

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AGENDA ITEM REQUEST
for Consideration of Resolution

AGENDA REQUESTED: January 29, 2014

DATE OF REQUEST: January 10, 2014

INDIVIDUAL TO CONTACT REGARDING CHANGES TO THIS REQUEST, IF NEEDED: Bruce McAnally, (512) 239-2141

CAPTION: Docket No. 2013-1870-MIS: Consideration of a resolution to fill membership positions on the Galveston Bay Council (GBC).

The GBC is a 41-member advisory body, to the Texas Commission on Environmental Quality (commission), whose function is to advise the commission on the implementation of The Galveston Bay Plan, the Comprehensive Conservation Management Plan for Galveston Bay.

These nominations would be for 22 of the 41 members. Membership includes: representatives from federal agencies; representatives from state agencies; representatives from regional and local governments; representatives from environmental and citizen groups; representatives from the private sector, and; a representative from research/academia.

These membership positions are consistent with the Texas Government Code, Chapter 2110, "State Agency Advisory Committees", as well as the requirements of the Federal Clean Water Act, Section 320. (Project No. 2014-004-MIS-NR) (Kerry Niemann)

L'Oreal Stepney, P.E.
Deputy Director

Kelly Holligan
Division Director

Bruce McAnally
Agenda Coordinator

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners **Date:** January 10, 2014

Thru: Bridget Bohac, Chief Clerk
Zak Covar, Executive Director

From: L'Oreal W. Stepney, P.E., Deputy Director
Office of Water

Docket No.: 2013-1870-MIS

Subject: Commission Approval for a Resolution to Fill Membership Positions on the Galveston Bay Council
Project No. 2014-004-MIS-NR

Background:

The resolution is submitted to the Texas Commission on Environmental Quality (commission), to consider filling 22 of the 41 positions on the Galveston Bay Council (GBC). The GBC is an official advisory committee to the commission for the Galveston Bay Estuary Program (GBEP). The GBC was created by resolution of the commission on November 21, 1995, and expires November 15, 2015. Members serve four-year terms. The terms are staggered such that approximately half of the terms expire at the same time. Nominees submitted for approval would fill positions for the November 2013 to November 2017, four-year term, and also for other vacancies created due to retirements for the November 2011 to November 2015, four-year term.

The GBC helps guide implementation of *The Galveston Bay Plan (The Plan)*, the Comprehensive Conservation Management Plan (CCMP) for Galveston Bay, developed under the 1987 Federal Clean Water Act (FCWA), §320.

Galveston Bay Council Composition:

The Plan, and subsequently the original resolution creating the GBC in 1995, lists 41 entities to represent diverse areas of interest in accordance with FCWA, §320. Membership positions can be grouped into two categories:

- Category 1) **Named Entities:** State and federal agencies; regional entities; and other named entities identified in *The Plan*, due to the direct impact the organization or function has on the bay (e.g., San Jacinto River Authority, Galveston Bay Foundation), or because that organization represents a coalition of members with a specific interest relevant to the bay (e.g., East Harris County Manufacturer's Association, Greater Houston Partnership, League of Women Voters)

- Category 2) **Named Interests:** Positions representing a specific interest or group that provides balance and diversity (e.g., Minority Community, Commercial Fisheries, Small Local Government)

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Nomination Process:

Nominations for positions falling under Category 1, named entities, are made by the executive director of that respective agency or entity, or his/her delegate. If a vacancy exists under Category 1 positions, the representative nominated by that respective entity may begin serving prior to confirmation by the commission. Category 1 nominees are presented in regular font in Attachment A.

Nominations for positions falling under Category 2, named interests, are solicited and reviewed by the GBC Nominations Committee. Nominations are open, and are taken from GBC members at large, various groups actively involved in bay related activities, and county judges in the surrounding counties as appropriate. Nominations are based on relevant expertise, experience and capacity to represent a specific group or interest, and willingness to serve. Category 2 positions are nominated by existing members of the GBC, County Judges, and other Galveston Bay partners at large, as applicable. Category 2 nominees cannot begin serving until approved by the commission. Category 2 nominees are in *italic font* in Attachment A.

Nominations are vetted through the nominations subcommittee and submitted to the GBC to determine which nominees will be recommended to the commission for consideration.

Nominees are listed in Attachment A. Biographical information on the nominees in both categories is included in Attachment B. Of the 22 nominees, four are new nominees and 18 are existing nominees currently serving on the GBC.

Under what authority are we taking this action?

The commission is authorized to establish and maintain advisory committees under Texas Water Code, §5.107. In addition, the commission is charged with implementing *The Plan* as outlined in the Texas Estuaries Act, under Texas Water Code, §§5.601 - 5.609.

The Plan directs that the GBC be representative of federal, state, and local natural resource agencies, the research community, local government, citizen groups, including representatives from low income and minority communities, and other Galveston Bay stakeholders.

Membership is consistent with the Texas Government Code, Chapter 2110, "State Agency Advisory Committees", and with the approved CCMP. Membership also conforms to requirements of FCWA, §320 by including representatives from the groups and organizations specified in FCWA, §320.

Is this resolution required by federal rule or state statute? Which ones?

The resolution is not required; however, it implements *The Plan*, specifically the sections governing plan implementation and the role and make-up of the GBC.

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What issue(s) or problem(s) are we trying to solve?

The commission is charged with implementing *The Plan*. *The Plan* calls for creation of the GBC to guide implementation. Maintaining appropriate membership on the GBC ensures compliance of *The Plan* and facilitates effective comprehensive management of Galveston Bay.

Will there be a fiscal impact? If so, estimate.

Federal funding for the Galveston Bay Estuary Program and *The Plan*, under FCWA, \$320, could be jeopardized if GBC membership is not inclusive of representatives identified in FCWA, \$320.

