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To: The Honorable Greg Bonnen, Chair, House Appropriations  
The Honorable Armando Walle, Chair, Article VI, VII and VIII  
The Honorable Cecil Bell, Vice-Chair, Article VI, VII and VIII  
Appropriations Members, Subcommittee, Article VI, VII and VIII

**Sierra Club Comments on proposed budget for TCEQ, RRC and TPWD**

March 2nd, 2021

Please find attached some brief comments on the TCEQ, RRC and TPWD proposed budget. Under separate cover, Dr. Ken Kramer is providing written comments on the proposed budget of the Texas Water Development Board. I am submitting those comments today.

**TCEQ: Texas Commission on Environmental Quality**

**Add Additional Air Quality Monitoring Equipment & Water Availability Modeling, LIRAP/LIP and clarify funding for TERP, Reform Rider 7 and Strike out Rider 26**

The Lone Star Chapter of the Sierra Club appreciates the opportunity to provide some brief comments on TCEQ's proposed budget for 2020-21.

***We are supportive of most aspects of the TCEQ budget and are extremely pleased that HB1/SB 1/HB 1 through both the TERP Trust Fund and the arrangement with the Certificate of Title Fees found in Article VII through TXDOT fully allocates all revenues to TCEQ for TERP.*** The Trump Administration recently revalidated the 2015 ozone standard, and Dallas, Houston, San Antonio and El Paso all violate the standard, and many other areas such as Waco, Beaumont-Port Arthur, Austin and Tyler frequently exceed the

standard on individual days. If we can protect HB1/SB 1/HB 1 as filed, for the first time in history the legislature would be allocating all existing revenues to TERP for their intended purposes.

Second, we support the exceptional item request to increase salaries to attract and retain inspectors and those involved in aspects of enforcement and permitting efforts of TCEQ. We would note in particular the need to address issues related to CAFOs, municipal solid waste facilities and aggregate facilities that have led to large-scale complaints and issues in the field. We are also supportive of the increases in capital budget items related to the operation and maintenance of air monitoring sites, and mobile monitoring equipment.

We think it is very important that TCEQ make it clear to the legislature that one of your primary roles continues to be inspections, and enforcement of clean air, clean water and other federal laws and having “emergency event” funding to maintain monitors and optical equipment is vitally important.

Last legislative session we worked with the agency to obtain needed funding for air monitoring generally and specifically for mobile monitoring equipment. We were pleased to see this equipment utilized after Hurricane Laura and that you were able to get the equipment there relatively quickly to assess air pollution and spills that occurred due to shut-downs, start-ups and accidents.

Thus, we would note several areas where Appropriations should be increasing the proposed budget. While the State of Texas has made tremendous progress in reducing air pollution, at least three areas -- Houston, Dallas and San Antonio - - do not meet the health-based ozone standards, and we must use the resources and revenues to continue to assure Texas residents can breathe easy.

### **SOME CHANGES WE WOULD LIKE**

In **Rider 18**, we would support increasing the maximum permitting fees for water permits (currently at \$5,000) to \$10,000 and air permits from \$80,000 to a higher level such as \$100,000, given the complex air and water discharge permitting that is occurring along the Gulf Coast. We believe this flexibility will allow more funds to support staff reviewing these complex permits.

**Rider 19: TERP.** During 2019, we supported the passage of HB 3745 which creates a separate trust fund to allow TCEQ to fully spend the fees that support the Texas Emissions Reduction Plan. We are obviously supportive of this effort to finally allow TCEQ to spend the TERP Money.

However, we would suggest that within the TERP rider, Appropriations should consider either listing the expected revenues and amounts to the different programs, or requiring a reporting requirement that is more frequent than every two years. The legislature still has a duty to assure that the amounts of TERP

funds are known and spent for their intended purpose and the LAR should reflect this fact. In addition, as part of TERP funds, some of these are used for administration, and some flow to another agency – the Energy Systems Laboratory at Texas A & M. Thus, TCEQ should provide an estimate of the amount that will be used by ESL both for the study and administration of other TERP programs related to building codes and other activities authorized by TERP.

