INFRASTRUCTURE & ENVIRONMENT

Part of Texas Comptroller's Office Will Focus on Endangered Species

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By Neena Satija

A high-profile new employee in Texas Comptroller Glenn Hegar's office won't focus on revenue estimates or tax collection.

Robert Gulley will, however, be looking at monarch butterfly migration patterns and the decline of freshwater mussels like the Louisiana pigtoe and the Texas fatmucket — rare animals that could be next on the federal government's list of protected species. The renowned expert on environmental law and mediation was named the comptroller's director of economic growth and endangered species management, a newly created position.

Those are unusual tasks for an office that's mostly in charge of money. But a little-known law passed in 2011 put endangered species in the comptroller's purview. The idea was that any time a Texas animal ends up on a federal endangered species list, industrial activity is in danger, too — and that means economic officials should be involved.

And after years of spats at the Capitol over who controls endangered species policy, Hegar said hiring Gulley is one step toward striking a more conciliatory tone. The new comptroller said he expects to take a "different direction" than that of his predecessor, Susan Combs.

"This agency does have a role [in endangered species], but it has to be a more collaborative role," Hegar, who took office in January, said in an interview.

In Texas, Gulley is known for deploying a plan to save San Antonio's water supply, the Edwards Aquifer, along with rare salamanders and other animals that depend on it.

Now, the former neurobiologist is coming out of what he calls "semi-retirement." His new job is one he never imagined himself in until recently — and indeed, it may never have existed if former state Rep. Warren Chisum hadn't slipped authority over endangered species matters into the duties of the comptroller's office in 2011.
The Republican from Pampa said he did so at the urging of the Texas Oil and Gas Association (TXOGA). And his legislation let Combs develop a conservation plan for the dunes sagebrush lizard, a tiny, sand-colored amphibian whose home is the oil-rich Permian Basin.

The plan, though, was widely criticized. The nonprofit overseeing the lizard operation was created by lobbyists for TXOGA, drawing the ire of Republican state lawmakers including Rep. Dennis Bonnen of Angleton and Sen. Kel Seliger of Amarillo. Wildlife groups sued, complaining that the plan's conservation activities were secret, but a federal judge struck down their challenge last fall.

Bonnen and Seliger said Combs had no business running endangered species policy, and in 2013 the Legislature approved giving authority of the issue to the Texas Parks and Wildlife Department. But then-Gov. Rick Perry vetoed the bill.

Later that year, fights continued over the lesser prairie chicken — a bird with a funny mating dance whose Texas Panhandle grassland habitat is disappearing. With the backing of big oil companies, Combs nearly derailed a landmark regional conservation plan for the bird. Texas ultimately entered into the plan with four other Western states.

In an interview, Combs said the Texas Parks and Wildlife Department "has a very important role to play. What they don't have as an obligation is to look at the economic impact." That's where her efforts came in, Combs said.

"I'm thrilled with what Glenn Hegar's doing," she added. "I'm also thrilled by the work we did."

Hegar said he doesn't plan to take charge of conservation plans, as the comptroller's office did for the dunes sagebrush lizard.

Instead, Hegar wants to focus "on the facts." Gulley will direct dollars for research on threatened species to universities — the Legislature gave the comptroller $5 million for that purpose in 2013, and is considering giving another $5 million this year — and seek public input on how the state should protect species.

"I believe the development of good science is really going to be central," Gulley said in an interview. "We're here to assist and educate." Hegar said that even the federal government knows little about some of the animals it is considering protections for, so Texas needs to fill in the research gap.

And while many Texas Republicans have blasted endangered species protections as federal overreach, Hegar and Gulley want to stay away from the politics. "Right now, the Endangered Species Act is the law of the land. And that's the reality we're working in," Gulley said.
A San Antonio native, Gulley has a Ph.D. in anatomy and did neurobiology research at the National Institutes of Health. But by his early 30s, he found himself more passionate about science policy. That led him to law school and a prestigious job defending the United States from endangered species lawsuits at the Justice Department.

When he left in 2007 to direct the implementation of the Edwards Aquifer protection plan, Gulley became known for getting diverse interest groups to work toward a common goal. He brought together the Sierra Club, the city of San Antonio, farmers and river authorities.

"We got stumped several times, and he helped pull us through that," said Jerry James, director of intergovernmental relations for the city of Victoria. The South Texas city's water source is the Guadalupe River, which relies on Edwards Aquifer-fed springs.

Gulley "was someone we could get along with," James said, but also "someone that would be a leader and not let this diverse group push him around."

Gulley will surely put those qualities to use in his new job. For instance, monarch butterflies – whose migration cuts through Central Texas – need the milkweed plant to survive. But milkweed is a pest for farmer's crops. And cities and industries need the same water that a variety of freshwater mussels under threat rely on.

"There's a real enthusiasm for Dr. Gulley. I think we need him," said Seliger, the state senator from Amarillo.

"Still doesn't explain what an environmental program is doing at the comptroller's office, but everybody's working well together, and it's that result that's most important."

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