Key points in the proposal rulemaking schedule:

Anticipated Agenda date: January 29, 2014

Agency contacts:

Sarah Bernhardt, Galveston Bay Estuary Program, (281) 486-1240
Kerry Niemann, Water Quality Planning Division, (512) 239-0483
Celia Castro, Staff Attorney, (512) 239-5692
Bruce McAnally, Agenda Coordinator, (512) 239-2141

Attachments

cc: Chief Clerk, 2 copies
Executive Director's Office
Anne Idsal
Tucker Royall
Office of General Counsel
Sarah Bernhardt
Bruce McAnally

cc: (without attachments):
Kelly Holligan, Water Quality Planning Division Director
Kerry Niemann, Manager, Planning and Implementation
Celia Castro, Staff Attorney

Attachment A: Galveston Bay Council Member Terms

Shading identifies nominees for either expiring terms or positions which were vacated before the term expired. Individuals denoted with * are new to the council i.e., have not served prior terms on the Council. All other individuals are renewing their positions. Galveston Bay Council members serve a four-year staggered term such that approximately half the terms will expire biennially in November.

Category 1, named entities, are nominated by their respective agency or organization as listed in *The Galveston Bay Plan* and are presented in regular font. If a vacancy exists under Category 1, the representative nominated by that respective entity may begin serving prior to confirmation by the commission. Category 2, named interests, are nominated by existing members of the Galveston Bay Council, County Judges, and other Galveston Bay partners at large, as applicable, and are presented in *italic font*. Category 2 nominees cannot begin serving until approved by the commission.

Type Of Organization	Interest Represented	Appointee/Nominee	Term
Federal Agencies:	U.S. Coast Guard	Thomas Cole	2011-2015
	U.S. Geological Survey	Michael T. Lee *	2013-2015
	National Marine Fisheries Service	Heather Young	2011-2015
	Natural Resource Conservation Service	Scott Alford	2011-2015
	U.S. Army Corps of Engineers	Carolyn Murphy	2013-2017
	Environmental Protection Agency	J. Douglas Jacobson	2013-2017
	U.S. Fish and Wildlife Service	John Huffman	2013-2017
State Agencies:	Texas Department of Agriculture	Jennifer Bailey	2011-2015
	Texas General Land Office	Kate Zultner	2011-2015
	Texas Department of State Health Services	Kirk Wiles	2011-2015
	Texas Commission on Environmental Quality	Kelly Holligan	2011-2015
	Texas Parks & Wildlife Department	Rebecca Hensley	2011-2015
	Texas Railroad Commission	Charlie Teague	2013-2017
	Texas Department of Transportation	Mark Fisher	2013-2017
	Texas State Soil & Water Conservation Board	Brian Koch	2013-2017
	Texas Water Development Board	Carla Guthrie	2013-2017
Regional/Local Governments	Gulf Coast Waste Disposal Authority	Lori Traweek	2011-2015
	Houston-Galveston Area Council	Jeff Taebel	2011-2015
	City of Houston	Ceil Price ¹	2011-2015
	<i>Medium Local Governments - pop 25K- 500K (Galveston County)</i>	<i>Dennis Harris</i>	<i>2011-2015</i>

	<i>Small Local Governments - pop <25,000 (Chambers County)</i>	<i>Mary Beth Stengler</i>	<i>2011-2015</i>
	Trinity River Authority	Glenn Clingenpeel	2011-2015
	Port of Houston Authority	Garry McMahan	2013-2017
	<i>Large Local Governments - pop >500K (Harris County Flood Control District)</i>	<i>Michael D. Talbott</i>	<i>2013-2017</i>
	San Jacinto River Authority	Jace Houston *	2013-2017
Environmental/ Citizen's Groups	Galveston Bay Foundation	Bob Stokes *	2013-2015
	<i>Citizens-at-Large (Brazoria County)</i>	<i>Sharron L. Stewart</i>	<i>2011-2015</i>
	<i>Minority Community Representative</i>	<i>Vacant- TBD by GBC</i>	<i>2013-2015</i>
	League of Women Voters	Nancy Parra	2011-2015
	Coastal Conservation Association	Matt Still *	2013-2017
	<i>Low-income Community Representative (Harris County Small Business Owner)</i>	<i>Albert Gonzales</i>	<i>2013-2017</i>
	<i>Other Conservation Organizations (Texas Coastal Partners)</i>	<i>Linda Shead</i>	<i>2013-2017</i>
Private Sector:	Galveston County Chambers of Commerce (Houston-Galveston Area Council)	Charles Wemple	2011-2015
	Greater Houston Partnership	Beth Everage	2013-2017
	<i>Utilities (NRG Energy, Inc.)</i>	<i>William Baker</i>	<i>2013-2017</i>
	<i>Industry (Natural Land Management)</i>	<i>Gregory Biddinger</i>	<i>2013-2017</i>
	<i>Marinas (Marina Bay Harbor Yacht Club, Clear Lake Shores)</i>	<i>Helen Paige</i>	<i>2013-2017</i>
	<i>Commercial Fisheries (Oysterman- Manager of Jeri's Seafood)</i>	<i>Tracy Woody</i>	<i>2013-2017</i>
	East Harris County Manufacturer's Association	Ana Partin	2013-2017
Research/ Academia:	Major Universities (University of Houston)	Hanadi Rafai	2011-2015
	Texas Sea Grant Program	John Jacob	2013-2017

¹Galveston Bay Council Chair

Attachment B: Biographical Information for Nominees in Attachment A

Michael T. Lee *

Representing the United States Geological Survey

Education: B.S., Marine Sciences, Texas A&M University at Galveston - 1995; M.S., Oceanography, Texas A&M University, 2000

Responsibilities: Mr. Lee is a Hydrologist at the United States Geological Survey (USGS) Texas Water Science Center, Gulf Coast Program Office near Houston, Texas. He serves as a USGS Coastal Coordinator for the Texas Gulf Coast, as a member of the USGS Gulf of Mexico Science Committee, and as the USGS SW Region Dive Safety Officer. The USGS is a worldwide leader in the research of the natural world and serves as the research arm of the U.S. Department of Interior. Mr. Lee is interested in a wide range of water resource, water quality, and sediment research of freshwater and marine environments. Specific interests include operational studies utilizing real-time monitoring systems/networks, and coastal zone environmental and ecological research. His technical background is in surface-water hydrology and the supply of freshwater, sediment, and nutrients to coastal ecosystems. He has been a Hydrologist for the USGS since 2007, previously working as a research scientist at NASA and serving as an officer in the U.S. Coast Guard.

