

# **Self-Evaluation Report**



**Coastal Coordination Council**

**September 2009**



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## Coastal Coordination Council

### I. Agency Contact Information

A. Please fill in the following chart.

Coastal Coordination Council Exhibit 1: Agency Contacts				
	Name	Address	Telephone & Fax Numbers	E-mail Address
<b>Agency Head</b>	Jerry Patterson	PO Box 12873 Austin TX 78711		
<b>Agency's Sunset Liaison</b>	Susan Biles	PO Box 12873 Austin TX 78711	512-463-2380	<a href="mailto:Susan.biles@glo.state.tx.us">Susan.biles@glo.state.tx.us</a>
<b>Coastal Coordination Council Secretary</b>	Tammy Brooks	PO Box 12873 Austin TX 78711	512-463-9212 512-475-0680 fax	<a href="mailto:Tammy.brooks@glo.state.tx.us">Tammy.brooks@glo.state.tx.us</a>

### II. Key Functions and Performance

**A. Provide an overview of your agency's mission, objectives, and key functions.**

**1. General Interagency Coordination Functions**

The Coastal Coordination Council (Council) administers the Texas Coastal Management Program (CMP). The Council is a twelve-member body composed of the heads of the seven state natural resource management agencies, Texas SeaGrant College, and four members appointed by the Governor to represent various coastal stakeholder groups.<sup>1</sup> Its general mission is to foster interagency communication and cooperation on matters affecting the natural resources of the coast. As provided in TEX. NAT. RES. CODE ANN. §33.202, the Council continually reviews the principal coastal problems of state concern, coordinates the performance of government programs affecting coastal natural resources, coordinates the measures required to resolve identified coastal problems, and makes all coastal management processes more visible, accessible, coherent, consistent, and accountable to the people of Texas.

<sup>1</sup> The agencies are the General Land Office, Railroad Commission of Texas, Texas Commission on Environmental Quality, Texas Parks and Wildlife Department, Texas Water Development Board, Texas State Soil and Water Conservation Board, and Texas Department of Transportation. A representative from Texas Sea Grant College Program serves on the Council but is non-voting. The gubernatorial appointed members represent coastal local governments, coastal residents, coastal businesses, and agriculture.

## **2. Consistency Review**

### **a. Adoption of Goals and Policies**

TEX. NAT. RES. CODE ANN. §33.204(a) directs the Council to promulgate rules adopting the goals and policies of the CMP. The CMP is a "networked" program linking the regulations, programs, and expertise of state, federal, and local entities that manage different aspects of coastal resource use. The Council is charged with adopting uniform goals and policies to guide decision-making by these various entities. The uniform goals and policies are intended to ensure that the entities are acting with a common purpose and that their policies and actions do not conflict with one another.

### **b. Review of State Agency Rules and Rule Amendments**

The Council's primary means of ensuring that state agencies and local governments act consistently with the uniform goals and policies is review of state agency rules governing the issuance of permits and other such actions. Because an agency must comply with its own rules, if an agency's rules are consistent with the CMP's goals and policies, then its permits and other actions should be consistent. Under TEX. NAT. RES. CODE ANN. §33.2052, the Council reviews state agency rulemaking actions that an agency voluntarily submits to the Council for certification for consistency with the CMP. The Council either certifies the rule as consistent or denies certification and recommends to the agency how to correct any deficiencies. If an agency either implements or amends its certified rules in a manner inconsistent with the CMP, the Council may revoke certification of those rules and subject all of the agency's permitting decisions to Council review. Likewise, if an agency's rules have not been certified, all of the agency's permitting decisions are subject to Council review.

### **c. Review of State Agency and Local Government Permits and Other Authorizations**

The Council reviews a proposed state agency or local government permit or other action if three members of the Council submit it to the Council for review. If the Council finds the action inconsistent (e.g., the permit does not contain the conditions and restrictions necessary for consistency with the uniform goals and policies), the Council reports its findings and recommendations to the agency or subdivision. If the agency or local government does not address the deficiency, the Council may refer the matter to the attorney general for issuance of an opinion and possibly a lawsuit. [See TEX. NAT. RES. CODE ANN. §§33.205 and 33.206.] The function of the Council is not to second-guess agencies and local governments, but rather to resolve potentially time-consuming, costly conflicts among agencies, local governments, affected parties, permit applicants, and others. Hence, the existence of a significant unresolved dispute over a proposed action's consistency with the goals and policies of the CMP is a substantive prerequisite for Council review. If all parties agree that a permit complies with the goals and policies, there is no need for the Council to take action.

### **d. Review of Federal Agency Activities, Permits, and Other Authorizations**

Under TEX. NAT. RES. CODE ANN. §33.206(e), the Council reviews any proposed federal agency action for consistency with the CMP that three members of the Council request for review. Federal law requires federal agencies to comply, or be consistent, with federally approved state coastal management programs when the agencies make decisions affecting a state's coast. This gives coastal states significant influence over federal agency decisions.

Federal consistency review is the process by which the state can review an action to be undertaken, licensed, permitted, or funded by a federal agency. If the state finds a given action to be inconsistent with the CMP's goals and policies, with few exceptions, the action cannot be undertaken.

**3. Federal Grant Distribution**

Upon federal approval of its coastal management program, a state becomes eligible for federal funding to implement the program. The CMP has three grant making programs: §306/306A (administrative/coastal resource improvement funds), §309 (Program enhancement grants), and §310 (coastal nonpoint source pollution prevention).

- §306/306A receives approximately \$1.8 million<sup>1</sup>
- §309 receives approximately \$540,000<sup>1</sup>
- §310 receives approximately \$75,000<sup>1, 2</sup>

The Council approves the funding priorities and criteria for distributing these funds through a competitive grant application process. [See TEX. NAT. RES. CODE ANN. §33.053(a)(7).]

**4. Permitting Assistance Duties**

The Council maintains a program through which an individual or small business applicant for a state permit may request and receive information on permitting requirements and other assistance. [See TEX. NAT. RES. CODE ANN. §33.205(g).] One goal of the CMP is to simplify permitting processes for individuals and small businesses. The Council ensures this through use of the Permitting Assistance Group and the Permitting Assistance Coordinator, who assists applicants with their permit applications and provides other help early in the permitting process.

**5. Reporting Duties**

There are several statutory provisions regarding reporting, recommendations, and input that serve as vehicles for the Council to coordinate among agencies or address coastal issues. These include reviewing the effectiveness of the CMP and issuing an annual report [TEX. NAT. RES. CODE ANN. §33.204(f)], reporting to the Texas Legislature on recommended statutory changes and agencies' and subdivisions' compliance with the CMP [TEX. NAT. RES. CODE ANN. [§33.207(2)], periodically submitting recommendations to an agency or subdivision designed to encourage the agency or subdivision to carry out its functions in a manner consistent with the goals and policies of the CMP [TEX. NAT. RES. CODE ANN. §33.207(1)] and appointing an advisory committee [TEX. NAT. RES. CODE ANN. §33.052(c)].

