

TEXAS STATE SOIL AND WATER CONSERVATION BOARD

Board Meeting Minutes

February 7, 2024, at 10:00 a.m.

1497 Country View Lane, Temple TX

The Board met at the above-stated time to consider and take appropriate action on the items listed below.

This meeting was held by videoconference pursuant to Texas Government Code §551.127. The presiding officer was physically present at the location of the meeting listed above and presided over the meeting at that location. The meeting was accessible to the public at the physical location listed above. Members of the public may also have participated in this meeting by videoconference call, using the following URL: https://us02web.zoom.us/webinar/register/WN_36A46ii_SbSum4WJAWkLSg. An audio or audio-video recording of the meeting is available on our website at <https://www.tsswcb.texas.gov>.

Board Members present:

David Basinger, Chairman

Board Members via Zoom:

Scott Buckles, Vice Chairman
Jose Dodier, Jr., Member
Barry Mahler, Member
Tina Buford, Member

Staff Members present:

Rex Isom, Executive Director
Kenny Zajicek, Operating & Fiscal Officer
John Foster, Policy Advisor & Intergovernmental Affairs
T. J. Helton, Program Administrator
Steve Bednarz, Program Administrator & Engineer
Allen Nash, Engineer
Karen Preece, Accountant

Staff Members present via Zoom:

Trey Watson, Field Representative
Ricardo Chapa, Program Supervisor
Kim Gamez, Program Supervisor
Johnny Oswald, Program Administrator
Mitch Conine, Program Manager
Andy Smith, Project Manager
Jana Lloyd, Grant Coordinator
Jett Preston, Project Manager
Anyssa Devers, Project Manager
Steve Bednarz, Program Administrator & Engineer
Jared Bowen, Flood Control Specialist
David Hentzen, Flood Control Specialist
Cary Williams, Engineer Reviewer
Teresa Reece, Natural Resources Specialist

Lauren Beach, Natural Resources Specialist
Molly Christensen, Communications & Outreach Coordinator
Clay Wright, Information Resources Manager
Marilyn Koelder, Administrative Assistant
Pam Blanton, Administrative Assistant

Others Present via Zoom:

Helen Kelley, Office of the Attorney General
Tamara Daniel, Association of Texas Soil and Water Conservation Districts
Robert Jordan, Wise County Water
Ben Davis
Anne Simpson
Josh McCasland
Ken Dodson
Jeremy Young
Sunit Deo
James Davis
Robert Davis
Katie Dodd
Clayton McGilvray
Tina Hendon
Murphy Parks
J. R. Collins
Matt Mahler

AGENDA ITEM 1: Webinar Information

Chairman Basinger reviewed the agenda information.

AGENDA ITEM 2: Call to Order, Roll Call, and Excuse Any Absent Board Members

Chairman Basinger called the meeting to order at 10:02 a.m. and called roll of the Board Members. Mr. Graham was absent.

Mr. Mahler moved for the approval to excuse Mr. Graham. Mr. Buckles seconded the motion. The motion passed unanimously.

AGENDA ITEM 3: Public Comment

Chairman Basinger read the agenda information and told panelist that they would be given three minutes each to address the State Board Members with no discussion at this time.

All panelists with public comments attended by Zoom videoconference. All panelists with public comments were discussing their concerns on the upcoming agenda item #7; Flood Control Program State Agreement Big Sandy Creek 43.

Chairman Basinger called on Mr. Robert Jordan. Mr. Jordan works for the Wise County Water Control and Improvement District #1. Mr. Jordan stated that their Board is in support of the project, and that it is an important public safety rehabilitation that needs to be done. Mr. Jordan also stated that their Board would support a different design if one became available and is not at the expense of public safety.