Program Involvement: Recently nominated in 2013 to represent USGS on the Council.

Carolyn Murphy

Representing U.S. Army Corps of Engineers

Education: The University of Texas at Austin, M.A., Anthropology; The University of Houston at Clear Lake, M.S., Environmental Management

Responsibilities: Chief of the Environmental Section of the Galveston District U.S. Army Corps of Engineers (COE).

Program Involvement: Appointed to represent the COE on the Council in 2001 and being nominated to continue representing the COE.

Douglas Jacobson

Representing the U.S. Environmental Protection Agency

Education: University of Texas, B.A.; St. Mary's University, J.D.

Responsibilities: Estuary Program Coordinator and the Gulf of Mexico Coordinator for the United States Environmental Protection Agency (EPA) Region 6. He handles coastal policy issues within the coastal zone. Prior to working for the EPA, he was a lobbyist for the National Cattlemen's Association and a legislative assistant for U.S. Senator Phil Gramm.

Program Involvement: Jointly served as EPA representative with various Water Quality Division Directors since 1998 and has served on the Budget and Priorities, Water and Sediment Quality, and Natural Resources Uses Subcommittees for the Galveston Bay Estuary Program. Appointed to represent EPA. Being nominated to continue to represent EPA.

John Huffman

Representing the U.S. Fish and Wildlife Service

Education: University of Houston at Clear Lake, B.S., M.S., Environmental Science

Responsibilities: Coastal Program Coordinator for United States Fish and Wildlife Service (USFWS). He is responsible for coordinating habitat restoration projects along the entire Texas Gulf Coast. Prior to his work at USFWS, he was an ecologist for PBS&J Consulting and a coastal biologist for the Texas General Land Office.

Program Involvement: Appointed by USFWS in 2004 and is being nominated to continue representing USFWS.

Charlie Teague

Representing the Texas Railroad Commission

Education: Texas Tech University, B.A., Engineering; University of Texas-Permian Basin, B.S., Geology.

Responsibilities: District Director for Field Operations of the Oil and Gas Division in Houston. Responsible for operator compliance with Commission rules in the 26 counties of southeast Texas that make up the district. District activities include oil-and-gas lease inspections for pollution; witnessing cementing of surface casings, pressure tests of injection/disposal wells, and well abandonment; and supervision of state-funded cleanup operations including pluggings of orphan wells and site remediation.

Program Involvement: Appointed by the Texas Railroad Commission in 2012 and is being nominated to continue serving representing the Texas Railroad Commission.

Mark Fisher

Representing the Texas Department of Transportation

Education: Oklahoma State University, B.S., Zoology; University of Georgia, Graduate Studies in Aquatic Ecology

Responsibilities: An aquatic biologist in the Natural Resources Section on the Environmental Affairs Division of Texas Department of Transportation (TxDOT). Responsible for evaluation of environmental consequences of transportation development to ensure compliance with state and federal laws and regulations for biologic and water related resources.

Program Involvement: Appointed by TxDOT to the council in 2011 and is being nominated to continue representing TxDOT.

Brian Koch

Representing the Texas Soil and Water Conservation Board

Education: Texas A & M University-Kingsville, B.S., Range and Wildlife Management

Responsibilities: Watershed Coordinator for the Texas State Soil and Water Conservation Board (TSSWCB). Current duties include providing technical assistance to watershed planning activities such as Watershed Protection Plans and Total Maximum Daily Load projects involving agricultural and silvicultural nonpoint source pollution and locating areas for potential Watershed Protection Plans in the TSSWCB Wharton Region which is comprised of 47 counties and 40 Soil and Water Conservation Districts in Southeast and South Central Texas.

Program Involvement: Appointed by TSSWCB in 2007 and is being nominated to continue representing TSSWCB.

Carla Guthrie

Representing the Texas Water Development Board

Education: Baylor University, B.S., Ecology; Texas Tech University, M.S., Ecology; University of Texas at Austin, Ph.D., Ecology, Evolution, Behavior

Responsibilities: Team Lead for the Bays and Estuaries Program in the Surface Water Resources Division of the Texas Water Development Board (TWDB). Responsibilities include supervising and leading program staff, as well as managing and coordinating studies addressing the freshwater inflow needs of Texas bays and estuaries. She participates in the Galveston Bay Freshwater Inflows Group, the statewide Freshwater Inflow Workgroup, the Senate Bill 3 process for environmental flows, and the San Antonio Bay Partnership Steering Committee.

Program Involvement: Appointed by TWDB in 2006 and is being nominated to continue representing TWDB.

Garry McMahan

Representing the Port of Houston Authority

Education: Marine Biology, B.S., Southwest Texas State University

Responsibilities: Garry McMahan is currently Program Coordinator for License and Permits at the Port of Houston Authority (PHA). His recent employment at the Port follows an 11 year career with the Texas General Land Office (GLO) where he served as Director of the Upper Coast Field Office for 8 of those years. Garry's interest in Galveston Bay covers his whole life; from fishing Christmas Bay as a youngster, to restoring seagrass in West Bay while working at National Marine Fisheries Service and managing submerged lands at GLO and the Port.

Program Involvement: Appointed by PHA in 2009, and is being nominated to continue representing the PHA.

Michael D. Talbott, P.E.

Representing Large Local Governments (populations > 500,000)

Education: Texas A&M University, B.S., Civil Engineering; University of Houston, M.S., Business Administration

Responsibilities: Director of the Harris County Flood Control District (HCFCD). Responsibilities include devising countywide flood damage reduction plans, implementing the plans, and maintaining the infrastructure.

Program Involvement: Has represented Large Local Governments since in 1995 and is being nominated to continue serving as a representative of large local governments. Served as Chair of the Council 2003-2005.

Jace Houston *

Representing the San Jacinto River Authority

Education: University of Texas at Austin, B.S., Civil Engineering; University of Texas School of Law, J.D.