<sup>1</sup> This amount changes based on federal appropriations.

<sup>2</sup> There may be monies appropriated one year but none the next and is dependent on federal appropriations.

**B. Do each of your key functions continue to serve a clear and ongoing objective? Explain why**

**each of these functions is still needed. What harm would come from no longer performing these functions?**

Yes, the functions listed above serve a clear and ongoing objective. Together, they serve to increase awareness of development pressures in the coastal zone and add another layer of protection in that area. These functions are also necessary so that the Texas Coastal Management Program continues to be certified by the federal government, which provides \$2 million annually to fund beneficial projects in the coastal zone.

**C. What evidence can your agency provide to show your overall effectiveness and efficiency in meeting your objectives?**

The day-to-day activities of the agency are performed by the Council's one FTE. The Coastal Coordination Council, as the public body charged with implementing the key functions listed above, must meet to approve grant disbursements and when three Council members submit a letter to the Council Secretary requesting that a permit application be placed on the Council's agenda. The Council has acted effectively and efficiently in applying the statutory framework to its functions.

**D. Does your agency's enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions? Have you recommended changes to the Legislature in the past to improve your agency's operations? If so, explain. Were the changes adopted?**

With the exception of awarding of grant funds, the Act correctly reflects the Council's mission, key functions, powers, and duties. The Act does not expressly provide that the Council is responsible for determining how federal funds are expended. Rather, the statutes call for the CMP document, which was submitted to NOAA in August 1996 and approved in January 1997, to describe how the program is administered. That document, in turn, assigns to the Council the responsibility for awarding grant funds. The Governor designated the GLO as the recipient and administrator of federal grant funds for Texas under the CZMA.

The only change that has been made to the Act was enacted by the 81<sup>st</sup> Legislature. Senate Bill 803 reduced the number of required meetings from four to two. This change reflects the reduced workload of the Council in recent years.

**E. Do any of your agency's functions overlap or duplicate those of another state or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies?**

The Council's functions do not overlap or duplicate those of another state or federal agency.

**F. In general, how do other states carry out similar functions?**

Thirty-four states have federally approved coastal management programs. While the CZMA provides minimum standards for federal approval of these programs, it gives coastal states considerable discretion over their program structure and design. This allows each coastal state to tailor its program to suit its natural resources, economy, political culture, and other individual characteristics. Consequently, there is tremendous variability among programs. The single factor that can best be used to compare and contrast the programs is the degree to which each is either

centralized or decentralized. Some states adopted highly centralized programs by creating a new state coastal agency or a new requirement for a coastal-specific permit. Other states built their programs on existing government structures, which resulted in decentralized programs. These “networked” programs linked together local governments and existing state agencies with statewide jurisdiction to implement their coastal management programs. Texas has a networked program. The CMP differs from other state coastal management programs in that Texas passes through 90 percent of the federal grant money it receives under the CZMA to subgrantees for projects in coastal communities. Only ten percent of the CZMA funding is used for administration of the program. Other states retain a larger percentage of their federal funding for program staff and administration.

**G. What key obstacles impair your agency’s ability to achieve its objectives?**

Obstacles arise when attempting to schedule meetings, which can delay actions that are fulfilled by the Council.

**H. Discuss any changes that could impact your agency’s key functions in the future (e.g., changes in federal law or outstanding court cases).**

None.

**I. What are your agency’s biggest opportunities for improvement in the future?**

Currently, three Council members must agree to refer a permit application to the Council for consistency review before the Council may determine whether a permit application is consistent with the Texas Coastal Management Program’s goals and policies. Coupled with the strict timelines found in the Coastal Coordination Act and the federal Coastal Zone Management Act, this requirement is onerous and rarely allows for full-Council review of permit applications. Authorizing the Consistency Review Coordinator to automatically place a permit application on a Council agenda for review would increase efficiency, effectiveness, and public participation, and would be consistent with federal requirements.

**J. In the following chart, provide information regarding your agency’s key performance measures included in your appropriations bill pattern, including outcome, input, efficiency, and explanatory measures.**

<b>Coastal Coordination Council</b>			
<b>Exhibit 2: Key Performance Measures Fiscal Year 2008</b>			
<b>Key Performance Measures</b>	<b>FY 2008 Target</b>	<b>FY 2008 Actual Performance</b>	<b>FY 2008 % of Annual Target</b>
Number of permitting assistance responses.	5000	7438	149
Number of permit applications reviewed for consistency	400	246	62

**III. History and Major Events**

1989	Texas Legislature passes Senate Bill 1571 directing the GLO to conduct a study and make recommendations for a coastal program.
1990	GLO forms an 84-member citizen advisory committee and hosts 16 public meetings to identify major issues of concern and recommend solutions.
1991	Texas Legislature passes Senate Bill 1053 creating the Council (in Acts 1991, Ch. 295, 72nd Legislature, Regular Session, which amended TEX. NAT. RES. CODE ANN. Chapter 33, Subchapter F, known as the Coastal Coordination Act) and Senate Bill 1054 addressing coastal management, beach access, dune protection, and wetlands conservation (the State-Owned Coastal Wetlands Conservation Act). As provided in the Coastal Coordination Act, the GLO has provided administrative support to the Council since that time.  Governor notifies the U. S. Department of Commerce that Texas will develop the CMP for approval under the federal Coastal Zone Management Act.
November 1991	Council holds its first meeting.
1992-1993	GLO begins preliminary work on the CMP at the direction of the Council and in conjunction with local, state and federal agencies.
July-August 1993	Six public hearings are held to define the CMP boundary.
September 1993	Council formally adopts the CMP boundary and publishes the boundary rule in the <i>Texas Register</i> .
October 1993	CMP working draft policies are distributed to the public for comment. Focus groups representing local, state, and federal agencies, and coastal interests are formed to help develop the CMP.  December 1993 Preliminary draft CMP document and rules are distributed for January 1994 review.
March 1994	CMP draft rules are published in the <i>Texas Register</i> for public comment.
April-May 1994	Seven public hearings and extensive focus group meetings are held on the CMP draft rules.
July 1994	CMP revised draft rules are published in the <i>Texas Register</i> for public comment.
September 1994	Council formally adopts CMP rules and publishes them in the <i>Texas</i>

	<i>Register</i> ; proposes removal of Liberty County from the CMP boundary.
October 1994	Council enters into a Memorandum of Agreement with the U. S. Army Corps of Engineers (Corps) regarding consistency review of Corps maintenance dredging operations.
December 1994	Council adopts revised CMP boundary and publishes the boundary rule in the <i>Texas Register</i> .
	Governor submits CMP to U. S. Department of Commerce for review and approval.
March 1995	Governor withdraws CMP from the federal approval process to allow Texas Legislature to review the program.
January-June 1995	<p>Legislature reviews CMP rules and amends Coastal Coordination Act (in Acts 1995, Ch. 416, 74<sup>th</sup> Legislature, Regular Session). The amendments did not alter the Council's original, basic purpose and responsibilities described in Section I above. Rather, they refined the CMP in the following ways:</p> <ul style="list-style-type: none"> <li>• Codified in statute certain key provisions of the Council's rules.</li> <li>• Narrowed the inland boundary of the coastal zone.</li> <li>• Clarified many of the procedures for the Council's review of state, federal, and local government actions.</li> <li>• Changed the composition of the Council by removing the Attorney General and adding the chair of the Texas Transportation Commission, the chair of the Texas Water Development Board, a member of the State Soil and Water Conservation Board, a gubernatorial appointee representing agriculture, and a gubernatorial appointee representing coastal businesses.</li> <li>• Added a requirement that the Council create a Permitting Assistance Group to assist permit applicants, particularly individuals and small businesses, with coastal environmental permitting requirements.</li> </ul>
June-July 1995	Council proposes rule amendments to conform to statutory changes and holds public hearings.

