> <li>• Enforcement for polluting non-permitted farms</li> </ul>
Texas Department of Agriculture	<ul style="list-style-type: none"> <li>• Participation in educational workshops sponsored by local districts</li> <li>• Coordination on pesticide and herbicide continuing credits education</li> </ul>
Texas Water Development Board	<ul style="list-style-type: none"> <li>• Monitoring ground and surface water levels for the Brush Control Program</li> </ul>
Texas Department of Criminal Justice	<ul style="list-style-type: none"> <li>• Usage of inmate labor in the Brush Control Program</li> </ul>
Texas Parks and Wildlife Department	<ul style="list-style-type: none"> <li>• Consultation on wildlife management in the Brush control Program</li> </ul>
Texas Forest Service	<ul style="list-style-type: none"> <li>• Training program for loggers in forestry nonpoint source pollution prevention</li> </ul>
Texas Agricultural Extension Service	<ul style="list-style-type: none"> <li>• Organizing and presenting educational workshops on nonpoint source pollution abatement</li> </ul>
Federal Agencies	Program Coordination
U.S. Department of Agriculture - Natural Resources Conservation Service	<ul style="list-style-type: none"> <li>• Provision of technical assistance on water quality management plans and brush control plans</li> <li>• Coordination with local districts on several federal programs, including soil surveys</li> </ul>
U.S. Environmental Protection Agency	<ul style="list-style-type: none"> <li>• Compliance assistance on federal water quality laws (including TMDLs) and funding</li> </ul>
U.S. Army Corp of Engineers	<ul style="list-style-type: none"> <li>• Works with local districts in implementing federal habitat restoration projects</li> </ul>
U.S. Forest Service	<ul style="list-style-type: none"> <li>• Assists in installing forestry nonpoint source abatement on federal lands</li> </ul>
U.S. Geological Survey	<ul style="list-style-type: none"> <li>• Provision of spatial data and maps for the Brush Control Program</li> </ul>



## Appendix D

### Soil and Water Conservation Board's Demonstration Projects

Project Title	Lead Agency	Project Goals
Water Quality Effects of Land Application of Poultry Litter	Texas Agricultural Extension Service	Field demonstration plots that provides for a scientifically sound comparison of broiler litter and commercial fertilizer at comparable rates as alternate nutrient sources for a summer/winter forage system in Northeast Texas. Determines the effects of surface spread poultry manure vs. commercial fertilizer in terms of crop yield benefits, increased soil fertility level and shallow groundwater quality effects.
Demonstration of Composting as a Best Management Practice for Poultry Operations	Gonzales Soil & Water Conservation District	Demonstrates the use of dead poultry composting to prevent potential water contamination.
Second Annual Region 6 Nonpoint Source Conference	Texas State Soil & Water Conservation Board	Coordination of the second annual Region 6 nonpoint source conference, which will enhance public awareness of nonpoint source pollution, broaden the support base of watershed interest groups, local entities, and individuals interested in water quality protection, and share experiences and knowledge gained in controlling NPS pollution.
Implementation of the TEX*A*Syst, Ground Water Protection Program by Extension	Texas Agricultural Experiment Station	The project will implement the TEX*A*Syst ground water protection program, develop BMPs and monitor at least 12 demonstration sites within selected 319 listed areas.
On-Farm Composting of Dairy Cattle Solid Waste for Production of a Peat Moss Substitute	Texas A&M Commerce	Demonstrates the construction of an on-site commercial mechanical composter capable of handling the solid waste produced on a 400-cow freestall dairy located in Hopkins County, TX.
Demonstration Of Agricultural BMP's for Playas in the Texas High Plains	Texas Agricultural Extension Service	This project will demonstrate and evaluate BMP's for improved surface water quality entering playa basins.
Demonstration of a Waste Management System Utilizing Constructed Wetlands – Phase II	U.S.D.A. - Natural Resources Conservation Service	Demonstrates a constructed wetland as an animal waste management system component showing dairy operators the need for enhancement of water quality measures.
Demonstration of Buffer Strip Effectiveness at Controlling Nonpoint Source Pollution from Poultry Litter Application	Texas Agricultural Experiment Station	Demonstrate the effectiveness of buffer strips at improving water quality and reducing NPS pollution risk associated with application of poultry manure, and provide farmers and ranchers with knowledge necessary to make appropriate decisions concerning timing and rates of application.
Wetlands for Nonpoint Source Pollution Control in Small Agricultural Watersheds	Texas Agricultural Extension Service	Construction of wetlands in a small agricultural watershed for reduction on nonpoint source pollutants. This project provides public education and awareness of wetlands as a Best Management Practice.

