

MINUTES  
GULF COAST PROTECTION DISTRICT

April 17, 2024

The Board of Directors (the “Board”) of Gulf Coast Protection District (the “District”) met in regular session, open to the public, on the 17th day of April, 2024, at 1150 Gemini Street, Suite 1050, Houston, Texas 77258, inside the boundaries of the District, and the roll was called of the members of the Board:

Michel Bechtel	President
Bob Mitchell	Vice President
Vacant	Secretary
Sally Bakko	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 Directors Guenther, Traweek, Combs, and 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 and Toby Davis of Jefferson County Drainage District No. 7 (“DD 7”); Ray Russo, representing OCDD and DD7; The Honorable Dennis Paul, State Representative (House District 129); Will Carter of the Office of U.S. Congressman Brian Babin (U.S. Congressional District 36); Kristen Lee of the Office of Harris County Commissioner Adrian Garcia (Precinct 2); Nicole Snyder of the U.S. Army Corps of Engineers (“USACE”); Tony Williams, Sarah Purdon, Elizabeth Ozuna, Warren Collier, Melissa Washington, Stephanie Davidson, Carlos Ruiz, and Mary Davison of the Texas General Land Office (“GLO”); Chris Sallese 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.; Michael Roberts of The Coastal Trust; Mark Nelson of the U.S. Coast Guard; Norman Kramer of Tetra-Tech; Greg Olinger and Robert Esenwein of Stantec; Eric Potts of Freese and Nichols; Lars Zetterstrom of LAN; Matt Buchanan of Bechtel Corporation; Austin Ficken of Masterson Advisors; Paul Henderson of Five S Group; Luke LeBas of Volkert, Inc.; Peggy Zahler of Clear Creek Watershed Steering Committee; Leigh Martin of Schaumburg & Polk, Inc.; Jay Luckritz of Black & Veatch; Simon VanDyk and Calep Estes of Touchstone District Services; Mitch Mitchell of Mitch Mansions; Larry Taylor, Galveston County’s director appointee; and other members of the public.

ROLL CALL

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

## DIRECTOR MATTERS

Mr. Oliver reported that Galveston County appointed Larry Taylor to the Board to fill the vacant term expiring June 16, 2027. Mr. Taylor presented his executed Sworn Statement, Oath of Office, and Official Bond in connection with his appointment.

The Board considered reorganization and concurred for Director Bakko to serve in the position of Secretary, Mr. Taylor to serve in the position of Assistant Secretary, and for the other Board members to retain their current offices and positions. The Board then considered authorizing the filing of an updated District Registration Form with the Texas Commission on Environmental Quality to reflect the new Board member and positions.

Mr. Oliver discussed the Texas Open Meetings Act and Texas Public Information Act training requirements. He stated that each elected or appointed public official is required to complete a course of training regarding responsibilities of the governmental body and its members under the Open Meetings Act.

Mr. Oliver reviewed a memorandum regarding conflict of interest disclosure required under Chapter 176 of the Texas Local Government Code and disclosure forms adopted by the Texas Ethics Commission. He stated that pursuant to Chapter 176 of the Texas Local Government Code, the District is required to maintain a List of Local Government Officers. Mr. Oliver reviewed the List of Local Government Officers with the Board.

After review and discussion, Director Bakko moved to approve the Sworn Statement, Oath of Office, and Official Bond of Larry Taylor and direct that the Oath of Office be filed with the Texas Secretary of State. Director Mitchell seconded the motion, which passed unanimously. Director Roccaforte moved to reorganize the Board by naming Director Bakko to the position of Secretary and Director Taylor to the position of Assistant Secretary, and to authorize execution and filing of an updated District Registration Form with the TCEQ. Director Ritter seconded the motion, which passed unanimously. Director Mitchell then made a motion to approve and authorize execution of the List of Local Government Officers. Director Ritter seconded the motion, which passed unanimously.

## PUBLIC COMMENTS

Rep. Paul welcomed the Board to the District's new office space in Clear Lake, commended the progress made to date, and expressed continued support for the District's efforts.

## MINUTES OF PREVIOUS MEETING(S)

The Board considered approving the minutes of the March 13, 2024, regular meeting and the March 25, 2024, special meeting. Director Hulan presented corrections to accurately reflect Lt. Col. Ian O'Sullivan's title. After review and discussion, Director Hulan moved to approve the minutes as corrected. Director Ritter 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 Mitchell moved to approve the bookkeeper's report and payment of the bills. Director Ritter seconded the motion, which carried unanimously.

### ANNUAL REPORT

The Board reviewed the District's annual report. Ms. Sunstrum said the report will be submitted to the Texas Legislature, the Legislative Budget Board, the General Land Office ("GLO"), and the Commissioners Court of each county in which the District is located, as required by the legislation creating the District. The Board requested that printed copies of the report be distributed to the Board members. After review and discussion, Director Mitchell moved to approve and authorize submission of the annual report. Director Bakko seconded the motion, which passed unanimously.

### REPORT FROM GENERAL LAND OFFICE

Ms. Ozuna updated the Board on the status of preparation of the draft Local Cooperation Agreement regarding House Bill 1, 88<sup>th</sup> Texas Legislature, Regular Session, noting the District's comments are under review. She expressed appreciation for the District staff's efforts in coordinating with the GLO on District matters. Ms. Ozuna also updated the Board on delays in the GLO's audit of the District, noting that the delays are due to turnover in GLO personnel.