October 1995	Council adopts revised rules. Governor resubmits program to the U. S. Department of Commerce, NOAA.
June 1996	GLO publishes and distributes the CMP Draft Environmental Impact Statement.
July-August 1996	NOAA holds two public hearings on CMP.
August 1996	NOAA and the Council publish the CMP Final Environmental Impact Statement.
January 1997	CMP receives federal approval from the U. S. Department of Commerce, NOAA.
March 1997	Permitting Assistance Coordinator is hired.  Council adopts rules for individual and small business permitting assistance and forms Permitting Assistance Group (PAG).
June 1997	Council enters into general concurrence (No. 1) with Corps reducing the consistency review period on categories of permits authorized under Corps Letters of Permission from 45 days to 15 days.
July 1997	Council enters into general concurrence (No. 2) with Minerals Management Service to reduce consistency review period of Outer Continental Shelf Plans from 45 days to 15 days.
August 1997	Council enters into Memorandum of Understanding with Corps establishing procedures for streamlined consistency review of activities authorized under Corps §404 wetlands permitting.
November 1997	Council adopts rule amendment removing Liberty County from the CMP boundary to conform to statutory changes.
May 1998	Council adopts rules listing federal agency approvals of Natural Resource Damage Assessment (NRDA) restoration plans as actions subject to consistency review.
August 1998	Council adopts rules listing federal agency approvals of restoration plans under §10 of the Rivers and Harbors Act (RHA) and §404 of the CWA as actions subject to consistency review.
November 1998	Council formally requests secretarial mediation under 15 CFR Part 930, Subpart G, from the U. S. Department of Commerce over disagreement with U. S. Army Corps of Engineers regarding the listing of restoration

	plans under §10 of the RHA and §404 of the CWA as actions subject to consistency review.
December 1998	Council submits Texas' §6217 program to EPA and NOAA.
June 1999	Council adopts amendments to PAG rules clarifying the role of the Permitting Assistance Coordinator.
June 2000	Council enters into general concurrence (No. 4) to affirm Texas Parks and Wildlife Department's primacy in the determination of the State's fishery management policies.
March 2001	Council enters into Memorandum of Agreement (MOA) with Galveston County for the maintenance, monitoring, and removal of geotextile tube projects.
October 2001	Permit Service Center opens in the Lower Coast.
July 2002	Council enters into MOA with the City of Galveston for the maintenance, monitoring, and removal of geotextile tube projects.
November 2002	Council enters into general concurrence (No. 5) with Federal Emergency Management Agency to expedite consistency review of repairs in federally declared disaster areas.
July 2003	Texas receives conditional approval of §6217 program from EPA and NOAA. There are five remaining conditions that need to be met for full approval.
September 2003	Council voted to delist 31 TAC §506.12(a)(1)(F) relating to federal fisheries management measures.
December 2003	Council revised General Concurrence No. 2 with Minerals Management Service to include right-of-way pipeline permit applications.  Council adopts guidance for conducting consistency reviews with an Interagency Coordination Team.
May 2004	Revised General Concurrence No. 1 with Corps of Engineers to include Oil Field Development Specific permits, project revisions, minor modifications, and extensions of time.
June 2004	Council rescinds General Concurrence No. 4 with TPWD.
December 2005	Permit Service Center open on the Upper Coast.

March 2009	Council adopts resolution regarding Geotextile Tube Consistency Agreements with the City of Galveston and Galveston County. All geotextile tubes were removed and the MOAs are no longer necessary.
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#### IV. Policymaking Structure

<b>Coastal Coordination Council Exhibit 3: Policymaking Body</b>			
<b>Jerry Patterson</b>	<b>January 2003 – present, Elected, Serves as Chair by statute.</b>	<b>Land Commissioner</b>	<b>Austin</b>
<b>Elizabeth Jones</b>	<b>January 2006 – present, Elected, Appointed to Council by RRC Chair</b>	<b>Railroad Commissioner</b>	<b>Austin</b>
<b>Buddy Garcia</b>	<b>January 2007 – august 2011, Appointed to Council by TCEQ Chair</b>	<b>Commissioner, Texas Commission on Environmental Quality</b>	<b>Austin</b>
<b>Jose Dodier</b>	<b>May 2005 to current, Elected, Appointed by Chair of TSSWCB</b>	<b>Member, Texas State Soil and Water Conservation Board</b>	<b>Temple</b>
<b>Karen Hixon</b>	<b>August 2007 – February 2013, Appointed to Council by TPWD Chair</b>	<b>Member, Texas Parks and Wildlife Commission</b>	<b>San Antonio</b>
<b>Ned Holmes</b>	<b>March 2007 – February 2011, Appointed to Council by Transportation Commission Chair</b>	<b>Member, Texas Transportation Commission</b>	<b>Austin</b>
<b>Edward Vaughan</b>	<b>February 2008 – December 2013, Appointed to Council by TWDB Chair</b>	<b>Member, Texas Water Development Board</b>	<b>Boerne</b>
<b>Robert Stickney</b>	<b>2001 – present, Appointed by to Council by Statute</b>	<b>Texas SeaGrant College Program</b>	<b>College Station</b>
<b>Bob Jones</b>	<b>June, 1 2003 – May 31, 2010, Appointed by Governor</b>	<b>Public Member - Coastal Resident</b>	<b>Corpus Christi</b>
<b>Bob McCan</b>	<b>June 2008 – May 2011, Appointed by Governor</b>	<b>Public Member - Agriculture Representative</b>	<b>Victoria</b>
<b>Jerry Mohn</b>	<b>June 2009 – May 2011, Appointed by Governor</b>	<b>Public Member - Coastal Business</b>	<b>Galveston</b>
<b>George Deshotels</b>	<b>June 2008 – May 2010, Appointed by Governor</b>	<b>Coastal Elected Official</b>	<b>Matagorda</b>

#### **B. Describe the primary role and responsibilities of your policymaking body.**

The Council's primary role is to encourage communication and cooperation among the natural resource and regulatory agencies with jurisdiction in the coastal zone on matters affecting the

natural resources of the coast through administration of the CMP. The Council continually reviews the principal coastal problems of state concern, coordinates the performance of government programs affecting coastal natural resources, coordinates the measures required to resolve identified coastal problems, and makes all coastal management processes more visible, accessible, coherent, consistent, and accountable to the people of Texas.

