

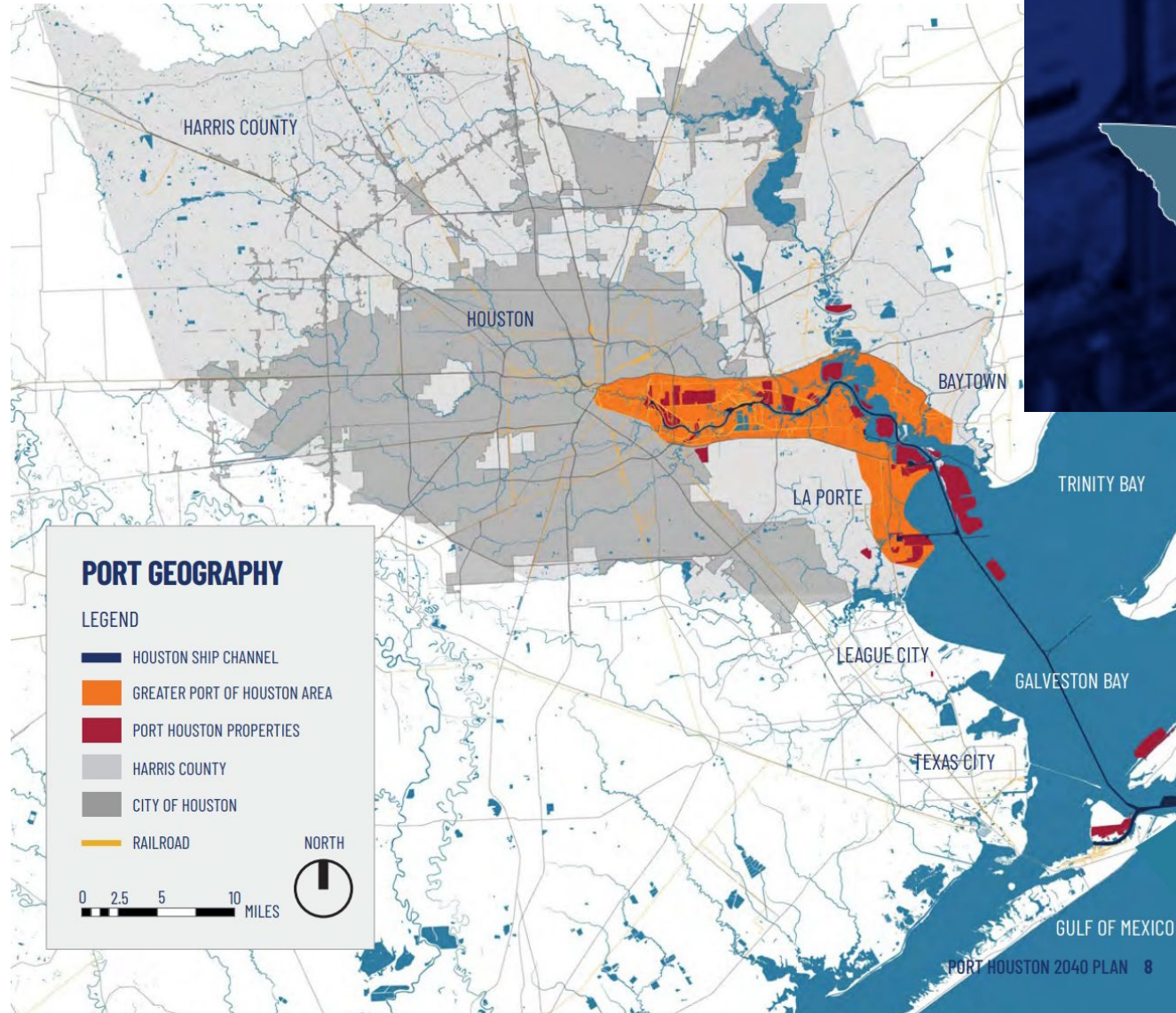


TEXAS COASTAL ISSUES

REBECCA ANDREWS, ASSISTANT GENERAL COUNSEL, PORT OF HOUSTON AUTHORITY



| THE PORT (OF HOUSTON)





