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## CHAPTER FIVE CONCLUSION

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This brief overview of the laws affecting the environment of Galveston Bay and the agencies that implement them shows just how complex the regulatory framework is. No problem is addressed by a single law or agency; no agency works on only one issue or problem. This situation is inevitable in a political system that is both democratic and federal: democracies treat problems incrementally as they arise rather than through comprehensive planning, and federal statutes succeed only when power is distributed among the various levels of government. Furthermore, most people believe that the benefits of both democracy and federalism, with their implicit checks and balances, far outweigh the costs. In the case of protecting the environment of Galveston Bay, the costs include both overlapping authorities and gaps in authority, accompanied both by duplication of effort and failure to attend to important problems. In almost every instance, these difficulties are exacerbated by a lack of funds and staff to implement laws and regulations that are complex and require field investigations over a large and remote area.

The Management Conference of each estuary of national significance must develop a Comprehensive Conservation and Management Plan. One of the steps in developing a comprehensive plan is to delineate the regulatory framework already in place. Following that, the framework is evaluated, identifying areas where the best interests of the estuary are not being served and outlining steps to rectify problems. Because the framework is so complex, any presentation of it entails an implicit analytical approach. Our approach has been to use the Action Plan Topics identified by the Management Conference of the Galveston Bay National Estuary Program.

The ten Action Plan Topics overlap in much the same way as the laws and agency authorities. For example, hazardous waste is treated under nonpoint source pollution, but it might well have been treated as a problem of human health. Shoreline development may well result in point and/or nonpoint source pollution as well as shore erosion. Habitat protection, as noted above, is both a function of maintaining habitat integrity and of controlling various sources of pollution. Each of these topics in turn is regulated by several agencies acting under several different laws.

By focusing on problem areas, we have been able to show clearly how complex the regulatory framework is and to begin to identify its gaps and overlaps. This same problem-oriented approach should serve as a sound basis for evaluating the effectiveness of present environmental regulation in Galveston Bay.

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## LIST OF ACRONYMS

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### Federal

ASCS	Agricultural Stabilization and Conservation Service
CEQ	Council on Environmental Quality
CG	United States Coast Guard
Corps	U.S. Army Corps of Engineers
DI	Department of the Interior
DOT	Department of Transportation
EPA	Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FWS	Fish and Wildlife Service
NMFS	National Marine Fisheries Service
SCS	Soil Conservation Service
USDA	United States Department of Agriculture

### State

DPS	Department of Public Safety
GLO	General Land Office
RRC	Railroad Commission
SWCB	Soil and Water Conservation Board
TABC	Texas Air Control Board
TDA	Texas Department of Agriculture
TDH	Texas Department of Health
TDHPT	Texas Department of Highways and Public Transportation
TPWD	Texas Parks and Wildlife Department
TWC	Texas Water Commission
TWDB	Texas Water Development Board

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## FEDERAL LAWS AND THE AGENCIES THAT IMPLEMENT THEM

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### CERCLA

EPA  
TWC

### RCRA

EPA  
TWC  
TDH  
RRC

### FWPCA

EPA  
TWC  
COE  
TPWD  
RRC  
TWDB  
SWCB

### Water Bank Act

ASCS  
SCS

### ESA

FWS  
NMFS  
TPWD

### FIFRA

EPA  
TDA

### Food Security Act / Food, Agriculture, Conservation and Trade Act

SCS  
ASCS  
USDA

### Magnuson Fishery Conservation and Management Act

NMFS

### Marine Mammal Protection Act

NOAA  
FWS

### Migratory Bird Hunting Stamp Act/Migratory Bird Conservation Act

FWS

### NEPA

CEQ  
Federal Agencies

### National Flood Insurance Act

FEMA  
TWC

### Rivers and Harbors Act

COE

### Safe Drinking Water Act

EPA  
TDH

### Toxic Substances Control Act

EPA

### Coastal Zone Management Act

NOAA  
GLO

### EXECUTIVE ORDERS

All Federal Agencies

### Fish and Wildlife Coordination Act

NMFS  
USFWS  
TPWD