

MINUTES
GULF COAST PROTECTION DISTRICT

May 8, 2024

The Board of Directors (the “Board”) of Gulf Coast Protection District (the “District”) met in regular session, open to the public, on the 8th day of May, 2024, at the Historic Galveston Water and Electric Light Community Center, 715 30th Street, Galveston, Texas 77550, inside the boundaries of the District, and the roll was called of the members of the Board:

Michel Bechtel	President
Bob Mitchell	Vice President
Sally Bakko	Secretary
Larry Taylor	Assistant Secretary
Roger Guenther	Director
Lori Traweek	Director
Billy Combs	Director
Adrian Garcia	Director
Allan Ritter	Director
Kirk Roccaforte	Director
Sharon D. Hulgan	Director

and all of the above were present except Director Garcia, thus constituting a quorum.

Also present at the meeting were: Nicole Sunstrum, Executive Director of the District; Grace Bader, Administrative Assistant for the District; Dedrea Norman, Chief Financial Officer for the District; Don Carona of Orange County Drainage District (“OCDD”); Allen Sims, Phil Kelley, and Toby Davis of Jefferson County Drainage District No. 7 (“DD 7”); Ray Russo, representing OCDD and DD7; Kristen Lee of the Office of Harris County Commissioner Adrian Garcia (Precinct 2); David Wilson and Maggie Albrecht of the Office of Texas House District 23 Representative Terri Leo-Wilson; Daniel Buckley of the City of Galveston; Captain Clint Winegar of the Houston Pilots; Eric Carrero of the Greater Houston Port Bureau; Lt. Col. Ian O’Sullivan, Toni Addison, Kenny Pablo, Tim Nelson, and Nicole Snyder of the U.S. Army Corps of Engineers (“USACE”); Tony Williams, Sarah Purdon, Melissa Washington, Stephanie Davidson, and Mary Davison of the Texas General Land Office (“GLO”); Dawn Pilcher of Tidewater Professional Services LLC; Chris Sallesse of DEC; Ross Gordon of Gordon Consulting Group; David Oliver, Duggan Baker, and Kristen Hogan of Allen Boone Humphries Robinson LLP (“ABHR”); Mark Burton of Municipal Accounts & Consulting, L.P.; Leslie Hollaway and Blythe Payne of Hollaway Environmental and Communications Services, Inc.; Yvonne Hernandez of Terracon Consultants; Michael Roberts of The Coastal Trust; Ignacio Fernandez-Cuervo of the U.S. Coast Guard; Brian Dawson of Ferguson; Jeff Scarborough and Robert Esenwein of Stantec; Frederick Sunderman of ATSER; Jason Foltyn of HDR Engineering; Eric Potts of Freese and Nichols; Austin Ficken of Masterson Advisors; Leigh Martin and John Ivery of Schaumburg & Polk, Inc.; Jay Luckritz of Black & Veatch; Michael Johnson of Solmax; Simon VanDyk and Calep Estes of Touchstone District Services; Bas Jonkman of Delft University of Technology (“TU Delft”), via videoconference; and other members of the public.

ROLL CALL

Ms. Sunstrum called roll and confirmed a quorum was present.

PUBLIC COMMENTS

There were no public comments.

MINUTES OF PREVIOUS MEETING(S)

The Board considered approving the minutes of the April 17, 2024, regular meeting. After review and discussion, Director Bakko moved to approve the minutes as submitted. Director Mitchell seconded the motion, which passed unanimously.

FINANCIAL AND BOOKKEEPING MATTERS

Mr. Burton reviewed the bookkeeper's report, including the list of checks for payment of District bills, a copy of which is attached. After review and discussion, Director Traweck moved to approve the bookkeeper's report and payment of the bills. Director Guenther seconded the motion, which carried unanimously.