Mr. Williams discussed ecosystem restoration segment G-28, Bolivar Peninsula and West Bay Gulf Intracoastal Waterway Shoreline and Island Protection ("G-28"), a project included in the Coastal Texas Protection and Restoration Feasibility Study ("Coastal Texas"). He reported that Ducks Unlimited, Inc. is agreeable to moving forward with the additional work and that discussions are underway to structure a draft Local Cooperation Agreement in order to ensure maximum eligibility for USACE work-in-kind credit.

Mr. Williams updated the Board on the status of beach nourishment projects, noting that Ms. Purdon is working with U.S. Fish and Wildlife on endangered species issues identified during the initial study to determine the appropriate path forward.

Mr. Williams then reported on recent meetings and events, including the American Shore & Beach Preservation Association's Coastal Summit.

### REPORT FROM BOARD PRESIDENT

Director Bechtel reported on recent meetings with congressional leaders and stakeholders regarding District projects and funding. He also noted the upcoming Bay Area Houston Transportation Partnership Infrastructure Summit.

### REPORT FROM EXECUTIVE DIRECTOR

Ms. Sunstrum introduced Ms. Norman as the District's new Chief Financial Officer, effective April 16, 2024. Ms. Norman introduced herself and discussed her background.

## COASTAL TEXAS MATTERS

Ms. Snyder reported that the design agreement for Coastal Texas is at USACE headquarters for review and should be ready for the District's next meeting.

## SABINE TO GALVESTON MATTERS

There was no discussion on this item.

## DISTRICT PROGRAM MANAGEMENT MATTERS

Mr. Sallèse gave a presentation on District program management efforts related to the Orange County Separable Element of Sabine Pass to Galveston Bay (the "Orange County Project"). He reviewed a revised proposal to conduct Phase 2 environmental site assessments, which was modified to add the Torrent Floodwall project to the proposal presented at last month's meeting for the Dow Levee and Arlanxco Levee projects.

Mr. Sallèse next discussed and requested approval of a Request for Qualifications for a contractor to conduct the remaining Phase 2 environmental site assessments for the Orange County Project (the "RFQ"). Mr. Oliver and Mr. Baker provided an overview of different procedures by which the District could conduct the process for receiving and reviewing submittals to determine the most qualified company prior to negotiating a contract.

Mr. Sallèse reviewed Antiquities Permit Application Forms for archeological surveys related to the cultural investigations .

Director Mitchell moved to approve the revised proposal to conduct Phase 2 environmental site assessments for the Dow Levee, Arlanxco Levee, and Torrent Floodwall projects. Director Roccaforte seconded the motion, which passed by unanimous vote.

The Board next considered approving the RFQ and discussed the process and scoring system. Director Bakko moved to approve the RFQ, and publication of the same, and to authorize the Executive Director and program manager to review the submittals, select the highest-qualified contractor, negotiate a services agreement with such contractor, and, when appropriate, present a recommendation of selection of vendor and award of contract to the Board at a future meeting. Director Ritter seconded the motion, which passed unanimously.

Director Mitchell then made a motion to authorize execution of the Antiquities Permit Application Forms from the Texas Historical Commission. Director Roccaforte second the motion, which passed unanimously.

Mr. Gordon discussed the interior drainage system optimization study. He said USACE is reviewing the report previously submitted by the District's program management team, which will subsequently be included in the Post-Authorization Change Report ("PACR") for the Orange County Project. He reviewed the findings identified in the optimization report, including the estimated cost savings.

Mr. Sallese then reviewed a summary of prior and upcoming program management activities for the Orange County Project, including the project schedules and status of cultural investigations for the Dow Levee and Arlanxco Levee projects, the schedule for the Torrent Floodwall project, prior environmental site assessment results, the status and schedule for the PACR and black rail surveys, discussions with Port Orange regarding the levee alignment, and 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. He reviewed a financial summary for the Orange County Project and financials for the program management team. Messrs. Sallese and Carona then responded to questions regarding coordination and discussions with the City of Orange related to components and impacts of the Orange County Project.

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

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

Mr. Sims reported on coordination and discussions with the City of Port Arthur related to components and impacts of the Jefferson County Separable Elements of Sabine Pass to Galveston Bay (the "Jefferson County Project"). He reviewed a financial summary for the Jefferson County Project and reported on the status of contracts. Mr. Sims also noted USACE's acceptance of the Texas Commission on Environmental Quality's standards for handling environmental remediation and disposal for industrial properties as an appropriate standard for mitigating hazardous, toxic, radioactive wastes ("HTRW") identified in connection with the Jefferson County Project. He reported on efforts to pursue changes in the Water Resources Development Act of 2024 related to USACE's policies regarding acceptable HTRW mitigation standards and to a federal policy requiring non-federal sponsors of USACE projects to pay the full cost for acquiring public lands, including relocations, for projects included in or authorized subsequent to Bipartisan Budget Act of 2018. Mr. Russo discussed the anticipated schedule for the Water Resources Development Act of 2024.

#### UPDATE FROM REGION 6 STATE FLOOD PLANNING GROUP

Director Bakko reported on the recent meeting of the Region 6 San Jacinto Regional Flood Planning Group.

#### SCHEDULE AND LOCATION FOR NEXT MEETING

Director Bechtel reported that the District's next meeting is scheduled for May 8th at 10:00 a.m. in Galveston.

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

The Board did not convene in executive session.

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