c. The backside of each open water disposal area shall be leveed as soon as possible, and as near the channel as feasible. The back levees shall not be more than 1,650 feet from the center line of the channel.

In a letter dated 9 October 1975 (Vol I, page F-1), EPA modified these recommendations by deleting recommendation b. All requirements will be complied with. Long-term EPA approval of dredging plans was deferred until a final Environmental Statement has been filed with the Council on Environmental Quality.

9.07 High Island to Galveston Bay.

The USF&WS issued a final coordination report on 10 September 1971. Their recommendations included construction of back levees, refurbishing existing levees, construction of weirs to control effluent water from disposal areas, and other restrictions on the placement of dredged materials. All recommendations have been incorporated into the project plans.

9.08 Public notice No. IWW-M-8 was issued 22 October 1974 for the channel reach from High Island to Galveston Bay. Four responses to the public notice have been received. A favorable response was received from the Port of Houston Authority. The Galveston Regional Group, Sierra Club, responded with a single letter commenting on 5 public notices. The Sierra Club indicated that the notices did not give sufficient recognition to the importance of both natural and previously disturbed habitat and to living organisms in the project areas. The letter also made suggestions for alternatives to be considered and pollutant monitoring programs. All such considerations are routinely made in other project documents, including Environmental Statements and assessments. Responses from the USF&WS and the NMFS reiterated recommendations contained in the USF&WS report dated 10 September 1971. The recommendations stated that toe levees should be constructed along back limits and ends of each unconfined disposal area when the areas become emergent above Mean High Water. The recommendation stated that the toe levees should be as close to the channel as practicable and no further than

1,350 feet from the channel centerline for disposal areas 38 and 41 and 2,300 feet for disposal area No. 43. The distance of 1,350 feet is considered to be the minimum necessary to provide sufficient capacity for future disposal operations. Levees will be constructed at this distance from the channel centerline when the areas become emergent above Mean High Water. Maintenance of levees and drainage structures prior to and during dredging operations, as recommended by NMFS, is routinely accomplished. The NMFS also recommended that the Corps of Engineers conduct surveys of disposal areas for oyster reefs and marsh vegetation and prepare plans and specifications designating specific discharge locations to avoid affecting such resources. Surveys of selected disposal sites will be accomplished within six months prior to beginning any dredging. While predesignation of discharge points is not considered practicable from a contractual standpoint, the intent of that recommendation will be met by adjusting disposal areas on a case by case basis to permit maximum feasible mitigation of adverse effects on oysters and marsh vegetation.

9.09 EPA made several recommendations in a report dated 1 February 1971, all of which were accepted. In a letter dated 26 March 1975, EPA approved the dredging and dredged material disposal plan under 33 CFR 209.145 for one year, subject to the following restrictions:

a. Dredged material containing more than 1.0 mg/kg mercury or 50 mg/kg lead shall not be deposited in open water disposal areas.

b. Sufficient monitoring of the effluent from disposal area No. 42 shall be accomplished for predicting the quality of effluent that can be expected from the area and the possible affect on the quality of the receiving stream. Parameters selected for monitoring must be represenative of the waste products discharged to the stream where dredging will be accomplished.

c. Effluent from all fully confined disposal areas shall be discharged through control structures into the Gulf Intracoastal Waterway.

d. The backside of each open water disposal area shall be leveed as soon as possible, and as near the channel as feasible. The back levees shall not be more than 1,350 feet from the centerline of the channel. The dredged materials shall not be discharged or allowed to become emerged further than 1,350 feet from the channel centerline.

In a letter dated 9 October 1975 (Vol I, Page E-1), EPA modified recommendation d. to 2,300 feet instead of the 1,350 feet restriction. All requirements will be complied with. Long term EPA approval of dredging plans was deferred until a final Environmental Statement has been filed with the Council on Environmental Quality.

9.10 Galveston Bay to Matagorda Bay.

The USF&WS issued a final coordination report on 13 April 1972. In this report, several recommendations were made including: relocation of disposal areas; construction of back levees and toe levees; maintenance of stream, bayou, and lake openings; and the use of weirs to control effluent water. Recommendations will be complied with as follows:

a. Disposal areas Nos. 60, 79, and 91 will not be used.

b. The local sponsor will be requested to obtain disposal area easement on the north side of the waterway for disposal areas Nos. 63 (between Station 77+000 and 84+300), 93, 96 (between Stations 302+000 and 310+000), 101 (between Stations 343+800 and 347+000), 102 (between Stations 354+000 and 370+500), and 104 (between Stations 383+500 and 397+000).

c. Disposal areas No. 75 (between Stations 165+000 and 169+000), 94, and 95 will be moved to the north side of the waterway provided a permit can be obtained from the Department of Interior allowing disposal in the San Bernard and Brazoria National Wildlife refuges.

9.11 Public notice No. IWW-M-3 was issued on 8 October 1974 for the reach from Galveston Bay to Matagorda Bay. Eight responses to the public notice have been received.