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November 27, 2019

Oil & Gas EIS Project
Mr. Robert Potts
Natural Resources and Planning Team Leader
National Forests and Grasslands in Texas
2221 North Raguet
Lufkin, Texas 75904

Dear Rob,

The Houston Regional Group and Lone Star Chapter of the Sierra Club (Sierra Club) provide these additional scoping comments for the U.S. Forest Service (FS) oil/gas leasing environmental impact statement (OGLEIS) under the National Environmental Policy Act (NEPA) for the National Forests and Grasslands in Texas (NFGT).

There are more articles that the Sierra Club provides to the FS.

1. "U.N.: Climate pledges are not enough", James Osborne, Houston Chronicle, November 27, 2019.

This article says it all about why the FS should be concerned about climate change and address it in the OGLEIS: "World Leaders' efforts to shift away from fossil fuels and slow climate change are not going quickly enough to avoid environmental catastrophe".

2. "Texas manufacturing sector contracts", Erin Douglas, Houston Chronicle, November 26, 2019.

This article points out that how oil/gas has a significant impact on manufacturing in Texas and has depressed that manufacturing today.

3. "Big Oil looking to sell \$27 billion in global assets", Sergio Chapa, Houston Chronicle, November 25, 2019.

This article shows that hydraulic fracturing causes earthquakes and not just via wastewater injection disposal of hydraulic fracturing wastewater.

4. "Shell targets state-owned lands in the Permian Basin", Sergio Chapa, Houston Chronicle, November 25, 2019.

"When we try to pick out anything by itself, we find it hitched to everything else in the universe." *John Muir* ¹

This article documents there is mitigation for hydraulic fracturing that entails use of brackish water instead of freshwater and recycling of wastewater.

5. "Slump in drilling continues to sting frac sand industry", Sergio Chapa, Houston Chronicle, November 23, 2019.

This article documents how the slump in shale drilling has affected associated companies like those who provide sand for hydraulic fracturing.

These articles are provided by the Sierra Club to the FS to document how a comprehensive analysis of economic, social, and environmental factors with regard to oil/gas exploitation and climate change is needed in the NFGT OGLEIS.

The Sierra Club appreciates this opportunity to provide these additional initial scoping comments about the OGLEIS. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Brandt Mannchen".

Brandt Mannchen
Forest Management Issue Chair
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Port San Antonio project striving to get development right

CHRIS TOMLINSON
Commentary



Once a decade or so, a city's leaders have a chance to raise the community's standard of

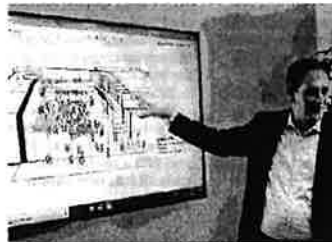
living by redeveloping a significant piece of land, but all too often, our politicians fall short by mistakenly focusing on economic development.

Creating private wealth is not synonymous with promoting a population's well-being. Texas has led the nation in jobs, construction and investment, but still ranks poorly for education, health and wages. Thousands of people move here for opportunity, while many natives see little

benefit.

San Antonio's redevelopment of the old Kelly AFB is a chance to get it right. The latest proposal to build an Innovation Center at what's now called Port San Antonio is a step in the right direction.

"It needs to be our goal to make sure that we're fundamentally working on lifting up the community and all of San Antonio," said Jim Perschbach, Tomlinson continues on B9



Jim Perschbach, Port San Antonio CEO, shows an illustration for an open floor of an upcoming innovation center.

Daniel Carde
Contributor

BUSINESS

HOUSTON CHRONICLE • WEDNESDAY, NOVEMBER 27, 2019 • SECTION B ★★

◆ **DOW:** 28,121.68, up 55.21, (+0.2%) | ◆ **S&P:** 3,140.52, up 6.88, (+0.2%) | ◆ **OIL:** \$58.41, up 40¢, (+0.7%) | ◆ **NATURAL GAS:** \$2.533, down 5¼¢, (-2.0%)

ENERGY

Ex-Chevron CEO: Oil and gas here to stay



"I was at Chevron 38 years, and I saw oil prices fall so percent five times," said former Chevron CEO John Watson.

U.N.: Climate pledges are not enough

Report warns that emissions must drop or disasters will rise

By James Osborne
STAFF WRITER

WASHINGTON — World leaders' efforts to shift away from fossil fuels and slow climate change are not going quickly enough to avoid environmental catastrophe, the United Nations said in a report Monday.

Considering current emissions and the existing pledges by individual countries, the Earth's temperature would rise by almost six degrees Fahrenheit, far beyond the 3.6 degrees Fahrenheit goal set at the Paris meeting on climate change in 2015. To avoid that scenario — which scientists predict will lead to deadly heat waves and flooding, among other effects — nations will need to increase their pledged carbon reductions five fold between 2020 and 2030, read the UN's annual Emissions Gap Report.

"For 10 years, the Emissions Gap Report has been sounding the alarm — and for 10 years, the world has only increased its emissions," U.N. Secretary-General António Guterres said in a statement. "There has never been a more important time to listen to the science. Failure to heed these warnings and take drastic action to reverse emissions means we will continue to witness deadly and catastrophic heatwaves, storms and pollution."

Despite significant shifts away from coal in recent years, global

Eric Piermont / AFP/Getty Images

By James Osborne
STAFF WRITER

John Watson stepped down as CEO of Chevron last year at the age of 61. Now, settling into retirement in California, he was recently awarded the American Petroleum Institute's highest honor, the Gold Medal for Distinguished Achievement, for "exceptional leadership and service to the natural gas and oil industry, their community, and the nation." In between board meetings at the agriculture

Watson isn't worried about the state of the industry and says energy companies can adjust to future hurdles

giant Cargill and the University of California-Davis – and the occasional round of golf – Watson sat down to talk about the industry and his place in it. Edited excerpts follow.

Q: You retired last year, but play CEO for a moment. Oil is stuck between \$50 and \$60 a barrel today, and with all this new supply

coming online in Brazil and Guyana, analysts are projecting prices could go even lower. If you were still running an oil company, would you be worried?

A: I was at Chevron 38 years, and I saw oil prices fall 50 percent five times. We're in a commodity business. Demand is fairly predictable,

but where supply and demand get out of balance, you can see sharp increases and sharp decreases. Companies have to earn a good return, or they'll moderate their investments and supply and demand will come back into balance. And I think we're seeing that. It's still a big, growing business, but low prices impact investments all over the world, not just the United States.

Q: When you retired, you posted a retirement note
Watson continues on B9

emissions continue to rise, with the world's 20 richest nations responsible for about three-fourths of the world's emissions of carbon dioxide and other greenhouse gases that contributing to global temperatures.

Last year energy-related carbon dioxide emissions in the United States rose by 3 percent to more than 5.2 billion metric tons, driven by increased natural gas demand during an unusually hot summer and cold winter, along with rising gasoline demand due to the strong economy, the Department of Energy said Monday.

Likewise, in China, now the world's largest emitter of greenhouse gases.
Climate continues on B9

You can beat the chaos of Turkey Day traffic

By Gwendolyn Wu
STAFF WRITER

If you love Houston traffic (said no one ever), you're going to love it even more on Thanksgiving.

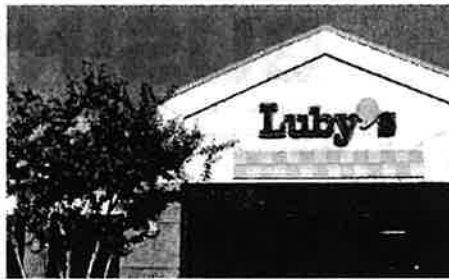
You may have last-minute Thanksgiving plans that require flying to see family, or Friendsgiving was moved to someone's house in Willowbrook and they expect you to get across town from Eastwood that morning.

Travel experts also think Wednesday afternoon will just be a sea of red.
How To continues on B8



Luby's plans to outsource key staff

By Paul Takahashi
STAFF WRITER



Melissa Philip / Staff photographer

In a cost-cutting move, Luby's will outsource accounting, payroll and some operational staff early next year.

Luby's, an iconic Texas cafeteria chain known for comfort foods such as the LuAnn Platter, is outsourcing some of its administrative staff in its latest cost-cutting move to turn around its struggling restaurants.

The publicly traded Houston company said Tuesday it would outsource 15 accounting, payroll and operational reporting staff to a "leading multi-unit restaurant outsourcing firm" by the first quarter of 2020. Luby's executives did not disclose to
Luby's continues on B9

BUSINESS

CLIMATE

From page B8

house gases, emissions are estimated to have increased 2.3 percent last year. Now the U.N. is saying the world needs to begin reducing emissions starting next year, at a rate of almost three percent per year for the next decade.