**C. How is the chair selected?**

The Commissioner of the General Land Office is designated chairman of the Council by TEX. NAT. RES. CODE ANN. §33.204(b). The Land Commissioner is a statewide elected official.

**D. List any special circumstances or unique features about your policymaking body or its responsibilities.**

The Council is unique in that it is a coordinating body with no appropriated budget or staff of its own and its membership comprises both agency heads and citizens in a policymaking role. Four citizen members appointed by the Governor sit as equal policymakers on the Council with seven state agency heads. The Council's purpose is to coordinate the activities of state and federal agencies with jurisdiction in the coastal area to ensure consistent application of policies, provide a forum for the public to address the heads of the state's natural resource agencies together, guarantee public input by virtue of the citizen members, and respond to the public's concerns.

**E. In general, how often does your policymaking body meet? How many times did it meet in FY 2008? In FY 2009?**

In FY 2008, the Council met four times. In FY 2009, the Council met only three times due to Hurricane Ike, which caused the Council to cancel its third quarter meeting in Matagorda.

**F. What type of training do members of your agency's policymaking body receive?**

GLO staff provides training on the roles and responsibilities of their positions, with the resources available to them in carrying out these responsibilities. Additionally, all members are required to receive training on ethics, the Open Meetings Act and Open Records Act.

**G. Does your agency have policies that describe the respective roles of the policymaking body and agency staff in running the agency? If so, describe these policies.**

The Council adopted uniform goals and policies for administration of the CMP, which are described in full in Part II, Chapter 4 of the program's FEIS. Administration of the policies governing specific program components is further clarified in the Council's rules at 31 TEX. ADMIN. CODE §§501, 503, 504, 505, and 506

**H. What information is regularly presented to your policymaking body to keep them informed of your agency's performance?**

Status updates on various programs and projects are provided at every meeting and an annual report is compiled.

**I. How does your policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of your agency?**

All meetings of the Council are open to the public. The public is given the opportunity to comment on any issue of concern during the meetings, as well as to comment on specific agenda items. Council meetings are often streamed live over the internet and are available on the Council website. In addition, the Council holds public hearings in coastal communities for any rulemaking action, solicits written comments, and incorporates those comments into the rule whenever feasible. The Council hosts public workshops on the coast at the beginning of each grant award period to assist prospective grant recipients in preparing applications. The Council's consistency review provisions also requires public notice and opportunity for the public to comment on proposed federal actions being reviewed by the Council. Notice of these proposed federal projects and permits subject to the Council's review are published in the *Texas Register* and on the consistency review website. The CMP newsletter, *On the Coast*, which has a circulation of about 7,500, provides information on projects and programs. Plus, *On the Coast* is available online.

**J. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart.**

<b>Coastal Coordination Council Exhibit 4: Subcommittees and Advisory Committees</b>			
<b>Name of Subcommittee or Advisory Committee</b>	<b>Size/Composition/How are members appointed?</b>	<b>Purpose/Duties</b>	<b>Legal Basis for Committee</b>
Executive Committee	11 members, each appointed by one of the 11 Council members to represent the Council member.	To coordinate implementation of Council directives and review of policies, issues, or other matters that will or may be subject to Council deliberation in the interim between regular Council meetings.	An advisory committee is provided for by Council rule at 31 TEX. ADMIN. CODE §501.4(c).
Permitting Assistance Group	Composed of representatives of Council member agencies and other interested Council members.	To coordinate preliminary consistency reviews, provide preapplication assistance to permit applicants, and produce preliminary consistency findings.	The PAG is provided for by statute in TEX. NAT. RES. CODE ANN. §33.205(f)(1).

## V. Funding

**A. Provide a brief description of your agency's funding.**

The state is eligible to receive approximately \$2 million per year in federal funds under the

**CZMA.** The Governor designated the GLO as the agency to receive and administer those funds. However, the Council is charged with implementing the CMP and determines the funding priorities.

The monies received by the state under the CZMA are allocated under four sections, §306/306A – administration and subgrants, §309 – program enhancement and §310 – Coastal Nonpoint Source Pollution Control.

**B. List all riders that significantly impact your agency’s budget.**

None.

**C. Show your agency’s expenditures by strategy.**

The Council does not have expenditures, only travel reimbursement for gubernatorial appointees.

**D. Show your agency’s objects of expense for each category of expense listed for your agency in the General Appropriations Act FY 2009-2010.**

The Council does not have expenses listed in the General Appropriations Act FY 2009-2010.

**E. Show your agency’s sources of revenue. Include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency, including taxes and fines.**

Not applicable.

**F. If you receive funds from multiple federal programs, show the types of federal funding sources.**

Not applicable.

**G. If applicable, provide detailed information on fees collected by your agency.**

The Council does not collect fees.

## **VI. Organization**

**A. Provide an organizational chart that includes major programs and divisions, and shows the number of FTEs in each program or division.**

There is only one FTE for the Council. Please see organizational chart (Attachment A). Although two GLO staff are listed under CMP Policy/CCC, only the team leader is dedicated to the Council.

**B. If applicable, fill in the chart below listing field or regional offices.**

The dedicated FTE is housed in Austin.

**C. What are your agency’s FTE caps for fiscal years 2008-2011?**  
N/A

**D. How many temporary or contract employees did your agency have as of August 31, 2008?**  
None

**E. List each of your agency’s key programs or functions, along with expenditures and FTEs by program.**  
There is only one dedicated FTE that provides full time administrative support to the Council and is listed in the GLO’s FTE count and budget.

**VII. Guide to Agency Programs**

The Council has four main programs that are administered by GLO staff: Consistency Review, Permitting Assistance Group, Federal Grant Administration, Permit Service Center. The Council has one dedicated FTE and additional support is provided as needed.

<b>A. Provide the following information at the beginning of each program description.</b>	
<b>Name of Program or Function</b>	Coastal Coordination Council (Consistency Review)
<b>Location/Division</b>	Austin, Coastal Resources
<b>Contact Name</b>	Tammy Brooks
<b>Actual Expenditures, FY 2008</b>	\$53,855
<b>Number of FTEs as of August 31, 2008</b>	One FTE

**B. What is the objective of this program or function? Describe the major activities performed under this program.**

**1. State Consistency Review**  
Consistency review is the method by which the Council ensures that local, state, and federal agencies comply with its goals and policies. The program has two distinct components, state consistency review and federal consistency review.

Texas determined that the existing regulatory entities had the authority and mechanisms in place to comply with the federal requirements under the CZMA. Instead of establishing another state agency to govern the CMP or establishing a separate CMP permit, Texas chose to network the

existing regulatory agencies and incorporate their rules into the CMP. State agency rules govern all the state agency and local government actions that are subject to the CMP.<sup>2</sup> In addition to the agencies that serve on the Council, the other networked state agencies are the Public Utility Commission, the Texas Historical Commission and Antiquities Committee, and the School Land Board or Boards for Lease of State-Owned Lands.

