



## **GBF POSITION STATEMENTS JANUARY 2016**

### **SAN JACINTO RIVER WASTE PITS CLEAN UP REMEDY**

GBF believes that the dioxin wastes from the San Jacinto River Waste Pits should be removed in their entirety. Based on the information we have reviewed, we feel that the responsible parties can safely remove the wastes. We believe that leaving the wastes in place under an armored cap is an unacceptable solution due to our concerns over its integrity from river flood scour, hurricane storm surge and wind-driven waves, or the prop wash from barge tows. Given the long period of time that will be required for the dioxins to naturally degrade to levels that will be safe for human health and the environment, on the scale of hundreds of years, capping the dioxin in place is too risky.

### **CLEAN WATER RULE**

GBF is supportive of the Clean Water Rule, finalized by the U.S. EPA and the U.S. Army Corps of Engineers in 2015. The rule clarifies which waters, such as wetlands and streams, are considered to be Waters of the U.S. and subject to protection, and if destroyed, addressed by mitigation. The rule addresses Supreme Court decisions in 2001 (Solid Waste Agency of Northern Cook County vs. U.S. Army Corps of Engineers) and 2006 (Rapanos vs. United States) that caused confusion in establishing Clean Water Act (CWA) jurisdiction and in implementing CWA programs, and resulted in many waters not being sufficiently protected, as well as confusion, delay, and wasted resources within the regulated community and government agencies. The rule restores Clean Water Act protections to our tributaries and wetlands, from which water drains to our bayous, rivers, lakes and the bay, without increasing government jurisdiction.

### **STORM SURGE MITIGATION**

GBF agrees that if a hurricane storm surge were to hit the Houston Ship Channel industries or other industrial areas around the bay, an environmental catastrophe could result from the release of oil and petrochemicals. Therefore, these highly industrialized areas need some form of protection from storm surge. However, we are concerned with potential unintended consequences of broad structural solutions resulting from the placement of dikes, gates, berms or levees, such as direct impacts to wetlands, changes to passes between the bay and the Gulf, changes to bay water circulation and salinity regimes. GBF's wants to ensure all the correct questions are being asked and that appropriate environmental studies will be completed so that all the benefits and costs of such systems can be weighed, be it the Ike Dike coastal spine concept along the Gulf shoreline or the Centennial Gate concept in the Upper Galveston Bay or any other proposal. GBF believes that there are useful nonstructural components, such as land and wetlands conservation, that can be used in conjunction with structural components.

## **ROLLOVER PASS CLOSURE**

GBF supports the closure of Rollover Pass. While we understand the reasons that many people want the pass to be maintained in an open state since it provides great access to fishing, we based our position on the scientific studies that indicate that if this artificial pass were to be allowed to close that bay salinities would recover to a more natural state, allowing for better oyster and seagrass habitat. While fishing access, which we support, would be reduced, the net benefit to the bay would be positive. It is imperative that the lost fishing access be replaced, not only for the access itself, but also to support the many local businesses that have grown to serve the fisherman who fish at the pass. One idea that has been discussed is the construction of 1000-foot long T-head pier extending into the Gulf. A pier would replace some of the lost access, but more can be done. The GLO could also improve access on the bay side, adding kayak ramps, improving boat ramps, and even adding access for wade bank fisherman along the Gulf Coast Intracoastal Waterway. With enough resources dedicated to the effort, the lost access can be replaced.

## **PLACEMENT OF SPOIL FROM THE WEST BAY GULF INTRACOASTAL WATERWAY MAINTENANCE DREDGING**

GBF is working with the U.S. Army Corps of Engineers to seek solutions to impacts to seagrasses in West Bay from the placement of dredge spoil resulting from maintenance dredging of the Gulf Intracoastal Waterway (GIWW). The GIWW does need to be maintained, as do the spoil islands that lie between it and West Bay. If the islands disappear, then in all likelihood the seagrass would be subject to constant erosion and sedimentation and so would likely disappear. However, GBF believes that the dredge materials could be placed in such a way that the end result is a thinner layer of dredged material on the seagrasses so they can better recover after each dredging cycle. Certainly, GBF would be supportive of solutions that would result in no materials being placed on the seagrasses if that were feasible.

## **SEAFOOD SAFETY TESTING**

GBF believes that public health would be better protected if the State of Texas would perform regular seafood safety testing. Sampling of the popular recreational and commercial species of fish and shellfish for the presence of unsafe concentrations of toxins, such as dioxins, polychlorinated biphenyls, or pesticides should be performed on a recurring basis throughout the bay system such that any seafood consumption advisories could be updated more often. Currently, the Texas Department of State Health Services (DSHS) does not routinely test fish and aquatic life for unsafe levels of toxic contaminants from public waters of Texas, including Galveston Bay. Instead, DSHS tests fish and aquatic life only as resources allow. The agency has had to depend on discrete grant funding or financial support from other government entities to perform the past sampling and analysis. The Texas Legislature should make funding for regular seafood testing by DSHS a priority and providing for the allocation of funds during their next session.