**Rider 26**, as we have argued for more than 10 years, must be eliminated.

Rider 26 prevents TCEQ from looking at the need for additional controls on oil and gas operations outside of the Barnett Shale is unnecessary and prevents TCEQ from doing its job. Statutorily, TCEQ must already look at real monitoring data before considering additional controls on oil and gas operations, and can't rely on worst-case modeling. But a rider that states they can't spend any money to look at the need for additional controls unless specifically authorized by the Legislature, is overkill. With the recent rollback by the Trump Administration of methane rules, in fact, TCEQ should be looking at additional controls on oil and gas operations. TCEQ should have the ability to consider the need for additional controls on oil and gas operations without interference from the legislature. We instead would propose that funding be provided to TCEQ to do the studies needed to see if there would be benefit in considering additional controls. It is time for our state to grow up, recognize that there are pollution impacts from oil and gas activities, and do the studies needed to consider what are cost-effective controls, rather than ignore real-world problems and protect the oil and gas industry. A proposed rider to replace the current language in Rider 26 is attached.

In **Rider 7**, SB 1/HB 1 continues to provide \$4.5 million to near non-attainment areas, but we are concerned that the amount of money provided will not be sufficient for planning purposes, in part because how those funds will be distributed to different areas is unclear. Last session, the listing of every county outside of Bexar County was treated as an individual applicant which lowered the amount going to other areas. We believe it would make sense to either treat the entire San Antonio area as one non-attainment area and therefore eligible for a different pot of money, or distribute the funds based on populations. We would also support a slight increase in funding, and we do believe the Midland-Odessa area should also receive funding, as it is likely a non-attainment or at least a near non-attainment area.

## **Additional Funds: Air Monitoring, LIRAP and Water Availability Modeling**

### **Air Quality Monitoring**

We believe there is a continued need for additional monies to be spent on both stationary and mobile air quality monitors. As we made clear in our comments on the TCEQ's annual and five-year monitoring plans, there is a need for additional monitors just to meet TCEQ's obligations. In addition, Hurricane Harvey and Laura (and others) have made clear the efficacy of having mobile monitoring vans, but having them located in Austin in a parking lot, and not immediately available along the coast, or even in West Texas in the Permian means they sit idle much of the time.

The Sierra Club would be supportive of an additional \$1 to \$2 million for added mobile monitoring equipment, and a similar amount for added stationary monitoring. We would note SB 1/ HB 1 is less generous than the initial house version of the budget on air monitoring.

In terms of mobile monitoring, we would suggest that the TCEQ to be able to purchase a TAGA -- Trace Atmospheric Gas Analyzer (TAGA) -- mobile laboratory. TCEQ relied on such equipment from the EPA during Harvey and Laura, but having our own unit would be tremendously important for future weather or other disasters. If not, we would support having mobile monitoring equipment permanently available in areas like Corpus, Houston and Beaumont-Port Arthur, and potentially in Midland-Odessa.

In terms of stationary monitors, we identified in our comments submitted earlier this year several areas where additional monitors are needed. While we do not know the cost of adding all these additional monitors, we would be interested in House Appropriations working with TCEQ to install these needed monitors in Houston, Corpus Christi, the San Antonio area and West Texas.

### **Houston: Add PM monitors in Central/West Houston, including the Fifth Ward, and VOC monitors along the Houston Ship Channel**

TCEQ should place additional VOC monitors along the Houston Ship Channel because of the staggering number of air polluting facilities there. Currently, there are no VOC monitors along the Channel on the southbound side of IH 610. Here, commenters recommend that TCEQ place a VOC monitor at or near J.R. Harris Elementary School—a public school where nearly all of the children are racial minorities and over two-thirds of the students are English Language Learners. Commenters would like to see additional monitoring in Manchester, Pasadena, Deer Park, and Baytown.

As TCEQ has acknowledged in their 2020 Annual Monitoring Plan,, there is compelling evidence for installation of at least one new FRM PM<sub>2.5</sub> monitor in the western or central part of Houston. Given the elevated levels of PM<sub>2.5</sub> and high population density, we believe TCEQ should also install a new PM<sub>2.5</sub> monitor at TCEQ's Bayland Park monitoring station. In addition, funding is needed to conduct a speciation/source apportionment study to understand what is causing

these particulate matter concentrations, and to develop an action plan to reduce the sources of emissions. It is also critical that existing FRM PM<sub>2.5</sub> monitors be maintained in their current location.