To ensure that these agencies' actions are consistent with the CMP goals and policies, a rule certification and threshold approval process was established by Council rule. Finally, the Council can "decertify" or revoke certification of an agency's rules when the agency is failing to comply with the CMP.

## **2. Federal Consistency Review**

The purpose of this program component is to ensure that federal agencies, when making decisions affecting the Texas coast, give appropriate weight to the views and priorities of coastal citizens and state and local elected and appointed officials. The CZMA [16 U.S.C.A. §1456] requires federal agency decisions that affect a state's coastal zone to be consistent to the maximum extent practicable with the state's federally approved coastal management program and sets specific procedures states must follow when conducting federal consistency reviews. Whereas states must usually administer environmental and natural resource programs in compliance with standards set by federal agencies, CZMA requires federal agencies to administer their programs in the coastal zone in accordance with standards set by the state as well. In addition, the federal regulations outline a process for mediation of disputes between the state and federal agencies or applicants to federal agencies.

There are four basic types of federal agency decisions that are subject to the CMP:

- (1) federal activities and development projects; i.e., activities undertaken directly by federal agencies, such as Corps dredging of commercial navigable waterways and restoration plans;
- (2) agency actions; i.e., issuance of federal permits or licenses authorizing others to undertake certain activities, such as Corps permits for construction or filling in waters of the United States, including wetlands, and NPDES permits;
- (3) federal financial assistance; and
- (4) the approval of plans for oil and gas exploration and production and right-of-way-pipelines on the Outer Continental Shelf.

A complete list of activities or actions subject to the program is found in §506.12 of the Council's rules.

<sup>2</sup>The only local government action that is subject to the CMP is the issuance of beachfront construction certificates under the Open Beaches Act (TEX. NAT. RES. CODE ANN. Chapter 61) and the issuance of dune protection permits under the Dune Protection Act (TEX. NAT. RES. CODE ANN. Chapter 63). Under these two statutes, the Land Office adopts rules governing how local governments issue these certificates and permits.

<p><b>C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.</b></p> <p>In 2006, a total of 430 applications were reviewed by the Consistency Coordinator and none were referred to the Council. In 2007, a total of 301 applications were reviewed by the Consistency Coordinator and none were referred to the Council. In 2008, a total of 246 applications were reviewed by the Consistency Coordinator and two applications were referred to the Council for consistency review.</p>
<p><b>D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.</b></p> <p>All important history was included in the general history section.</p>
<p><b>E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.</b></p> <p>The US Army Corps of Engineers, Minerals Management Service, coastal citizens. The only requirement is that the activities or actions occur within the coastal zone.</p>
<p><b>F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.</b></p> <p>Please see flowcharts in Attachment B.</p>
<p><b>G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).</b></p> <p>Not applicable.</p>
<p><b>H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.</b></p> <p>None.</p>
<p><b>I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.</b></p> <p>The Council has General Concurrences and MOAs/MOUs that streamline the review process. Please see the list of MOAs/MOUs and General Concurrences in Attachment C.</p>
<p><b>J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.</b></p> <p>The Council administers the CMP. The Council is a twelve-member body comprised of the heads of the seven state natural resource management agencies, Texas SeaGrant College, and four members appointed by the Governor to represent various coastal stakeholder groups. Its general mission is to foster interagency communication and cooperation on matters affecting the natural resources of the coast.</p>

<p><b>K. If contracted expenditures are made through this program please provide:</b></p> <p>The Council does not have contracted expenditures.</p>
<p><b>L. What statutory changes could be made to assist this program in performing its functions? Explain.</b></p> <p>Currently, three Council members must agree to refer a permit application to the Council for consistency review before the Council may determine whether a permit application is consistent with the Texas Coastal Management Program's goals and policies. Coupled with the strict timelines found in the Coastal Coordination Act and the federal Coastal Zone Management Act, this requirement is onerous and rarely allows for full-Council review of permit applications. Authorizing the Consistency Review Coordinator to automatically place a permit application on a Council agenda for review would increase efficiency, effectiveness, and public participation, and would be consistent with federal requirements.</p>
<p><b>M. Provide any additional information needed to gain a preliminary understanding of the program or function.</b></p> <p>None</p>
<p><b>N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity.</b></p> <p>The Council is not regulatory.</p>
<p><b>O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.</b></p> <p>The Council is not regulatory.</p>

<p><b>A. Provide the following information at the beginning of each program description.</b></p>	
<p><b>Name of Program or Function</b></p>	<p>Coastal Coordination Council (Permitting Assistance Group)</p>
<p><b>Location/Division</b></p>	<p>Corpus Christi, Professional Services</p>
<p><b>Contact Name</b></p>	<p>Jesse Solis (361) 825-3050</p>
<p><b>Actual Expenditures, FY 2008</b></p>	<p>\$43,347</p>
<p><b>Number of FTEs as of August 31, 2008</b></p>	<p>One FTE.</p>
<p><b>B. What is the objective of this program or function? Describe the major activities performed under this program.</b></p> <p>The Act created a Permitting Assistance Group (PAG) to facilitate interagency permit coordination and to provide assistance as requested by individuals and small businesses in the coastal zone. Each Council agency has a representative on the PAG. In addition, federal permitting agencies have been asked to join the discussions of the PAG. The PAG identifies permitting issues such as conflicts in permitting requirements among state or federal agencies.</p>	
<p><b>C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.</b></p> <p>The PAG has succeeded in addressing numerous obstacles in the permitting process and has</p>	

streamlined the coastal permitting process while ensuring that coastal natural resources are protected. Most notable among the groups' achievements is the successful implementation of the Permit Service Center (PSC) and Joint Permit Application Form (JPAF). Other achievements include:

- Facilitated development and implementation of internal and Web-based Interagency Permit Tracking database.
- Opened dialogue for development of TXDOT general permit (GP) for Right of Way maintenance and minor construction transportation projects.
- Opened dialogue between the USACE and GLO for GLO assumption of permit evaluation for issuance of certain oil field development GPs.
- TXDOT utilized the PAG as a forum for initial interagency discussion of potential navigational hazards associated with residential development near commercial waterways whereby TXDOT and the USACE successfully implemented a process to address TXDOT concerns.
- Assisted in formation of a work group to explore development of an oil and gas GP for specific bay systems.
- Reviewed interagency guidelines specific to the residential pier GP.
- Opened dialogue between the USACE and GLO for possible GLO assumption of permit evaluation for pier GP 14392(06).
- PAG rule review.
- Provides an inter-agency forum for identifying obstacles to the permitting process and sharing additional permit streamlining opportunities.

**D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.**  
All important history was included in the general history section.

**E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.**  
The US Army Corps of Engineers, small business, and coastal citizens. The only requirement is that the activities or actions occur within the coastal zone.