"U.S. emissions are down 13 percent since 2005, which is about 1 percent a year, and frankly that's without trying very hard," said Elliot Diringer, executive vice president at the Center for Climate and Energy Solutions, a think tank focused on climate change. "With stronger policy we can rapidly accelerate the reduction."

To date much of the emissions reductions in the United States and Europe has come from shifting from coal-fired electricity to wind and solar energy, along with natural gas. The oil and gas sector has increasingly pledged to cut emissions from its op-

erations by reducing amount of methane burned off, or flared, during oil and gas drilling and developing more efficient fuels.

"We're committed to being a part of the global solution, playing a vital role in developing technology aimed at reducing emissions while alleviating poverty and meeting growing energy needs around the world," said Bethany Aronhalt, spokeswoman at the American Petroleum Institute.

But such efforts will likely only take the world so far. And reducing emissions to the degree prescribed by the UN would almost certainly mean reducing reliance on petroleum-based fuels, at a time demand for automobiles in developing nations is expected to rise.

So far, there is little indication governments are willing to shift away from gasoline and diesel at a time electric vehicles have yet to prove themselves on a large scale.

President Donald Trump has pulled the United States from the Paris agreement, and China's climate pledge allows emissions there to continue rising through 2030. Only five countries in the G20 have pledged to get to zero emissions, according to the U.N., despite scientists warnings the world has three decades to do so to avoid the worst consequences of climate change.

That reality has helped drive climate protests around the globe in recent months, ahead of the next climate summit in Madrid next month.

"To world leaders we say: It is time to stop the expansion of the fossil fuel industry immediately," May Boeve, chief executive of the activist group 350.org said in a statement Monday. "Not a single new mine can be dug, not another pipeline built, not one more well dropped into the ocean."

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Greg Baker / AFP via Getty Images

World leaders' efforts to shift away from fossil fuels, reduce carbon emissions and slow climate change are not going quickly enough, the United Nations says.

WATSON

From page B8

on LinkedIn that described the "tremendous adversity" felt in the oil industry during your tenure as CEO. Do you expect your successor to have an easier go of things?

A: I don't think anyone in any industry is preparing for an easy time. The pace of change, whether it's the geopolitics, technology, or the political changes here and elsewhere, is incredible. The best companies are those that prepare for the adversity. You don't know where it's going to come from, but you have to invest through the cycle and take a long-term view of our business. Ours is a vital business that's going to be around for a very long time. You don't plan for things to come out exactly as you anticipate because that's never the case. It's a very humbling business.

Q: Was there a time you felt particularly humbled?

A: When Chevron made \$26 billion one year and a couple years later made

zero, I was pretty humbled. We didn't expect prices to stay as high as they were but came down much more sharply than we anticipated. We were prepared for it in that we had a strong balance sheet, and with some adjustments to our activity, we were able to withstand it. When you're making \$26 billion a year, it's easy to feel good about what you're doing, but in many ways our company and our people responded very well when earnings weren't as strong.

Q: Looking longer term, as society starts to shift toward lower emission sources of energy to address climate change, what does the future of the oil and gas industry look like? Shell's CEO Ben van Beurden has predicted demand could peak by 2030. How would the industry handle that outcome, considering Wall Street's demands on growth?

A: If, ultimately, combined demand for oil and gas declines, we will see that decline coming a long way out. If we're oversupplied, we'll adjust our investment, and natural declines will take place. If



"It's a very humbling business," John Watson says.

there are advancements in the technology that allow for more rapid turnover in the energy mix, we'll adjust to that as well. I'm confident oil and gas will be around for a long time. We can do our business in a more efficient fashion and get attuned to the things that are a concern for the environment, like venting and flaring. Ultimately, I think of our business as a critical one for mankind. Light, heat mobility, mechanized agriculture, so quite literally the clothes we wear, the food we eat, requires affordable energy.

Q: Some in the industry are looking to expand

their companies outside of oil and natural gas to less carbon intensive forms of energy, such as wind and solar power or biofuels. Do you think the industry is capable of making that sort of drastic shift?

A: If you go back 30 or 40 years, there were people that thought the hard rock mining business would be a natural thing for us to do. But it's very different. When I was at Chevron, I didn't have a view we have a competitive advantage in making wind mills and solar panels. There are some areas of biofuels manufacturing that

could potentially supply a lot of fuel, but doing it on a competitive basis requires a lot of work. Chevron and a lot of others have tried to crack the code on advanced biofuels, but it's proven very difficult to do at scale.

Q: Chevron was in the headlines earlier this year when it tried to take over Anadarko Petroleum, a bid it ultimately lost to Occidental. Where does that leave Chevron?

A: Look, I don't speak for Chevron anymore. That's something you'd have to speak to Mike (Wirth) or the company about. I'm going to pass on the M&A.

Q: You joined Chevron right out of business school and spent your entire career with the company, something that's becoming increasingly rare among modern workers. How do you think this trend toward a more transient workforce works out for companies and the individual workers?

If you think about a company like Chevron, it's a long-cycle business, so you want your employees to have a long-term orientation and to make deci-

sions that endure. And when you're changing jobs within a company, you're building equity not only in the company but in your relationships. The challenge for the company is to continue bringing in new blood with new ideas and different ways of looking at things. Young people today are looking to belong, and I think you can continue to have that long-term model. But in many industries it doesn't work that way.

Q: I could keep asking you questions, but is there anything else you felt like getting off your chest?

A: We're living in a pretty polarized world these days, and something I always try to encourage API to do is be active in dialogue, particularly with people with views different from our own. The idea our industry shouldn't be around isn't well-grounded, if you want people to have a good standard of living. One of the things I enjoyed most was talking to reporters and editorial boards. I liked the sparring, but I also tried to be respectful. I hope to do more of it, but maybe that's just a retiree speaking.

TOMLINSON

From page B8

president and CEO of Port San Antonio, a publicly supervised, but independent development authority. "What we need to do is provide opportunities for the people in the community."

Port San Antonio, on

high-end housing, and let the market push the poor people somewhere else.

Anyone who follows real estate in Austin or Dallas has seen that movie. Houston's Midtown is headed in that direction with Rice University's plan to turn the former downtown Sears into a tech hub.

Perschbach said private developers urged him to

in the past 18 months, and what we're going to have to do as a community is make sure that we're creating pathways and opportunities for people to fill those jobs and fill those careers," Perschbach said.

Deep roots

Port S.A. is working in partnership with American Triple I Partners, a

LUBY'S

From page B8

which company it would outsource those positions.

"We still have a lot of work to match up our corporate overhead and other costs to the size of our organization," Chief Executive Chris Pappas said in a conference call with analysts

the past year to fund operations and pay down debt. The company is carrying \$35.9 million in debt, and reported unrestricted cash on hand of \$20.7 million.

In addition to outsourcing some of its administrative staff, Luby's slashed its selling, general and administrative expenses by \$4.6 million in 2019, or approximately 12 percent

maximize shareholder value, which could include a possible sale of the company. Pappas on Tuesday said the committee is still considering strategic alternatives, and he did not elaborate.

The restaurant chain plans to continue its turnaround efforts as it considers strategic alternatives. It is now focused on training

the Southwest Side, shares a runway with Joint Base San Antonio-Lackland. Defense contractors work on government aircraft, but most of the old base is empty. Perschbach's job is to attract companies and develop a high-tech ecosystem.

In recent columns, I've written about two successful companies at Port S.A. — the computer vision start-up PlusOne Robotics and the cybersecurity company CNF Technologies. There's room for many more.

Just outside the fence line is an impoverished neighborhood and the Edgewood Independent School District.

Edgewood is most famous for suing the state in 1984 and triggering the so-called Roblin Hood school finance program. In 2016, the Texas Education Agency placed the district under state management due to persistently poor performance.

The 'typical move'

Typically, a vast space next to an impoverished neighborhood in a fast-growing city is a recipe for gentrification. Many civic leaders would have thrown tax incentives at major corporations, encouraged construction of

build housing at Port S.A. and attract new residents. But instead, he and the board are considering plans for an international esports arena, a co-working space, a new home for the San Antonio Museum of Science and Technology, as well as restaurants and other amenities for both port workers and the neighborhood.

Today, the museum is in an old chapel. There's only one restaurant on Port S.A. property.

"We've got thousands of people on this property, some of them very young, some not so young, and right now they really don't have a place to go and socialize," Perschbach said. "Creating something that attracts people from the neighborhoods, you are showcasing not only what's being done on this property, but the opportunities that are available."