Responsibilities: Currently serves as General Manager for the San Jacinto River Authority (SJRA), a public agency created by the legislature in 1937 for the purpose of developing, conserving, and protecting the water resources of the San Jacinto River basin. Prior to his appointment as General Manager, Mr. Houston was one of the Authority's two deputy general managers and was responsible for

overseeing the administrative functions of the river authority including legal, finance and accounting, information technology, risk management, and human resources. He was also responsible for the authority's legislative and public relations programs. Prior to coming to the river authority, Jace served as General Counsel for the Harris-Galveston Subsidence District, which is charged with the responsibility of regulating groundwater withdrawals in Harris and Galveston counties in order to control subsidence. He has also served as a staff attorney and policy analyst at the Texas Natural Resource Conservation Commission, providing support on state and federal legislative matters and also assisting in the development of regulations and policy positions in the areas of municipal and industrial solid waste and hazardous waste. Prior to this, Jace worked for State Representative Robert Saunders in the Texas House of Representatives, where he served as General Counsel for the Land and Resource Management Committee.

Program Involvement: Appointed to represent the SJRA in 2012 and is being nominated to continue serving.

Bob Stokes *

Representing the Galveston Bay Foundation

Education: Yale University, Bachelors, 1990; University of Texas School of Law, J.D.

Responsibilities: President of the Galveston Bay Foundation (GBF). GBF's mission is to preserve, protect, and enhance the natural resources of Galveston Bay and its tributaries. It has programs in advocacy, conservation, education, and research. Bob had served on the board of the Foundation for five years prior to taking over as President and had served as the board's chair for the previous two years. He began his legal career with the firm of Blackburn & Carter, an environmental law firm in Houston. At Blackburn & Carter his practice consisted of both civil and administrative matters, mainly on behalf of community groups. In February of 1997, Bob moved to the Harris County Attorney's Office where he began practicing in the Environmental Division. His practice consisted primarily of civil enforcement matters, but he also had an active administrative practice, both in opposition to and in pursuit of, state environmental permits in front of the Texas Commission on Environmental Quality. In June 2004, Bob left the County Attorney's Office to become President of the Galveston Bay Foundation. Bob has also served on the Board of Directors for Restore America's Estuaries since 2004 and on the Governing Board of EarthShare of Texas since 2007, serving as the board chair of EarthShare of Texas from January 2012 to the present. He was awarded the "Environmental Professional of the Year" award in 2011 by the Texas Association of Environmental Professionals.

Program Involvement: Appointed by the Galveston Bay Foundation in 2013 and is being nominated to continue serving.

Matt Still *

Representing the Coastal Conservation Association

Education: Texas A&M University, B.A., Agricultural Economics

Responsibilities: Currently an Assistant Director for the Coastal Conservation Association (CCA) of Texas. Responsibilities include assisting and guiding local chapter development and fundraising events, increase membership-development opportunities at local chapter levels, creating schedules and budgets for fundraising events, and maintaining advocacy and communication efforts with chapter volunteers.

Program Involvement: Appointed by CCA Texas in 2013 to fill council seat vacated by prior CCA representative. Nominated by CCA in 2013 to continue to represent CCA.

Albert Gonzales

Representing Low-income Community Representatives

Education: San Jacinto College, A.A., Business Administration

Responsibilities: Local small business owner (self-employed management consultant). Currently a member of the Pasadena Citizens Advisory Council since 1992 and a current member of the National Association of Parliamentarians and Texas Democratic Party Parliamentarians.

Program Involvement: Served on Galveston Bay Council since 1999 and is being nominated to continue representing low income communities. Also participated on the Public Participation and Education Subcommittee, the Natural Resource Uses Subcommittee, the Water and Sediment Quality Subcommittee, and the Invasive Species Workgroup for the Galveston Bay Estuary Program.

Linda Shead, P.E.

Representing Other Conservation Organizations

Education: University of Texas at Austin, B.S., Engineering and Zoology

Responsibilities: Founding member of Texas Coastal Partners, a non-profit organization focused on preserving and enhancing natural resources of the Texas Coast. She serves as the Program Chair. Ms. Shead is also owner of Shead Conservation Solutions, established in summer 2009, and currently a subcontractor on two conservation programs in Chambers County. She has also consulted for other local and national nonprofit organizations. From 2002-2009, she was Program Director of the Coastal & Southeast Texas Office of the Trust for Public Land, providing strategic direction and overseeing conservation visioning, conservation transactions, conservation finance, and conservation outreach for the Houston-Galveston area and throughout the Texas coast. She implemented the Saving Our Coastal Heritage Program and the Southeast Texas Program to assist local governments in increasing public access to Galveston Bay, its tributaries, and other conservation lands, for public enjoyment, water quality protection, and wildlife. From 1989 to 2002, she was executive director of the Galveston Bay Foundation, a locally, regionally, state, and nationally recognized organization working for the Bay. Ms. Shead has represented bay interests on a variety of local, state, and federal committees, including the Galveston Bay Freshwater Inflows Group, the Outer Continental Shelf Policy Committee of the Minerals Management Service, the Citizens Advisory Committee of the Gulf of Mexico Program, the Federal Advisory Committee on Total Maximum Daily Loads, and the Natural Resources Advisory Committee of the Houston-Galveston Area Council.

Program Involvement: Has served on the Council since 2006 and been a member on the Natural Resource Uses Committee since 2000. Ms. Shead previously served as a Galveston Bay Council Chair person. Ms. Shead is being nominated to continue to represent other conservation organizations.

Beth Everage

Representing the Greater Houston Partnership

Education: Texas A&M University, B.S., Bioenvironmental Sciences; Texas A&M University, M.Ag., Natural Resources Development

Responsibilities: Currently employed as Manager of Energy and Environment Public Policy at the Greater Houston Partnership (GHP). Responsible for identifying and prioritizing energy and environmental issues for GHP's member companies. Previously employed as an Environmental Specialist for Michael Baker, Jr., Inc. Performed environmental impact analyses on various proposed TxDOT projects in the bay region. Coordinated policy advocacy efforts on behalf of GHP members on a number of water issues including the preservation of environmental flows for the river basin and bay system consisting of the Trinity and San Jacinto Rivers and Galveston Bay.