<b>Project Title</b>	<b>Lead Agency</b>	<b>Project Goals</b>
Implementation of a Nutrient Monitoring System to Reduce Nitrogen and Phosphorus Loading from Dairy Cattle Production Systems	Texas Agricultural Extension Service	The primary goal of the proposed project is to demonstrate that improving the balance of nitrogen and phosphorus cycles in dairy cattle production systems will prevent water pollution in concentrated dairy production environments.
Implementation of Water Quality Management Practices in the Tierra Blanca Creek Watershed	Texas Agricultural Extension Service	Identify types, characteristics, and extent of potential nonpoint sources in the Tierra Blanca Creek Watershed.
Erosion and Sediment Control with Vegetative Barriers	Kika de la Garza Plant Material Center	Establishes field demonstration plots showing the effectiveness of using vegetative barriers in stabilizing waterways, gullies and other areas of erosive water flow.
Texas Silvicultural Nonpoint Source Project	Texas Forest Service	Project working to decrease stream sedimentation from county and forest industry unpaved roads in the Angelina and Neches River watersheds of Angelina and Nacogdoches Counties through cooperation, education, inspection, and behavior changes of local loggers.
TEX*A*Syst Video Training Series and Nonpoint Source Data Distribution Through the Internet	Texas Agricultural Extension Service	Cooperative effort with the Texas Agricultural Extension Service (TAEX) and Blackland Research Center (BRC) in completing the TEX*A*Syst training video and homepage, plus a good website for the Soil and Water Conservation Board.
Demonstration of Phosphorus Best Management Practices in the North Bosque River Basin	Texas Institute for Applied Environmental Research	Educational project addressing implementation of phosphorus-based BMPs for local dairy producers.
Texas Agricultural Lifetime Leadership (TALL) TMDL Education Project	Texas Agricultural Experiment Station	Education workshop for individuals involved in TALL held in October, 1998 in the Valley, concerning TMDL issue.
Composting and Marketing of Animal Waste Products	Anderson/Houston Soil & Water Conservation District	Effort to publicize Anderson-Houston SWCD and Texas A&M University composting and marketing project to area civic and business groups and aid in the development of markets for composted products.
BMP Implementation Support Through Utilization of Advanced Survey Technology	Texas State Soil & water Conservatoion Board - Wharton	Facilitation of timely BMP Implementation in Texas Gulf Coast Watersheds.
Lake Aquilla and Marlin City Lake System, Water Quality Action Plan	Texas Agricultural Extension Service	This project provides water quality educational activities, implement best management practices (BMP), and monitors the major streams and reservoirs for atrazine contamination within the watersheds.

<b>Project Title</b>	<b>Lead Agency</b>	<b>Project Goals</b>
Critical Forestry BMP Implementation Project	Texas Forest Service	BMP implementation project through incentive-based opportunities for landowners to remove their salvageable timber without compromising water quality.
Comprehensive Rural Water Quality Improvement Project	Texas Agricultural Extension Service	Demonstration project of an innovative approach to effectively address the variety of nonpoint source pollution problems from threatened rural subwatersheds in Central Texas.
Clean Water for Armand Bayou	Texas Agricultural Extension Service	Development and implementation of a systematic approach to nonpoint source pollution loading reduction in the lower portion of the Galveston Bay watershed, specifically in the Armand Bayou watershed.
Sustainable Poultry Litter Management	Texas Agricultural Experiment Station	Demonstration of best management practices for poultry producers in effort to protect the water quality of the Lavaca and Guadalupe watersheds of Lavaca and Gonzales Counties.
Water Quality Benefits of Precision Farming	Texas Agricultural Experiment Station	Demonstration of the water quality benefits associated with precision application of agricultural chemicals.
Educational Assistance in the Arroyo Colorado	Texas Agricultural Extension Service	A targeted educational assistance program to agricultural producers implementing Texas State Soil and Water Conservation Board Water Quality Management Plans.
Technical Assistance and Implementation in the Leon River Watershed	Texas State Soil & Water Conservation Board	Coordination of technical assistance for water quality management plans in the Leon River watershed between the Board, local districts, NRCS, and BRC. Project Goal: 48 WQMPS. Developed To Date: 64 WQMPS.
Oak Creek/Lake Trammell Water Quality Project	Big Country Resource Conservation & Development	Involvement of agricultural producers within the project area to develop and implement solutions to the sedimentation problem by educating them about the economic and environmental benefits they will achieve by implementing best management practices. Project Goal: 20 WQMPS. Developed To Date: 20 WQMPS.
WQMP Implementation Assistance in the Texas Rolling Plains	Crosby & Dickens Soil & Water Conservation Districts	Coordination of technical assistance activities in the South Wichita River and White River watersheds between the Board, local districts, NRCS, and TAES-BRC. Project Goal: 16 WQMPS. Developed To Date: 14 WQMPS.
Composting and Marketing of Animal Waste Products	Anderson/Houston Soil & Water Conservation District	Demonstration of commercial use of new on-farm in-vessel composting technology for decomposing poultry mortality (dead birds). Also, assisting dairies in the on-site production of compost and developing markets for composted products.
Ecological Watershed Management in Ft. Hood, Texas	Central Texas Cattleman's Association	Project devoted to the restoration of a multi-use Central Texas rangeland for water quality improvement.