Getting poor children to visit the museum, see and play esports or just eat a slice of pizza is critical to opening their eyes to jobs that their parents may not know exist. Businesses at Port S.A. already are working with local schools to promote science, technology, engineering and mathematics.

"We've added almost 3,000 jobs on this campus

new company started by people with deep San Antonio roots, to create the Innovation Center. Port San Antonio — which survives on lease income and not taxes — is obligated to act in the public good.

Relocating workers from other parts of the country might be simpler, but failing to develop a qualified, local workforce along with the land would make the project a failure. If the majority of Port S.A.'s neighbors lose their homes to gentrification, the redevelopment will have done more harm than good.

Pure economic development is about generating wealth by the most expedient means. But redeveloping public land must concentrate on improving the community's wealth, health and comfort.

Port San Antonio has a monumental task. Still, with thoughtful leadership and public scrutiny, it can generate an economic tide that lifts all boats and sets a statewide example.

Tomlinson writes commentary about business, economics and policy.
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Tuesday morning. "We hope to realize additional cost savings over time moving forward."

The outsourcing comes as Luby's reported a net loss of \$15.2 million on revenue of \$324 million for the fiscal year ended Aug. 28. Although revenue fell by 1.4 percent year over year, the company was able to cut its net loss by more than half from the year earlier.

Luby's culinary division, which provides meals to hospitals, offices, senior living facilities, stadiums and grocers, saw its revenue grow by 24 percent year over year to \$31.9 million.

However, overall same-store restaurant sales fell by 4.2 percent year over year as the company continued to struggle to draw diners into its restaurants amid growing competition from fast-casual restaurants and changing consumer tastes.

Same-store sales fell 2.9 percent at Luby's Cafeterias and by 7.5 percent at Fuddrucker's year over year. Guest traffic fell 1.1 percent at Luby's Cafeterias and by 3.8 percent at Fuddrucker's during the fourth quarter.

"We are not pleased with our same-store sales or guest traffic results," Pappas said.

Trimming the fat
Luby's has cut costs over

year over year, and reduced its capital expenditures to \$1.2 million, down from \$1.5 million last year.

Luby's, which owns most of its restaurants, closed 17 underperforming locations and sold five Fuddrucker's to an Austin-based franchisee in fiscal 2019. The company attributed \$2.3 million in net losses on revenue of \$19.1 million in fiscal 2019 to the 22 units.

During the past two fiscal years, Luby's has closed 39 underperforming restaurants and sold properties, generating \$35.9 million from real estate sales.

The company is planning to offload all of its non-Houston-based Fuddrucker's restaurants to franchisees, and it has set a target of generating a total of \$45 million through the sale of shuttered restaurants.

Luby's operates 119 restaurants, including 78 Luby's Cafeterias, 40 Fuddrucker's and one Cheeseburger in Paradise restaurant. The company also oversees 98 Fuddrucker's franchise locations across North America.

Considering options
Luby's last month formed a special committee of six independent board members and tasked it with considering several "strategic alternatives" to

and developing its restaurant employees, eliminated most of its coupons and e-mail discounts in favor of straight-forward pricing, and has increased its marketing budget to run online ads that emphasized the company's Texas roots.

"Our goal is the grow guest traffic through everyday value proposition," said Todd Coutee, Luby's chief operating officer.

Luby's also is increasingly focused on online ordering, third-party delivery and curbside pick-up to drive sales.

The company recently partnered with Austin-based Favor Delivery, an H-E-B subsidiary, to offer on-demand delivery from nearly 80 Luby's Cafeterias across Texas and 16 Fuddrucker's restaurants in the Houston area. Customers can order online using Favor's website or mobile app, and have their meals delivered to their door in under an hour.

"We must now meet guests where they are," Coutee said. "We will continue to strive to deliver an outstanding product that our guests can enjoy at home or at work with little to no impact to their hectic schedules."

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BUSINESS

HOUSTON CHRONICLE • TUESDAY, NOVEMBER 26, 2019 • SECTION B ★★

● **DOW:** 27,783.59, up 92.10, +0.3% | ● **S&P:** 3,094.04, up 2.20, +0.1% | ● **OIL:** \$57.12, up 32¢, +0.6% | ● **NATURAL GAS:** \$2.600, down 2.1¢, -0.8%

Texas manufacturing sector contracts

Decline in activity is state's first since oil bust 3 years ago

By Erin Douglas
STAFF WRITER

Texas' manufacturing sector contracted in November for the first time since the end of the last oil bust more than three years ago, according to a survey of Texas business executives by the Fed-

eral Reserve Bank of Dallas.

Declining manufacturing activity in Texas reflects a broader industry slowdown across the nation and the world. Manufacturers have been hit particularly hard by the U.S.-China trade war, which has disrupted supply chains, raised costs and stoked uncertainty among business customers, which are holding off on new investment.

At the same time, the slowing energy sector is beginning to

trickle through the Texas economy as oil and gas companies cut capital spending plans and lay off workers. Oil and gas companies are big customers for Texas manufacturers, which make a variety of equipment and components for the energy sector.

The Dallas Fed's production index, which is a key measure of state manufacturing conditions, dipped into negative territory this month for the first time since June

Decline continues on B7



President Donald Trump talks to a worker during a tour of an Apple manufacturing plant last week in Austin.

Evan Vucci / AP

Icahn moves to seize control of board

By Scott Deveau
BLOOMBERG NEWS

Carl Icahn plans to nominate a slate of 10 directors in an attempt to seize control of the board of U.S. oil and gas producer Occidental Petroleum Corp., according to people familiar with the matter.

The billionaire investor, who owns a stake in the company valued at about \$1 billion, plans to make his move before the Nov. 29 deadline for nominations, said the people, who asked not to be identified because the matter is private.

A representative for Icahn declined to comment, while a representative for Occidental wasn't immediately available for comment.

Icahn has been a vocal critic of the company — and Chief Executive Officer Vicki Hollub in particular — over its \$37 billion takeover of Anadarko Petroleum Corp. completed in August. He has attacked the lack of a shareholder vote and the pricey \$10 billion financing the company obtained from Warren Buffett to get the deal done.

Occidental rose 1.2 percent in early pre-market trading in New York on Monday. The company has a market value of \$35 billion, or about \$2 billion less than what it paid for Anadarko.

Occidental's stock has slumped
Icahn continues on B7

Texas AG reaches deal over

HOUSTON HOW TO



Brett Coomer / Staff file photo

Holiday travel can be fussy, especially when security checkpoints cause a headache. Programs like TSA Pre-Check can speed you on your way with less time spent in line.

Going through TSA doesn't have to be slow

Holiday headache at the airport can be sped up with security clearance options

merger

By Taylor Goldenstein
AUSTIN BUREAU

Texas Attorney General Ken Paxton has reached a settlement with Sprint and T-Mobile over the wireless companies' merger, making the state the latest to drop out of a coalition of states fighting to kill the deal in an antitrust lawsuit.

The move comes just weeks before the issue is set to go to trial Dec. 9 in New York. A group of 14 states and the District of Columbia will argue that the \$26.5 billion deal between the two wireless providers will cause prices to go up and competition to go down.

Texas joins Mississippi and Colorado in dropping out of the lawsuit; those two states left in October. Without Texas, no Republican attorneys general remain in the coalition.

In a statement Monday, Paxton said the settlement prevents the merged company from bumping up prices for five years after the merger is complete. It also commits the company to building a 5G network throughout Texas, including in rural areas, for the next six years.

"Our objectives in joining the initial lawsuit were to protect Texans from unnecessary price hikes and to ensure that Texans living in both urban and rural areas will not get stuck with substandard service as the market for wireless telecom-

T-Mobile continues on B7

By Gwendolyn Wu
STAFF WRITER

Ask folks wandering Bush Intercontinental Airport about their biggest travel-related annoyance, and dealing with TSA will be a common response.

About 267,000 Texans are expected to fly to Thanksgiving destinations this year, according to AAA. With that many going through the TSA checkpoints at Bush Intercontinental Airport and Hobby Airport, the security lines will likely back up quickly.

But you might thank yourself during the holiday rush if you opt for one of the approved security clearance options at Houston's airports.



TSA without Pre-Check (\$0)

If you go through TSA like a normal passenger, you'll be expected to shuck your shoes, jewelry and belt, and remove electronics from your bag.

The wait spares no one. When I went through TSA recently, all I had on me was my work bag. I thought it'd go by quickly.

I made it through in about 11 minutes. What held me up during the process was when the TSA agent held onto my ID, questioning whether I knew that Real ID was being implemented next year and I would no longer be able to fly with this driver's license.

