

Proposal and Agreement for Professional Services

Submitted to: Ray Allen, Executive Director
Coastal Bend Bays & Estuaries Program

Submitted by: James A. Dodson (Consultant)

Date: August 18, 2009

Background –The Coastal Bend Bays & Estuaries Program (CBBEP) project area currently covers an area of the Texas Coast spanning from the land-cut in the Laguna Madre to the Aransas National Wildlife Refuge (ANWR), winter home of the only “wild” flock of whooping cranes in the U.S. The next major estuary to the north of this project area is the San Antonio Bay system. While the full extent of the San Antonio Bay system is not within the CBBEP project area, the ANWR borders on this estuary and the CBBEP and ANWR have been involved in several cooperative projects that encompass sites within this estuary.

San Antonio Bay receives freshwater inflows from the San Antonio River and the Guadalupe River watersheds. These two watersheds include portions of the rapidly growing I-35 Corridor and the Texas Hill Country. Water resources management efforts in these watersheds -- long focused simply on finding reliable and affordable water supplies for growing municipal, agricultural and industrial demands -- are just now beginning to recognize and incorporate the environmental flow needs of these two major rivers and the San Antonio Bay complex. However, the Senate Bill 3 (SB3) “basin and bays” planning program for this system has yet to be initiated and there is no one organization that plays a central role in planning, management and preservation activities in the San Antonio Bay system.

CBBEP, based on its experiences and successes in its present project area, could play an important role in facilitating an effort to get a similar estuaries program implemented for the San Antonio Bay system. While the nature and extent of this involvement could vary tremendously, there appears to be both a need and an opportunity evident at the current time.

This proposal outlines the professional services that would be necessary to assist CBBEP in:

- defining CBBEP’s potential mission in San Antonio Bay;
- facilitating discussions on the subject with state and federal agencies, non-governmental organizations, and other stakeholders with interests in the San Antonio Bay System;
- identifying potential funding sources for supporting these efforts; and
- tracking other planning and management activities related to issues affecting San Antonio Bay (i.e., Senate Bill 1 Regional Water Planning; river authority activities; SB3 basin and bay group implementation activities).

Scope of Work -- Under the direction of Ray Allen, Consultant would provide professional services in support of CBBEP's interests in the San Antonio Bay system, including the following:

- Engage with Mr. Allen and CBBEP staff in identifying resource management issues in the San Antonio Bay system and the potential role CBBEP could play in the development of mechanism to plan and implement measures to address these issues;
- Set up and facilitate meetings with various stakeholders having interests in the San Antonio Bay system, including river authority staff, state and federal agencies, regional planning organizations and others, as necessary;
- Research the current level and status of planning activities related to issues in the San Antonio Bay system;
- Attend meetings of various organizations involved in these planning activities (i.e., Region L Water Planning Group meetings; meetings of the Guadalupe-Blanco River Authority and Guadalupe River Trust; and meetings of the San Antonio River Authority);
- Research funding needs for a comprehensive planning and management program for the San Antonio, and identify potential funding sources to support such a program;
- Develop funding proposals where sources of funding have been identified; and
- Develop reports, as necessary, to document project activities and results.

Time Commitment for Consultant. Base Time: five (5) full working days per month (40 hours) included in the retainer fee (below). Additional time, as authorized, will be billed at the Additional Hourly Rate (below).

Compensation. Base Time Retainer Fee: \$2,500 per month. Additional Hourly Rate: \$75.00 per hour.

Expenses. Base Time Retainer includes mileage expenses for travel up to 500 miles per month. Additional mileage for authorized travel will be billed at \$0.55 per mile. Other authorized expenses (i.e., copies, business-related meals) will be billed at cost.

Term. The Professional Services provided under this proposal would cover the six-month period from September 1, 2009 through December 31, 2009.

Amendments and Termination. Amendments to this agreement may be made by approval of both parties. This agreement may be terminated, by either party, upon 30-day written notice to the other party.

Billing. An invoice will be prepared and submitted to CBBEP at the close of each month. Payment is to be remitted to the address below within 15 days of receipt.

James A. Dodson
dba: Groundswell Enterprises
405 W. Power Ave.
Victoria, Texas 77901
Taxpayer ID/SSN: 453-88-2386

**405 W. Power Ave.
Victoria, Texas 77901
361-649-1518
jdodson27@gmail.com**

Disclosure. Consultant does not carry professional liability insurance or Errors and Omissions insurance covering the professional services to be provided under this agreement.

