

## **GALVESTON BAY ESTUARY PROGRAM (GBEP)**

### **Galveston Bay Council (GBC) Meeting Minutes – October 19, 2022**

#### **Attendees:**

**Galveston Bay Council Chair:** Glenn Clingenpeel (Trinity River Authority)

**Galveston Bay Council Vice-Chair:** Albert Gonzales (Low Income Communities)

**Galveston Bay Estuary Program (GBEP) Staff Lead:** Lisa Marshall (GBEP)

*Due to issues with COVID-19, the October 19, 2022 quarterly GBC meeting was held in a hybrid format with in-person at the Harris-Galveston Subsidence District and virtually on Microsoft Teams from 9:30 a.m. – 12:30 p.m.*

**Members Present:** Glenn Clingenpeel (In-person), Elizabeth Fazio Hale, Albert Gonzales, Lori Hamilton, Jonathan Holley, Kristin Lambrecht, Caimee Schoenbaechler, Ronnie Schultz, Shane Simpson, Charrish Stevens, Bob Stokes, Sue Theiss, Winfred Colbert, Jeff Dallarosa, Cruz Hinojosa, Garry McMahan, Helen Paige, Pamela Plotkin, Melissa Porter, Lisa Rickards, Hanadi Rafai, Rusty Senac, Linda Shead, Maria Valdez, Kirk Wiles, Audrey Kuklenz, and Ana Partin

**Members Not Present/Delegates:** Michael Lee\*, Todd Running\*, Matthew Tilimon\*, Brian Koch, Scott Alford, Andrea Catanzaro, Vance Darr, Nancy Parra, Taylor Rieck, Sharron Stewart, Scott Williams, Tracy Woody

(\*=Member designated a proxy)

**Proxies Present (GBC member absent/designated proxy):** Michael Lee/Zulimar Lucena; Todd Running/Rachel Windham; Matthew Tilimon/Zac Edwards

**Current Vacancies:** Small Local Governments; Texas Parks & Wildlife Department

**Other Attendees:** Dianna Ramirez, Julie Masters, Emma Clarkson, Lori Traweek, David Villareal, Ryan Bare

**Additional GBEP Staff Present:** Matthew Abernathy, Lindsey Lippert, Christian Rines

#### **Call to Order: Introduction of Members and Delegates**

Glenn Clingenpeel brought the meeting to order at 9:30 a.m.

Mr. Clingenpeel announced that it had been established that a quorum was present and in the interest of time, there would be an opportunity for introductions and announcements at the end of the meeting. He also asked if there were any visitors present who required introductions, of which there were none.

Mr. Clingenpeel reminded all attendees that in accordance with the Open Meetings Act, for votes or motions, virtual attendees must turn on their cameras and when making a motion or second to state their name. Regarding abstentions from voting, it was requested to put that information in the chat and that if those abstentions would like to be on record, that they can raise their hand and will be called on to state those abstentions.

### **Action Item: Approval of July 20, 2022 Meeting Minutes**

Mr. Clingenpeel called for the approval of the meeting minutes from the July 20, 2022, meeting. There were no comments or corrections noted and Elizabeth Fazio Hale motioned to approve the minutes and Ronnie Schultz seconded the motion.

### **Report of the Program**

Lisa Marshall began the program report by addressing conflict of interest. The conflict-of-interest forms were sent to the GBC members prior to the meeting and were signed and returned to be kept for the record. Ms. Marshall stated that all abstentions should be noted to maintain transparency of the approval process for projects.

Secondly, Ms. Marshall noted that one half of the GBC membership will be on the Commissioner's Agenda on February 22, 2023, for membership approval. An email will be sent out to the half of the membership requiring approval to request their biographies.

Ms. Marshall clarified that budgets for both Clean Water Act funds and Bipartisan Infrastructure Law funds will be presented for approval and that these projects are set to begin on September 1, 2023. Ms. Marshall also thanked the GBEP staff for all the extra work done to meet the deadlines required for the budgets and work plans.