Chairman Basinger called on Mr. Ben Davis. Mr. Davis thanked the State Board for their time and attention to this matter. Mr. Davis stated that the Big Sandy Creek 44 project is having harmful environmental impacts and is behind schedule. He stated that when he learned that Big Sandy Creek 43 was up for approval, he wanted to make sure that it is not a disaster like Big Sandy Creek 44. They have procured the help of two professional

engineers. Mr. Davis stated that in working with the county, they learned of another option, Articulated Concrete Block (ACB), that it would have a 40% cost savings, have a limited impact on the environment, and seems to be a better solution. Mr. Davis stated that when he asked TSSWCB staff about this option, he was told that NRCS would not approve ACB, so he asked for documentation in that regard, but was never given any. He also asked if a life-cycle cost had been performed and was told no. Mr. Davis believes this would save millions of dollars, and that support for this project needs to held.

Chairman Basinger called on Ms. Anne Simpson. Ms. Simpson thanked Wise County, Wise County WCID, and the leadership and staff of the TSSWCB. Ms. Simpson stated that she and her brother, Robert, are the owners of the ranch where Big Sandy Creek 44 and Big Sandy Creek 43 are located. Ms. Simpson asked for the State Board to pause and re-examine the proposed engineering designs before approving Big Sandy Creek 43. Ms. Simpson stated that Big Sandy Creek 44 has been under construction since 2022 and has created many challenges including environmental, construction designs, and to their agriculture livelihood. She stated that in 021 they were notified that their stock tanks had been listed as high hazard. Ms. Simpson stated that they have lost century-old trees, fresh water, fish, and wildlife and that their pastures are damaged.

Chairman Basinger called on Mr. Josh McCasland. Mr. McCasland is a neighbor of the Davis family ranch where the construction is on-going. Mr. McCasland spoke of noise complaints, disruption to the wildlife in the area, and to the environment. Mr. McCasland stated that he is for a better solution or alternative if there are cost-savings and it takes less time to construct.

Chairman Basinger asked for any other comments at this time before calling on Mr. Ken Dodson. Mr. Dodson works for the Wise County Water Control and Improvement District #1. Mr. Dodson stated that he also feels for the Davis family, but it is their Board's responsibility to maintain these dams. Mr. Dodson stated that there are classification changes that caused the need for these upgrades and changes for safety downstream. He also stated that if there is a way to re-engineer and save funds, then their board is open to that. Mr. Dodson stated that his local board supports the project as is.

AGENDA ITEM 4: Minutes from November 30, 2023 State Board Meeting

Chairman Basinger reviewed the agenda item and stated that Ms. Preece had previously emailed a copy of the minutes to Board Members for their review.

Chairman Basinger called for a motion to approve the minutes of the November 30, 2023 State Board Meeting as presented.

Ms. Buford moved for the approval of the Minutes as presented. Mr. Mahler seconded the motion. The motion passed unanimously.

AGENDA ITEM 5: Soil and Water Conservation District Director Appointments:

Chairman Basinger reviewed the agenda item and stated that Ms. Preece had previously emailed a list of the appointments to Board Members for their review.

Chairman Basinger called for a motion to approve the appointments as presented.

Mr. Buckles moved for the approval of the appointments as presented. Mr. Dodier, Jr. seconded the motion. The motion passed unanimously.

AGENDA ITEM 6: Biennial District Budget Request

Mr. Zajicek reviewed the agenda information.

Mr. Mahler moved for the approval of the budget request as presented. Mr. Dodier, Jr. seconded the motion. The motion passed unanimously.

AGENDA ITEM 7: Flood Control Program State Agreement Big Sandy Creek 43

Mr. Bednarz reviewed the agenda information.

The public comments from Agenda Item 3 were concerning this agenda item. Discussion of those public comments and Mr. Bednarz's agenda information ensued.

Ms. Buford asked for clarification of different designs that would be allowed, the process that someone else would have to pay for the re-design, and the approval of such by the Natural Resources Conservation Services (NRCS).

Mr. Mahler asked for an estimate of a re-design and was told that it would be approximately \$350,000, and that we had already spent approximately \$850,000 on the design, review, and getting the necessary items in order. The redesign would be cheaper due to not needing all the additional items.

Mr. Bednarz stated that we had already paid for one, and that the state is not in a place to pay for another design.