How To continues on B7

STATE YOUR CASE

State can step in when a parent lacks capacity

Q: My ex-wife is delusional, schizophrenic and lives alone out of state in deplorable conditions, sometimes with no utilities or food. Our son lives in Texas with me and struggles to help her out. She is now eligible for a teacher's retirement of \$800 per month, but she refuses to claim it arguing she is due "millions." She also refuses to sign a power of attorney or allow us to help. Can my son get a non-consent power of



RONALD LIPMAN

attorney or guardianship? If so, how?

A: There is no such thing as a non-consent power of attorney.

If your son wants to help his mother, he would either need to hire an attorney in the state where she lives and initiate a guardianship or conservatorship proceeding, or alternatively he could contact

adult protective services in the state where she lives.

It would seem that adult protective services would be the better option for your son because he probably doesn't want to spend thousands of dollars on attorneys' fees. Adult protective services should investigate her circumstances and living conditions, and then take steps to help her.

Q: I am the agent under my mother's power of attorney.

The bank will not recognize the power of attorney. First, they said her name doesn't match the account, and I would need a person who knows her to send a letter stating that she is the same person. We did that, and now the bank says that because it was signed in 2017, it needs to be updated before they will recognize it. She now has dementia and is in a nursing home and is not able to sign

Lipman continues on B7

BUSINESS

HOW TO

From page B1

"Well, you don't want to be sorry when it's a few more months from now and you need it," he said, handing my pass and ID back to me.

To avoid getting held up at TSA in the future, request a duplicate card online (and remember, you don't have to stand in line at DPS) if you have a non-Real ID card, or you will automatically be given a Real ID-compliant card when you renew. You can renew your Texas driver's license up to two years before its expiration.

When packing your luggage, travel experts advise putting your electronics and liquids (no bottles over three ounces, one quart-size bag per person) toward the top or near a zipper for easy access.

That includes snacks. If you want to sneak apple sauce into your bag for when in-flight pretzels don't cut it, make sure the package is under three ounces and clearly labeled, preferably in English, experts said.

"The main thing is for everything to be verifiable by the ounces on their original containers," said Ginger Davis, an AAA travel agent.

My mom ran into this problem earlier this month at Hobby Airport, when she'd packed a banh mi sandwich wrapped in white butcher paper to eat before the flight boarded. TSA asked her to step aside so

they could search the sandwich and verify the safety of the grilled pork, pâté and butter. (The sandwich, she later reported, was not worth the trouble.)

Planning what to wear to the airport – not to mention what will be comfortable on the flight – is also a wise choice.

"You want to wear comfortable shoes you can easily get off, try to avoid any bulky jewelry, belts, things like that," Davis said.

You can check the wait times for TSA checkpoints ahead of time for both airports on the Houston Airport System's website, clicking on your airport and then "Departures."

TSA Pre-Check (\$85)

For \$85, you can speed through TSA's security checkpoints every time you fly for five years. Shoes, jackets and jewelry can all stay on, and electronics can be kept inside the luggage.

It's a good option for frequent flyers, families with young children and older travelers.

The agency does a background check and fingerprinting when you apply. The online form is simple, but you do need to make an in-person appointment for fingerprinting and answering security questions.

TSA offers a map of Pre-Check enrollment locations on its website. Once you get Pre-Check, make sure you add your Pre-Check number to your flight reservations to be eligible to enter the special line. You should



Melissa Phillips / Staff file photo

AAA estimates 267,000 Texans will fly this year for Thanksgiving, meaning security lines are likely to back up with travelers.

apply for TSA Pre-Check at least a month before your planned travel date – it can take up to three weeks to get written notification of your approval after finishing the in-person appointment, but you can check the application status online.

Occasionally, a traveler gets lucky and is randomly selected for free TSA Pre-Check. When printing out a boarding pass 24 hours before the flight, the paper pass will indicate if the traveler's been selected for TSA Pre-Check.

A TSA spokesperson said new legislation requires the agency to limit the use of Pre-Check lanes to those who have enrolled in the program.

"As such, the likelihood

of non-enrolled passengers receiving TSA Pre-Check on their boarding pass has significantly decreased," TSA spokesperson Carrie Harmon said.

In October, 93 percent of TSA Pre-Check flyers waited less than five minutes at security, officials said. Doesn't that sound worth it?

TSA Global Entry (\$100), Nexus (\$50) and Senti (\$122.50)

For another \$15, you can get Global Entry and walk through security checkpoints internationally without fuss. It's the same thing as Pre-Check, except foreign nationals can also apply for the program, and it'll allow you entry by land or

sea, should you find yourself driving across the U.S.-Mexico border.

The U.S. Customs and Border Protection officials review your credentials, and like TSA Pre-Check, all three programs last for five years.

Nexus allows skip-the-line access at security checkpoints on the U.S.-Canada border, while Senti offers the same for the U.S.-Canada and U.S.-Mexico borders. Senti is particularly useful for frequent travelers coming and going to Mexico, as it allows the holder to use expedited lanes on border roads and pedestrian walkways.

Clear (\$179, discounts available)

Re-launched at Bush Intercontinental Airport this year, this biometrics-based program helps travelers clear security checkpoints a little bit faster. It's different from TSA Pre-Check: the program scans a traveler's eyes or fingerprints, checks the boarding pass and allows passengers to skip the photo ID line.

Frequent flyers with United Airlines can pay a discounted rate for an annual membership – up to \$70 off the \$179 price tag – or receive a free annual membership if they belong to the Premier 1K club.

On United's website, Clear says it thoroughly safeguards the data it collects.

"Such practices include, but are not limited to, encryption at rest and in transit, firewalls, multi-factor authentication, personnel security, privacy and security training, and intrusion detection and data leakage tools," the website said.

Because Clear is only in use with United Airlines in Houston, don't buy it if you don't frequently fly with the airline. But if you're going to spring for it, you should also get TSA Pre-Check. Clear will get you through the documents side; TSA Pre-Check will speed you through security.

"In general, we think Clear and Pre-Check are great complements for one another," said Rachael Rivas, a United spokesperson.

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Associated Press file photo

Ken Paxton reached a deal with Sprint and T-Mobile.

T-MOBILE

From page B1

munication services evolves to adopt new standards of technology with the power to transform the Texas economy," Paxton said. "This agreement achieves those objectives."

The agreement also requires that Texans employed by either of the two companies maintain similar employment under the new company.

T-Mobile had already promised federal regulators that there will be a national 5G network and that prices will remain steady for three years.

as a smaller wireless provider to compete with Verizon, AT&T and the combined T-Mobile/Sprint company.

T-Mobile CEO John Legere welcomed the "incredible news" in a tweet Monday: "Texas knows that the #NewT-Mobile will create jobs and deliver 5G to rural areas of the state and beyond!"

New York Attorney General Letitia James, who is leading the lawsuit along with California, said the settlement in Texas does not alleviate their concerns about the nationwide effect of a merger.

"The megamerger of T-Mobile and Sprint will reduce competition in the mo-

DECLINE

From page B1

2016, just four months after oil prices bottomed at about \$26 a barrel. The index dropped to negative 2.4; positive readings indicate an expansion, negative readings a contraction.

The national manufacturing sector has been contracting since August, according to the Manufacturing ISM survey, a well-regarded gauge of national manufacturing conditions.

Tariffs, man

Manufacturing activity in the state and in Houston has slowed for much of the year, according to the Dallas Fed's survey. The industry rebounded briefly in the summer, when reports indicated that the trade talks between the U.S. and China might result in a deal. But in late August, China announced it would impose additional retaliatory tariffs against \$75 billion worth of U.S. goods, and tensions escalated again.

"There was a little bit of a break where it seemed like some of the uncertainty was being resolved and

which operate within tight margins. Many small companies, facing fierce competition at home and abroad, have found it difficult to pass the cost of the tariffs on to their customers.

One survey respondent in chemical manufacturing wrote in this month's report that tariffs continue to be hard to pass on to customers. Another chemical manufacturer wrote that one of their customers permanently shuttered a plant to move production overseas.

A handful of Houston-area manufacturers have announced cutbacks or closures in recent months amid the rising costs of steel tariffs.

United Structures of America, a Houston metal fabrication and engineering company, closed its Houston plant in September, resulting in 73 layoffs, and blamed the tariffs in addition to other "crippling" business conditions. Cookware manufacturer Tramontina cut 100 jobs from a facility in Sugar Land in September, blaming in part the increased cost of aluminum and steel

facturing contraction in November, said Kerr.

In Texas, a significant portion of the manufacturing sector is tied to the energy sector; for example, local manufacturers often build equipment for the oil and gas industry, such as pipelines.

The continuing trade war between the United States and China has contributed to a global economic slowdown, which in turn has depressed energy demand and oil prices, which remain stuck in the \$50 to \$60 a barrel range. That is barely enough for many oil companies to make money, which has led several to cut spending on big-ticket items such as equipment.