Ms. Marshall next addressed the prior issues that relate to GBEP directly awarding funds to nonprofit organizations. Ms. Fazio Hale, Bob Stokes, Mr. Clingenpeel, Albert Gonzales, Lori Hamilton, and Kerry Niemann were all recognized for their efforts in reaching out to TCEQ to initiate discussions on the issue of direct awards. TCEQ's legal department has determined that under Texas Administrative Code Title 30 Chapter 14, if GBEP meets certain competitive bid requirements, that awards can be made to non-profit organizations. Pending TCEQ management approval, the awards presented and approved at this meeting will be able to be awarded directly to non-profit organizations without the use of a governmental pass-through entity. Additionally, with a few adjustments to the GBEP bidding process, awards should be able to continue to be provided directly to non-profit organizations. Mr. Stokes also recognized Ms. Marshall and Lindsey Lippert for facilitating the conversations and Mr. Clingenpeel thanked TCEQ for their time and willingness to discuss the matter.

### **Report of the Chair**

Mr. Clingenpeel began by addressing the topic of how future GBC meetings will be hosted. At the Budget and Priorities subcommittee meeting on October 11, 2022, it was discussed that moving forward, virtual meetings will continue to be offered but that voting will be restricted to in-person attendees. Ms. Marshall asked if there were any questions or comments regarding this decision, and there were none.

Next, Mr. Clingenpeel announced Julie Masters, the GBC nominee to represent small cities with a population less than 25,000. Mr. Clingenpeel read Ms. Masters' biography to the GBC and then motioned for GBC approval of her nomination to serve on the GBC. Mr. Schultz seconded the motion.

Ms. Masters thanked the GBC for their nomination.

Mr. Clingenpeel then introduced Dr. Ryan Bare from the Houston Advanced Research Center (HARC) to present on the Galveston Bay Regional Monitoring Database.

**Presentation:** *Galveston Bay Regional Monitoring Database (RMD)* - Dr. Ryan Bare, Research Scientist, HARC

Dr. Bare began the presentation by providing background on the development of the RMD and the previous resources that helped to influence the development of the RMD. Previous data projects including the Galveston Bay Indicators Project, Galveston Bay Status and Trends, the various iterations of the State of the Bay, and the Coastal Atlas all shaped the platform that is the RMD.

Dr. Bare then provided details into the development of the RMD, including the programming used to create it, what data is contained within the database, and how it can currently be accessed. Lastly, he showed the GBC some examples of the information that can be accessed now along with a preview of the interactive aspects of the database that are being developed and will be released as Phase II in 2023.

Dr. Bare's presentation will be added to the [GBEP website](#).

**Presentation and Discussion:** *Fiscal Year 2024 GBEP Work Plan.* A series of short presentations by GBEP staff covering the projects and programmatic costs being proposed.

Cruz Hinojosa asked if there was a way that dredge materials could be used in the bay. Ms. Lippert commented that there is a Beneficial Use Group that works to do this, and Garry McMahan responded on the various methods that Port Houston uses to reuse dredge materials for beneficial uses.

Mr. Gonzales asked for updated presentation descriptions and Ms. Marshall clarified that the updated program material was sent out earlier that morning due to some last-minute changes in the program.

**Action Item:** Approval of each category in the proposed Fiscal Year 2024 GBEP Work Plan.

Ms. Marshall indicated that the GBC would be voting on and approving the budget by category. Approval of each program area, a motion and second for each, abstentions and Conflicts of Interest for each item were noted.