Approvals:

By: James A. Dodson
James A. Dodson
Principal/Sole Proprietor
GroundSwell Enterprises
405 W. Power Ave.
Victoria, Texas 77901

By: _____
Ray Allen
Executive Director
Coastal Bend Bays & Estuaries Program
1305 N. Shoreline Blvd., Suite 205
Corpus Christi, Texas 78401

Date: 8-18-09

Date: _____

**405 W. Power Ave.
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James A. Dodson

EDUCATION

- M.P. A. 1978** **Master of Public Affairs**, Lyndon B. Johnson School of Public Affairs, The University of Texas at Austin, December 1978.
- B.S. 1975** **Bachelor of Science** in Marine Science, Texas A&M University at Galveston, December 1975.

PROFESSIONAL EXPERIENCE

1990 to Present

- 2007 to Present** **Principal**, GroundSwell Enterprises, Victoria, Texas
Responsible for: Providing a variety of professional consulting services in the area of surface water and ground water resources, including water supply planning, regulatory guidance, permitting, and water marketing.
- 2003 to 2009** **President**, Goliad Sands, Ltd., Victoria, Texas
Responsible for: Managing the water resources associated with over 83,000 acres of properties held by a partnership of landowners; planning and implementing strategies for sustainable, conjunctive use of privately held water resources; developing Public-Private Partnerships which utilize and generate income from these water resources; negotiating contracts for the lease and sale of ground water; and identifying and responding to policy and regulatory issues potentially affecting the use and value of the property rights the limited partnership and the landowners hold in these water resources.
- 2002-2005** **Water Resources Manager**, J.F. Welder Heirs, Ltd., Victoria, Texas
Responsible for: Managing the water resources associated with over 35,000 acres of properties held by a family limited partnership; negotiating with a consortium of public water providers for a land lease and sale of ground water from one of the properties; and identifying and responding to policy and regulatory issues potentially affecting the use and value of the property rights the family limited partnership holds in these water resources.
- 1999-2002** **Deputy Executive Director**
1998-99 **Regional Director**, Nueces River Authority, Coastal Bend Division, Corpus Christi, Texas.
Responsible for Nueces River Authority programs in the Coastal Bend Area, including: Directing the Senate Bill 1 (SB1) Regional water planning program for the 11-county Coastal Bend Regional Water Planning Area (Region N); managing an "Inter-Regional Coordination" project for 5 water planning regions covering all of South Texas, from the Colorado River to the Rio Grande River; consulting to the City of Corpus Christi on regional and inter-regional water supply development, bay and estuary inflow requirements, and legislative issues at the state and federal level; supervising professional and clerical staff in the Coastal Bend Division office; assisting the Executive Director on intergovernmental and legislative issues; and conducting public information and outreach activities.

Professional Experience, 1990 to Present, continued:

Major Accomplishments: Facilitated the regional water planning group activities that resulted in the development and adoption of the first SB1 Regional Water Plan for the Coastal Bend Regional Water Planning Area; negotiated amendments to the 1995 Agreed Order on freshwater inflow operating policies for the Nueces Estuary, increasing both the amount of water available for municipal and industrial use and inflows to the wetland complex in the Nueces River Delta; directed a two-part, state-funded study of the costs and applications of desalination technology for water supply in Texas, resulting in the development of a "Seawater Desalination Siting and Costing Model" which has been used both in Texas and Florida to provide planning level cost estimates for comparing potential sites for large-scale seawater desalination facilities.

1992-98

Regional Water Director, City of Corpus Christi, Texas.

Responsible for assuring a long-term water supply for the seven-county area served by the City of Corpus Christi, including: managing regional water planning studies to identify and investigate potential water supply strategies; acquiring new water supplies, including the purchase of water rights and negotiation of water purchase contracts; developing and implementing water conservation and drought management policies; developing and securing amendments to the freshwater inflow operating plan for the Nueces Estuary; evaluating and recommending alternatives for water facilities financing; intergovernmental coordination; legislative issues; regulatory compliance; media relations; and public outreach.

Major Accomplishments: Negotiation of the purchase option contract for 35,000 acre-feet per year of Colorado River water rights from the Garwood Irrigation Company (1992), the acquisition of the inter-basin transfer permit for the Garwood water rights (1997), and final purchase by the City of Corpus Christi (1998); negotiation and execution of a water purchase option (1992) and a water purchase agreement (1994) with the Lavaca-Navidad River Authority for up to 41,840 acre-feet per year of water from Lake Texana, and the acquisition of the inter-basin transfer permit for this water (1996); final passage of Congressional legislation providing the City of Corpus Christi with a five-year suspension of payments on the federal debt service for Choke Canyon Reservoir, thereby freeing approximately \$20 million in local funds for immediate use for new water supply projects; design and development of an inter-regional partnership (City of Corpus Christi, Nueces River Authority, Port of Corpus Christi Authority, and Lavaca-Navidad River Authority) to finance, design and construct a \$125 million, 101-mile pipeline to deliver water from Lake Texana to Corpus Christi (the Mary Rhodes Memorial Pipeline, initiated in 1996 and completed in 1998); and the negotiation of major amendments to the freshwater inflow operating plan for the Nueces Estuary to increase municipal and industrial water supply for the region by providing a system of "Pass-Thru Flows" that better mimics the natural variations in the patterns of rainfall, runoff and stream flow that contribute to estuarine freshwater inflows (1995).