**F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.**  
The PAG is comprised of networked agency representatives and gubernatorial appointees (if they choose to participate) and the US Army Corps of Engineers. PAG meetings are held bi-monthly on the third Thursday of the month, beginning in January, and are generally held at the GLO in Austin, Texas. PAG representatives are responsible for providing information on behalf of their respective agency or constituents. Administrative support is provided by the Administrative Assistant and Program Specialist from the Corpus Christi Permit Service Center (PSC). Currently, the PSC Program Specialist serves as meeting chair. Meeting agendas and minutes are provided. The PAG chair identifies ongoing interagency

<p>disagreements or practices that delay permitting and relays to the PAG for deliberation and resolution (issues are independent of any specific pending application).</p>
<p><b>G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).</b></p> <p>Not applicable.</p>
<p><b>H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.</b></p> <p>None.</p>
<p><b>I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency’s customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.</b></p> <p>Not applicable.</p>
<p><b>J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.</b></p> <p>The PAG streamlined the permitting process by providing a “one-stop shop” for all paperwork required to obtain a permit. This enabled the US Army Corps of Engineers to receive complete and accurate applications which allowed them to be processed faster.</p>
<p><b>K. If contracted expenditures are made through this program please provide:</b></p> <p>The PAG does not have contracted expenditures.</p>
<p><b>L. What statutory changes could be made to assist this program in performing its functions? Explain.</b></p> <p>None.</p>
<p><b>M. Provide any additional information needed to gain a preliminary understanding of the program or function.</b></p> <p>None.</p>
<p><b>N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity.</b></p> <p>The PAG is not regulatory.</p>
<p><b>O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency’s practices.</b></p> <p>The PAG is not regulatory.</p>

<b>A. Provide the following information at the beginning of each program description.</b>	
<b>Name of Program or Function</b>	Federal Grant Administration
<b>Location/Division</b>	Austin, Coastal Resources
<b>Contact Name</b>	Melissa Porter (512) 475-1393
<b>Actual Expenditures, FY 2008</b>	\$64,543
<b>Number of FTEs as of August 31, 2008</b>	One FTE.
<b>B. What is the objective of this program or function? Describe the major activities performed under this program.</b>	
<p>The §306 and §306A funds are awarded jointly, and Texas is eligible for approximately \$2 million per year. Most coastal states use these funds for staff salaries and other ongoing program administration costs. Texas, however, passes most of its funding (about 90 percent) through to local governments and other entities on the coast for individual projects. These projects can include acquisition or construction of public beach or shoreline access sites or facilities, acquisition of land for parks or preserves, creation or restoration of dunes or wetlands, shoreline erosion response planning, public education, data collection, and comprehensive planning. Section 306A grant funds are also governed by the NOAA rules (15 CFR §§923.121-128) and the §306A Guidance document.</p> <p>Section 309 of the CZMA authorizes a smaller amount of funding that cannot be passed through for coastal projects. It must be spent to enhance the CMP.</p> <p>In §6217 of the 1990 CZARA, Congress changed the CZMA to require states with federally approved coastal management programs to develop and implement state coastal nonpoint source pollution control programs. It also authorizes funding to assist states in developing coastal nonpoint-source pollution control programs. Each state's coastal nonpoint source program must be submitted to and approved by the EPA and NOAA. Texas received conditional approval in 2003 with six conditions remaining. Work continues to meet the remaining conditions.</p>	
<b>C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.</b>	
<p>The Council's effectiveness and efficiency has changed since the CMP's inception. In the beginning, the Council was very involved in the implementation of the CMP but since the CMP has been established and working for over ten years, the Council's role is more limited in scope, mainly dealing with grant awards and, occasionally, consistency review.</p>	
<b>D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.</b>	
<p>All important history was included in the general history section.</p>	
<b>E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.</b>	
<p>The following entities are eligible to receive funds under the Texas CMP Grants Program: Incorporated cities within the coastal zone boundary, County governments within the coastal zone boundary, Texas state</p>	

<p>agencies, Texas public colleges/universities, Subdivisions of the state with jurisdiction in the coastal zone (e.g., navigation districts, port authorities, river authorities, and Soil and Water Conservation Districts with jurisdiction in the coastal zone), Councils of governments and other regional governmental entities within the coastal zone boundary, Galveston Bay Estuary Program, Coastal Bend Bays and Estuaries Program, nonprofit organizations located in Texas that are nominated by an eligible entity listed above.</p>
<p><b>F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.</b></p> <p>A team comprised of representatives from the networked agencies and the gubernatorial appointed members reviews, scores, and ranks all grant applications received. A list is compiled based on rank and presented to the Council for approval.</p>
<p><b>G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).</b></p> <p>Not applicable.</p>
<p><b>H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.</b></p> <p>None</p>
<p><b>I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency’s customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.</b></p> <p>Not applicable.</p>
<p><b>J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.</b></p> <p>Not applicable.</p>
<p><b>K. If contracted expenditures are made through this program please provide:</b></p> <p>The Council does not have expenditures.</p>
<p><b>L. What statutory changes could be made to assist this program in performing its functions? Explain.</b></p> <p>None.</p>
<p><b>M. Provide any additional information needed to gain a preliminary understanding of the program or function.</b></p> <p>None.</p>
<p><b>N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity.</b></p> <p>Not applicable</p>

**O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.**  
 Not applicable.

<b>A. Provide the following information at the beginning of each program description.</b>	
<b>Name of Program or Function</b>	Permit Service Center
<b>Location/Division</b>	Corpus Christi, Professional Services
<b>Contact Name</b>	Jesse Solis (361) 825-3050
<b>Actual Expenditures, FY 2008</b>	\$43,347
<b>Number of FTEs as of August 31, 2008</b>	One FTE.
<b>B. What is the objective of this program or function? Describe the major activities performed under this program.</b>	
<p>The Permit Service Center (PSC) provides a single point of contact for individuals and small businesses in the coastal zone who want to do work requiring coastal use permits. The Permitting Assistance Coordinator (Coordinator) (1) helps potential applicants to identify the permits necessary to authorize a particular activity, (2) provides guidance on permissible project designs, and (3) helps prepare application forms and supporting material to submit to the appropriate agencies. The Coordinator provides post-application follow-up assistance to applicants by consulting with agency staffs on the review status of permit requests and reports this to the applicant. The Coordinator also investigates applicant complaints and forwards them to the appropriate agency for action.</p>	
<b>C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.</b>	
<p>The Council expanded upon the concept of the Small Business and Individual Permitting Assistance Program (PAO) established in April 1998, by opening the PSC as a pilot project to serve the lower Texas coast in Corpus Christi (October 2001). After the successful conclusion of the pilot project, the Council approved the opening of a second PSC to serve the upper Texas coast in Galveston (May 2006). The PSC is staffed by three employees (two in Corpus Christi and one in Galveston).</p> <p>The PSC has assisted a total of 1,788 applicants (1436 Corpus Christi, 352 Galveston) and received, reviewed, and forwarded 993 JPAFs (803 Corpus Christi, 190 Galveston) since opening in October of 2001.</p> <ul style="list-style-type: none"> <li>▪ Former PAO began operating as the PSC in Corpus Christi (October 2001).                             <ul style="list-style-type: none"> <li>- Provides access to basic technical guidance for frequently requested permits within the coastal boundary.</li> <li>- Schedules pre-application meetings between permit applicants and natural resource agency staff.</li> </ul> </li> <li>▪ Internal PSC database implemented (October 2001).</li> <li>▪ Implemented use of the Joint Permit Application Form (JPAF) for the lower Texas coast (October 2001).</li> </ul>	

- Serves as a central receiving point for JPAFs. Receives, reviews and forwards JPAFs to the appropriate state and/or federal agencies for processing. Monitors status within various agencies.
- Implemented Web-based inter-agency permit tracking database that allows applicants to learn the status of their permit application. Partnered with TCEQ to provide both GLO and TCEQ permitting information (January 2005). Partnering with additional external agencies is ongoing.
- Council approved expansion of the PSC to the upper Texas coast (December 2005).
- Galveston PSC opened (May 2006).