Oil settled Monday at \$58.01 a barrel in New York.

"(Manufacturing) is more susceptible to energy shocks than the service sector," Kerr said. "That weakness in the energy sector certainly impacts manufacturing."

The energy sector's troubles have caused at least one steel manufacturing company, TimkenSteel Corp., to shutter a Houston plant after nearly 50 years

and political uncertainty this month as opposed to previous months.

Executives are worried about tariffs and political gridlock in Washington as legislation important to the industry, such as passage of the new U.S.-Mexico-Canada trade agreement, remains in limbo, said Rey Chavez, president and CEO of the San Antonio Manufacturers Association.

Company leaders are also struggling to find employees with the right skills. While training programs are helping, manufacturers are battling people's perception of industry.

"People think manufacturing jobs are not sexy, not clean," he said. "That's hard to believe because it's changed so much (with automation)."

Despite the contraction, the surveyed executives said they were optimistic about future business conditions. The majority of respondents said they expect manufacturing activity to recover six months from now because they believe a U.S.-China trade deal will be reached by then and business will rapidly increase.

The Justice Department and the Federal Communications Commission approved the merger in July after the companies agreed in a separate \$5 billion deal to divest themselves of their prepaid mobile phone businesses and spectrum and to give them over to satellite TV provider Dish, setting it up

ble marketplace," James said in a statement. "There is no doubt that this merger remains bad for consumers, bad for workers and bad for innovation, which is why we remain committed to litigating this matter."

The Associated Press contributed to this report.

trade talks were underway," said Emily Kerr, a senior business economist for the Dallas Fed.

A Dallas Fed survey earlier this year found that tariffs on materials such as steel and aluminum are shrinking orders, raising costs and cutting into profits for manufacturers,

due to the tariffs.

Tied to energy

The last time the state's manufacturing sector contracted was in 2016 on the heels of the oil bust, according to the survey. The slowdown in the energy sector in recent months is likely in part to blame for the manu-

in operation, the company said last week.

The road to 2020

Political uncertainty with the upcoming 2020 presidential election is also weighing on the minds of executives, the survey found. There were several comments about the elec-

"We have a fairly strong economy," Kerr said. "Yes we have trade issues and labor constraints. But they're not seeing a bunch of red flags going forward."

Madison Ister contributed to this report.

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ICAHN

From page B1

41 percent since its interest in Anadarko was first reported in April, wiping out about \$15 billion of shareholder value. The company is the seventh-worst performer in the S&P 500 index this year.

In a Nov. 8 letter explaining his decision to launch a proxy fight, Icahn said the merger made "no sense" to anyone other than Hollub and certain members of the board, who he said "grossly overpaid" for Anadarko to avoid becoming a takeover target themselves.

Icahn has argued Occidental should launch a strategic review, including a potential sale of the combined company, once the Anadarko deal was completed.

"I believe it has become apparent — perhaps to everyone except Hollub and her board — that OXY's mas-

sive Anadarko gamble is seriously jeopardizing the company's future value," Icahn said in the letter, referring to Occidental by its stock symbol.

Houston-based Occidental said this month it plans to cut spending by 40 percent next year and accelerate asset sales in order to pay down debt and protect its dividend, both of which Hollub described as her "top priorities." The company said it's on track to exceed the upper end of its \$10 billion to \$15 billion asset plan by the middle of 2020, six months ahead of schedule.

Icahn isn't alone in his criticism of the Anadarko deal and its impact on Occidental. Phil Gresh, an analyst at JPMorgan Chase, has questioned whether Occidental is doing enough given its spending obligations and debt burden.

"Bottom line, we believe there is 'no easy way out' of



Karsten Moran / New York Times

Carl Icahn, the billionaire investor, owns a stake in Occidental Petroleum Corp. worth about \$1 billion.

this financial predicament, absent a higher oil price case or a dividend cut," Gresh said in a note to clients Friday.

The question remains whether Icahn will be able to drum up enough support from fellow investors to take control of the board. His effort earlier this year to add four directors fizzled.

While his stake is relatively small, Icahn might find he has allies in the shareholder

base, said Vincent Piazza, a senior analyst at Bloomberg Intelligence. Institutional investors are increasingly seeking a say in the direction of the company in terms of governance and other issues, he said.

"It's a 'show me' story," Piazza said. If Occidental misses any of its financial or operational targets, "I think you'll definitely find a chorus of opposition and activists growing more vocal."

LIPMAN

From page B1

another one. What are my options?

A: For years, banks routinely refused to accept powers of attorney which were presented to them, often claiming the powers of attorney were more than 90 days old. Of course, the whole point of signing a power of attorney is to allow someone to handle your business affairs years after you sign the form.

That led to a change in Texas law as of Sept. 1, 2017.

As of that date, a bank (and any other business) must accept a power of attorney unless one or more grounds exist which justify their refusal. The list is too long to summarize here, but you can read it online by searching Sec-

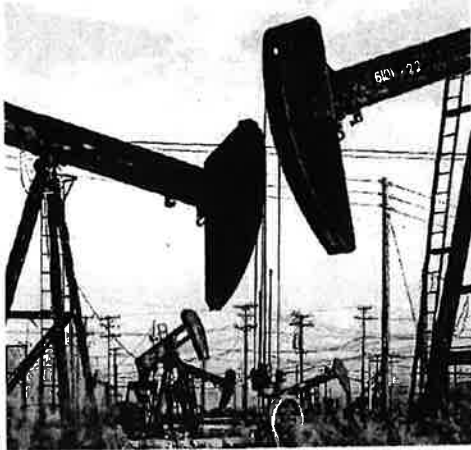
tion 751.206 of the Texas Estates Code.

At this point you should consider hiring an attorney to help you force the bank to accept the power of attorney. You might want to start by calling the attorney who drafted the document for your mother.

The information in this column is intended to provide a general understanding of the law, not legal advice. Readers with legal problems, including those whose questions are addressed here, should consult attorneys for advice on their particular circumstances. Ronald Lipman of the Houston law firm Lipman & Associates is board-certified in estate planning and probate law by the Texas Board of Legal Specialization. Email questions to stateyourcase@lipmanpc.com.

FUEL FIX

Study blames some fracking practices for Eagle Ford earthquakes



Getty Images file photo

Another study has linked oil and gas activity to earthquakes.



Associated Press file photo

A solar powered seismic monitor. Another study has linked oil and gas activity to earthquakes.

By Sergio Chapa
STAFF WRITER

Earthquakes caused by hydraulic fracturing are more common in the Eagle Ford Shale of South Texas than previously thought, according to a new study.

Researchers with Miami University in Oxford, Ohio, and the U.S. Geological Survey analyzed more than 2,800 earthquakes recorded in the South Texas shale play between 2014 and 2018.

In a recently published study, the researchers said that more

than 2,400 of those earthquakes could be linked to hydraulic fracturing activity and that certain industry practices were more likely to trigger them. Earthquakes were twice as likely to happen when operators simultaneously injected fluids into multiple nearby wells compared with when they injected fluids into multiple wells one at a time, the researchers determined.

Out of the 2,823 earthquakes analyzed in the study, only 121 of them registered above a magnitude 2.0 on the Richter scale, which would have been strong enough to be felt by some close

to the epicenter.

The Miami University study was released a month after researchers with the University of Texas at Austin published a study that linked hydraulic fracturing to some earthquakes in the Permian Basin of West Texas.

TexNet was created by the Texas Legislature in 2015 to study the growing number of earthquakes around the state and their relation to oil and gas drilling. TexNet, funded by the state and housed at UT Austin, has nearly 60 seismographs deployed across the state. Its

research arm, the Center for Integrated Seismicity Research, or CISR, is funded by the state in partnership with companies such as Chevron, Exxon Mobil and Shell.