Finally, more information is needed about pollutants like lead in the air. Fifth Ward residents need air quality data so they can take action to protect their health from elevated levels of lead and volatile organic compounds (“VOC”) and to alert regulatory officials when they need to take specific action against potential emitters. Currently, there are no lead or VOC air quality monitors in Fifth Ward. It is not enough that TCEQ believes meeting *minimum* federal requirements is enough to meet VOC monitoring requirements, TCEQ Annual Monitoring Network Plan 24, one of the purposes of the air monitoring network is provide data for policy decisions, 40 C.F.R. § 58.2(a)(5), Commenters request that TCEQ place a lead and VOC monitor in Fifth Ward. Lead and VOC monitors in Fifth Ward will allow residents not only to access “air pollution data...in a timely manner,” 40 C.F.R. Part 58 App. D ¶ 1.1(a), but will inform public health policy decisions affecting Fifth Ward. Metal recycling is also a serious public health concern for residents of the 5<sup>th</sup> Ward. An analysis by the Environmental Defense Fund found levels of air pollution on roads adjacent to these facilities to be significantly elevated, comparable to being within 200 m of a highway and likely the result of diesel emissions. Some of these facilities are in close proximity to schools and other sensitive populations. There is a clear need for PM monitoring in this part of Houston.

### **Corpus: More monitors needed in newly industrialized area in San Patricio County**

While TCEQ has acknowledged the need to add PM 10 monitoring in San Patricio county due to the rapid industrialization there, since then, several new facilities have begun construction and operations. In addition to the PM 10 monitors that TCEQ has already identified, the TCEQ should install new VOC monitors in the Gregory-Portland Area.

### **San Antonio: add monitors to surrounding counties**

To ensure that emission control strategies designed for the greater San Antonio area *solve* the region’s smog problem—rather than simply causing industries to migrate from Bexar County to areas that are currently designated as attainment—TCEQ should add ozone monitors in surrounding counties. At minimum, monitors should be added in New Braunfels—to ensure that the approximately 300,000 people who live in Guadalupe and Comal counties have localized air quality data. Adding an additional monitor in New Braunfels is especially appropriate given that Comal County had the second highest growth rate of any county in the United States between 2017 and 2018, increasing by

5.4 percent.<sup>1</sup>

In addition, TCEQ should add an additional monitor north of the San Miguel Electric Plant, to help evaluate this plant's impact on Bexar County's ozone levels. According to EPA's 2014 National Emission Inventory, this 500 MW coal-fired power plant is responsible for nearly 2,400 tons of NOx a year. Consistent with its obligation to "determine the impact of significant sources or source categories on air quality," TCEQ should install an ozone monitor north of the San Miguel plant to help assess the impact of this plant on Bexar County's air quality

### **Permian Basin: Ozone and Sulfur Dioxide Monitors Needed**

There are only three air monitors in the Permian Basin (Odessa, Big Spring and Midland), despite the vast industrial expansion, truck traffic and oil and gas drilling. According to recent data, the best available estimate for Midland-Odessa's design value exceeds 85 percent of the eight-hour ozone NAAQS. Accordingly, TCEQ should be required to install one ozone monitor in Midland and a second in Odessa.

Similarly, Last year, in our May 21, 2019, Comments on TCEQ's 2019 AMNP, we presented you with the unrefuted fact that, according to TCEQ's Emission Events data, Permian Basin operators reported more than 27 million pounds, or 13,500 tons, of sulfur dioxide emissions from flaring sour gas. This does not include data from the RRC flaring. We also provided you with a report showing that these unauthorized releases of SO<sub>2</sub> likely cause and contribute to exceedances of EPA's health-based sulfur dioxide NAAQS (1-hour standard) in Ector County.<sup>2</sup> The nearest SO<sub>2</sub> monitor is about 60 miles from Odessa, Ector County.<sup>3</sup> Thus, the existing monitoring network is plainly inadequate to assess SO<sub>2</sub> levels in Ector County, to say nothing of other portions of the Permian Basin. TCEQ must model SO<sub>2</sub> levels in Ector County and the remainder of the Permian Basin and install monitors at expected SO<sub>2</sub> hotspots to serve the purposes of air pollution monitoring. If those modeling and monitoring efforts reveal violations of the NAAQS, TCEQ must take action to fix them, including requesting designation as nonattainment if the data so show.

### **El Paso: More Monitoring Needed**

El Paso continues to violate clean air standards and there is a need for additional monitoring for both ozone and particulate matter.

