

SUBJECT: Beneficial use of material dredged from the Gulf Intracoastal Waterway

COMMITTEE: Transportation — committee substitute recommended

VOTE: 6 ayes — Alexander, Bosse, Alonzo, Clemons, Price, Siebert

0 nays

3 absent — Edwards, Moreno, Uher

WITNESSES: For — William Woodruff, Texas Waterways Operators Association and Coastal Towing, Inc.

Against —None

On — Tom Griebel, Texas Department of Transportation.

BACKGROUND: The Coastal Waterway Act of 1975 authorizes the state to act as the nonfederal sponsor of the Gulf Coast Intracoastal Waterway (GIWW). The main channel of the waterway runs from the Sabine River to the Brownsville Ship Channel.

DIGEST: HB 1536 would allow the Texas Transportation Commission, through TxDOT, to beneficially use material dredged from the Gulf Intracoastal Waterway and to set eligibility criteria for the use of dredge material. Beneficial use would include development of fish and wildlife habitat, recreational, industrial and commercial use.

The commission could enter into an agreement and share the cost with the U.S. Department of the Army and acquire property for a project that benefits from dredge material.

CSHB 1536 would require the commission to hold a public hearing before commencement of a TxDOT project that required acquiring property. The commission would be required to publish notices three weeks prior to the hearing, a minimum of once a week. If after the hearing the commission determined that a project using dredge material could be accomplished without unjustifiable waste of publicly or privately owned natural resources and without permanent substantial adverse impact on the environment, wildlife or fisheries, TxDOT could undertake the project.

This bill would take immediate effect if approved by two-thirds of the membership of each house.

**SUPPORTERS
SAY:**

CSHB 1536 would authorize TxDOT to use dredged material from the Gulf Intracoastal Waterway for beneficial uses. Approximately 8 million cubic yards of material is dredged annually from the intracoastal waterway at a cost of \$13 million. Economical and environmental concerns regarding traditional disposal methods like open-water placement near the dredge site or upland disposal have resulted in a need for alternative disposal of the dredged material.

The Corps of Engineers has identified 10 broad categories of beneficial uses: habitat development; beach nourishment; aquaculture; parks and recreation; agriculture, forestry and horticulture; strip mine reclamation and solid waste management; shoreline stabilization and erosion control; construction and industrial use; and material transfer, such as dikes, levees, parking lots and roads. In 1993-94 the Corps of Engineers successfully applied the use of dredged material to three wildlife habitat creation projects and a habitat replenishment project. CSHB 1536 would allow TxDOT to participate in such projects.

The Texas Transportation Commission could not authorize TxDOT participation in projects for beneficial use of dredge material without a public hearing on the desirability of the project. The commission would have to determine that a project would not harm the environment before giving its authorization.

**OPPONENTS
SAY:**

No apparent opposition

NOTES:

The committee substitute added the section of the bill on beneficial use in section 3 of the bill and defined duties and responsibilities of the Texas Transportation Commission.

SB 1041 by Brown, the companion bill, is pending in the Natural Resources Committee.