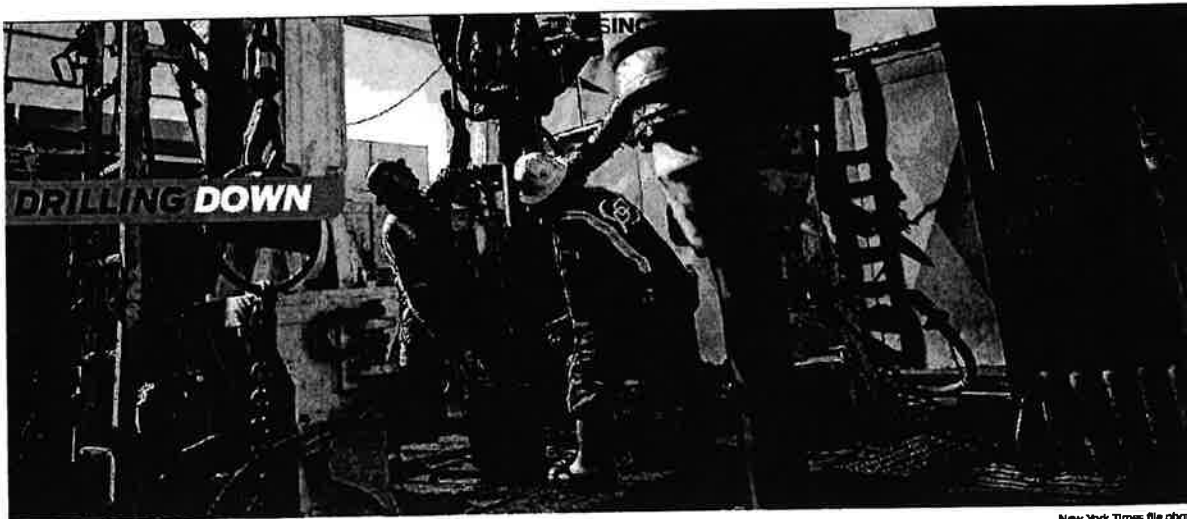
Previous studies blamed the shale play earthquakes on an industry practice of injecting oil field wastewater deep underground. Those studies prompted the Railroad Commission of Texas, the state agency that regulates the oil and natural gas industry, to enact stricter rules and regulations for saltwater disposal wells.

Todd Staples, president of the

Texas Oil & Gas, a trade group, said his organization created a committee that allows members to work with seismologists, geologists and regulators to address the issue of earthquakes.

"The oil and natural gas industry is actively working to mitigate impact through recommended practices including pre-completion risk assessment, proper monitoring, and mitigation protocols," Staples said in a statement.

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New York Times file photo

Floorhands work on a drilling rig contracted to Shell near Wink. Three of Shell's new wells were filed on a pair of leases managed by a state-owned mineral rights firm.

Shell targets state-owned lands in the Permian Basin

By Sergio Chapa
STAFF WRITER

European oil major Royal Dutch Shell filed for six horizontal drilling permits with the Railroad Commission of Texas for projects on five leases split between Winkler and Loving counties in the Permian Basin.

Half of those wells target the Wolfcamp geological layer while the others target the Bone Spring formation. Total drilling depths of the projects range from 10,000 to 12,300 feet.

Three of the wells are on a pair of leases in Winkler County managed by the state-owned mineral rights company University Lands. Royalties from those three wells will go to the Permanent University Fund, or PUF, a public account supporting the

Top 10 Texas drillers

(Wednesday, Nov. 6 through Tuesday, Nov. 19)

Chevron: 25
EOG Resources: 22
Occidental Petroleum: 21
ConocoPhillips: 20
Diamondback Energy: 18
Pioneer Natural Resources: 18
CrownQuest Operating: 18
Oasis Petroleum: 16
Encana: 16
Endeavor Energy Resources: 14

SOURCE: RAILROAD COMMISSION OF TEXAS

University of Texas and Texas A&M University systems.

University Lands encourages oil and gas companies on its leases to use brackish water instead of freshwater for drilling and fracking operations. It also encourages operators to recycle their wastewater.

That approach appears to resonate with Shell's environmental practices. Nearly one-third of the company's 123 drilling permits filed in Texas this year have been on state-owned leases in the Permian Basin.

Permian Basin

California oil major Chevron has filed for 25 drilling permits. Five wells in Ward County target the Wolfcamp formation at a total depth of 12,000 feet while 20 in Midland County target the

Spraberry formation at total depths ranging from 9,500 to 10,000 feet.

Eagle Ford Shale

Humble-based Valence Operating Co. is planning to drill six horizontal wells on three leases in Atascosa County. The wells target the Eagleville field of the Eagle Ford geological layer at total depths ranging from 8,900 to 9,000 feet.

Haynesville Shale

Houston exploration and production company Rockcliff Energy is planning to drill a new horizontal well on its Stratocaster-Stacy HV Unit lease in Harrison County. The gas well targets the Carthage field of the Haynesville shale formation down to a total depth of 12,000 feet.

Barnett Shale

Tulsa, Okla., exploration and production company Sage Natural Resources plans to drill four new horizontal wells on its Blanton lease in Wise County. The wells target the Newark East field of the Barnett formation down to a total depth of 12,000 feet.

Conventionals

Not every company in the Permian Basin is drilling horizontal wells. Midland oil company Blackbeard Operating plans to drill seven vertical wells on four leases split between Crane and Winkler counties. Five of the wells target the Monahans North field while two target the Armer field. Drilling depths range from 7,000 to 9,000 feet.

Ikea buys swath of East Texas timberland

By Paul Takahashi
and R.A. Schuetz
STAFF WRITERS

Ikea said Friday it had acquired 42,000 acres of forestland in East Texas to source wood for its furniture.

The Swedish furniture giant said the acquisition, coupled with the recent purchase of 18,000 acres in Southeast Oklahoma, nearly doubled its U.S. forestry portfolio to 25,000 acres. The retailer declined to share financial details of the transactions.

"We are committed to manage our forests in a sustainable way, with proper care for people and (the) environment, and at the same (time) meeting our business objectives," Krister Mattsson, a managing director with Ikea's parent company, said in a statement.

Ikea's timber holdings already included 64,000 acres in Texas, Alabama and South Carolina, including 22,000 acres in the piney woods of Jasper, Orange, Newton,

Ikea continues on B6



Michael Cuglo / Staff photographer

Frac sand suppliers have been hit by the slowdown in drilling activity.

Slump in drilling continues to sting frac sand industry

By Sergio Chapa
STAFF WRITER

Falling demand, abundant supplies, lower prices and increased competition are hitting the frac sand industry as it contends with a slowdown in the nation's shale oil and gas fields.

Katy sand products compa-

ny U.S. Silica said Friday that it will idle two sand mines and cut 230 jobs, or about 10 percent of its workforce. With crude oil prices stubbornly stuck in the \$50 to \$60 per barrel range, many exploration and production companies are cutting back on their drilling and hydraulic fracturing operations.

Sand is a critical component

of the horizontal drilling and hydraulic fracturing processes. It is mixed with water and chemicals and pumped into wells at high pressure to crack geological formations. The sand props open fissures that allow the oil and gas to flow into the well.

In a statement, U.S. Silica

Sand continues on B5

Developer planning luxury units in new tower

By Nancy Sarnoff
STAFF WRITER

Randall Davis has finalized plans to build a high-end condominium tower in the River Oaks area, the Houston developer's newest towering addition to the urban landscape.

Davis, whose most recent project was Arabella, a contemporary structure on San Felipe with glass balconies and a spa-like indoor pool, said the design for his new building will have a more classic style.

The planned 25-story tower, to be built at the southeast corner of Westheimer and Eastgrove, just east of Wesleyan, will be constructed in white limestone with black and gold accents.

Davis and his daughter, Natalie Davis, the company's creative director, said they found inspiration

Tower continues on B6

BUSINESS

HOUSTON CHRONICLE • SATURDAY, NOVEMBER 23, 2019 • SECTION B ★★

◆ **DOW:** 27,875.62, up 109.33 (+0.4%) | ◆ **S&P:** 3,110.29, up 6.75 (+0.2%) | ◆ **OIL:** \$57.77, down 81¢ (-1.4%) | ◆ **NATURAL GAS:** \$2.67, up 9.8¢ (+3.8%)

Market staying hot, but it's 'nervous,' too

Though optimism brings records, there is uncertainty on '20

By Heather Long
WASHINGTON POST

The U.S. stock market hit record highs this week as a stunning surge of optimism has flooded Wall Street and fears of an imminent recession have all but disappeared.

The market "melt up" is driven by three main factors: Belief that the trade war has peaked, that

there won't be a U.S. — or global — recession in 2020 and that the Federal Reserve has the market's back. Investors are making a bet that corporate profits will be a bit better next year than this year. They see a future where U.S. consumers keep spending and businesses start investing again as the economy stabilizes and President Donald Trump hits pause on any more tariffs.

The three main stock indexes hit their peaks early in the week, retreated slightly, but regained momentum Friday morning. The

stock market is effectively at its highest level in U.S. history, a phenomenon the White House has openly cheered.

"I am of the opinion that neither the U.S., nor the global, economy are facing a recession through the end of 2020," said Ed Yardeni, head of Yardeni Research. "The market rightly anticipates Trump wants another term as president, and he's got enough going on with impeachment issues that he wants to put trade on the back burner for a while."