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<sup>1</sup> See *New Census Bureau Estimates Show Counties in South and West Lead Nation in Population Growth* (Apr. 18, 2019), available at:

<https://www.census.gov/newsroom/press-releases/2019/estimates-county-metro.html>.

<sup>2</sup> See *Env'tl. Integrity Project, Sour Wind in West Texas* at 2, 10-12 (May 9, 2019), available at: <https://www.environmentalintegrity.org/wp-content/uploads/2019/05/West-Texas-Air-Pollution-Report-5.9.19.pdf>.

<sup>3</sup> *Id* at 2, 9.

## **Water Availability Studies**

The Sierra Club was supportive of the legislative effort through HB 723 to provide additional monies to the TCEQ to conduct water availability modeling and studies in four river basins in 2020 (Brazos, Neches, Red River and Rio Grande). While we understand that this rider was the result of legislation and a specific appropriation, TCEQ's work on water availability is far from finished. We would support adding a rider or exceptional request to make a similar amount of funds (\$2 million) for completing the water availability studies of an additional four river basins. We believe in particular there is much work to be done to finish water availability modeling in the San Jacinto, Colorado, Lavaca and Guadalupe River basins.

Again, we would suggest changes to the TERP rider to estimate where money will be spent, including amounts in administration and to the ESL, additional monies for mobile monitoring for a TAGA mobile laboratory, and specific exceptional items for local air quality programs to replace LIP-LIRAP, mobile and stationary monitoring equipment, and water availability. We also would like to see Rider 26 eliminated or specific money be spent to look at air controls on oil and gas facilities, as well as changes to Rider 7.

## **LIRAP/LIP**

First, we recognize that in 2017, Governor Abbott chose to line-item veto the LIP and LIRAP program, which was approximately \$48,000,000 per year. Since no funding was provided during 2019 either, these programs are stalled. It is important to recognize, however, that LOCAL COMMUNITIES paid this money into the Clean Air Account 151 with the expectation that it would be spent on clean air programs benefiting their region, and the veto and subsequent inaction effectively prevented this from happening. The Legislature should add an exceptional item for a similar amount of money that was generated locally in the Dallas-Fort Worth, Austin area and Houston area for clean air efforts. While we expect that legislation will be introduced that will make changes to the LIRAP and LIP that may allay some of the Governor's concerns, we believe TCEQ should identify the money generated for these programs previously through local fees and make the Legislature and LBB aware of this revenue stream. Indeed, if money is not spent on these local programs to help clean up the air, there will still be more than \$300 million in the Clean Air Account, of which a significant amount was generated by fees intended for the LIP and LIRAP program. In other words, we believe that an exceptional item for at least \$45 million per year for local programs should be added to TCEQ's budget or the money should be returned to the counties for clean air programs.





## **Railroad Commission of Texas**

While we are generally supportive of the proposed budget for RRC, we are concerned that the GR-dedicated fee account (Oil and Gas Regulatory Clean-Up Fund) is not generating sufficient revenues to keep up with the needs of the very important agencies. Thus, we believe there is a need to legislative raise bonding fees, permit fees and maximum enforcement fines so that the RRC does not have to rely so heavily on General Revenue as it does this cycle in the proposed budget. We are particularly concerned about the ability of the RRC to continue to plug abandoned and orphaned wells, and to inspect and enforce wells, flares and abandoned wells.

### **IT Upgrades**

We have been supportive of money allocated to the RRC for information technology upgrades. During the last few years, the RRC has successfully used those monies to make more data available to the public, including OIL (Oil Inspection Lookup) which provides data on enforcement, inspections and compliance and CASES, which provides documents related to permits, and hearings that are being evaluated by RRC staff. While these two new online systems in our view took perhaps too long to be made available, we are appreciative of the hard work that went into them and believe they serve the public well.

We believe there is a similar need to work to put all flaring data and flaring permits online as the industry and RRC work to eliminate routine flaring. Separately we are supportive of efforts to eliminate flaring through legislative action, but shining a light on the widespread use of flaring would be useful in helping to end this wasteful practice.

We would still note however that other data – such as the lack of a complaints database similar to what is found at TCEQ – hampers the ability of the public to track complaints at the agency.

