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## Executive Summary

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*The Galveston Bay Plan* is the result of five years of research and planning by the Galveston Bay National Estuary Program Management Conference. Participants in the Conference included representatives of federal, state, and local government agencies, scientists, environmentalists, industries, commercial fishing, shipping, and other users of Galveston Bay. The conference identified and ranked seventeen priority problems affecting Galveston Bay. The goals, objectives and management recommendations developed to address these problems form the basis for *The Plan*. This document is the Implementation Strategy for *The Galveston Bay Plan*. Along with *The Plan* itself, this report is being submitted to the United States Environmental Protection Agency (EPA), as authorized by the federal Clean Water Act.

*The Galveston Bay Plan* recommends 82 management actions to be carried out by 20 federal and state agencies, over 100 local governments and special purpose districts, and other bay users. This report describes how *Plan* implementation will be led by a newly created Galveston Bay Program (GBP) of the Texas Natural Resource Conservation Commission (TNRCC) and outlines the major roles of other federal, state, and local governments, "stakeholders," and the public. A summary table of agency responsibilities for each of *The Plan's* actions is also included in this document.

This report also identifies the possible enforceable policies in each of *The Plan's* actions, and cites the relevant federal and/or state statutory and regulatory basis for enforcement. Additional actions required (if any) to make the policies enforceable are also described. Based on the analysis of enforceable policies, necessary federal and state legislation, Memoranda of Understanding, and local ordinances are identified. The report concludes with a description of how implementation results will be tracked and evaluated.

This strategy is intended to provide information to support the Implementation chapter of *The Plan*. It does not necessarily include all roles, plans, statutes or rules that may need to be changed, nor does inclusion here necessarily mean that the role, plan, statute, or rule will have to be revised. Each agency must determine what changes are necessary to implement the intent of the *Plan* as it applies to the agency. The agency would then prepare proposed legislation and regulations which would include the specific changes or requests for funding and revise agency plans or rules as necessary to achieve the goals and objectives of the *Plan*.

***The Galveston Bay Program of the Texas Natural Resource Conservation Commission.*** Several alternatives were originally considered by the GBNEP Management Conference for implementing *The Galveston Bay Plan*. Originally, three choices were considered: the Texas Natural Resources Conservation Commission (TNRCC); the General Land Office (GLO); and, the creation of a new, independent entity by the Texas Legislature. During development of the *Plan*, creation of a new, independent entity, (first called "The Galveston Bay Authority," and later the "Galveston Bay Council") was initially identified as the preferred alternative. Subsequently, numerous focus group discussions with local

elected officials revealed little support for any approach that would (1) create a totally new government structure with authority over local actions; or (2) involve funding or collection of funds by local governments (e.g. taxes or fees). As a result of the involvement by local officials and further deliberation by the GBNEP, the TNRCC was identified by the Management Conference as the preferred implementing entity for *The Galveston Bay Plan*.

To oversee implementation of *The Galveston Bay Plan*, establishment of a permanent Galveston Bay Program (GBP) of the TNRCC, with an office located in the bay-area, is recommended. Under this arrangement, the TNRCC will be advised by a *Galveston Bay Council* (GBC) composed of the agencies, stakeholders and citizens involved in *Plan* implementation. The GBC will provide a continuing focus on Galveston Bay issues and coordination among the implementing organizations.

A Program Director and staff of up to 15 TNRCC employees will oversee the work of *Plan* implementation. The GBP will have the following principal functions:

- Acquire, manage and disperse funds to implement *The Plan*
- Review federal, state and local projects in an open process for consistency with *The Plan*
- Provide for coordination with the Texas Coastal Management Program (CMP) and the Coastal Coordination Council (CCC)
- Provide for coordination and communication among state and federal resource agencies for the many cross-jurisdictional issues
- Monitor implementation of specific actions by *The Plan's* partners
- Identify and communicate bay improvements to agencies, stakeholders, and the public, and redirect *The Galveston Bay Plan* where improvements lag
- Conduct public outreach and education to increase public awareness of Galveston Bay, and to advocate conservation of the estuary
- Evaluate the impacts of proposed actions on cultural resources and areas of historical significance

The GBC will consist of representatives of federal, state, and local natural resource agencies, the research community, local governments, citizen groups including representatives from low-income and other minority communities, and other Galveston Bay stakeholders. The GBC will select its own Chair annually, meet at least quarterly and perform the following functions:

- Provide a forum for technical and stakeholder review and input during *Plan* implementation
- Maintain agency commitments to implement *The Galveston Bay Plan*
- Advise TNRCC staff during preparation of progress reports, evaluations, and *Plan* updates
- Authorize and make appointments to advisory committees as necessary
- Assess the success of the actions plans and initiate revisions
- Address legislative issues and make recommendations to the legislature
- Set annual priorities for implementation of the action plans, by advising the TNRCC.

**Who Will Do What.** Because of the comprehensive nature of *The Plan*, successful implementation will depend on coordinated actions by local, state, and federal agencies and other organizations responsible for implementing specific initiatives. The Galveston Bay Program (GBP) will be responsible for this coordination, utilizing the advice of the Galveston Bay Council (GBC).