But there are a lot of "ifs" in the

bullish scenario for next year, especially around trade, which is why markets have already pulled back slightly from their highs. This remains a tip-toe higher market, many analysts say. They point out that while the Dow Jones Industrial Average is up nearly 20 percent this year, it is only 4 percent higher than it was Oct. 3, 2018, an indication of the hesitancy that remains among investors.

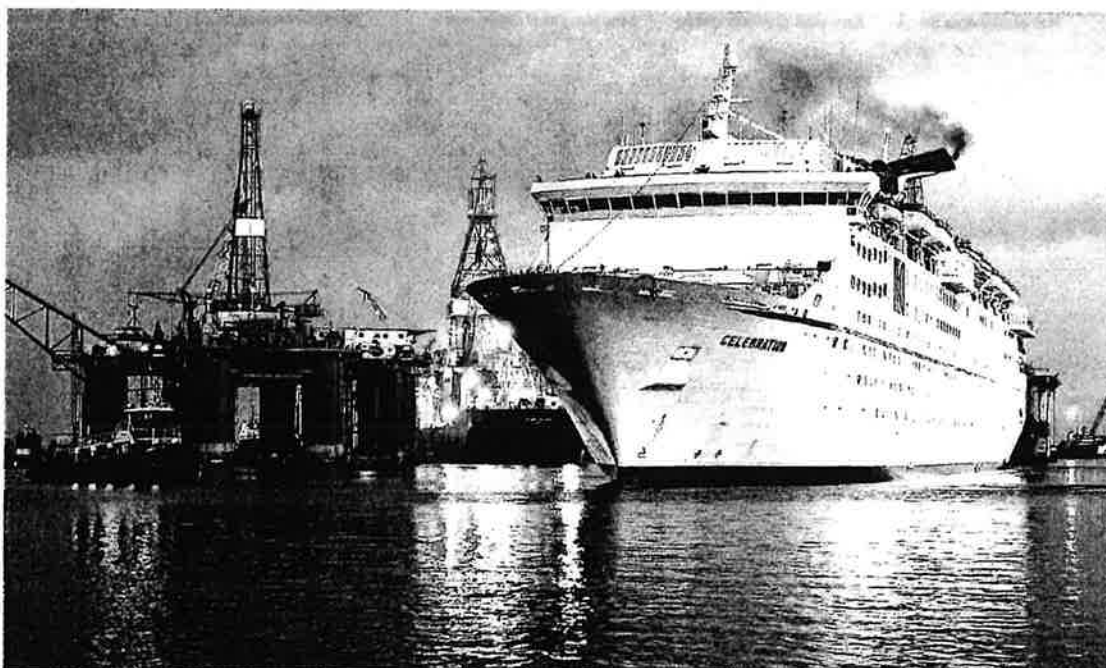
"It's a nervous market," said Howard Silverblatt, senior analyst at S&P Dow Jones Indices. "Everyone is talking a great ballgame, but

when you come down to it, everyone has their finger just over the sell button. You are one tweet away from concern."

Goldman Sachs sent a note to clients Nov. 3 declaring that "tariffs have peaked" and that Trump was unlikely to implement any more taxes on China. In a sign of how quickly momentum can shift, the prominent investment bank sent another note Tuesday saying risks of a tariff increase have risen again.

Trump largely credits himself for the recent record highs. The

Economy continues on B6



Kevin Bartram / Associated Press

Nearly 1 million passengers boarded cruises in Galveston in 2018, a trade group says. Galveston was the nation's fourth-busiest cruise port that year.

By Andrea Leinfelder
STAFF WRITER

Galveston remained the nation's fourth-busiest cruise port in 2018, part of a global industry that contributed \$1.5 billion to the Texas economy last year.

Nearly 1 million passengers boarded cruises in Galveston in 2018, up 13 percent from 2016, according to a new report from the Cruise Lines International Association, a trade group. Galveston accounted for nearly 8 percent of all U.S. cruise embarkations last year.

"We're on track for another banner year in 2019," Rodger Rees, Port of Galveston CEO, said in a statement. "Our thriving cruise business has a significant direct economic impact on the port, Galveston businesses and the state

TEXAS SAW \$1.5B FROM CRUISE INDUSTRY

economy."

The port has two cruise terminals. Terminal 1 is reserved solely for Carnival Cruise Line, and Terminal 2 is shared among Carnival, Royal Caribbean and Disney Cruise Line. Royal Caribbean has said it plans to build a third cruise terminal at the port.

The report, which is released every two years, estimated that the industry's direct expenditures in Texas supported 26,241 jobs and \$1.75 billion in wages and salaries. Nationally, 12.7 million cruise passengers boarded vessels departing from U.S. ports, up 8.8 percent from 2016.

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tiers of plans – bronze, silver, gold and platinum – based on what share of costs people must cover. Most people with marketplace coverage qualify for tax credits that can drastically lower their premiums, and many can get help covering out-of-pocket costs and deductibles.

"If you are eligible for

"One of the biggest challenges is letting people know that this is the time to go and shop," said Joshua Peck, a co-founder of the group and a former chief marketing officer of HealthCare.gov.

Through last Saturday, about 1.7 million people had chosen a plan on HealthCare.gov, down 13 percent

edgeable, but some may have financial incentives to steer consumers to short-term health plans – sometimes called "junk" plans – that don't comply with Obamacare. The Trump administration has relaxed rules for offering such plans, which have lower premiums but, unlike the Obama-care plans, don't have to of-

hanced direct" enrollment.

The sites may be useful, particularly for people who don't qualify for premium credits on HealthCare.gov, experts say. But because some sites may also sell other types of policies, consumers should be cautious and make sure the plan they choose meets ACA standards.

the Hattie Mae White Educational Support Center at 4400 West 18th Street Houston, Texas 77052 will accept proposals, until the stated date and time deadlines, in the Board Services Office, Level C1

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HOUSTON CHRONICLE
HoustonChronicle.com

SAND

From page B1

CEO Bryan Shinn said the job cuts and idled mines were difficult decisions, but necessary for the company's survival.

"The actions taken realign our operational footprint and cost structure to more efficiently serve energy customers while simultaneously supporting the expected growth of our Industrials & Specialty Products segment," Shinn said.

In the early days of the shale revolution, most of the nation's frac sand came from mines in Wisconsin and Minnesota, from which it was shipped by rail to regional depots, stored in silos and then hauled by 18-wheelers to drilling sites. Over the past three years, that business model has given way to lower mines near oil fields so sand could

be hauled to drilling sites less than 100 miles away.

The crude oil price slump hit in December 2018, just after several sand companies opened dozens of new mines in the Permian Basin of West Texas, the Eagle Ford Shale of South Texas and other shale plays across the United States.

Oil and gas companies have pulled more than 270 drilling rigs out of operation over the past year, pushing the U.S. rig count down by 25 percent, according to the Houston oil field services company Baker Hughes. Services companies, such as Halliburton of Houston, have cut the number of fracking crews and laid off workers.

Oil settled Friday at \$57.77 in New York, down 81 cents.

During an Oct. 29 investors' call, Shinn said the industry has a glut of 35 million tons of sand – driving

down prices as companies compete for market share. He estimated that seven sand mines have closed and more will follow over the next several months.

As part of a plan to save \$20 million a year, U.S. Silica is pairing its jobs cuts with plans to idle mines in Utica, Ill. and Tyler. The company is reducing operations at other mines, including its Permian Basin mine in Crane County. The reductions are expected to take 7 million tons of frac sand off the market.

Following a \$23 million loss on \$362 million of revenue during the third quarter, the company is also looking to diversify by making a number of commercial and industrial products ranging from roofing materials to filters for blood and plasma.

Analysts say market conditions for frac sand suppliers will get worse before

they get better. James West, an analyst with the Houston investment research firm Evercore ISI, noted that U.S. Silica lowered its sand volumes guidance for the fourth quarter, expecting overall demand from the oil and natural gas industry to decline by 10 percent.

"The biggest questions everyone is trying to answer now are how much of a rebound will the industry experience when (oil and gas) budgets reset in the New Year and will it be a sharp pickup in activity or a slow grind until toward the end of the first quarter," West wrote in a recent research note. "Slow grind is our view."

Shares of U.S. Silica were down slightly, closing at \$4.55 at the end of trading on Friday.

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BUSINESS



New York Times file photo

Open enrollment on HealthCare.gov, the federal online exchange for people who don't have health coverage through their job, began Nov. 1 and runs through Dec. 15 in most states.

Be cautious in Obamacare sign-up

By Ann Carrns
NEW YORK TIMES

Shop, compare — and be aware when shopping for health insurance outside of official government marketplaces.

That's the message from health experts during the annual plan selection period on state and federal marketplaces for Obamacare health insurance. Despite uncertainty about the future of the Affordable Care Act, people in many parts of the country will find more plan choices and lower premiums.