### **More Transparency Still needed on Enforcement**

While the sunset bill of a few sessions ago, did require the RRC to public an annual enforcement strategy with public input, the report provides very high-level aggregated data which is not particularly useful for establishing trends. Unfortunately, the legislature eliminated a rider (Rider 11) that required the posting of quarterly enforcement more detailed data. The Sierra Club calls on the legislature to require similar data be posted either monthly or quarterly on the RRC website. We are happy to provide an example of the type of data which the RRC used to report which is no longer available online or in the annual report.

## **Continued need for additional inspectors and mobile monitoring**

Recent data from the Railroad Commission through a special enforcement process found that about a quarter of operators were violating their flaring exceptions, in some cases illegally venting methane, a climate cooker and public health menace. The RRC has increased the number of inspections and inspectors in recent years, but still is only inspecting wells about once every four years. We should aim for higher inspections, and also consider investing in new technologies like optical cameras and drones to catch environmental law-breakers.

***We would support monies for an additional 20 inspectors. As more and more wells are abandoned, the need for additional inspectors is key.***

## **Clean-up of abandoned wells**

While the RRC has made substantial progress with the additional money provided by the legislature to clean up abandoned and orphaned wells, we believe both bonding reform – requiring higher bonds at the front end – and more focus on clean-up is needed, especially with the downturn in the economy. We would suggest an exceptional item to continue making progress. Again, we believe that money allocated for cleanup should also be met by bonding reform, and higher permit fees to generate more revenue.

***Specifically, we call on the legislature to allocate an additional \$15 million per year and to raise the number of wells cleaned up from 1,000 per year to 1,500 per year. Raising the budget from \$57 million per year to \$72 million per year would make a further dent on the more than 6500 abandoned wells that are currently slated for clean up.***

We want to make clear that this money should not come from general revenue but either from the Rainy Day Fund or from additional revenues. If legislation to raise fees or bonding requirements does not pass, we think the House Appropriations Committee should require the LBB to work with the RRC on a study on what changes are needed to assure sufficient funding in the OGRCF to meet obligations.

## **Enforcement Policy**

We continue to believe that enforcement policy at the RRC needs more focus. While outside of the appropriations process, current statutes limit maximum penalties for oil and gas violations to \$10,000 per day for major violations, with no consideration for the economic benefit of non-compliance. While we note recent improvements at the RRC in terms of the amount of inspections, we believe the RRC should look at its penalty matrix rule, while the Legislature should assess the existing statutory limits.

## **Texas Parks and Wildlife Department**

We commend the work that was done last session by Senator Nelson, Senator Kolkhorst, Rep. Cyrier and the voters of Texas to fully allocated the sporting goods sales tax to state and local parks. We believe that TPWD and the state of Texas will benefit greatly from this wise decision for decades to come. The pandemic has reinforced the vital role that state parks and wildlife management areas play in our state economy, our mental and physical health and our cultural identity.

The significant commitment to state parks and to local park grants (\$14.6 million per year) is important and should be celebrated. We would note that even with the significant investment in capitol repairs (\$79 million in 2022 and \$15.3 million in 2023), there are still major repairs that are not covered in SB 1/HB 1 that should be considered.

Despite these improvements we do believe there are still budgetary needs not addressed in SB 1/HB 1 that should be addressed.

Thus, first of all we would again bring up need for additional monies for planning and funding adequacy of new parks. Thus, we would support additional funding and a rider to authorize additional land acquisition for the Texas Parks and Wildlife Department when opportunities for land purchase and development occur, particularly when parcels are contiguous with existing parkland. Quite simply, land acquisition and development is not keeping up with population growth. Indeed, there are still parcels of state park that have never been developed.

***Thus, we must examine the issues of the never-opened state parks and natural areas. For example, the Davis Hill SNA in East Texas has never been opened in over 35 years.***

What is required to open state parks and natural areas that have **never** opened to the public? A lack of state park planning staff has been a hindrance to opening these public assets, but the problem would not end with the hiring of adequate planning staff. The current practice is to request a large appropriation to fund construction necessary to open a single named state park, while others lie fallow. Davis Hill SNA in southeast Texas is a prime example. For over 35 years, no progress has been made in furthering the accessibility of this important SNA to the general public, even on a limited basis. Volunteers have worked to control invasive plant species and assurances have been given that planning will begin so the park can open. Yet there has been no planning and no action.

Much the same can be said for the Chinati Mountains and the Big Satan Unit of Devils River SNA.