Program Involvement: Appointed by GHP in 2011. Nominated to continue representing GHP.

William (Bill) Baker

Representing Utilities

Education: Texas A&M University, B.S., Wildlife & Fisheries Biology; University of Houston Clear Lake, M.S., Environmental Science

Responsibilities: Currently Manager of Environmental Outreach, Environmental Department for NRG Energy. Prior to his 27 years in ecological resource management for the Environmental Dept. at NRG Energy and its predecessor companies, he worked 6 years as a Marine Biologist with the Texas Parks & Wildlife Department. As the ecological services manager, he is responsible for implementation of NRG Energy's National Environmental Partnership Program, providing guidance to NRG Energy land managers across the U.S. to encourage habitat enhancement and preservation of ecological resources, being active in the restoration of both estuarine and freshwater wetlands, prairies, forests, and reef habitats across the U.S., evaluating impingement and entrainment impacts at power plant intake systems, providing corporate guidance for threatened or endangered species, and sensitive habitat issues across the U.S., and managing the company's carbon sequestration assets and work with partners to develop new opportunities. He has been actively involved in community groups since the early 1990s. Affiliations include Chairman of the Texas Habitat Protection Advisory Panel for the Gulf of Mexico Fisheries Management Council, Member of the Harte Research Institute for Gulf of Mexico Studies Advisory Council, Secretary for Gulf Coast Bird Observatory Board of Trustees, Member of Armand Bayou Nature Center Advisory Board, Member of Southern California Wetland Recovery Project Advisory Committee, Member of California Central Region Kelp Consortium, Member of Galveston Bay Foundation Executive Board of Trustees, and Member of American Fisheries Society.

Program Involvement: Member of Natural Resource Uses Subcommittee for the Galveston Bay Estuary Program since 1995. Nominated to continue representing Utilities.

Gregory Biddinger, Ph.D.

Representing Industry

Education: Mt. St. Mary's College, B.S., Science Education, Indiana State University, Ph.D., Life Science (Ecology/Physiology), Cornell University, Post Doc. Ecological and Toxicology

Responsibilities: Currently, Greg is the Managing Director of Natural Land Management, an industry consulting company providing advice on strategies for managing corporate lands to achieve sustainable outcomes. Greg recently retired from ExxonMobil after 25 Years. His last position with ExxonMobil was the Sustainability Manager of their new corporate campus North of Houston, TX. His 25 year career with Exxon Mobil included both technical and management positions with ExxonMobil Biomedical Sciences, Inc. (1986-1993 and 2004-2009); ExxonMobil Refining and Supply (1993-2004) and ExxonMobil Global Real Estate (2009-2011). He held positions as section Head of Ecotoxicology, Refinery Environmental Manager, Global Environmental Science Advisor and Program Coordinator for Natural Land Management for ExxonMobil. He represented ExxonMobil with key land conservation groups such as the Land Trust Alliance, the Trust for Public Land and The Nature Conservancy. Professionally, He has been an active member of the U.S. EPA's Chartered Science Advisory Board (SAB) and currently consults with its standing and on its ad hoc committees when requested. In addition to his work on SAB committees, he has been active in numerous expert panels and peer reviews for the U.S. EPA, the Society of Environmental Toxicology and Chemistry, and the Organization for Economic Co-operation and Development. Locally, Greg is active on the Board of Directors for the Houston Audubon Society.

Program Involvement: Served since 2007, and being nominated to serve a new term. Elected Vice Chair in January 2010, and ending his term as Chair in 2013.

Helen Paige

Representing Marinas

Education: Texas A&M University, B.S., Recreation, Parks and Tourism Science with a specialization in Wildlife Ecology and Management

Responsibilities: Manager of Marina Bay Harbor Yacht Club in Clear Lake Shores since 2002. She earned the Club certification under Clean Marina Program. She has a Galveston Bay Master Naturalist Certification and volunteers with the Galveston Bay Foundation (GBF) and the Clear Creek Environmental Foundation. She is a Director on the Board for the Marina Association of Texas (MAT) and is a member of the Clear Lake Marina Association. She has worked on the Boater Waste Education Campaign since 2007 with GBF and is currently working on the committee for the Upper Gulf Coast Oyster waters TMDL Implementation Plan.

Program Involvement: Served since 2007, and being nominated to serve a new term.

Tracy Woody

Representing Commercial Fisheries

Education: 30 year on the job training as an Oyster Farmer

Responsibilities: Commercial Oysterman. Currently serves as Manager of Jeri's Seafood. He is also a member of the Trinity and San Jacinto Rivers and Galveston Bay and Basin Stakeholder Committee. He has served as Justice of the Peace in Chambers County since 1995.

Program Involvement: Served since 2009, and being nominated to continue to serve.

Ana Partin

Representing the East Harris County Manufacturing Association

Education: Texas A & I University, B.S., Chemical Engineering, University of Houston-Clear Lake, M.S., Mathematics

Responsibilities: Environmental Manager of Texas Operations for Axiall, LLC responsible for environmental compliance at the Pasadena and La Porte facilities. Ms. Partin has been with Axiall, LLC since 1995 and works on air, waste and wastewater issues. From 1988 to 1995, Ms. Partin worked as a process, design and environmental engineer for Exxon Mobil. She currently serves on the Texas Chemical Council's Air Conservation and Water and Waste Management committees.

Program Involvement: Appointed to represent East Harris County Manufacturing Association on the Galveston Bay Council in 2005. Currently serving a 2009-2013 term, and being nominated to continue to serve.

John Jacob, Ph.D.

Representing the Texas Sea Grant Program

Education: Texas Tech University, B.S. & M.S.; Texas A&M University, Ph.D.

Responsibilities: Director, Texas Coastal Watershed Program, which provides education and outreach to local governments and citizens about the impact of land use on watershed health and water quality. Professor, Texas A&M, Department of Recreation, Park, and Tourism Sciences.