### **PSC Program Changes**

Effective December 1, 2008, management of the PSCs transferred from Coastal Resources to the Professional Services Division of the GLO. Prior to the transfer, the PSC focused primarily on pre-app and the actual application process. Since joining Professional Services, the PSC has incorporated additional tasks into staff workloads and is now involved in various stages of the permitting process (see below).

#### Accomplishments (December 1, 2008 to August 31, 2009)

- **Administrative Tasks**
  - Ownership verifications
  - File completions
  - Contract/App suspense follow-up
  - “No action” file reviews
  - Review waterbodies for non-authorized use of state lands or incorrect instruments.
  - Identify new property owners; provide appropriate applications as needed to promote regulatory compliance.
  - Galveston Program Specialist has completed photo logs for three counties (17 waterbodies). Project completion will enhance process consistency between the Corpus Christi and La Porte Field Offices.
  - Galveston Program Specialist codes all incoming COE email notices.
  - Revised PSC Annual Risk Assessment.
  - Developed a reference list of available project contractors (updated quarterly).
  - Professional Services will assume reporting responsibility of the PSC Legislative Budget Board performance measure beginning FY `10.
- **Field Tasks**
  - Program Specialists assist with systematic field review of existing structures (scoping).
    - Proactive stance with Realtors specializing in waterfront property in respect to permitting requirements and streamlining opportunities presented by the pier GP.
- **Training**
  - (Administrative)*
    - Enhanced training in Permit Tracking System (PTS)
    - Instrument specific letter preparation
    - Contract/App Suspense follow-up
    - County Appraisal District (CAD) research
  - (Technical)*
    - Boat Operations

<ul style="list-style-type: none"> <li>- Hazardous Materials</li> <li>- Incident Command System Training (Texas Department of Public Safety, District Disaster Chair)</li> <li>- Supplemental Scoping training</li> </ul> <ul style="list-style-type: none"> <li>▪ Permit Streamlining</li> </ul> <p>The GLO has agreed to assume permit evaluation of the pier GP 14392(06) from the Galveston District of the COE. This will further enhance streamlining opportunities and engage PSC staff in various stages of the permitting process.</p>
<p><b>D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.</b></p> <p>All important history was included in the general history section.</p>
<p><b>E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.</b></p> <p>The PSC provides assistance to all small businesses, private individuals and local government organizations located within the Texas Coastal Management Program boundary.</p>
<p><b>F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.</b></p> <p>The PSC is open to all small businesses, private individuals and local government organizations located within the Texas Coastal Management Program boundary. Applicants are provided with assistance in filling out the JPAF, which is forwarded to the Corps of Engineers for processing.</p>
<p><b>G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).</b></p> <p>Not applicable.</p>
<p><b>H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.</b></p> <p>Networked agencies have their own applications available to the public and can process them without the PSC.</p>
<p><b>I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.</b></p> <p>Not applicable.</p>
<p><b>J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.</b></p> <p>The PSC works with the Texas Commission on Environmental Quality, Railroad Commission of Texas, and the Corps of Engineers on the JPAF.</p>

<p><b>K. If contracted expenditures are made through this program please provide:</b></p> <p>The PSC does not have contract expenditures.</p>
<p><b>L. What statutory changes could be made to assist this program in performing its functions? Explain.</b></p> <p>None.</p>
<p><b>M. Provide any additional information needed to gain a preliminary understanding of the program or function.</b></p> <p>None.</p>
<p><b>N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity.</b></p> <p>Not applicable</p>
<p><b>O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency’s practices.</b></p> <p>Not applicable.</p>

**VIII. Statutory Authority and Recent Legislation**

<p><b>Coastal Coordination Council</b>  <b>Exhibit 13: Statutes/Attorney General Opinions</b></p>	
<p><b>Statutes</b></p>	
<p><b>Citation/Title</b></p>	<p><b>Authority/Impact on Agency</b>                  (e.g., “provides authority to license and regulate nursing home administrators”)</p>
<p>Coastal Coordination Act, TEX. NAT. RES. CODE ANN. Chapter 33, Subchapter F</p>	<p>Establishes the Coastal Coordination Council and the consistency review process.</p>
<p>TEX. NAT. RES. CODE ANN. Chapter 33, Subchapter C</p>	<p>Establishes the Coastal Management Program and identifies its various elements.</p>
<p>Coastal Zone Management Act, 33 U.S.C. §1451 <i>et seq.</i></p>	<p>The federal statute that governs the state coastal management program.</p>
<p><b>Attorney General Opinions</b></p>	
<p><b>Attorney General Opinion No.</b></p>	<p><b>Impact on Agency</b></p>
<p>Not applicable</p>	

**B. Provide a summary of recent legislation regarding your agency by filling in the chart below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation).**

Coastal Coordination Council Exhibit 14: 81st Legislative Session Chart		
Legislation Enacted – 81st Legislative Session		
Bill Number	Author	Summary of Key Provisions
SB 803	Lucio	Reduced the number of required meetings from four to two meeting per year.
Legislation Not Passed – 81st Legislative Session		
Bill Number	Author	Summary of Key Provisions/Reason the Bill Did Not Pass
HB 1214	Ybarra	Reduced the number of required meetings from four to two meeting per year. Companion bill passed.

## IX. Policy Issues

### A. Brief Description of Issue

Many elements of the Council’s consistency review process make it difficult for the Council to exercise its authority to review state and federal agency and local government actions. While the program was designed to limit the Council’s formal review to large, controversial actions, the Council has yet to formally review any such actions. This could be interpreted to mean the Council’s ability to exercise its review authority is too restrictive.

### B. Discussion

The restrictions that affect the Council’s review authority are determined by federal law (CZMA 33 U.S.C. §1451 *et seq.*), state law (Coastal Coordination Act, TEX. NAT. RES. CODE ANN. Chapter 33, Subchapters C and F), or through Council rules (31 TEX. ADMIN. CODE Chapters 501, 503, 504, 505, and 506). It was not completely understood, at the time the program was drafted, how a consistency review process would actually work. After two and one-half years of consistency reviews, the realities and constraints of the review process are becoming clearer. For example: In most cases, the Council has 45 days in which to review federal consistency certifications and issue a consistency determination. While the CZMA allows a state up to 180 days for this process, the Council, by rule, selected a 45-day review period to fit more closely into existing state and federal permitting timelines. The Council has found it nearly impossible to raise a consistency issue within the 45-day review deadline. Either potential consistency issues are raised too late in the process for the proposed action to be referred to the Council, or the proposed action falls below thresholds set by the Council for review.

