The Lone Star Chapter of the Sierra Club has Concerns about HB 2802 (Darby, Drew)

Virtually every legislation session, the House and Senate pass a bill to authorize the legislature to be able to legally use the GR-dedicated (statutorily dedicated) fees to help certify the budget, but also specify that such fees will then become available for their intended uses in future years. HB 2802 accomplishes this task and we understand that this bill is a “shell-bill” that will change as the Legislature progresses.

However, we are concerned about the potential use of the funds from GLO’s Coastal Protection Fund and the use of TPWD’s Game, Fish and Water Safety account for “coastal resiliency projects” identified in the GLO’s Texas Coastal Resiliency Master Plan.

The proposed bill also adds two new programs as part of TERP that could be funded, including “energy efficiency upgrades” for state buildings and a vehicle emissions inspection and maintenance program administered by the Department of Motor Vehicles. We do not necessarily object to these additions, but it is unclear how much money is intended to be allocated to these programs. We would point out that the State Energy Conservation Office presently can provide energy audits and low-interest loans to state agencies that can show they can save enough money through lower utility bills to pay SECO back through the LoanSTAR program so we are not sure this new program is needed.

Our main concern however is the use of the Coastal Protection Fund and the Game, Fish and Water Safety Account to help fund projects related to the Texas Coastal Resiliency Master Plan. That plan identified a large number of potential projects that were categorized into eight buckets or areas. While there is a lot of good ideas in the plan, that plan is still very much a work in progress and it is unclear how the projects identified in the plan will relate to other efforts, such as flood control projects that may be developed through the Texas Water Development Board.

We are particularly concerned about the use of the Coastal Protection Fund, which is a kind of insurance policy to protect Texas in the case of a large oil spill in state waters. Currently, every person who owns crude oil or condensate in a vessel must pay the Coastal Protection Fee -- currently at a rate of 1.333 cents per barrel of crude oil or condensate -- when the crude oil or condensate is transferred to or from a marine terminal in Texas. That fee is suspended when the fund reaches a certain level, but the fact is the fund is needed to help protect Texas should a large oil spill occur, and raises about $13 million per year according to recent Comptroller reports. That money helps the GLO support its oil spill division, respond to minor spills and patrol Texas waters like Galveston Bay and the Houston Ship Channel. It is also there in case there is a major oil
spill in state waters and we need to respond quickly with equipment and clean-up activities.

Texas is moving millions of barrels of oil to and from our coast, and we should utilize the Coastal Protection Fund to protect us from any potential spill and to inspect and enforce terminals and ships in our state waters. We think the Coastal Resiliency projects are better funded through the larger discussion about structural and non-structural flood control projects.

Similarly we are not convinced it is a good idea to allow money that is dedicated to Parks and Wildlife for their fish, game and water safety activities to be used for coastal resiliency projects. While there certainly can be a connection between coastal resiliency projects like beach erosion and fish and game activities we do not believe this would be an appropriate addition of a funding source that has been traditionally used to support Texas Parks and Wildlife Department activities. Currently, Fund 09 receives revenues from:

- licenses, stamps, fees, permits and fines involving the laws and duties regarding game and fish;
- sales of marl, sand, shell, gravel and mudshell;
- oyster bed rentals and permits;
- federal funds received under chapter 77;
- sale of property purchased from this account;
- titling and licensing registration fees;
- fines/penalties for violation of laws pertaining to wildlife protection and conservation; sale of rough fish, seized pelts;
- sale or lease of grazing rights; and
- other sources as provided by law.

Currently, that fund can be used for administration/enforcement of game, fish, and water safety laws, wildlife management, expansion/development, research, boat ramps and other uses provided by law.

The Sierra Club realizes that HB 2802 will certainly be rewritten as the session proceeds, but we wanted to express our concern about expanding the proposed uses of the Game, Fish and Water Safety Account and the Coastal Protection Fund.

Sincerely,

Cyrus Reed
Conservation Director
Sierra Club