Program Involvement: Appointed by Texas Sea Grant Program in 2008 and being nominated to continue to represent the Texas Sea Grass Program.

**Clean Water Act (amended 1987) - SEC. 320 [33 U.S.C. 1330] National Estuary Program
[320 added by PL 100-4]**

(a) Management Conference.--

(1) Nomination of Estuaries.--The Governor of any State may nominate to the Administrator an estuary lying in whole or in part within the State as an estuary of national significance and request a management conference to develop a comprehensive management plan for the estuary. The nomination shall document the need for the conference, the likelihood of success, and information relating to the factors in paragraph (2).

(2) Convening of Conference.--

(A) In General.--In any case where the Administrator determines, on his own initiative or upon nomination of a State under paragraph (1), that the attainment or maintenance of that water quality in an estuary which assures protection of public water supplies and the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife, and allows recreational activities, in and on the water, requires the control of point and nonpoint sources of pollution to supplement existing controls of pollution in more than one State, the Administrator shall select such estuary and convene a management conference.

(B) Priority consideration.--The Administrator shall give priority consideration under this section to Long Island Sound, New York and Connecticut; Narragansett Bay, Rhode Island; Buzzards Bay, Massachusetts; Massachusetts Bay, Massachusetts (including Cape Cod Bay and Boston Harbor); Puget Sound, Washington; New York-New Jersey Harbor, New York and New Jersey; Delaware Bay, Delaware and New Jersey; Delaware Inland Bays, Delaware; Albermarle Sound, North Carolina; Sarasota Bay, Florida; San Francisco Bay, California; Santa Monica Bay, California; Galveston Bay, Texas; Barataria-Terrebonne Bay estuary complex, Louisiana; Indian River Lagoon, Florida; and Peconic Bay, New York.

[320(a)(2)(B) amended by PL 100-202; PL 100-653; PL 100-688]

(3) Boundary Dispute Exception.--In any case in which a boundary between two States passes through an estuary and such boundary is disputed and is the subject of an action in any court, the Administrator shall not convene a management conference with respect to such estuary before a final adjudication has been made of such dispute.

(b) Purposes of Conference.--The purposes of any management conference convened with respect to an estuary under this subsection shall be to--

(1) assess trends in water quality, natural resources, and uses of the estuary;

(2) collect, characterize, and assess data on toxics, nutrients, and natural resources within the estuarine zone to identify the causes of environmental problems;

(3) develop the relationship between the in place loads and point and nonpoint loadings of pollutants to the estuarine zone and the potential uses of the zone, water quality, and natural resources;

(4) develop a comprehensive conservation and management plan that recommends priority corrective actions and compliance schedules addressing point and nonpoint sources of pollution to restore and maintain the chemical, physical, and biological integrity of the estuary, including restoration and maintenance of water quality, a balanced indigenous population of shellfish, fish and wildlife, and recreational activities in the estuary, and assure that the designated uses of the estuary are protected;

(5) develop plans for the coordinated implementation of the plan by the States as well as Federal and local agencies participating in the conference;

(6) monitor the effectiveness of actions taken pursuant to the plan; and

(7) review all Federal financial assistance programs and Federal development projects in accordance with the requirements of Executive Order 12372, as in effect on September 17, 1983, to determine whether such assistance program or project would be consistent with and further the purposes and objectives of the plan prepared under this section. For purposes of paragraph (7), such programs and projects shall not be limited to the assistance programs and development projects subject to Executive Order 12372, but may include any programs listed in the most recent Catalog of Federal Domestic Assistance which may have an effect on the purposes and objectives of the plan developed under this section.

(c) Members of Conference.--The members of a management conference convened under this section shall include, at a minimum, the Administrator and representatives of--

(1) each State and foreign nation located in whole or in part in the estuarine zone of the estuary for which the conference is convened;

(2) international, interstate, or regional agencies or entities having jurisdiction over all or a significant part of the estuary;

(3) each interested Federal agency, as determined appropriate by the Administrator;

(4) local governments having jurisdiction over any land or water within the estuarine zone, as determined appropriate by the Administrator; and

(5) affected industries, public and private educational institutions, and the general public, as determined appropriate by the Administrator.

(d) Utilization of Existing Data.--In developing a conservation and management plan under this section, the management conference shall survey and utilize existing reports, data, and studies relating to the estuary that have been developed by or made available to Federal, interstate, State, and local agencies.

(e) Period of Conference.--A management conference convened under this section shall be convened for a period not to exceed 5 years. Such conference may be extended by the Administrator, and if terminated after the initial period, may be reconvened by the Administrator at any time thereafter, as may be necessary to meet the requirements of this section.

(f) Approval and Implementation of Plans.--

(1) Approval.--Not later than 120 days after the completion of a conservation and management plan and after providing for public review and comment, the Administrator shall approve such plan if the plan meets the requirements of this section and the affected Governor or Governors concur.

(2) Implementation.--Upon approval of a conservation and management plan under this section, such plan shall be implemented. Funds authorized to be appropriated under titles II and VI and section 319 of this Act may be used in accordance with the applicable requirements of this Act to assist States with the implementation of such plan.

(g) Grants.--

(1) Recipients.--The Administrator is authorized to make grants to State, interstate, and regional water pollution control agencies and entities, State coastal zone management agencies, interstate agencies, other public or nonprofit private agencies, institutions, organizations, and individuals.

(2) Purposes.--Grants under this subsection shall be made to pay for assisting research, surveys, studies, and modeling and other technical work necessary for the development of a conservation and management plan under this section.

(3) Federal Share.--The amount of grants to any person (including a State, interstate, or regional agency or entity) under this subsection for a fiscal year shall not exceed 75 percent of the costs of such research, survey, studies, and work and shall be made on condition that the non-Federal share of such costs are provided from non-Federal sources.

(h) Grant Reporting.--Any person (including a State, interstate, or regional agency or entity) that receives a grant under subsection (g) shall report to the Administrator not later than 18 months after receipt of such grant and biennially thereafter on the progress being made under this section.