But this year, there are also options for buying Obamacare plans outside the exchanges. So consumers need to ask questions to make sure they are getting a plan offering robust benefits as required by the ACA.

Outside the marketplaces, "it's the Wild West," said JoAnn Volk, a research professor with the Center on Health Insurance Reforms at Georgetown University.

Open enrollment on HealthCare.gov, the federal online exchange for people who don't have health coverage through their job, began Nov. 1 and runs through Dec. 15 in most states, for coverage beginning in 2020. (Some states started earlier and have later deadlines.)

About 1 million people were enrolled in marketplace plans in early 2019, making them a relatively small part of the health insurance market. (More than half of Americans under 65 — about 158 million people — have health insurance through an employer.)

As usual, the Obamacare marketplace offers four

subsidies, it can be an incredible deal," said George Kalogeropoulos, CEO of HealthSherpa, a web broker authorized to sell Obamacare plans.

Many parts of the country are seeing lower premiums than last year, said Karen Pollitz, a senior fellow at the Kaiser Family Foundation. Many insurers raised premiums sharply in 2018 but then "modestly" reduced them for this year and again for 2020, she said.

The average premium for a 27-year-old enrolling in the most popular silver plan fell 4 percent for 2020, according to the federal Centers for Medicare and Medicaid Services, which oversees HealthCare.gov. Some states are seeing double-digit premium declines, and more insurers are offering coverage on the marketplace, providing greater choice, the agency said.

Details vary, however, based on people's income, the plan they choose and where they live, so some will see higher costs. Premiums may still be steep for some people who don't qualify for the tax credits; people are ineligible if they earn more than 400 percent of the federal poverty level, or about \$50,000 for a single person and \$103,000 for a family of four.

While the Obamacare market has stabilized, many people remain in the dark about open enrollment. Just 5 percent of uninsured people are aware of the federal sign-up deadline, according to polling by Get America Covered, a nonprofit group that promotes health coverage.

from the same period last year, according to numbers released by the government. (The Centers for Medicare and Medicaid Services said direct comparisons with prior years were difficult because many factors influenced enrollment. In addition, the agency said, this year's measurement period contained one day fewer than last year's.)

There's typically a rush of enrollments before the deadline, so the trend could change. But Peck said it was worrisome that renewals, in particular, were down 16 percent from last year. People who don't actively renew are automatically reenrolled in the same health plan. But, he said, they often drop coverage in the first few months of the year.

Part of the problem may be that the Trump administration has slashed funding for the marketing of HealthCare.gov as well as for independent "navigators" who help people choose plans and enroll, according to the Kaiser Family Foundation.

The Centers for Medicare and Medicaid Services said the enhanced enrollment providers must follow certain rules, such as displaying Obamacare health plans on a separate page on their websites and informing shoppers that tax credits and cost-sharing help are available only with Obamacare plans.

Some states, such as New York, have funded their own "assisters," who help consumers at no charge. But other areas, including all of Utah, have no in-person navigators, a Kaiser analysis found.

Brokers may be knowl-

for a specific menu of benefits and can deny coverage to people if they are ill.

People often doubt that they will find affordable coverage on the marketplace, but most people qualify for subsidies that reduce their premiums. Two of three people can find a 2020 plan for \$10 a month, Peck said.

Even if people like the coverage they had this year, they should return to the marketplace, update their information and shop, he said. The formula for determining financial subsidies is complex, and even if your plan was the lowest-priced option this year, it may not be next year.

"Go back, check and make sure the price is what you think it's going to be," Peck said. People who shop and switch plans save an average of 38 percent on their monthly premiums, he said.

Here are questions and answers about marketplace open enrollment:

Q: Will I pay a penalty if I don't enroll in insurance coverage?

A: In most cases, no. As part of the 2017 tax overhaul, Congress eliminated the federal penalty for not having health coverage, beginning in 2019. A handful of states, however, have their own requirements and may charge a penalty on state tax returns if filers don't have coverage.

Q: Can I buy Obamacare plans outside the government marketplaces?

A: The Trump administration has authorized several web brokers and insurers to sell Obamacare health plans using what it calls "en-

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LEGAL NOTICES

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS

Case No.: 3:19-cv-00316
ADMIRALTY

NOTICE OF COMPLAINT FOR EXONERATION FROM, OR LIMITATION OF, LIABILITY

In the matter of the Complaint of

DUSTIN FAIRCLOTH, and NIKOLE TACKETT, as the owners of a certain 2019 21' Yamaha 212X, bearing Hull Identification Number YAMC0201819, and her engines, tackle, appurtenances, etc.

For exoneration from, or limitation of, liability

GALVESTON DIVISION

NOTICE IS HEREBY GIVEN that Plaintiff-in-Limitation DUSTIN FAIRCLOTH and NIKOLE TACKETT ("PLAINTIFFS-IN-LIMITATION"), as owner of that certain 2019 21' Yamaha 212X, bearing Hull Identification Number YAMC0201819, and her engines, tackle, appurtenances, etc. ("Vessel"), have filed a Complaint under the Limitation of Liability Act, 46 U.S.C. § 190501, et seq., claiming the right to exoneration from, or limitation of, liability for all claims, losses, or damages arising out of, resulting from, or in any manner connected with, that certain incident of on or about June 23, 2019 on the navigable waters of the United States involving sinking, contact, and/or a collision with a vessel traveling in the area of the Old and Lost River and Cross Bayou, in Chambers County, Texas (coordinates 29° 48' 17.56" N; 94° 42' 11.18" W), as alleged and for the reasons and because of the circumstances set forth in the Complaint.

NOTICE IS FURTHER GIVEN that all persons having any such claims must file them, as provided in Rule F of the Federal Rules of Civil Procedure, Supplemental Rules for Certain Admiralty and Maritime Claims, with the Clerk of this Court at the United States Courthouse, located at 601 Rosenberg, Room 411 Galveston, TX 77550, and serve upon or mail to PLAINTIFFS-IN-LIMITATION's attorneys, COX WOODTON LEARNER GRIFFIN & HANSEN, LLP at 12011 San Vicente Blvd., Suite 600, Los Angeles, California 90049, a copy of such claim on or before the 24th day of December, 2019, or be deemed to be in contumacy and default. Personal attendance is not required.

Any claimant desiring to contest PLAINTIFFS-IN-LIMITATION's right to exoneration from, or limitation of, liability must also file an answer to the Complaint on file herein, as required by Rule F(5) of the Federal Rules of Civil Procedure, Supplemental Rules for Certain Admiralty and Maritime Claims, and shall serve a copy thereof upon the attorneys for PLAINTIFFS-IN-LIMITATION, unless the claim has included an answer.

DATED: October 16, 2019

/s/ Jeffrey Vincent Brown

United States District Judge

On November 14, 2019, an application was filed with the Federal Communications Commission, Washington, D.C., seeking its consent to the transfer of control of KZJL License LLC, licensee of television station KZJL, Houston, TX, and the transfer of control of Liberman Broadcasting of Houston License, licensee of radio station KEYH(AM), Houston, TX, from Shareholders of Liberman Broadcasting, Inc. to SLF LBI Aggregator, LLC. KZJL(TV) operates on channel 21 and KEYH(AM) operates on 880 kHz.

The licensee KZJL License LLC and the licensee Liberman Broadcasting of Houston License LLC are wholly owned, through immediate subsidiaries, by Liberman Broadcasting, Inc. Liberman is currently controlled by SSF LBI US Holdings I and II, each an LLC which are managed by Robert Wankauer and Howard Horowitz. The application seeks consent to the transfer of control of Liberman to SLF Liberman Aggregator, LLC, which will be controlled by Scott Kapak through HPS Group GP, LLC. The officers and/or directors of Liberman will be Robert Cannon, Daniel Zernin, Willem Meeding, Peter Markham, and Brian Kei.

A copy of the application and related materials are available for public inspection online at fcc.gov.

NOTICE TO CREDITORS

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LEGAL NOTICES

The Vannett Public Schools (VPS), an open-enrollment charter school, will receive Request For Qualifications For Educational Services (Tutoring) R/FQ 11-01-19. All required Request for Qualification information is due no later than December 9, 2019 at 2:00 p.m. (CST), 5025 South Willow, Houston, TX 77036 Administration Building. The Request for Qualification #11-01-19 may be obtained by visiting the VPS website at <http://www.vannett.tx.us> by clicking Departments and then selecting Business Office.

BIDS & PROPOSALS

HOUSTON INDEPENDENT SCHOOL DISTRICT NOTICE TO PROPOSERS The Houston Independent School District located in

LEGAL NOTICES & ANNIVERSARIES

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