***Study gaps in the need for new state parks across Texas and provide funding***

While the Sierra Club supports the recent recommendation from the Sunset Commission that the Land and Water Plan focus on land and water resources, we urge the legislature to direct the TPWD develop a long-range plan to acquire and develop new state parks and protected areas to meet the needs of Texas' booming population and protect threatened wildlife habitats either through the sunset bill or the budget. We also think it is imperative that TPWD be directed to assure that all Texans - whatever their age, socioeconomic status, gender or ethnic background -- have access to parks and other Texas public lands. The TPWD should be directed to assure that all Texans have equal access and are encouraged to take advantage of these opportunities. In particular, Texas's relatively young population means outreach to new audiences and potential users are of utmost importance. Thus, the legislature should consistently appropriate funds for acquisition of new parkland.

***A budget item or budget flexibility is needed to expand the boundaries of existing state parks and wildlife management areas (WMAs) as the opportunity arises.***

First, we would support an additional rider to authorize additional land acquisition for the Texas Parks and Wildlife Department when opportunities for land purchase and development occur, particularly when parcels are contiguous with existing parkland. Quite simply, land acquisition and development is not keeping up with population growth. Indeed, there are still parcels of state park that have never been developed.

Expansion of existing state parks and WMAs is the most cost-effective means of adding additional acreage for recreation and habitat to the state inventory. Generally, there is minimal planning; basic development and staffing is already in place. Either a specific budget item aimed at expansion of existing state parks or WMAs **or** legislative rider authorizing flexibility to utilize appropriated funds for the same purpose could allow TPWD to take advantage of such acquisition opportunities when they arise. Note that the funds could be used to acquire property in fee or to purchase a conservation easement. The intent of this rider would be permissive authority for TPWD to use only if the opportunities present themselves. An example of such a rider is as follows:

*In the event that suitable lands become available for acquisition to expand existing state parks or Wildlife management areas, Texas Parks and Wildlife Department may transfer an amount not to exceed \$2,000,000 over the 202x-2x*

*biennium from Strategy A.1.1. Wildlife Conservation and/or Strategy B.1.1. State Park Operations to Strategy D.1.2. Land Acquisition. In the event lands are identified for acquisition, the capital budget is adjusted accordingly and only in the amounts necessary to complete the acquisition.*

***Diversify funding for the Wildlife Diversity Program (non-game) so that it can better implement the Texas Conservation Action Plan***

The Wildlife Diversity Program (WDP) has been chronically underfunded. The WDP is the Wildlife Division program that specifically addresses the sustainability and habitat issues of non-game species - including plants. The number of game species is dwarfed by non-game species.

The WDP is charged with implementing the Texas Conservation Action Plan, which was formerly entitled as the Texas Comprehensive Wildlife Conservation Strategy 2005 - 2010 or Texas Wildlife Action Plan. Each state must complete such a plan. The highest priority is given to the Species of Greatest Conservation Need (SGCN).

There is a need to evaluate the level of funding that would be required to allow WDP to implement the Texas Conservation Action Plan and to compare that estimate to the funding supplied by existing sources. As part of the analysis, attention should be given to opportunities to diversify funding sources for the WDP. Possibilities include (a) setting up an ad hoc committee to explore funding options and (b) giving the interested public an opportunity to support the non-game wildlife program, much as interested hunter and fishermen support Wildlife Division's work to benefit the game species

**LOCAL PARKS GRANTS**

Local parks grant funding is the most important point of intersection between municipalities and TPWD. In the past, such funding has experienced severe swings. However, local parks grant funding has **not** recognized inflationary effects. During the 81<sup>st</sup> legislative session, the Legislature appropriated \$31.0 million over the biennium, but was thereafter reduced because of budget shortfall. Subsequent appropriations have increased, but have not accounted for inflation. The current budget anticipates \$29.2 million over the biennium which does not keep up with inflation.

It is important to maintain a balance in recipients between small communities and large metropolitan areas. Especially in urban areas, there is a need for green spaces; which can be supported by balancing active recreation and nature appreciation purposed grants. There are specialized grant categories for recreational needs. Likewise, specific grants should benefit urban nature habitat acquisition or restoration. Generally, there should be a balance between active recreation and nature appreciation in the availability of local parks grants **and** the scoring of grant applications.