Project Title	Lead Agency	Project Goals
Technical Assistance for Mathematical Simulation of Hydrodynamics and Water Quality in the Tidally Influenced Segment of the Arroyo Colorado	Texas Institute for Applied Environmental Research	Project providing general technical advice, guidance and council to the TNRCC regarding hydrodynamics and water quality simulation of the Tidally influenced Arroyo.
Assessment of the Middle and South Bosque Watershed	Texas Institute for Applied Environmental Research	Research project to provide the Board with information on land use activities in the study area which may contribute to surface water pollution, with particular attention to agricultural activities.
Lake Aquilla and Marlin City Lake System, Water Quality Action Plan	Texas Agricultural Extension Service	This project will provide water quality education activities, implement best management practices (BMP), and monitor the major streams and reservoirs for atrazine contamination within the watersheds.
WQMP implementation Assistance in the Arroyo Colorado River Basin	Texas State Soil & Water Conservation Board	Additional technical and financial assistance to landowners to aid in the development of water quality management plans within the Arroyo Colorado watershed. Project Goal: 100 WQMPS. Developed To Date: 34 WQMPS. The Arroyo Colorado Basin in on the State's impaired water body list.
Texas Silvicultural Nonpoint Source Project	Texas Forest Service	Statewide best management practices education for forest landowners, including technical and financial assistance for forestry water quality management plan implementation. The Big Cypress Basin is on the State's impaired water body list.
Water Quality Management Plan Assistance in the Big Cypress Creek Watershed	Upshur-Gregg; Sulphur Cypress and Marion Cass Soil & Water Conservation Districts	Coordination of financial and technical assistance activities in the Big Cypress Creek Watershed between the Board, local districts and NRCS. Project Goal: 150 WQMPS. Developed To Date: 4 WQMPS
Alternative Litter/Manure Management in East Texas	Foundation for Organic Resource Management	Development and education of alternative litter/manure management practices.
The North Central Texas Atrazine Remediation Project	Limestone Falls, Ellis Prairie, Navarro, Dalworth, Hill County-Blackland, and Johnson Soil and Water Conservation Districts	This project will provide corn and sorghum producers in the Lake Waxahachie, Bardwell Reservoir, Richland Chambers Reservoir, and Joe Pool Lake watersheds with an opportunity to participate in water quality educational activities, technical assistance, and financial assistance to implement BMP's to reduce the runoff of atrazine. Project Goal: 123 WQMPS. Developed To Date: 0 WQMPS.
Technical Assistance and Implementation in the West Fork of the Trinity River Watershed	Jack and Wise Soil & Water Conservation District	This project will provide technical assistance to landowners in the Jack and Wise local districts to aid in the development and implementation of water quality management plans to accomplish a 20 - 30% reduction in agriculture nonpoint source pollution. Project Goal: 32 WQMPS. Developed To Date: 0 WQMPS.

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## **Appendix E**

### **Staff Review Activities**

- The Sunset staff engaged in the following activities during the review of the Texas State Soil and Water Conservation Board.
- Worked extensively with agency staff at the Temple headquarters.
- Met with Board members.
- Attended public Board meetings in Temple and reviewed minutes of past meetings.
- Conducted field visits to observe local district operations, the application of best management practices, and the workings of animal feeding operations and concentrated animal feeding operations.
- Met with staff of the Speaker's Office, Legislative Budget Board, legislative oversight and appropriative committees.
- Interviewed federal officials from the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Agriculture-Natural Resources Conservation Service (NRCS), and the U.S. Army Corp of Engineers.
- Interviewed state officials from the Texas Natural Resource Conservation Commission (TNRCC), Texas Department of Agriculture, Texas Agricultural Extension Service, Texas Agricultural Statistics Service, Texas Water Development Board and the Texas Secretary of State's Office.
- Attended the 1999 Annual Conference of State Soil and Water Conservation Districts in Lubbock and Board outreach seminar in Rockdale.
- Conducted phone interviews, held meetings with and solicited written comments from water district officials, river authorities, local and national non-profit organizations, small family farmers, and agricultural associations.
- Reviewed reports by the EPA, NRSC, Texas Agricultural Statistics Service, TNRCC, Texas Coastal Coordination Council, and the Center for Demographic and Socioeconomic Research and Education at Texas A&M University.
- Researched the structure of soil conservation district boards and their common functions in other states.
- Reviewed agency documents and reports, state statutes, legislative reports, Attorney General opinions, legislative proposals, literature on nonpoint source pollution, and information on the Internet.



**STATE SOIL AND WATER  
CONSERVATION BOARD**

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