



SIERRA CLUB

LONE STAR CHAPTER

Monday, May 1st, 2023

The Honorable Robert Nichols, Chair, Articles VI, VII and VIII

The Honorable Armando Walle, Chair, Article VI, VII and VIII

From: Cyrus Reed, Conservation Director, cyrus.reed@sierraclub.org and Alex Ortiz, Water Resources Specialist, alex.ortiz@sierraclub.org

Re: Sierra Club Recommendations on several key agencies

The Sierra Club appreciates the hard work and efforts of the Texas legislature on establishing the budgets for FY 2024 and FY 2025 as part of HB 1. Please find some recommendations on some key agencies that we follow closely.

Article VI

Department of Agriculture

Structural Pest Control. House. We support the House version on funding related to the structural pesticide control issues. Specifically, the House provides \$998,128 with 6.0 FTEs to expand the Structural Pest Control cost recovery program due to demand growth.

Texas Commission on Environmental Quality

Targeted Salary Increases. Senate. We would simply note that the Senate is much more generous in targeted and general salary increases. Given that the agency has lost many good employees and has trouble retaining employees we hope that getting close to these targeted salary increases can be achieved.

TERP start-up and Senate Rider 19. Senate The Senate has included \$1.4 million in initial TERP funds so TCEQ can start assisting on providing grants while they wait for the Trust Fund to generate funds. We support this amount for the associated rider.

Aggregate Best Practices. Rider 23. We support the **House** version, which requires the agency to adopt best management practices for all aspects of aggregate production

including water use and storage and blasting to minimize disruption. The rider also provides legislative intent that the agency work with other state agencies to develop the best management practices and that those practices are nonbinding unless otherwise provided by law.

TERP reporting, Rider 25. We support the **House** version, which requires the agency to include, in its annual report, an analysis of the report created by the Department of Transportation on the use of TERP funds for congestion mitigation and air quality improvement projects in nonattainment areas of affected counties.

Air Monitoring, Rider 29. We support the **House** version, which provides legislative intent that the agency use \$250,000 in General Revenue-Dedicated Clean Air Account No. 151 and 4.0 FTEs each fiscal year to operate mobile air monitoring units in coastal regions.

Low-Level Radioactive Waste Disposal Compact Commission

Senate. We support the senate version, which includes an increase of \$100,000 in General Revenue-Dedicated Account No. 5151, Texas Low Level Radioactive Waste Disposal Compact Commission Account, to create a public education program; update the Commission's website; and educate industry members on procedures for generator authorization verification.

Texas Parks and Wildlife Department

Texas Farm and Ranchland Conservation Program. We support **House** version since House provides \$8,000,000 in General Revenue to increase the number and value of grants awarded through the Texas Farm and Ranchlands Conservation Program.

Oyster Buy-Back Program. Senate. Senate provides \$3.0 million while house only provides \$1.5 million. The maximum funding needs to be made available to make any meaningful progress on buybacks.

Local Parks Grants. Senate. Senate provides \$2.0 million more in local park grants.

Outreach and Education. House. House provides an additional \$2.0 million in outreach and education, which seems very important as a way to get more diverse communities involved in parks and wildlife education.

Land Acquisition. House. House includes an additional \$10 million to acquire wildlife management areas for migratory game bird habitat, as well as the agricultural grants.

State Park Conservation Fund. Senate provides \$500,000,000 in General Revenue for deposit in the Centennial Parks Conservation Fund contingent upon enactment of Senate Bill 1648 and Senate Joint Resolution 74. **NOTE: SIERRA CLUB WOULD SUPPORT \$1 BILLION FOR THE PARK FUND!**

Coastal Fisheries Research Vessel, House Rider 21. We support this rider to acquire a vessel for TPWD to have the most accurate data regarding the state of coastal fisheries and conservation.

Study and Report on Shrimp Industry and Shrimp Resources, House Rider 42. We support an analysis of the shrimp industry and reporting on the state of the fishery. This is important to the future of our coastal economies.

Railroad Commission

Office of Public Engagement. House. House provides \$1,574,212 in General Revenue and 3.0 FTEs for the purpose of establishing an Office of Public Engagement which would host community outreach, townhall, and informational events; create educational materials, both printed and audiovisual; and assist in responding to questions, complaints, and requests received

Enforcement and Compliance Data and Public Information. SENATE. Senate rider requires the agency to use appropriated funds to publish and make the following information available on the agency's website quarterly: (1) Enforcement data, including inspection and enforcement activities, violations identified, and the final penalties assessed to operators. (2) Trends in enforcement data, including the number of complaints received and how the complaints were resolved, the number and severity of violations identified and sent for enforcement actions for each Commission rule, and the number of repeat violations found for each operator.

Underground Injection Control Modeling. House. House rider allows the agency to utilize funds appropriated in Strategy C.1.1, Oil and Gas Monitoring and Inspections, to contract for advanced modeling to draw seismic response areas, to set appropriate limitations on injection wells, and to implement statutory and regulatory requirements associated with seismic events.

Soil and Water Conservation Board

Dam Safety. House is silent, while the Senate provides \$53,426,664 in All Funds for Flood Control Dam Construction and Maintenance including \$34,000,000 in General Revenue and \$19,426,664 in Federal Funds. We would support some amount of funding for Dam Safety, depending on budget caps. **Senate.**

Program Management and Assistance. House House provides \$1,326,000 in General Revenue with 1.0 FTE On the Ground Conservation program, while Senate provides \$663,000 in General Revenue with 1.0 FTE for the same purpose. We support more funding for on-the-ground soil conservation.

Water Quality Management Plans. House. House provides \$4,280,000 in General Revenue for the Water Quality Management Plan program to maintain current planning and development levels.

Texas Water Development Board

Statewide Water Planning. We support the **House** version of the additional \$3,110,020 in general revenue to Regional Water Planning groups.

Economically Distressed Areas Program. We support the **House** version of EDAP funding. The House appropriates more for both Cross-Strategy Issue 1 as well as EDAP debt service itself, both of which are integral to a highly functional program that best serves Texas's most vulnerable communities.

State and Federal Financial Assistance. We support the **House** version, providing \$650+ million in general revenue for the Flood Infrastructure Fund.

Article VIII

There are no issues with the Office of Public Utilities Council. On the PUCT, there are just a few issues separating the house and senate.

Public Utility Commission. We support the **Senate** version of the PUCT budget, as the Senate requires the Public Utility Commission to report to the Legislative Budget Board, the Sunset Advisory Commission, and the Legislature on the activities and findings of the agency's enhanced analytics capabilities by December 1 of each year. In addition, the Senate includes some additional money for employees in the water and wastewater division to direct the Public Utility Commission to comprehensively review its water and wastewater rules, processes, and guidance documents; to identify and address areas for improvement; to develop a plan to prioritize improving its case data collection and analysis, and to update its policy guiding the agency's rule review process to ensure identified deficiencies in the rules are addressed. The Senate also includes one additional vehicle for the new energy efficiency office.

Please don't hesitate to reach out to either Alex or myself if you have any questions about our positions.