Ric Campo
Chairman of the Port Commission

| PORT COMMISSION



Clyde Fitzgerald
Commissioner



**Wendy Montoya
Cloonan**
Commissioner



Alan A. Robb
Commissioner



Thomas Jones, Jr.
Commissioner



Roland Garcia
Commissioner



Michel Bechtel
Commissioner

| THE PORT AUTHORITY

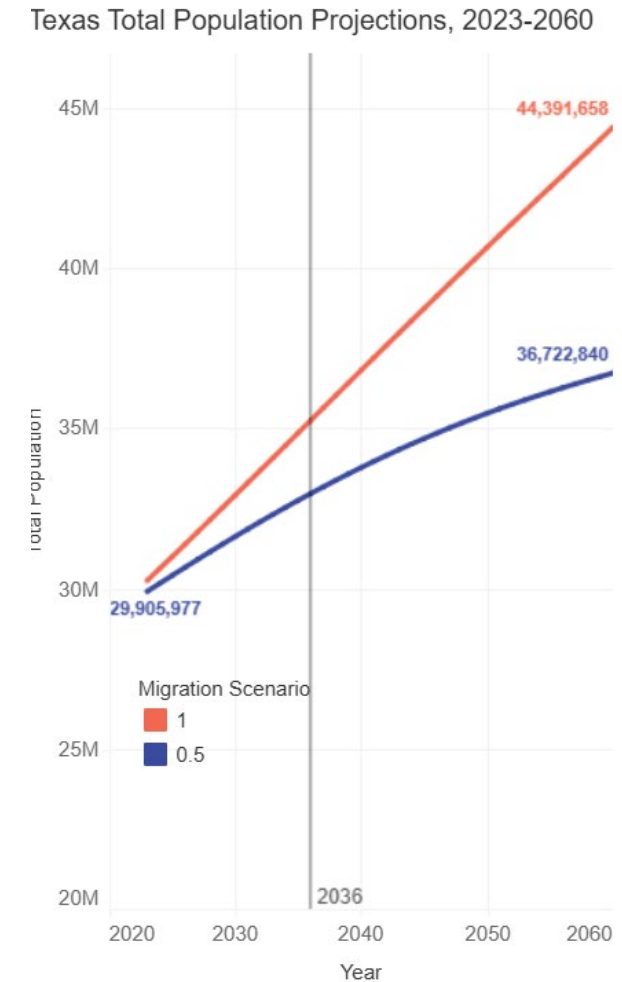
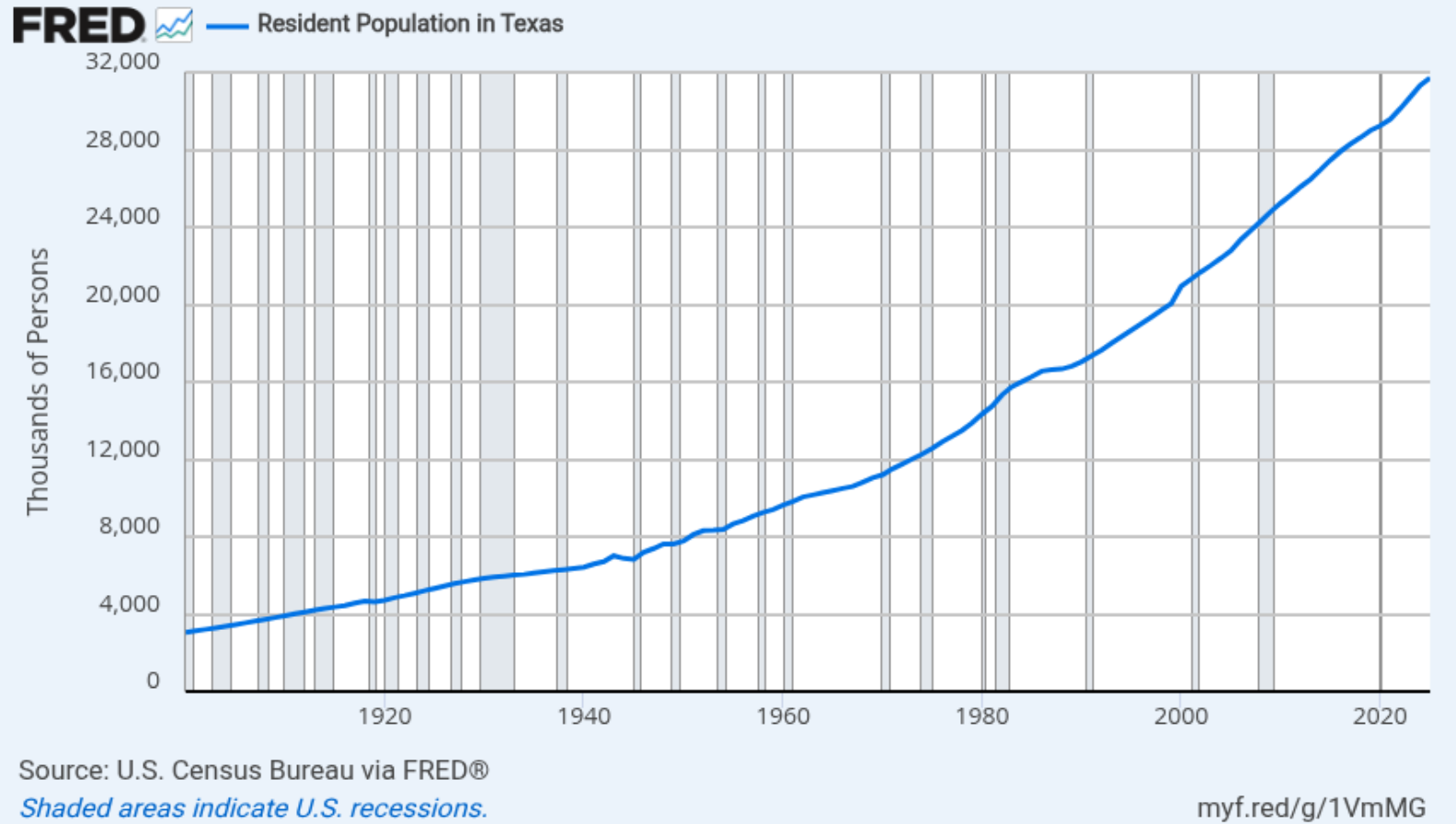
“... created and established ... for the purpose of the **development of deep water navigation** and the improvement of rivers, bays, creeks, streams, and canals within or adjacent to the authority, including the Houston Ship Channel and dredge material management areas, and to construct and maintain canals or waterways to permit navigation or in aid thereof

