

Coastal Coordination Council

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Summary

The Coastal Coordination Council (Council) is a 12-member interagency board that administers Texas' federally approved Coastal Management Program (CMP). The Council's mission is to coordinate Texas' approach to managing its coastal resources and responding to coastal issues. The Council is housed within and staffed by the General Land Office (GLO). The Council awards about \$2.5 million per year in federal coastal management grant funds to local entities for coastal improvement projects; reviews state and federal agency decisions that affect the Texas coast to ensure they are consistent with the State's CMP; and provides information and assistance regarding permits in the coastal region.

In Senate Bill 656, the Legislature adopted all of the Sunset Commission's recommendations regarding the Council, including abolishing the Council and transferring its functions to GLO, and added other statutory provisions. A discussion of the bill's major provisions follows.

Sunset Provision

1. Abolish the Coastal Coordination Council and transfer its functions to the General Land Office.

Senate Bill 656 abolishes the Council on September 1, 2011 and transfers its functions and authority to GLO. The bill requires the Land Commissioner to adopt a comprehensive plan to ensure the smooth transition of all programs from the Council to GLO. The bill also requires GLO to consult with the National Oceanic and Atmospheric Administration as necessary during the transition to ensure continued compliance with federal requirements and to maintain federal approval of the Texas Coastal Management Program.

The bill requires the Land Commissioner, by rule, to establish the Coastal Coordination Advisory Committee to provide advice on matters related to the CMP, and to comply with federal requirements for interagency coordination. Membership of the Coastal Coordination Advisory Committee will closely mirror the makeup of the Council, including a representative from each of the current Council-member agencies and four members appointed by the Land Commissioner representing specific coastal interests.

Senate Bill 656 also requires the Land Commissioner to evaluate the functions, membership, and usefulness of the Permitting Assistance Group (PAG) by January 1, 2012. This evaluation must include input from all PAG members and the Coastal Coordination Advisory Committee. The bill authorizes the Land Commissioner to adopt rules to restructure or abolish, expand the functions of, or add members to PAG based on the results of the evaluation.

Provisions Added by the Legislature

2. Ensure the current Council-member agencies and citizen members continue to have input into the state and federal consistency review processes.

Senate Bill 656 allows the Coastal Coordination Advisory Committee to refer state and federal consistency issues to the Land Commissioner for review if three members of the Committee agree there is a significant unresolved dispute regarding a proposed action's consistency with the goals and policies of the CMP.

3. Remove unnecessary statutory language detailing the federal consistency review process.

The bill deletes outdated and unnecessary statutory language regarding specific elements of the federal consistency review process. This language was removed at the request of the National Oceanic and Atmospheric Administration to allow the consistency process be adopted in rule so the State can react and update the process more quickly when federal law or guidelines change.

4. Require the Attorney General rather than the Land Commissioner to review consistency determinations made by GLO, the Land Commissioner, or the School Land Board.

Senate Bill 656 prohibits the Land Commissioner from reviewing a consistency determination made by GLO, the Land Commissioner, or the School Land Board. The bill instead requires the Land Commissioner to refer these consistency determinations to the Attorney General for review to prevent any conflicts of interest. The bill requires the Attorney General to determine whether the referred actions are consistent with the goals and policies of the CMP and allows the Attorney General to protest an action.

Fiscal Implication Summary

Senate Bill 656 will not have a fiscal impact to the State.