Mr. Dodier, Jr. asked that if we wait for a re-design, would that hurt our funding? Mr. Bednarz stated that this project is currently one of three projects funded. If it is put on hold, we would have to wait and see if funding would still be available.

There is a future possibility of failure if using Articulate Concrete Block (ACB). If using ACB and it does fail, it will be an expensive repair and a possible loss of life.

Mr. Ben Davis returned to the videoconference and asked if the Wise County Board is open to a re-design, could the Texas State Soil and Water Conservation Board reimburse them for the expense if there are cost savings? Mr. Bednarz stated that we cannot use state funding to reimburse in that case. The expenses would be the responsibility of whomever took this on.

Mr. Robert Davis returned to the videoconference, asking about the depth of flow, and the widening of the spillway. Is there a way for NRCS to do that without having an entire engineering package? Mr. Bednarz stated that NRCS does a 30% review, 60 % review, 90% review and a final review, and that would be a NRCS requirement question.

Ms. Buford asked that if we delay now, would we be able reconvene in March at our next scheduled State Board Meeting on this agenda item? Mr. Isom stated that we could either call another Zoom videoconference State Board Meeting or at our next scheduled meeting on March 27th. Mr. Bednarz confirmed that March 27th would be acceptable.

Ms. Buford stated that she would like to allow the local people to be able to get together to discuss what they would like to do and present it at our March State Board Meeting.

Mr. Mahler stated that we need to consider all parties involved and get more information.

Mr. Buckles asked with this item being tabled if we need to give some direction to the Wise County WCID?

Mr. Isom stated that this item will need to be decided on in March.

Mr. Mahler asked if there are any maps or diagrams to look at. Mr. Bednarz stated that he will send them to the State Board Members.

Mr. Dodier, Jr. asked if there is any equipment onsite currently. Big Sandy 43 has not been started, but across the hill is Big Sandy 44 which is currently under construction.

AGENDA ITEM 8: Flood Control Program State Agreement Upper Cibolo Creek 4

Mr. Bednarz reviewed the agenda information.

Mr. Dodier, Jr. moved for the approval of Amendment Number 1 to the grant agreement as presented. Mr. Mahler seconded the motion. The motion passed unanimously.

AGENDA ITEM 9: Indefinite Delivery Indefinite Quantity Contracts for Engineering Services

Mr. Nash reviewed the agenda information.

Mr. Mahler moved for the approval to approve staff to execute six zero sum Indefinite Delivery Indefinite Quantity (IDIQ) contracts for professional services with the qualified firms of Freese and Nichols Inc, AECOM Technical Service Inc, M&E Consulting LLC, HDR Engineering Inc, Schnabel Engineering LLC, and Half Associates Inc, and approve purchasing authority up to \$20 million, (\$15 million for existing work orders to be carried over to the new IDIQ and \$5 million for any new work orders) for engineering professional services in fiscal year 2024. Mr. Buckles seconded the motion. The motion passed unanimously.

AGENDA ITEM 10: Water Quality Management Plan Cost-Share Requests from the Allocation for Statewide Use

Mr. Foster reviewed the agenda information.

Mr. Mahler moved for the approval of the request as presented. Mr. Dodier, Jr. seconded the motion. The motion passed unanimously.

AGENDA ITEM 11: Set Date for Next State Board Meeting

Mr. Dodier, Jr. moved for the approval of March 27, 2024. Mr. Mahler seconded the motion. The motion passed unanimously.

AGENDA ITEM 12: Adjourn Meeting


Chairman Basinger called for the meeting to be adjourned at 11:10 a.m.

Mr. Buckles moved to adjourn the meeting. Mr. Mahler seconded the motion. The motion passed unanimously.



David Basinger, Chairman

March 6, 2024
Date



Karen D. Preece, Secretary

March 6, 2024
Date

I certify that the above is a true and correct copy of the minutes of the Texas State Soil and Water Conservation Board meeting held on February 7, 2024.



Rex Isom, Executive Director

March 6, 2024
Date