**Agency Responsibilities.** Agencies and other entities will fulfill their commitments to *Plan* implementation in a variety of ways, including:

- earmarking funds
- allocating staff
- assisting with legislative initiatives
- passing new or revised regulations
- establishing guidelines
- entering into memoranda of understanding (MOUs)
- passing local ordinances
- adopting resolutions of support
- redirecting agency resources to achieve *Plan* objectives

Overall tracking and coordination for implementing *The Plan* will be the responsibility of the GBP. However, individual recommendations in the *Plan* will be the responsibility of numerous individual agencies.

**Enforceable Policies.** The Clean Water Act (CWA) amendments of 1987 established the National Estuary Program to provide a basis for coordinating federal, state and local actions, including regulatory measures. While the CWA {§ 320(f)(2)} suggests that a completed CCMP will be implemented once approved by EPA, it does not provide specific authority to enforce implementation. Hence, *The Plan* as a whole is not "enforceable." However, it will be the basis for federal and possibly state and local consistency review. The types and strength of consistency review tools available for *Plan* implementation will partially depend upon possible adoption of enforceable policies of *The Plan* as a SAMP in the TCMP and acceptance of the TCMP into the Federal Coastal Zone Management (CZM) Program. Policies for *Plan* consistency review are described in *The Federal Consistency Report for the Galveston Bay Plan*.

Since the *Plan* as a whole is not enforceable, its implementation will be, in large part, dependent on discretionary or voluntary initiatives by various agencies. However, many of the *Plan's* individual actions contain recommendations for increasing enforcement of existing regulations, creating new regulations or modifying existing ones to better meet *Plan* goals and objectives. "Enforceable policies" are any elements of the *Plan's* recommended actions which call for federal, state, and/or local agencies to exercise their regulatory authority to require or cause an action to be undertaken. For the most part, enforceable policies are mechanisms based on the issuance and enforcement of permits, rules, standards, policy guidelines, and/or other legal means of requiring compliance with the *Plan's* recommended actions. Some actions also recommend new legislative authority be given to implementing agencies to regulate or enable certain activities. However, these policies will not preclude the use of appropriate alternative means of achieving the *Plan's* goals and objectives.

**Legislative Needs.** Implementation of some of the *Plan's* recommendations will require legislation at the federal and state level. Several major legislative initiatives called for in the *Plan* were identified in the process of developing the Implementation Strategy. The Galveston Bay Program will work closely with federal and state agencies to assure passage of these legislative initiatives.

**Memoranda of Understanding.** Several *Plan* actions will require establishment of a formal Memorandum of Understanding (MOU) between two or more agencies to coordinate regulatory or other programs. The Galveston Bay Program will help initiate the MOU negotiations, however, it will be the responsibility of the agencies involved to actually implement the MOU, provide appropriate public notice, and issue rules, if necessary.

**Local Ordinances.** A number of *Plan* actions will be implemented through local ordinances. Major local ordinance initiatives recommended in the *Plan* are outlined in this document, by implementation year. The Galveston Bay Program will help link local governments with appropriate technical assistance resources in developing their ordinances.

**Measuring Results.** Agencies which are participating in implementing *The Plan* will be asked to submit progress reports every six months to the GBP. These reports should be tied to the steps identified in the *Plan* recommendations. At the end of the biennium, each implementing entity should be required to prepare a brief wrap-up report on the status of work that had been proposed in the *Plan*. This report would go beyond the six-month progress reports by including more in-depth evaluation of implementation successes and obstacles and an opportunity for suggestions on how the overall *Plan* implementation strategy should be adjusted heading into the next cycle.

The GBP shall prepare an annual report to include:

- a summary and overall assessment of implementation efforts
- a brief status report on each recommended action in *The Plan*
- a financial report
- committee reports, noting work completed and issues addressed
- a report on implementation needs for the coming year(s)

Implementation results should be evaluated against monitored environmental parameters to ensure that *Plan* initiatives are having their desired impact. The environmental monitoring effort is described in a separate report title *Galveston Bay Regional Monitoring Program*. The environmental and programmatic evaluations should be tied to the GBP's annual budget preparation and priority-setting process, its public information function (annual report of accomplishments), and the biennial State of the Bay symposia. It will be up to the GBC to respond to the annual assessment and evaluation and to recommend to the TNRCC any redirection of implementation efforts and funds.

Each agency, group or entity involved in *Plan* implementation is encouraged to assign a Galveston Bay liaison to coordinate with GBP staff. Even as formal reporting requirements are established, the importance of routine informal communication among staff of involved agencies should not be underestimated.

The most direct method for ensuring implementation commitments is to link continued receipt of implementation funds to performance. This method could only be employed for funds which originate with or "pass through" the TNRCC to other units of government. Any pass-through funding or contract funds under TNRCC control could be conditioned based on performance, which the GBP should evaluate periodically.

There is likely to be some "peer pressure" involved as agencies document how they have contributed to the achievement of *Plan* objectives and as they present their implementation accomplishments to the public at State of the Bay symposia and in other forums.