- 1991-92** **Storm Water Superintendent**, City of Corpus Christi, Texas.
Responsible for: Supervising Storm Water Division employees and assuring the effective operations and maintenance of the City's storm water system; directing a system-wide GIS inventory of storm water facilities, drainage areas and outfall locations; and preparing and submitting the Phase I NPDES permit application for the City's Separate Storm Water System.
- 1990-91** **Administrative Assistant** to the Director of Public Utilities, City of Corpus Christi, Texas.
Responsible for: Environmental programs and regulatory compliance activities in the City's Public Utilities, which included the Water, Wastewater, and Gas Divisions; facilitation of a comprehensive rate structure analysis for the Water, Wastewater and Gas utilities; compliance with state and federal regulations governing City-owned Underground Storage Tanks and associated remediation of Leaking Petroleum Storage Tanks; and representation of City interests during the process of establishing a Bay and Estuary inflow plan for the Nueces Estuary.

Private Consulting Experience:

- 2008-09** **Facilitation of Surface Water Rights Sale for First Victoria National Bank Trust Department** – Advisory and coordination activities related to the sale of 1,000 acre-feet of Guadalupe River senior water rights from a private trust to the City of Victoria.
- 2008** **Analysis of the Proposed Management Plan and Rules for the Victoria County Groundwater Management District for the Port of Victoria –**
Reviewed drafts of the proposed "Management Plan and Rules" for the Victoria County Groundwater Management District; drafted comments and suggested revisions designed to protect the interests of the Port of Victoria in accessing reasonable amounts of groundwater to support proposed industrial developments to be located on Port property adjacent to the Victoria Barge Canal.
- 2007** **Preliminary Water Supply Study for the Port of Victoria (in conjunction with Malcolm Pirnie, Inc.)** – Investigated various water supply alternatives designed to provide an initial water supply, for use by industrial facilities located on Port properties, of up to 2.5 MGD; developed cost estimates for ground water and surface water alternatives; prepared final project report and presented findings to the Port's Board of Directors.
- 2002** **Water Resources Plan for a Large Ranching Enterprise in S. Texas (in conjunction with Karen K. Dodson and Ernie Baker)** – Inventoried the water resources associated with properties owned by a privately held South Texas ranching enterprise; developed a framework for further in-house water resources planning and management activities; prepared and presented a final project report.

Research and Teaching Experience:

- 1998 to Present** **Adjunct Professor**, Environmental Science Program, Department of Physical and Life Sciences, Texas A&M University - Corpus Christi. Teaching graduate seminar courses in the Environmental Science Program, covering the topics of Water Resources Management, Environmental Flows, Water Conservation and Drought Contingency Planning.
- 1976-98** Various research and teaching opportunities, including positions with universities (Texas A&M University at Galveston, University of Texas at Austin), as well as state and federal agencies (Texas Comptroller's Office – Austin, Texas and the U.S. Department of Agriculture – Washington, D.C.), working on management information systems and policy issues related to natural areas protection, climate change and coastal recreation management. On several occasions during this period, held teaching positions in science, math and English in private schools at the junior/senior high and junior college levels.

Professional Organizations and Affiliations

Texas Water Conservation Association
American Water Resources Association
National Ground Water Association --
 Association of Ground Water Scientists and Engineers
SB3 Nueces River, Corpus Christi Bay, Baffin Bay Stakeholders Committee –
 Vice-Chair and Public Interest Representative

Contact Information:

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SELECTED PRESENTATIONS AND PUBLICATIONS

Invited Presentations

“Inter Basin Transfers: The Corpus Christi, Texas Experience.” Presented at the *Congreso planificación hidrológica como freno a la desertización en la Comunidad Valencia*. Alicante, Spain. October 21, 2006.

“Groundwater Conservation Districts and the Future of Water in Texas: Will Your First Five Years Shape the Next Fifty Years?” Presented at the *Groundwater Conservation District Seminar Series: Programs, Plans and Rules for your Groundwater Conservation Districts*. Texas A&M University, College Station, Texas. August 13, 2003.