and

for the purpose of and authority to acquire, purchase, undertake, construct, maintain, operate, develop, and regulate **wharves, docks, warehouses, grain elevators, bunkering facilities, belt railroads, floating plants, lighterage, lands, dredge material management areas, towing facilities, and all other facilities or aids** incident to or necessary to the operation or development of ports or waterways within the authority, including the Houston Ship Channel and dredge material management areas...”

Special District Local Laws Code § 5007.002(a)

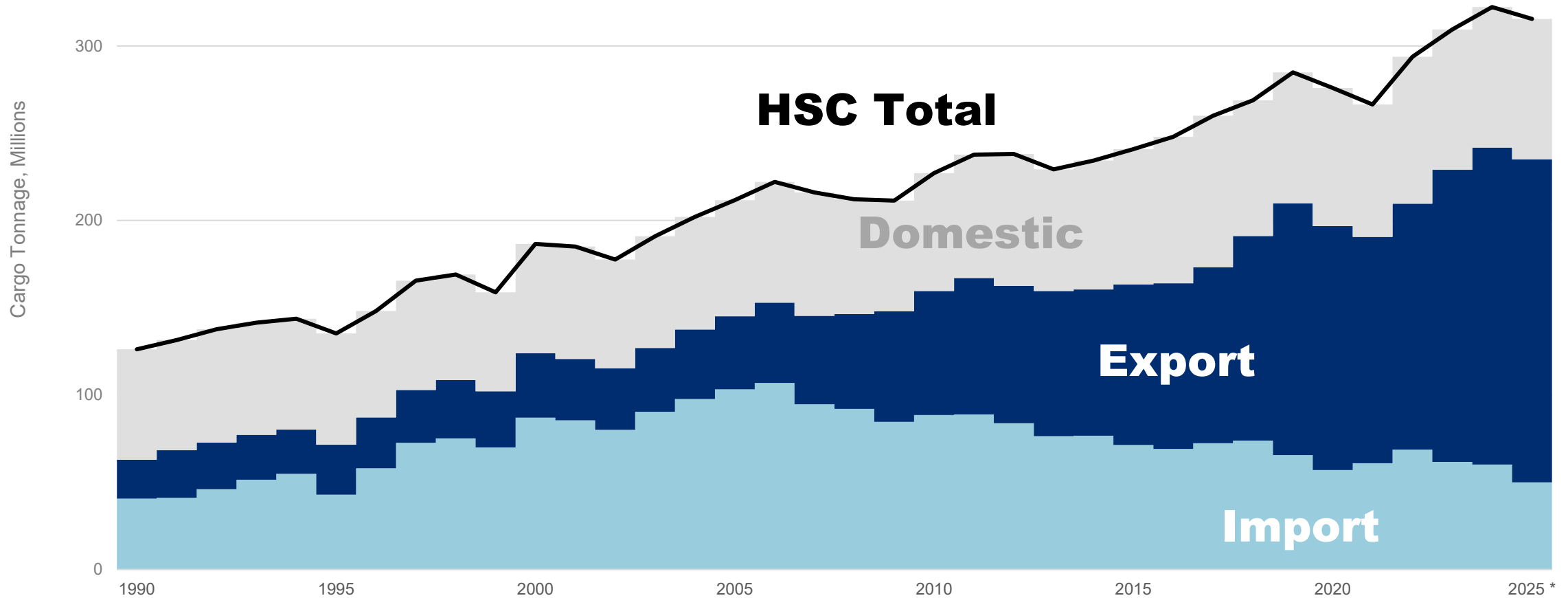
TEXAS' POPULATION GROWTH



Source: Texas 2036

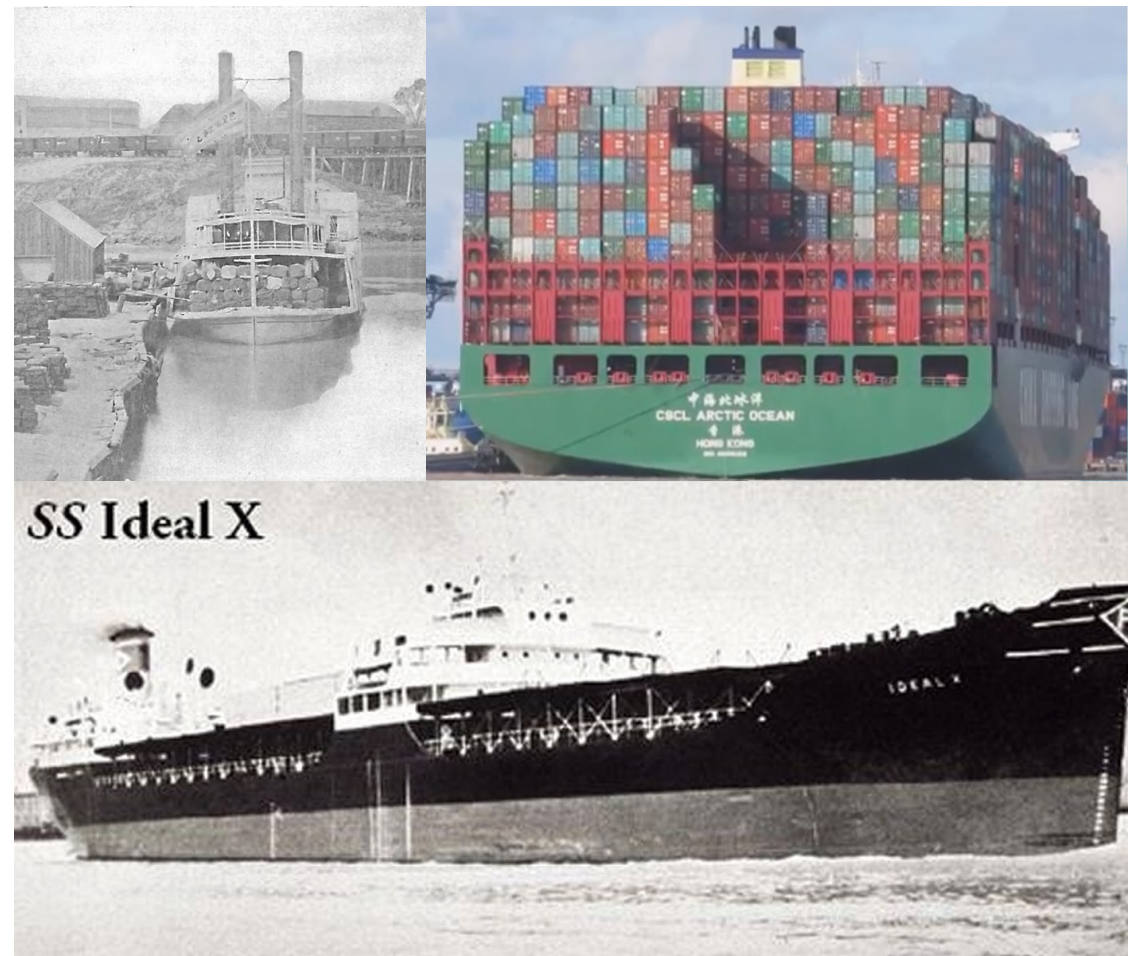
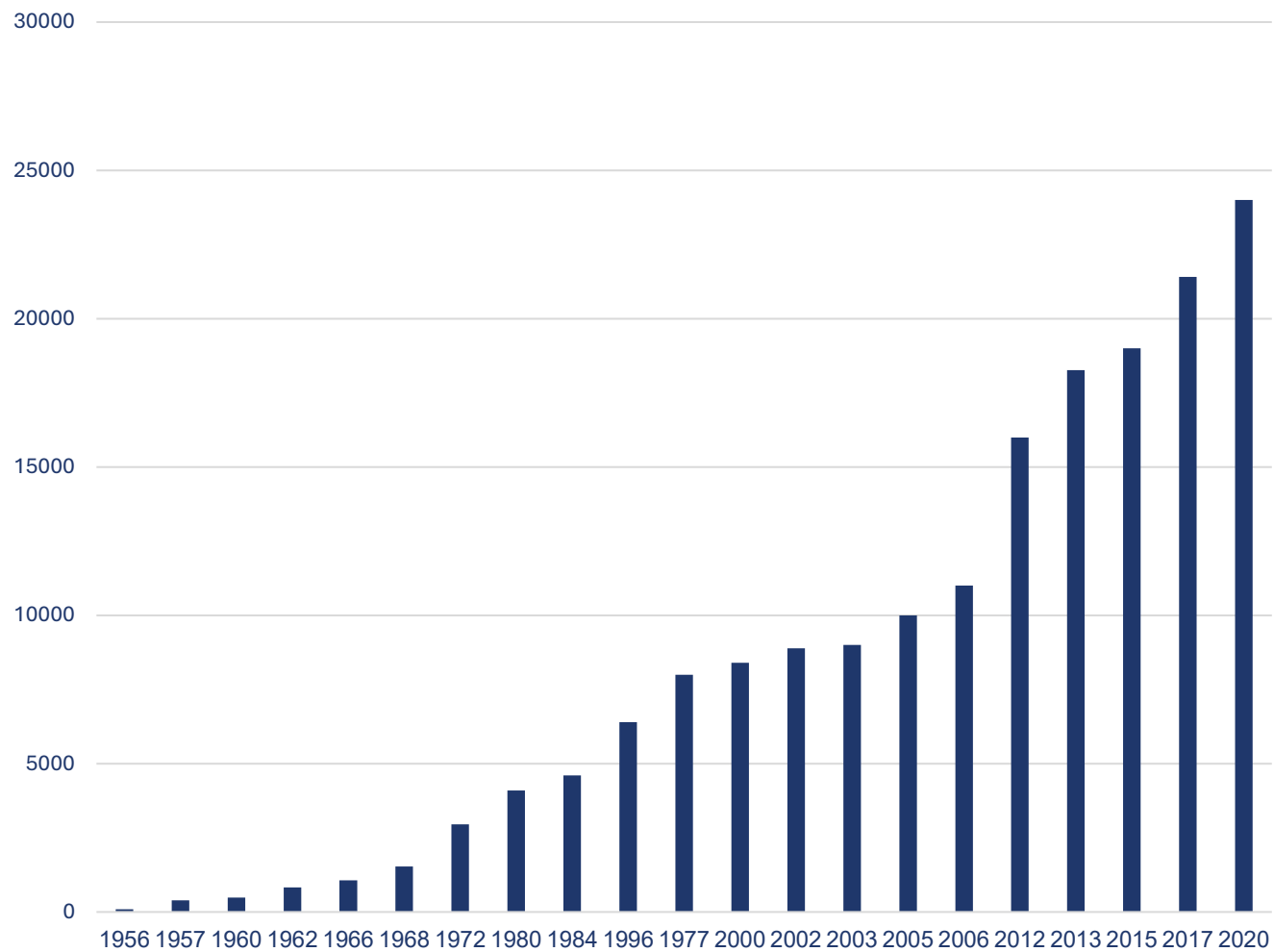
HOUSTON SHIP CHANNEL TONNAGE

