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## Southeast Texas Waterways Advisory Council

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### Charter

#### Purpose/Mission

This Council is a public forum to facilitate discussion and exchange of ideas, thoughts and advice among all stakeholders on a wide range of issues relevant to the Sabine and Neches Rivers, serving the ports of Port Arthur, Beaumont and Orange, in the southeast corner of Texas. The Council may advise regulatory bodies and seek actions of non-regulatory entities to achieve the resolution of concerns and enhance safety. Issues include but are not limited to: communications, traffic management, anchorages, and other topics dealing with safety, efficiency, preservation and improvement of the transit and usage of the Sabine-Neches Waterway System.

#### Scope

SETWAC is a "harbor safety committee" as discussed in the U.S. Department of Transportation's September 1999 Report to Congress "An Assessment of the U.S. Marine Transportation System" and in subsequent Coast Guard guidance on the establishment and development of harbor safety committees. SETWAC was chartered on March 14, 1997 by the Coast Guard Captain of the Port (COTP) in Port Arthur in a form which met many of the expectations for a harbor safety committee. However, the COTP was the Executive Director and SETWAC's purpose was to provide the COTP with advice on an as-needed basis. The Coast Guard desires harbor safety committees where government agencies support, but do not control. Since there are no local or state entities which regulate waterway use, similar to the Coast Guard, a cooperative harbor safety committee with broad membership is desirable for coordination. This charter is similar to the 1997 charter.

Other, somewhat similar cooperative organizations are focused on specific issues. Although common issues may exist with SETWAC, some of these other organizations are required by law or federal agency standards. Many members of those organizations are also members of SETWAC. The Southeast Texas and Southwest Louisiana Coastal Zone Area Committee implements requirements of the Oil Pollution Act of 1990, with focus entirely on prevention and response to oil and hazardous material spills. The Port Arthur/Beaumont Port Readiness Committee deals solely with the shipment of military cargo through these ports. Although they are distinct from SETWAC, these two committees cover typical concerns of harbor safety committees.

## Organizational Structure

Managing Board: The Managing Board is comprised of volunteers who may be elected. Each Managing Board member has a self-designated alternate. Serving in the manner of a board of directors, the members of the Managing Board oversee the day-to-day scheduling, operations of SETWAC and coordinate the agenda. Government agency members of the Managing Board are non-voting members. A Chairperson and the Vice-Chairperson of the Managing Board is elected by the voting members of the Managing Board.

Terms of Service: The Chairperson and the Vice-Chairperson serve initial two year terms and are eligible to serve one additional two year term if re-elected by the voting members of the Managing Board. Members of the Managing Board, who are not designated permanent members by virtue of their agency or organization position, serve initial three year terms and are eligible to serve one additional three year term, if re-elected by the voting members of the Managing Board. Members of the Managing Board and their alternates are expected to attend and participate in scheduled meetings. Members of the Managing Board can be replaced prior to the expiration of their terms by a called special election at the recommendation of the Chairperson, if necessary because of incapacitation or chronic lack of participation in SETWAC meetings and activities.

Standing Committees: These committees address aspects of the Sabine-Neches Waterway System which remain through time. Members are volunteers or are appointed by the Managing Board and typically are linked to the committee's interests through their personal expertise. Each committee will have a Chairperson elected from its members or appointed by the Managing Board. The following standing committees exist at the implementation of this charter:

- **Navigation Sub-Committee** (may include pilots, inland vessel operators, deep draft vessel operators/charterers, and agents)

- **Waterway Maintenance and Improvement Sub-Committee** (includes the U.S. Army Corp of Engineers (ACOE) and Sabine Neches Navigation District (SNND))

- **Waterway Security Sub-Committee** (includes the Area Maritime Security Committee and Port Readiness Committee)

Ad-hoc Committees: These committees are established on an as-needed basis to address and resolve specific issues. Members are volunteers or are appointed by the Managing Board and are often linked to the committee's interests through their personal expertise. These committees are established and terminated by the Managing Board. Each committee will have a Chairperson elected from its members or appointed by the Managing Board.

Executive Secretary: An Executive Secretary, usually an unelected, non-voting member of the USCG Command or other government agency, will provide administrative support at no charge. Duties include: maintaining the membership listing, recording and mailing meeting minutes, distributing announcements and agendas for meetings, distributing other materials, and posting of information to the SETWAC web page.

SETWAC Managing Board Membership: Ideally, at least one person from the following entities will be a SETWAC member. The members serve as volunteers subject to their respective term limit. Other persons may seek membership by submitting a membership application to the Executive Secretary. The Managing Board may, if desired, determine membership through a vote of SETWAC voting members. Members are not bound by decisions or recommendations of SETWAC or its committees or liable for the same.

Non-voting members:

CG Auxiliary / U.S. Power Squadron Community Chamber of Commerce National Oceanic and Atmospheric Administration Texas General Land Office Texas Parks and Wildlife Department	U.S. Army Corps of Engineers U.S. Coast Guard (COTP) U.S. Customs and Border Protection U.S. Maritime Administration
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Voting members (one from each entity):

<u>Members Subject to Three Year Terms:</u> Barge Operating Company, or AWO/TWO Rep. Chemical/Oil Refining Docks Commercial Fishing Association Emergency Response Entity, such as Sabine-Neches Chiefs Association Harbor Tug Company Law Enforcement LNG Terminals Marine Terminals Organized Labor Shipping Agents Ship Operating Company Shipyard or Vessel Repair Facility	<u>Permanent Members:</u> Port of Beaumont - Director Port of Orange - Director Port of Port Arthur - Director Port of Sabine - Director Sabine Pilots Association - President Jefferson County Emergency Mgmt – Director Sabine-Neches Navigation District - Director
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Meetings: Meetings of SETWAC will be scheduled by the Managing Board and are open to the public. Meetings will be held on a quarterly basis and more frequently if needed. Meetings of committees will be held on an as-needed basis as determined by the Managing Board and the members of the committees, and are open to the public if so decided by the committee. The desire for making decisions is that a consensus will be reached. If a vote is needed, a simple majority of the voting members present decides. Members may be represented by alternates, who are chosen by the member.