(i) Authorization of Appropriations.-- There are authorized to be appropriated to the Administrator not to exceed \$12,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991 for--

(1) expenses related to the administration of management conferences under this section, not to exceed 10 percent of the amount appropriated under this subsection;

(2) making grants under subsection (g); and

(3) monitoring the implementation of a conservation and management plan by the management conference or by the Administrator, in any case in which the conference has been terminated. The Administrator shall provide up to \$5,000,000 per fiscal year of the sums authorized to be appropriated under this subsection to the Administrator of the National Oceanic and Atmospheric Administration to carry out subsection (j).

(j) Research.--

(1) Programs.--In order to determine the need to convene a management conference under this section or at the request of such a management conference, the Administrator shall coordinate and

implement through the National Marine Pollution Program Office and the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, as appropriate, for one or more estuarine zones--

(A) a long-term program of trend assessment monitoring measuring variations in pollutant concentrations, marine ecology, and other physical or biological environmental parameters which may affect estuarine zones, to provide the Administrator the capacity to determine the potential and actual effects of alternative management strategies and measures;

(B) a program of ecosystem assessment assisting in the development of (i) baseline studies which determine the state of estuarine zones and the effects of natural and anthropogenic changes, and (ii) predictive models capable of translating information on specific discharges or general pollutant loadings within estuarine zones into a set of probable effects on such zones;

(C) a comprehensive water quality sampling program for the continuous monitoring of nutrients, chlorine acid precipitation, dissolved oxygen, and potentially toxic pollutants (including organic chemicals and metals) in estuarine zones, after consultation with interested State, local, interstate, or international agencies and review and analysis of all environmental sampling data presently collected from estuarine zones; and

(D) a program of research to identify the movements of nutrients, sediments and pollutants through estuarine zones and the impact of nutrients, sediments, and pollutants on water quality, the ecosystem, and designated or potential uses of the estuarine zones.

(2) Reports.--The Administrator, in cooperation with the Administrator of the National Oceanic and Atmospheric Administration, shall submit to the Congress no less often than biennially a comprehensive report on the activities authorized under this subsection including--

(A) a listing of priority monitoring and research needs;

(B) an assessment of the state and health of the Nation's estuarine zones, to the extent evaluated under this subsection;

(C) a discussion of pollution problems and trends in pollutant concentrations with a direct or indirect effect on water quality, the ecosystem, and designated or potential uses of each estuarine zone, to the extent evaluated under this subsection; and

(D) an evaluation of pollution abatement activities and management measures so far implemented to determine the degree of improvement toward the objectives expressed in subsection (b)(4) of this section.

(k) Definitions.--For purposes of this section, the terms "estuary" and "estuarine zone" have the meanings such terms have in section 104(n)(4) of this Act, except that the term "estuarine zone" shall also include associated aquatic ecosystems and those portions of tributaries draining into the estuary up to the historic height of migration of anadromous fish or the historic head of tidal influence, whichever is higher.

In November 2000, Congress passed and President Clinton signed into law the Clean Waters and Estuaries Act. The Act included the following revision to Section 320 of the Clean Water Act.

SEC. 302. GRANTS.

Section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)) is amended by striking paragraphs (2) and (3) and inserting the following:

“(2) Purposes.--Grants under this subsection shall be made to pay for activities necessary for the development *and implementation* of a comprehensive conservation and management plan under this section.

“(3) Federal share.--The Federal share of a grant to any person (including a State, interstate, or regional agency or entity) under this subsection for a fiscal year--

“(A) shall not exceed--

“(i) 75 percent of the annual aggregate costs of the development of a comprehensive conservation and management plan; and

“(ii) 50 percent of the annual aggregate costs of the implementation of the plan; and

“(B) shall be made on condition that the non-Federal share of the costs are provided from non-Federal sources.”.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking “\$12,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991” and inserting “\$35,000,000 for each of fiscal years 2001 through 2005”.

GOVERNMENT CODE

TITLE 10. GENERAL GOVERNMENT

SUBTITLE C. STATE ACCOUNTING, FISCAL MANAGEMENT, AND
PRODUCTIVITY

CHAPTER 2110. STATE AGENCY ADVISORY COMMITTEES

Sec. 2110.001. DEFINITION. In this chapter, "advisory committee" means a committee, council, commission, task force, or other entity with multiple members that has as its primary function advising a state agency in the executive branch of state government.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 16.01(a), eff. Sept. 1, 1997. Amended by Acts 2001, 77th Leg., ch. 1158, Sec. 45, eff. Sept. 1, 2001.

Sec. 2110.0011. APPLICABILITY OF CHAPTER. This chapter applies unless and to the extent:

(1) another state law specifically states that this chapter does not apply; or

(2) a federal law or regulation:

(A) imposes an unconditional requirement that irreconcilably conflicts with this chapter; or

(B) imposes a condition on the state's eligibility to receive money from the federal government that irreconcilably conflicts with this chapter.

Added by Acts 2001, 77th Leg., ch. 1158, Sec. 46, eff. Sept. 1, 2001.

Sec. 2110.0012. ESTABLISHMENT OF ADVISORY COMMITTEES. For purposes of this chapter, a state agency has established an advisory committee if:

(1) state or federal law has specifically created the committee to advise the agency; or

(2) the agency has, under state or federal law, created the committee to advise the agency.

Added by Acts 2001, 77th Leg., ch. 1158, Sec. 46, eff. Sept. 1, 2001.

Sec. 2110.002. COMPOSITION OF ADVISORY COMMITTEES. (a)

An advisory committee must be composed of a reasonable number of members not to exceed 24.

(b) The composition of an advisory committee that advises a state agency regarding an industry or occupation regulated or directly affected by the agency must provide a balanced representation between:

- (1) the industry or occupation; and
- (2) consumers of services provided by the agency, industry, or occupation.

(c) This section does not apply to an advisory committee established by the Texas Department of Motor Vehicles.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 16.01(a), eff. Sept. 1, 1997. Amended by Acts 2001, 77th Leg., ch. 1158, Sec. 47, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. [1290](#), Sec. 43, eff. September 1, 2011.