Projects were approved by program area:

| Program Area | Motion     | Second               | Abstain                                      | Conflict of Interest |
|--------------|------------|----------------------|--|----------------------|
| Programmatic | Bob Stokes | Elizabeth Fazio Hale | Lori Hamilton, Zulimar Lucena, Lisa Rickards |                      |

|     |                      |               |  |   |
|-----|----------------------|---------------|--|---|
| WSQ | Elizabeth Fazio Hale | Rusty Senac   | Lori Hamilton, Zulimar Lucena, Lisa Rickards                             | Zulimar Lucena                              |
| NRU | Elizabeth Fazio Hale | Bob Stokes    | Lori Hamilton, Zulimar Lucena, Lisa Rickards, Linda Shead, Emma Clarkson | Linda Shead, Emma Clarkson, Jonathan Holley |
| PPE | Elizabeth Fazio Hale | Julie Masters | Lori Hamilton, Zulimar Lucena, Lisa Rickards, Rachel Windham, Bob Stokes | Bob Stokes, Rachel Windham                  |
| M&R | Elizabeth Fazio Hale | Bob Stokes    | Lori Hamilton, Zulimar Lucena, Lisa Rickards                             |   |

### 15-minute break

Mr. Clingenpeel requested, on behalf of the staff, that should additional funding become available for fiscal year 2024, the staff would be able to allocate those additional funds to projects that are approved with a fiscal year 2024 and fiscal year 2025 component. The additional funding applied to fiscal year 24 would reduce the amount of funding allocated for fiscal year 25 of the same project. Mr. Clingenpeel motioned for approval and Ms. Shead seconded the motion, and Ms. Hamilton abstained from voting.

**Presentation and Discussion:** *Fiscal Year 2022 - 2023 Bipartisan Infrastructure Law (BIL) Work Plan.* Prior to presentations, the following questions were addressed.

Mr. Clingenpeel asked for clarification as to why fiscal year 22 and fiscal year 23 funds were being combined. Ms. Lippert responded that it was related to the short timeline for the funds and that it aligns with the federal fiscal year, which differs from the state fiscal year.

Caimee Schoenbaechler requested for clarification on the process for the selection of the projects for BIL funding. Ms. Marshall summarized the meeting on October 5, 2022 and what led to the voting method used to score the projects.

GBEP staff provided an overview of the six projects that were selected and approved by the Budget and Priorities subcommittee for funding.

Mr. Schultz inquired if the education and outreach for the OSSF project would meet TCEQ requirements that would allow homeowners to conduct maintenance instead of requiring them to hire a licensed contractor. After a brief discussion, it was determined that GBEP staff would review the proposal and get clarification on this matter.

Following the presentations, Mr. Clingenpeel called for a motion to approve the fiscal year 22-23 BIL workplan as presented. Ms. Fazio Hale motioned for approval and Ms. Masters seconded the motion. Mr. Stokes, Rachel Windham, Ms. Rickards, Mr. McMahan, Ms. Hamilton, and Jonathan Holley all abstained from voting.

Mr. McMahan clarified his abstention is due to his role on the board of Armand Bayou Nature Center. Mr. Stokes and Ms. Windham's abstentions are due to acknowledged conflicts of interest with selected projects.

### **GBC Members Roundtable: News and Announcements**

**Audrey Kuklenz (TRC):** TRC has received federal funding to plug orphan wells and clean up abandoned sites. If GBC members have any areas of concern that could be addressed in the next four to five years, please reach out to her for more information.

**Garry McMahan (Port Houston):** Port Houston is sponsoring the National Waterways Conference in Houston and Mr. McMahan can be contacted for more information.

**Linda Shead (BPA):** BPA's annual luncheon is Tuesday, November 1 at the Junior League, at which the Terry Hershey Bayou Stewardship Awardees will be announced. The Master of Ceremonies will be Harris County Precinct 3 Commissioner Jack Cagle.

**Melissa Porter (TXGLO):** Julie McEntyre from GLO recently sent grantees a survey regarding the grant application process to get feedback on how to improve the process.

Coastal Management Program and Coastal Erosion Planning & Response Act grant programs will offer a joint grant workshop in 2023 to announce the availability of funding.

**Dianna Ramirez (TXGLO):** TXGLO is working on updating the newest version of the Coastal Resiliency Master Plan and there will be public meetings regarding the update in November. Reach out to either Ms. Ramirez or Josh Oyer to join the Technical Advisory Committee.

**Caimee Schoenbaechler (TWDB):** TWDB is hosting the Water for Texas Conference, January 23 - 25, 2023. Keynote speakers are Glen Hagar, Texas Comptroller for Public Accounts and Chet Garner, host of the Daytripper TV show.