“Location, Location, Location – It’s Important for Estuaries, Too!” Presented at the *Texas Coastal Treasures – 4th Coastal Issues Conference, Plenary Session on Water Planning and Freshwater Inflows*. Corpus Christi, Texas. February 26, 2002.

“Environmental Issues in Regional Water Planning.” Presented at the *Coastal Bend Environmental Conference*. Corpus Christi, Texas. October 26, 2001.

“Seawater Desalination for Texas Water Supply.” Presented at the *Water for People and the Environment Conference*. San Antonio, Texas. October 6, 2001.

“Freshwater Inflows to the Nueces Estuary: A Constant Balancing Act.” Presented at *Outlook on the Texas Coast – Texas Watch Conference*. Rockport, Texas. August 30, 2001.

“Water for South Texas: Competition, Conflict or Cooperation?” Presented to the Board of Directors, San Antonio Branch, Federal Reserve Bank of Dallas. San Antonio, Texas. September 12, 2000.

“Desalination in Texas: Putting it in the Regional Planning Context.” Presented at *The Global Expansion of Desalination Conference*. San Diego, California. June 30, 2000.

“New Drought of Record and Response by Coastal Bend of Texas.” Presented by James Dodson and Ken Choffel (HDR Engineering, Inc.) to the Board of Directors, Texas Water Foundation. Austin, Texas. March 24, 1999.

“The Nueces River – Headwaters of the Edwards Aquifer.” Presented to the Board of Directors of the Edwards Aquifer Authority. Bandera, Texas. August 8, 1998.

Invited Testimony

“Desalination for Texas Water Supply.” Testimony before the Texas Senate Natural Resources Committee. Hearing held in Corpus Christi, Texas, June 29, 2000.

“Proposed Transfers of Reclamation Facilities Out of Federal Control.” Testimony before the Water and Power Resources Subcommittee of the House Judiciary Committee, U.S. Congress. Hearing held in Washington, D.C., June 15, 1995.

Selected Presentations and Publications, Continued:

Book Chapters and Publications

“Developing a Public Policy for Mariculture in Texas,” James A. Dodson, 1978. Master’s Report, in fulfillment of requirements for a Masters of Public Affairs, conferred by the Lyndon B. Johnson School of Public Affairs, The University of Texas at Austin, 95p.

“Water for the People: a Case Study of Corpus Christi.” Timothy L. Brown and James A. Dodson. Presented at the 25th *Water for Texas Conference*, Austin, Texas, December 1-2, 1998. *In* “Water Planning Strategies for Senate Bill 1,” Ric Jensen, editor. Texas Water Resources Institute, Texas A&M University System, 1999, p. 57 – 65.

“Lessons from the Wild Horse Desert -- The Present and Future Status of Water in the Coastal Bend (Corpus Christi Area),” C. Alan Berkebile, Karen K. Dodson, James A. Dodson, and Richard G. Hay. Presented by James A. Dodson at the *Water for Texas 2000 & Beyond Conference*, Texas A&M University – College Station. September 23-24, 2000. *In* “Water for Texas,” J. Norwine, J. R. Giardino, and S. Krishnamurthy, editors. Texas A&M University Press, 2004, p. 89 – 106.

“The Challenge of Managing Groundwater in the Gulf Coast Aquifer: Recognizing and Incorporating Divergent Value Systems Regarding Groundwater as a Resource,” James A. Dodson. Presented at the *Gulf Coast Aquifer of Texas Conference*, Texas A&M University – Corpus Christi, February 16, 2006. *In* “Aquifers of the Gulf Coast of Texas,” R. Mace, S. Davidson, E. Angle and W. Mullican, editors. Report 365, Texas Water Development Board, Austin, Texas, 2006, p. 274-285.

Note: This paper is available at:

<http://www.twdb.state.tx.us/publications/reports/GroundWaterReports/GWReports/R365/R365Composite.pdf>)

This paper has also been published as a chapter in the book “Groundwater Management: Regional and Country Perspectives,” 2008 Meenu Bhatnagar, editor; The Icfai University Press, Hyderabad, India (ISBN: 978-81-314-1702-7); for more information see:

<HTTP://WWW.BOOKS.IUPINDIA.ORG/NEWARTICLE.ASP?ISBN=978-81-314-1702-7&BOOKID=IB1102089>

“Managing our Limited Water Resources by Shifting Paradigms,” James A. Dodson. Published in the Editorial Section, *The Victoria Advocate*, July 11, 2009. The article may be found at:

http://www.victoriaadvocate.com/news/2009/jul/11/vp_col_dobson_071209_57504/?columns