1990-PRESENT



Note: 2024/2025 tonnage is estimated

VESSEL SIZE GROWTH



EARLY CHANNEL CHALLENGE: FEDERAL CONTROL

Commerce Clause and federal navigational servitude
(U.S. Const. art. I, § 8, cl. 3)

THE “HOUSTON PLAN” IS NOW FEDERAL LAW

SECTION 101 OF THE WATER RESOURCES DEVELOPMENT ACT

(1) The non-Federal interests for a navigation project for a harbor or inland harbor, or any separable element thereof, on which a contract for physical construction has not been awarded before June 10, 2014, shall pay, during the period of construction of the project, the following costs associated with **general navigation features**:

- (A) 10 percent of the cost of construction of the portion of the project which has a depth not in excess of 20 feet; plus
- (B) 25 percent of the cost of construction of the portion of the project which has a depth in excess of 20 feet but not in excess of 55 feet; plus
- (C) 50 percent of the cost of construction of the portion of the project which has a depth in excess of 55 feet.

- (2) **Additional 10 percent** over 30 years
- (3) **Lands, easements, and rights-of-way**
- (4) **Utility relocations**
- (5) **Dredged material disposal facilities** for project construction

33 USC § 2211



WHAT TO DO WITH ALL THAT DREDGED MATERIAL?

| PROJECT 10 MARSH CONSTRUCTION



| FILLING TO MARSH ELEVATION



| PLANT THE SITES (DONE BY SEEDING)



| RESULT: GORINI DEMONSTRATION MARSH



| PROJECT 11 BENEFICIAL USE



- Construction of five bird islands, creating 20 acres of new foraging and nesting habitat
- Possible bird species include Great Blue Herons, Great Egrets, Snowy Egrets, Tricolored Herons and Brown Pelicans
- Building of 376 acres of replacement oyster reef pads in Galveston Bay
- Oyster filter 20-50 gallons of water each day. Oyster reefs also prevent erosion, acting as barriers during storms
- Over time, some reef growth will support Galveston Bay's oyster fishery industry
- Addition of 3 marsh sites (~800 acres) that support wetland and shallow open-water habitat
- Habitat provided through planted grasses and natural recruitment and spreading of seeds
- Marshes provide food and protection for wildlife, improve water quality and help mitigate flooding
- Channel expansion improves efficiency of vessel movements and avoids potential congestion, which reduces emissions
- Emissions are expected to decrease by 3% initially and eventually up to 7% annually

| BENEFICIAL USE IS NOW FEDERAL LAW

(a) National policy on the beneficial use of dredged material

(1) In general

(A) Policy

It is the policy of the United States for the Corps of Engineers to maximize the beneficial use, in an environmentally acceptable manner, of suitable dredged material obtained from the construction or operation and maintenance of water resources development projects.