**Rachel Windham (H-GAC):** H-GAC is hosting the following upcoming meetings.

On October 19 at 1:30 p.m. is the Regional Flood Management Committee meeting.

Friday, October 21 is the Clean Water Initiatives workshop field meeting which will demonstrate clean water monitoring field techniques.

The next Natural Resources Advisory Committee is on November 3 as a hybrid meeting.

The next Bacterial Implementation Group meeting is on November 29 as a hybrid meeting.

There will be additional upcoming Watershed Protection Plan meetings for both Clear Creek and the East Fork of the San Jacinto River.

**Lori Hamilton (TCEQ):** Effective November 1, the Office of Water will have a new Director, Cari-Michel la Caille.

**Lisa Marshall (GBEP):** Announced the Public Participation and Education coordinator will be starting on Monday, October 24, 2022. Two additional positions should be starting in December 2022.

**Albert Gonzales (Low-Income Communities):** Mr. Gonzales thanked the staff for their work on all the recent projects and also thanked Ms. Fazio Hale and Mr. Stokes for their help in preparing items for the legislature.

**Elizabeth Fazio Hale (Gulf Coast Authority):** Ms. Fazio Hale reminded the council that the Texas Legislature will be in session from January through May 2023. There has been a solution reached, for the time being, to allow direct awards to non-profits and if there are any other legislative issues that need assistance, please contact Ms. Fazio Hale.

The Texas Association of Waterworks and the Water Environment Association of Texas will host Texas Water, April 11 - 14, 2023. Ms. Fazio Hale and Venus Price (City of Houston) are co-chairs of the event.

**Sue Theiss (TXDOT):** TXDOT is continuing to work on planning and design for the replacement bridge between Galveston Island and Pelican Island. They are also planning public comment meetings at the Galveston Convention Center for early 2023, but the dates are still being finalized.

**Kerry Niemann (TCEQ):** On behalf of the Water Quality Planning Division:

Regarding the Total Maximum Daily Load (TMDL) Program: Four TMDLs for indicator bacteria for tributaries of the Neches River below Lake Palestine went to Agenda for adoption on October 5th. Two TMDL I-Plans, Caney Creek, and Sandy Creek and Wolf Creek, will be going to Agenda on November 2<sup>nd</sup> for release for public comment. Four TMDLs for indicator bacteria in the Neches River Tidal are tentatively scheduled to go to Agenda on December 14<sup>th</sup> for release for public comment.

Regarding the Nonpoint Source Program: The 2022 Nonpoint Source Management Program was approved by the EPA on August 29, 2022. The Management Program is jointly administered by the TCEQ and the Texas State Soil and Water Conservation Board. The Management Program outlines the State's comprehensive strategy to protect and restore water quality impacted by nonpoint source pollution. The Upper San Antonio River Success Story is pending EPA Headquarters approval.

Regarding the Integrated Report of Surface Water Quality: EPA approved the Texas 2022 Section 303(d) list on July 7, 2022. The 2022 Texas Integrated Report of Surface Water Quality, including the 2022 Texas 303(d) list, can be found on our website.

Regarding Water Quality Standards: The 2022 revision of the Texas Surface Water Quality Standards was adopted by the Commission on October 7, 2022.

Regarding the Clean Rivers Program: The calendar of Steering Committee Meeting dates may be accessed from the statewide Coordinated Monitoring Schedule. Meetings occur throughout the year and help to establish monitoring priorities.

**Public Comment:** None

**Other Business:** It was determined that calendar invitations with TEAMS meeting links will be sent out for all 2023 GBC meetings.

**Adjourn:** The meeting was adjourned at 11:47 a.m.

**Upcoming GBC Meeting Dates:** January 18, 2023, April 19, 2023, July 19, 2023, and October 18, 2023. Meetings are held on the third Wednesday of the quarter from 9:30 a.m. - 12:30 p.m. If there are known conflicts, GBC members are welcome to propose alternate dates to the GBC.