



## ***TEXAS REGISTRATION POWER GRAB: THE SHOWDOWN IN AUSTIN***

### **Chairman's Column**

Twenty-two of our members joined a large industry related group at the annual November API Joint luncheon at the Roosevelt Hotel. The keynote speaker was Louisiana Secretary of Natural Resources, Scott Angelle, who delivered an upbeat discussion covering offshore and onshore activity in Louisiana.

This month, on Tuesday, December 20th, we return to our regular venue at Andrea's for the annual "Open Mike" meeting.

As you may have noticed, we are back to our full version of the newsletter, since Tom Klekamp got tired of my "bitching and moaning" and agreed to take back this project at least for the remainder of this meeting year. Thanks to Tom for, once again, coming to our chapter's aid.

We have lined up excellent technical talks for January and March and are working on others to fill out the rest of the meeting dates. Suggestions for future speakers are very welcome!

A few of you have not yet sent in first half dues, which are due at the beginning of the fall term. Please check your records and make sure you are not in that number.

On behalf of the Chapter officers and board members, we wish everyone a Happy Holiday Season and a Prosperous and Healthy New Year!

**Louis E. Lemarié**  
Co-Chairman

*Marc Maddox reports on the Texas Board of Professional Geoscientists and the Special Board Meeting held November 7th, 2011 in Austin. The following is a digest of his emailing.*

TBPG Chairman **Ron Kitchens** along with eight of nine TBPG members were present at the meeting. Twenty-five to thirty members of the public attended.

Mr. Kitchens began with introductory remarks, explaining the events leading up to board's decision to publish the Petition for Adoption of Rules in the Texas Register on September 30, 2011. These included reference to the oil and gas advisory workgroup, and the board's belief that the best way to garner public comment was to make a *straw man rule proposal*. [ed's. emph.] This took the form of the Petition for Adoption of Rules. The overall impression was that the members of the oil and gas community on the advisory committee were used for cover in an attempt to parse the meaning of words in the Texas Professional Geoscientist Act, with the intent of expanding the board's authority to cover oil and gas activities. At least

three members of that advisory group were SIPES members **Dave Rensink**, **Robert Pledger** and **Phil Martin**. All three resigned in protest from the committee over this issue.

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After remarks, Chairman Kitchens made a motion to withdraw proposed rule changes. The motion was seconded, and Executive Director **Charles Horton** then took the floor to summarize public response to the rule changes. He stated that 375 responses had been received during the comment period, ... Of these responses ... four were supportive of the rule changes, and all others were in opposition. Forty-eight responses were received after the end of the comment period.

After Mr. Horton's presentation, Chairman Kitchens opened the floor to comments from the board and public. Three citizens stepped forward to speak. These were **Bruce Darling**, representing environmental and hydrology geoscientists; **Phillip Bennett**, Associate Dean of the Jackson School of Geosciences, representing academia; and, **Bill Stephens**, with the Texas Alliance of Energy Producers. All spoke in opposition, presenting a united front among geoscientists from all disciplines.

No board members chose to comment, and the vote proceeded [with] all eight board members in attendance voted "yes" to withdraw proposed rules.

The meeting then proceeded to Agenda Item D: consideration and possible action on posting of a Board initiated Advisory Opinion concerning the re-affirmation of the exemption of exploration and development of oil, gas, or other energy resources described in Section 1002.252 of the Texas Geoscience Practice Act.

The actual wording of the Draft Opinion was then read: "It is the opinion of the Board that those who engage in the work performed in the exploration for and development of oil, gas, or other energy resources, base metals, or precious or non-precious minerals, including sand, gravel, or aggregate, are not required to be licensed under the Texas Geosciences Practice Act." A motion was made to vote for the Advisory Opinion to be published. All eight board members in attendance voted "yes" to publish the Advisory Opinion in the Texas Register as an affirmation of the oil and gas exemption.

Chairman Kitchens then formally dissolved the Industry Advisory oil and gas workgroup, and the floor was opened to public comments. The following took the podium to express their thoughts and opinions to the board.

**Pete Rose** spoke eloquently to the genesis of the TGPA, the fractious nature of the recent activities of the board, and the fact that a lot of fence mending

will be required to get things back on track. Mr. Rose specifically stated that the board could show its sincerity by accepting the resignation of those members most involved in the proposal of the rule changes. **Dave Rensink** spoke in equally passionate terms opposing the board's actions. Others who stepped to the podium were: **Susan Hvorka** – BEG; **Richard Howell**; **Matthew Cowan**, former president of the Houston Geological Society; **John Mikels**, Geos Consulting, Austin, and **Marc Maddox**, of SIPES, voicing the concerns of the professional community.

Representatives of the environmental, hydrologic, academic and oil and gas community were united in opposition to the rule changes proposed by the TBPG.

The challenge before us, and the TBPG, is how to restore the credibility of the certification program in Texas, and how to put safeguards in place to prevent a

repeat of this train wreck five or ten years from now. Certification has been working since it has been in existence. Members of the environmental and hydrology community believe that they require certification to maintain their ability to work in their professions. The temptation is to dismantle the entire

program, and the challenge is to restore it to its original function.

SIPES members had a significant role in checking the expansion of the geoscientist certification program in Texas.

*See an update of Louisiana's professional registration on page 4, this issue.*

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## **Louisiana Registration for Professional Geoscientists - an Update**

*by Tom Klekamp*

Senate Bill 788 was passed by the 2010 Louisiana Legislature and signed by Governor Jindal, thus becoming Act 974, which became law on January 1, 2011. For the first 8-9 months of 2011 nothing happened. The Board was never appointed and a lot of geologists were asking about how they could become registered before the grandfathering window shut on December 31, 2011.

One problem with Act 974 was that the financing was never addressed. Act 974 will need to be amended to cure the financing and also to reset the clock on the grandfathering clause. I would guess that that date will be extended to December 2013.

The author of SB 788, Senator Troy Hebert, left the Senate at the end of the 2010 session. (He was appointed as Commissioner of the La. Alcohol and Tobacco Control Board.) Hebert made inquiries about Act 974 and discovered a Board was never appointed. The Governor's Office in the meantime appointed a new head of the Office of Boards and Commissions. Following that appointment, all four geological societies in Louisiana received letters from the Governor's Office requesting nominees to the Act 974 Board. Recently, Governor Jindal has appointed Dr. Madhurendu B. Kumar, Director of the Oil & Gas Division of the La Dept of Conservation, as his "civilian" member of the Board. This is a significant development – one, Dr. Kumar has a very substantive geological background and long interest in licensing; two, the interest shown by the Governor makes us think it will be easier to have a sponsor for a simple amendment bill.

Locally in our metro area two geologists have expressed interest in being nominees, one from the 1st and the other from the 2nd congressional district. It would be great if the Governor had a slate of nominees from which to choose. This will be a demanding volunteer job. If you would like to serve as one of the professional geoscientists on the Act 974 Board, call Annette Hudson at the NOGS Office (504-561-8980). They are looking for persons who have a track record of serving on committees and boards.

One thing that is sorely needed is an "official" webpage whereby one can get up-to-date information on Act 974. Presently my information is gathered through sources in Baton Rouge. Perhaps the La Geological Survey could add this to their website.



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# December Meeting OPEN MIKE

**December Luncheon Meeting  
Tuesday December 20th  
11:30 a.m. Social and Drinks, 12:00 p.m. Seating  
Andrea's Restaurant  
Metairie, Louisiana  
Reservations: Ed Barry 504-835-2508**



December in Louisiana  
Tubular hoar frost crystals  
Photo by Tom Klekamp

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