(B) National goal

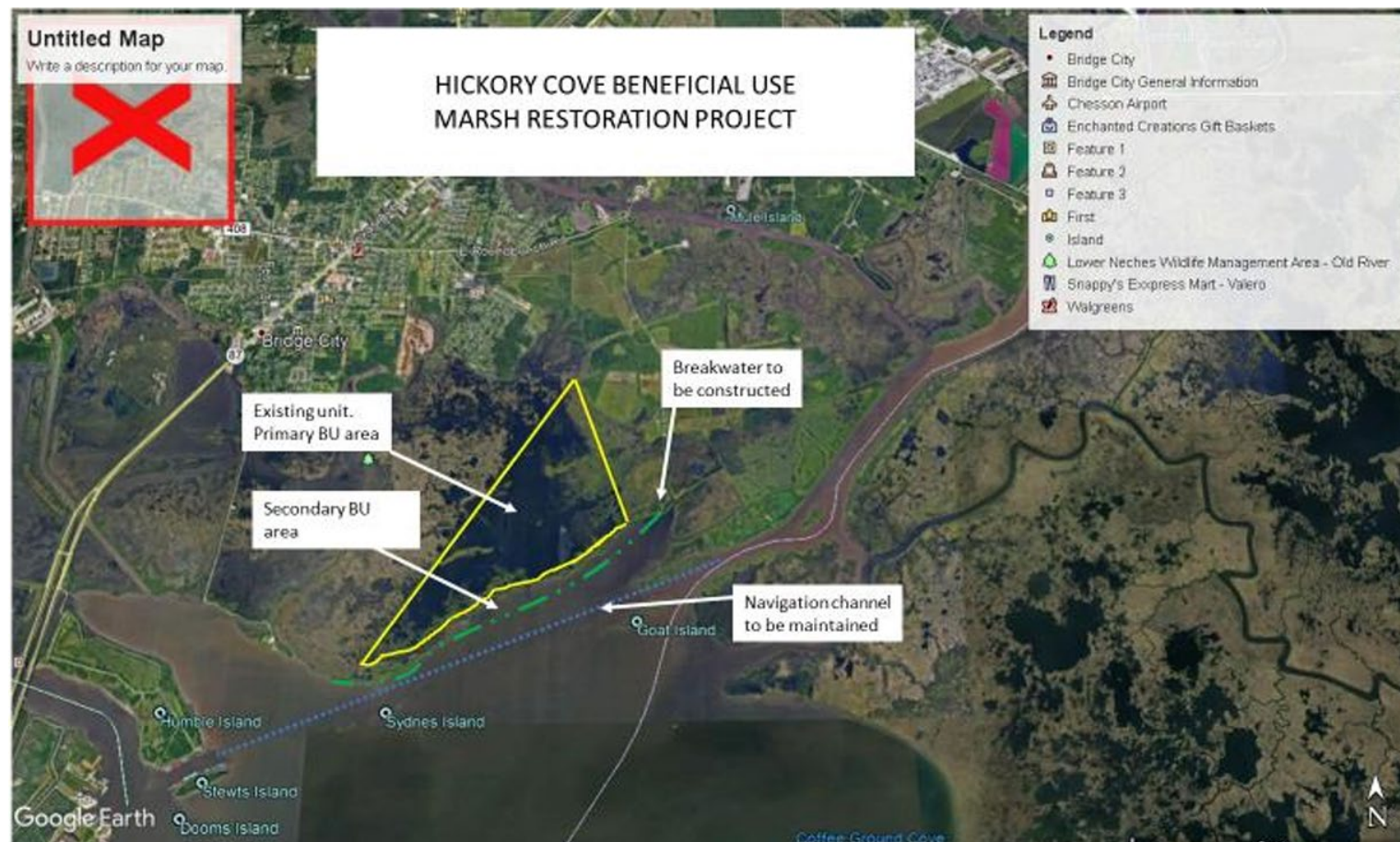
To the greatest extent practicable, the Secretary shall ensure that **not less than 70 percent by volume (as measured in cubic yards) of suitable dredged material** obtained from the construction or operation and maintenance of water resources development projects is used beneficially.