CONSIDER MATTERS REGARDING ENTERING INTO A CONTRACT FOR ENVIRONMENTAL COUNSEL LEGAL SERVICES

The Board considered engaging The AL Law Group, PLLC for representation on environmental legal matters related to hazardous, toxic, radioactive wastes ("HTRW") identified in connection with Sabine to Galveston and Coastal Texas projects. Mr. Oliver discussed the services provided by The AL Law Group, PLLC and responded to questions regarding such firm's proposed engagement letter. Discussion ensued. After discussion, the Board concurred to table this item until later in the meeting.

COASTAL TEXAS MATTERS

Mr. Jonkman gave a presentation on an opportunity for the District to participate in a study with the Institute for a Disaster Resilient Texas at Texas A&M University ("IDRT"), TU Delft, and experts from Dutch and U.S. engineering firms to evaluate alternative design options for the Bolivar gates project included in the Coastal Texas Protection and Restoration Feasibility Study ("Coastal Texas"). He discussed a proposed Interlocal Cooperation Agreement for Study of Storm Surge Barrier Alternatives for the Bolivar Roads Gate System between the District and Texas A&M University at Galveston to participate in the study through the contribution of funds in an amount equal to \$135,000. Discussion ensued regarding the preliminary gate concept included in Coastal Texas, the alternatives to be studied, the likelihood of receiving work-in-kind credit for the study, and the factors to be considered as part of the study. Lt. Col. O'Sullivan responded to questions regarding the differences between betterments, locally preferred plans, and work-in-kind. After discussion, the Board concurred to table this item until later in the meeting.

REPORT FROM UNITED STATES ARMY CORPS OF ENGINEERS

Lt. Col. O'Sullivan discussed options for accelerating funds to USACE for Coastal Texas prior to receipt of federal appropriations, including the possibility of entering into a Cooperative Research and Development Agreement ("CRADA") with USACE's Engineer Research and Development Center ("ERDC") and the possibility of entering into an Accelerated Funds Agreement whereby the District would accelerate funds to USACE to begin mutually agreed upon work.

Lt. Col. O'Sullivan then updated the Board on the status of various Multiple-Award Task Order Contacts advertised and awarded by USACE.

REPORT FROM GENERAL LAND OFFICE

Ms. Purdon updated the Board on GLO's coordination with U.S. Fish and Wildlife on endangered species issues associated with beach nourishment projects.

Ms. Purdon next updated the Board on the status of preparation of the draft Local Cooperation Agreement regarding House Bill 1, 88th Texas Legislature, Regular Session.

Ms. Purdon discussed ecosystem restoration segment G-28, Bolivar Peninsula and West Bay Gulf Intracoastal Waterway Shoreline and Island Protection, a project included in Coastal Texas.

Ms. Davison updated the Board on the status of funds appropriated to GLO for District purposes. She discussed upcoming meetings with District staff to discuss future appropriations requests. Ms. Davison then updated the Board on GLO's audit of the District, noting plans to have a final report by the end of summer.

REPORT FROM BOARD PRESIDENT

Director Bechtel reported on recent meetings and events with stakeholders and upcoming opportunities to engage with elected officials regarding District projects and funding.

REPORT FROM EXECUTIVE DIRECTOR

Ms. Sunstrum reported on the job posting for the position of senior project manager for the District. She also reported on coordination with GLO on funding agreements and appropriations requests.

SABINE TO GALVESTON MATTERS

Mr. Baker reported on access needed to four additional parcels of real property identified by USACE to conduct the remaining black rail surveys for the Orange County Separable Element of Sabine Pass to Galveston Bay (the "Orange County Project"). The Board considered authorizing USACE to enter the parcels subsequent to the District's previous attempts to provide notice to the property owners.

DISTRICT PROGRAM MANAGEMENT MATTERS

Mr. Sallèse gave a presentation on District program management efforts related to the Orange County Project. He discussed the Request for Qualifications advertised following last month's meeting for a contractor to conduct the remaining Phase 2 environmental site assessments for the Orange County Project (the "RFQ"). He discussed the submittals received in response to the RFQ, the scoring criteria included in the RFQ, and the recommendation to proceed to negotiate a contract with Terracon Consultants, Inc. pursuant to authorization granted by the Board during its April meeting.