Sec. 2110.003. PRESIDING OFFICER. (a) An advisory committee shall select from among its members a presiding officer.

(b) The presiding officer shall preside over the advisory committee and report to the advised state agency.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 16.01(a), eff. Sept. 1, 1997. Amended by Acts 2001, 77th Leg., ch. 1158, Sec. 48, eff. Sept. 1, 2001.

Sec. 2110.004. REIMBURSEMENT OF MEMBERS' EXPENSES; APPROPRIATIONS PROCESS. (a) Notwithstanding other law, the manner and amount of reimbursement for expenses, including travel expenses, of members of an advisory committee may be prescribed only:

- (1) by the General Appropriations Act; or
- (2) through the budget execution process under Chapter 317 if the advisory committee is created after it is practicable to address the existence of the committee in the General Appropriations Act.

(b) A state agency that is advised by an advisory committee must request authority to reimburse the expenses of members of the committee through the appropriations or budget execution process, as appropriate, if the agency determines that the expenses of committee members should be reimbursed. The request must:

(1) identify the costs related to the advisory committee's existence, including the cost of agency staff time spent in support of the committee's activities;

(2) state the reasons the advisory committee should continue in existence; and

(3) identify any other advisory committees created to advise the agency that should be consolidated or abolished.

(c) As part of the appropriations and budget execution process, the governor and the Legislative Budget Board shall jointly identify advisory committees that should be abolished. The comptroller may recommend to the governor and the Legislative Budget Board that an advisory committee should be abolished.

(d) The General Appropriations Act may provide for reimbursing the expenses of members of certain advisory committees without providing for reimbursing the expenses of members of other advisory committees.

(e) This section does not apply to an advisory committee the services of which are determined by the governing board of a retirement system trust fund to be necessary for the performance of the governing board's fiduciary duties under the state constitution.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 16.01(a), eff. Sept. 1, 1997.

Sec. 2110.005. AGENCY-DEVELOPED STATEMENT OF PURPOSE AND TASKS; REPORTING REQUIREMENTS. A state agency that establishes an advisory committee shall by rule:

(1) state the purpose and tasks of the committee;
and

(2) describe the manner in which the committee will report to the agency.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 16.01(a), eff. Sept. 1, 1997. Amended by Acts 2001, 77th Leg., ch. 1158, Sec. 49, eff. Sept. 1, 2001.

Sec. 2110.006. AGENCY EVALUATION OF COMMITTEE COSTS AND EFFECTIVENESS. A state agency that has established an advisory committee shall evaluate annually:

- (1) the committee's work;
- (2) the committee's usefulness; and
- (3) the costs related to the committee's existence, including the cost of agency staff time spent in support of the committee's activities.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 16.01(a), eff. Sept. 1, 1997. Amended by Acts 2001, 77th Leg., ch. 1158, Sec. 50, eff. Sept. 1, 2001.

Sec. 2110.007. REPORT TO THE LEGISLATIVE BUDGET BOARD. A state agency that has established an advisory committee shall report to the Legislative Budget Board the information developed in the evaluation required by Section 2110.006. The agency shall file the report biennially in connection with the agency's request for appropriations.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 16.01(a), eff. Sept. 1, 1997. Amended by Acts 2001, 77th Leg., ch. 1158, Sec. 51, eff. Sept. 1, 2001.

Sec. 2110.008. DURATION OF ADVISORY COMMITTEES. (a) A state agency that has established an advisory committee may designate the date on which the committee will automatically be abolished. The designation must be by rule. The committee may continue in existence after that date only if the agency amends the rule to provide for a different abolishment date.

(b) Unless the state agency that establishes an advisory committee designates a different date under Subsection (a), the committee is automatically abolished on the later of:

- (1) September 1, 2005; or
- (2) the fourth anniversary of the date of its creation.

(c) An advisory committee that state or federal law has specifically created as described in Section 2110.0012(1) is considered for purposes of Subsection (b)(2) to have been created on the effective date of that law unless the law specifically provides for a different date of creation.

(d) This section does not apply to an advisory committee that has a specific duration prescribed by statute.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 16.01(a), eff. Sept. 1, 1997. Amended by Acts 2001, 77th Leg., ch. 1158, Sec. 52, eff. Sept. 1, 2001.

Texas Commission on Environmental Quality



A RESOLUTION Appointing stakeholders to fill membership positions on the Galveston Bay Council, an advisory committee to the Texas Commission on Environmental Quality (the Commission), for the Galveston Bay Estuary Program; Docket No. 2013-1870-MIS Project No. 2014-004-MIS-NR

WHEREAS, The Texas Water Code identifies the Texas Commission on Environmental Quality as the lead state agency for the implementation of *The Galveston Bay Plan*, a comprehensive conservation management plan developed under the National Estuary Program; and

WHEREAS, *The Galveston Bay Plan* specifies forty-one council members, from various interest groups, be appointed to acquire the range of expertise and interest needed for effective comprehensive management; and

WHEREAS, *The Galveston Bay Plan* directs that the Galveston Bay Council be representative of: federal, state, and local natural resource agencies; the research community; local government; citizen groups, including representatives from low income and minority communities; and other Galveston Bay stakeholders; and

WHEREAS, the Commission appoints nominees for four-year terms, whose experience, expertise, and commitment will promote the implementation of *The Galveston Bay Plan*; and

WHEREAS, the membership of the Galveston Bay Council conforms with the requirements of Section 320 of the Federal Clean Water Act, by including representatives from the groups and organizations specified in the Act; and

WHEREAS, forty-one members of the Galveston Bay Council were originally appointed by the Commission, by Order of Resolution on November 21, 1995; and

WHEREAS, on January 29, 2014, twenty-two of the forty-one positions are to be filled by the persons listed in Attachment A.

NOW, THEREFORE BE IT RESOLVED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that those persons listed in Attachment A are approved with their terms expiring as noted on the attachment.

Issue date:

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Bryan W. Shaw, Ph.D., Chairman