33 U.S.C.A. § 2326g

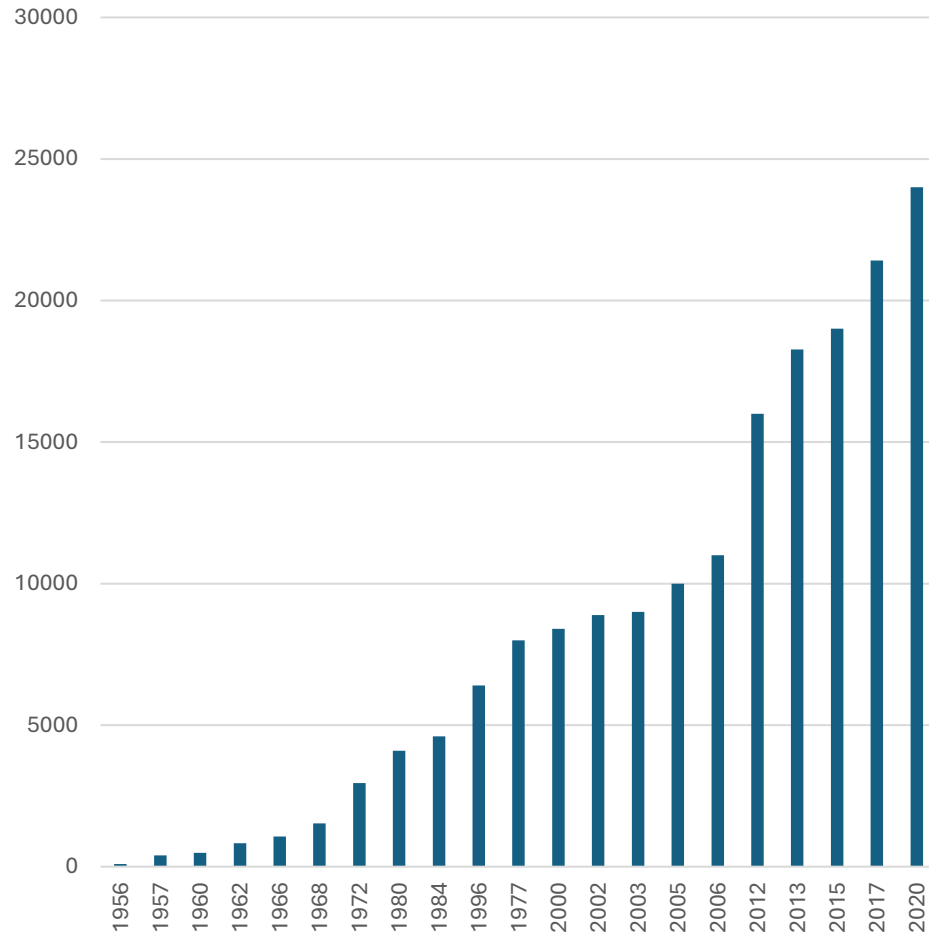
TODAY: BENEFICIAL USE PILOT PROJECTS

SECTION 1122 BENEFICIAL USE OF DREDGED MATERIAL

State	MSC	Project Name
		Proposals for Recommendation
CA	SPD	Restoring San Francisco Bay's Natural Infrastructure with Dredged Sediment: Strategic Placement
HI	POD	Haleiwa Small Boat Harbor Maintenance Dredging and Beach Restoration
IL	LRD	Public Beach Protection Pilot in Four Illinois Coastal Communities
MS	SAD	Deer Island Lagoon Project
NJ	NAD	Beneficial Use Placement Opportunities in the State of New Jersey Using Navigation Channel Sediments: Barnegat Inlet
PR	SAD	Condado Lagoon
SC	SAD	Crab Bank Seabird Sanctuary
TX	SWD	Hickory Cove Marsh Restoration and Living Shoreline
WA	NWD	Grays Harbor South Jetty Sand Placement Pilot Project
WI	MVD	Mississippi River Upper Pool 4, Pierce County Islands and Head of Lake Pepin Backwater Complex - Beneficial Use of Dredged Material



UPCOMING (LEGAL) OPPORTUNITIES AND ISSUES FOR COASTAL TEXAS

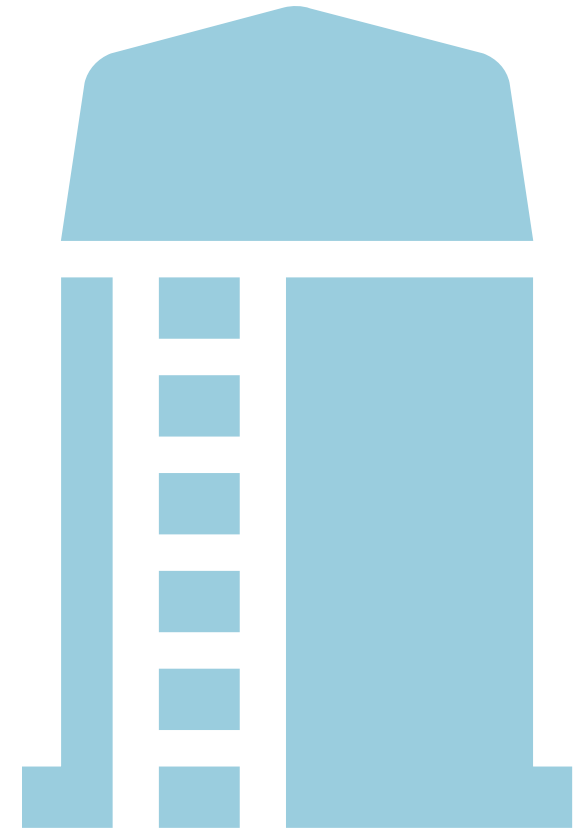


Project 12

WRDA 2024
sec. 1201(b)(36)

3x3 Rule

WRDA 2014
sec. 1001





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| THANK YOU