## **INVASIVE SPECIES CONTROL**

During the 84<sup>th</sup> legislative session, a concerted effort was made by TPWD to alert the Legislature about the impacts of invasive species – but in the aquatic environment only. Specific information was given on threats by animal species (e.g., zebra mussels) and plant species (e.g., salvinia). The requested funding of \$18 million was supported by detail identifying vulnerable locations and proposed expenditures. In response, the Legislature appropriated significantly more funds to control aquatic invasive species that it had ever done before (\$5.1 million). There is a need to identify the level of financial support to adequately control invasive aquatic species, while recognizing control of any invasive species is **not** a one-time appropriation. Control of invasive species is a long-term management issue requiring consistent financing that is adjusted for appropriate inflation.

### ***A program to control invasive plant species in Texas state parks and Wildlife Management Areas (WMAs) and the role of volunteers***

TPWD has specifically targeted the problem of aquatic invasive species. However, there is not a plan that addresses the invasive plant problem as an issue across all state parks and WMAs. There is a need for a plan identifying invasive plant species at each state park and WMA, defining their locations, estimating their numbers, and setting up a prioritized management plan for their control. The level of long-term financial support required to implement the plans should be estimated, recognizing that the control of any invasive species is not a one-time appropriation.

Volunteers could be a major source of assistance in implementing invasive species control at state parks and WMAs. For example, local Master Naturalists or “Friends” groups could be part of teams working at specific state parks or WMAs.

## **WILDLIFE MANAGEMENT AND PROTECTION**

Lack of predator data and predator hunting

There is a severe lack of predator population data and predator hunting data, which precludes formulating a knowledgeable plan for predator management in Texas. Predator hunts in various Texas locales promote unlimited take (i.e., killing) of multiple predator species and unregulated species without TPWD having any knowledge of the effects such events are having upon the sustainability of the target species. The proliferation of predator hunts and the lack of management plans for predator species (e.g., mountain lions, bobcats, foxes) could precipitate negative ecosystem dynamics if unregulated predator hunting affects species sustainability.

There is also the issue of incidental take of non-target species, such as black bear, which is fostered by the current state of trapping regulations. The population of black bears in West Texas is a state-listed endangered species. There is a need for evaluation of the adequacy of predator population data and the adequacy of hunting and trapping regulations to sustain predator populations.

***Address adequacy of compensation policies regarding O&G leasing and ROW for pipelines, high-voltage lines, and wind turbines with respect to wildlife and habitat protection on TPWD public lands***

The proliferation of oil and gas pipelines and affiliated transport facilities is increasingly affecting Texas' public lands, particularly the Wildlife Management Areas (WMAs). The right-of-way (ROW) corridors have both short-term impacts during construction and long-term impacts during operation upon habitat and wildlife. Impacts can include actual taking of land, disturbance of habitat, introduction of invasive species into disturbed area, wildlife disturbance, and wildlife mortality.

There should be a matching of impacts to compensation and mitigation. A simple one-time payment for the taking of ROW does not address issues of open-ended wildlife mortality and long-term expenses to control invasive species. Long-term impacts require long-term solutions instead of a single compensation payment. Alternative compensation should be considered to mitigate for long-term impacts, such as assistance with monitoring, restoration, or retrofitting infrastructure.

***Funding Needed for the repair, maintenance, and upgrade of state park facilities. Determine the facilities that are in most need of repair, maintenance, or upgrade and examine the costs associated with such repairs, maintenance, or upgrades.***

The larger need to plan for resilience in state park facilities and for Disaster Contingency Funding needs to be addressed by the Texas legislature and TPWD. Every year, the park system faces the consequences of flood or wind damage or fire. The system currently plays a game of catch-up to fund repairs of specified natural disasters. Such repairs occur every biennium but cannot be prioritized as planned major or minor repairs. Rather than shifting funds intended for normal repairs to handle emergency situations, there would be a benefit to establishing a Disaster Contingency Fund, which could handle at least some of the emergency repairs.

With respect to resilience, the National Oceanic and Atmospheric Administration (NOAA) has issued its Atlas 14, Volume 11 Precipitation-Frequency Atlas of the

United States, Texas. The new data in this Atlas has changed the definition of the 100-year, 500-year rainfall event, etc. Consequently, the floodplain maps will change. It would be useful for TPWD to review the impact that the revisions will have on the vulnerability of their infrastructure in order to reduce future damages via any upgrades.

In summary, the Lone Star Chapter supports the proposed budget for the TWPD, but believes there are additional areas which are deserving of focus and support as outlined in our comments.