

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.

Favorable responses were received from the Matagorda County Navigation District and the Port of Houston Authority. Other responses included letters from Transcontinental Gas Pipe Line Corporation and Blue Dolphin Pipe Line Company giving information on the locations of pipelines not shown on the disposal area drawings, and the Department of the Interior indicated the location of two reference marks near disposal area No. 102. The Galveston Regional Group, Sierra Club, responded with a single letter commenting on 5 public notices. This response was discussed in paragraph 9.08. The USF&WS and NMFS reiterated recommendations made during the formal coordination of this reach. In addition, the USF&WS and NMFS recommended that disposal areas Nos. 60, 61, 63, 76, 79, 102, 104, 105, 106, and 111 be examined for the presence of oysters and marsh vegetation within 6 months prior to dredging, and that contract plans designate discharge point locations for minimizing adverse effects. Selective surveys of these resources will be made by staff biologists as necessary, and all practicable mitigation efforts will be accomplished. However, predesignation of specific pipeline discharge points is not practicable from a contractual standpoint. The intent of this recommendation will be met by adjustment of disposal areas on a case by case basis.

9.12 EPA made several recommendations in a report dated 12 April 1971, all of which were complied with. In a letter dated 24 March 1975, the Environmental Protection Agency approved the dredging and dredged material disposal plan (under 33 CFR 209.145) for one year, subject to the following restrictions:

a. Dredged material shall not be placed in the following areas:

- Disposal area No. 60
- Disposal area No. 63 between Stations 77+000 and 84+300
- Disposal area No. 75 between Stations 165+000 and 169+000
- Disposal area No. 79
- Disposal area No. 91 west of Station 267+000
- Disposal areas Nos. 93, 94, and 95

Disposal area No. 96 between Stations 295+400 and 298+000; 302+000 and 310+000

Disposal area No. 101 between Station 343+800 and and 347+000

Disposal area No. 102 between Stations 354+000 and 370+000

Disposal area No. 104 between Stations 383+500 and 397+000

b. No dredged material shall be placed or allowed to spill into Cedar Lakes or Cow Trap Lakes (Bayou) at anytime.

c. The backside and ends of each open water disposal area shall be leveed as soon as possible. The back levees shall not be more than 2,000 feet from the centerline of the channel in Galveston Bay and not more than 1,500 feet from the centerline of the channel in West Bay, Chocolate Bay, and Matagorda Bay.

d. The following disposal areas shall be reduced to 50 percent of the area defined in current disposal plans: areas Nos. 63, 76, 102, 104, 105, 106, and 111.

e. Disposal areas shall be selected to minimize destruction of valuable fish and wildlife habitat.

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

In a letter dated 9 October 1975 (Vol I, page E-1) EPA modified these recommendations by deleting recommendation d. The restrictions in part a above will be complied with as discussed in paragraph 9.10. All other recommendations will be complied with. Long term approval of the dredging plan was deferred until a final Environmental Statement has been filed with the Council on Environmental Quality.

9.13 Matagorda Bay to San Antonio Bay.

The USF&WS issued a final coordination report on 29 July 1970. In this report, several recommendations were made including construction of levees; maintenance of stream