### C. Possible Solutions and Impact

A possible change would be to amend the statute to remove the referral process and enable to Consistency Review Coordinator to place consistency issue on a Council agenda for review.

**X. Other Contacts**

<b>A. Fill in the following chart with updated information on people with an interest in your agency, and be sure to include the most recent e-mail address.</b>			
<b>Coastal Coordination Council Exhibit 15: Contacts</b>			
<b>INTEREST GROUPS</b> (groups affected by agency actions or that represent others served by or affected by agency actions)			
Group or Association Name/ Contact Person	Address	Telephone	E-mail Address
West Galveston Island Property Owners Association, Sidney McClendon	5409 Fieldwood, Houston, TX, 77056	832-922-3573	<a href="mailto:sidneymcclendon@sbcglobal.net">sidneymcclendon@sbcglobal.net</a>
Texas Surfrider, Ellis Pickett	PO Box 563, Liberty, TX 77575	713-906-3940	<a href="mailto:EllisPickett@comcast.net">EllisPickett@comcast.net</a>
American Shore & Beach Preservation Association, Texas Chapter, Jerry Mohn	4210 Silver Reef PBW #1 Galveston TX 77554	409-737-5786	<a href="mailto:mohn@msn.com">mohn@msn.com</a>

<b>INTERAGENCY, STATE, OR NATIONAL ASSOCIATIONS</b> (that serve as an information clearinghouse or regularly interact with your agency)			
Group or Association Name/ Contact Person	Address	Telephone	E-mail Address
National Oceanic and Atmospheric Administration, Laurie Rounds	4833 Manassas Brentwood TN 37027-4747	240-753-4471	<a href="mailto:Laurie.rounds@noaa.gov">Laurie.rounds@noaa.gov</a>
US Army Corps of Engineers – Galveston District, Fred Anthamatten	Jadwin Building 2000 Fort Point Road Galveston, TX 77550	409-766-3930	<a href="mailto:fred.l.anthamatten@usace.army.mil">fred.l.anthamatten@usace.army.mil</a>

<b>LIAISONS AT OTHER STATE AGENCIES</b> (with which your agency maintains an ongoing relationship, e.g., the agency’s assigned analyst at the Legislative Budget Board, or attorney at the Attorney General’s office)			
Agency Name/Relationship/ Contact Person	Address	Telephone	E-mail Address
None			

## XI. Additional Information

**A. Fill in the following chart detailing information on complaints regarding your agency. Do not include complaints received against people or entities you regulate.**

Coastal Coordination Council Exhibit 16: Complaints Against the Agency — Fiscal Years 2007 and 2008		
	FY 2007	FY 2008
Number of complaints received	0	1
Number of complaints resolved	0	0
Number of complaints dropped/found to be without merit	0	1
Number of complaints pending from prior years	0	0
Average time period for resolution of a complaint	0	Per Statute

**B. Fill in the following chart detailing your agency’s Historically Underutilized Business (HUB) purchases.**  
 The Council does not issue contracts so HUB requirements do not apply. The tables have been removed.

**C. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy? (Texas Government Code, Sec. 2161.003; TAC Title 34, Part 1, rule 20.15b)**  
 Not applicable.

**D. For agencies with contracts valued at \$100,000 or more: Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available for contracts of \$100,000 or more? (Texas Government Code, Sec. 2161.252; TAC Title 34, Part 1, rule 20.14)**  
 Not applicable.

**E. For agencies with biennial appropriations exceeding \$10 million, answer the following HUB questions.**  
 Not applicable.

F. Fill in the chart below detailing your agency's Equal Employment Opportunity (EEO) statistics. <sup>3</sup>							
The Council has one dedicated FTE.							
Coastal Coordination Council							
Exhibit 18: Equal Employment Opportunity Statistics							
FISCAL YEAR 2006							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	N/A		6.6%		14.2%		37.3%
Professional	1		8.3%		13.4%		53.2%
Technical	N/A		12.4%		20.2%		53.8%
Administrative Support	N/A		11.2%		24.1%		64.7%
Service Maintenance	N/A		13.8%		40.7%		39.0%
Skilled Craft	N/A		6.0%		37.5%		4.8%
FISCAL YEAR 2007							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	N/A		9.0%		23.7%		38.8%
Professional	1		11.7%		19.9%		54.5%
Technical	N/A		17.0%		27.0%		55.6%
Administrative Support	N/A		13.2%		31.9%		66.2%
Service/Maintenance	N/A		12.8%		44.8%		39.7%
Skilled Craft	N/A		5.1%		46.9%		5.1%
FISCAL YEAR 2008							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	N/A		9.0%		23.7%		38.8%
Professional	1		11.7%		19.9%	100	54.5%
Technical	N/A		17.0%		27.0%		55.6%
Administrative Support	N/A		13.2%		31.9%		66.2%
Service/Maintenance	N/A		12.8%		44.8%		39.7%
Skilled Craft	N/A		5.1%		46.9%		5.1%

<sup>3</sup> The Service/Maintenance category includes three distinct occupational categories: Service/Maintenance, Para-Professionals, and Protective Services. Protective Service Workers and Para-Professionals are no longer reported as separate groups. Please submit the combined Service/Maintenance category totals, if available.

**G. Does your agency have an equal employment opportunity policy? How does your agency address performance shortfalls related to the policy?**

Yes, however with only one dedicated FTE it is difficult to address shortfalls.

**XII. Agency Comments**

None

## ATTACHMENTS

- A. Coastal Resources Organizational Chart
- B. Federal Consistency Flow Charts
- C. List of MOAs, MOUs, and General Concurrences

### Attachments Relating to Key Functions, Powers, and Duties

- 1. Coastal Coordination Act
- 2. Coastal Management Annual Reports
  - a. 2004
  - b. 2005
  - c. 2006
  - d. 2007
  - e. 2008
- 3. *On the Coast* Newsletter
  - a. November 2006
  - b. March 2007
  - c. June 2007
  - d. August 2008
  - e. December 2008
- 4. Publications and brochures describing the agency.
  - a. Texas Coastal Management Program Guide
  - b. Caring for the Coast – Coastal Resources
  - c. Texas Coastal Permitting Assistance

### Attachments Relating to Policymaking Structure

- 5. Biographical information – Coastal Coordination Council
- 6. Coastal Coordination Council Rules
  - a. 501
  - b. 503
  - c. 504
  - d. 505
  - e. 506

### Attachments Relating to Funding

Please see annual reports

### Attachments Relating to Organization

- 7. Coastal Zone Boundary Map

### Attachments Relating to Agency Performance Evaluation

- 8. 10-year Self Assessment of Coastal Management Program and Executive Committee Workshop