Mr. Gordon discussed the interior drainage system optimization study for the Orange County Project. He said USACE is preparing modifications to the contract with the JV contractor to incorporate the recommendations from the study. He added that an Agency Technical Review is being scheduled to ensure regulatory compliance and the ability to fully integrate the recommendations.

Mr. Gordon next updated the Board on preparation of the Post-Authorization Change Report ("PACR") for the Orange County Project. He said the PACR Project Management Plan and related documentation were submitted to the Southwestern Division of USACE for review. Mr. Gordon then responded to questions from the Board regarding the PACR process.

Mr. Sallèse reviewed a summary of prior and upcoming program management activities for the Orange County Project, including the project schedules and status of cultural resource surveys for the Dow Levee and Arlanxeo Levee projects, the schedule for the Torrent Floodwall project, prior environmental site assessment results, the status and schedule for black rail surveys, coordination of rights of entry with landowners to perform testing and surveys on real property parcels located in Orange County, Texas, and identified by USACE as critical for the Orange County Project alignment, and recent coordination activities and governance meetings. He also reviewed financials for the program management team.

REPORT FROM ORANGE COUNTY DRAINAGE DISTRICT AND JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7

Following Mr. Sallèse's report, Mr. Carona noted that he did not have anything additional to report.

Mr. Sims updated the Board on the Jefferson County Separable Elements of Sabine Pass to Galveston Bay (the "Jefferson County Project"). He reported on the status of Contract Nos. 1 and 3a and HTRW mitigation efforts. Mr. Sims also reported on continuing coordination with the Texas Department of Transportation ("TxDOT") on projects impacting TxDOT-owned or maintained roadways to reduce overall costs and future maintenance.

UPDATE FROM REGION 6 STATE FLOOD PLANNING GROUP

Director Bakko reported on an upcoming meeting of the Texas Water Development Board to consider authorizing publication of the draft State Flood Plan for public review and comment, noting the final Plan must be adopted by September 1, 2024.

SCHEDULE AND LOCATION FOR NEXT MEETING

Director Bechtel requested input on future meeting locations, noting the need to balance the desire to hold periodic meetings in different locations within each of the District's counties with the uncertainty of audio and video quality at such locations.

CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO CONSULT WITH ATTORNEYS

At 11:42 a.m., Director Bechtel announced that the Board would convene in executive session pursuant to Section 551.071, Texas Government Code, to discuss legal matters related to engagement of The AL Law Group, PLLC, access to parcels of property for black rail listening surveys, the proposed Design Agreement between USACE and the District for design work for Coastal Texas, and the proposed Interlocal Cooperation Agreement for Study of Storm Surge Barrier Alternatives for the Bolivar Roads Gate System between the District and Texas A&M University at Galveston.

RECONVENE IN OPEN SESSION AND AUTHORIZE APPROPRIATE ACTION

At 12:35 p.m., Director Bechtel announced that the Board would reconvene in open session.

Director Guenther moved to approve the engagement of The AL Law Group, PLLC, as discussed, and authorize execution of the engagement letter. Director Ritter seconded the motion, which passed unanimously.

Director Taylor moved to approve and authorize execution of the Interlocal Cooperation Agreement for Study of Storm Surge Barrier Alternatives for the Bolivar Roads Gate System with Texas A&M University at Galveston and the Design Agreement for Coastal Texas with USACE, subject to final review. Director Mitchell seconded the motion, which passed unanimously.

Director Roccaforte moved to authorize execution of certificates authorizing USACE, as the District's agent, to enter four parcels of real property in Orange County to conduct black rail listening surveys, subsequent to the District's previous attempts to provide notice to the property owners. Director Hulgán seconded the motion, which passed unanimously.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned.



/s/ Sally Bakko

Secretary, Board of Directors

LIST OF ATTACHMENTS TO MINUTES

	Minutes
	<u>Page</u>
Bookkeeper's report.....	2