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Ann Yeagle	DP10319	2-3, 2-4, 29-29, 23-6, 23-5, 2-10, 14-4, 7-4, 20-1, 4-4, 3-7, 27-4, 23-10, 26-1, 23-16, 23-27, 1-14, 2-28, 6-11, 21-6, 22-9, 23-6, 24-1, 2-11, 32-3, 22-45, 22-19, 23-6
David York	DP10376	22-63
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Susan Young	DP10526	23-66, 29-29, 23-6, 23-5, 2-10, 14-4, 7-4, 20-1, 4-4, 3-7, 27-4, 23-10, 26-1, 23-16, 23-27, 1-14, 2-28, 6-11, 21-6, 22-9, 23-6, 24-1, 2-11, 32-3, 22-45, 22-19, 23-6
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Stephanie Zemanek	DP10930	29-1, 1-23, 29-59, 23-62, 29-19
Bob Zincke	DP10882	29-1, 1-32, 1-33, 29-56, 2-85, 29-70
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Arthur (Not Legible)	DP10499	29-29, 23-6, 23-5, 2-10, 14-4, 7-4, 20-1, 4-4, 3-7, 27-4, 23-10, 26-1, 23-16, 23-27, 1-14, 2-28, 6-11, 21-6, 22-9, 23-6, 24-1, 2-11, 32-3, 22-45, 22-19, 23-6
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DP 19000

PROCEEDINGS

MS. DIANE DOMENECH: On behalf of the Board of Directors of the East End Area Chamber of Commerce, I want to voice support for the Port of Houston Authority and the Bayport Container and Cruise Terminal. The Port of Houston is an economic stronghold that remains stable in the midst of recession. It supports over 200,000 jobs and is the key element in the shipping infrastructure which contributes nearly $8 billion annually to our economy. The strength of our nation lies in the understanding and acceptance of growth made possible through change and progress. The Bayport Container Terminal is needed to accommodate the projected growth of container traffic over the next 30 years, and is a primary factor in the Port of Houston maintaining its status as the nation's number one port in foreign cargo and one of the largest ports in the world.

The Port of Houston Authority has taken the environmental impact of the facility into account since the beginning of the project and has continuously made modifications based on feedback from citizens as the project progressed. We firmly believe that progress and the environment can co-exist, and in this case, set new standards for responsible construction, taking

environmental issues into consideration with each stage of the planning process.

The continuing economic vitality of the Port of Houston and the 200,000 jobs it affects need the Bayport Container Facility, not to mention the 12,000 jobs that it will create over the first ten years. 12,000 jobs that are desperately needed to replace the thousands of layoffs that have occurred over the last few months. Houston is facing economic decline and the Port of Houston Authority is proposing a facility that will create an economic boost. We need the Port of Houston and the Bayport Container Facility. Change is the forerunner of progress, and we need progress. Deterring progress will deter our return to a thriving economy. To further understand the importance of a thriving economy, talk to someone recently laid off from their job. Those 12,000 jobs become pretty important to those who don't have one.

6-2

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6-3

The East End Area Chamber of Commerce is proud of the Port of Houston Authority and the extent it has gone to protect the environment throughout its planning for the Bayport facility. We are proud that they are protecting the economic impact of the Port by meeting industry's needs. We congratulate them on their success and support their plans to keep progress alive

22-1

by constructing the Bayport Container Facility.

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DEC 1 2 2001

BJS

MR. LANCE MILLER: The Houston Pilots have operated vessels on the Houston Ship Channel for the past 81 years. We have seen the facilities that line the Channel multiply and grow, and we have watched the ships that ply the Channel increase to over 16,000 annual transits. We have also been witness to poor dock design, thoughtless navigational approaches and inadequate turning basins in the past. This is not the case with the Bayport Container Terminal.

From a navigation point of view, it has been well planned. There is a proper setback, safe approaches, and two large turning basins. — 31-1

Because the Bayport location is before Morgan's Point, the container vessels won't have to navigate the narrow, twisting channel above the Point. This will make it not only faster to reach the open Gulf waters, but also safer. — 31-2

Winds and currents can make navigation of large vessels difficult, especially at slow speeds and when turning and docking. The banks of the Bayport Channel offers protection from high winds and once a

vessel clears the land cut, there are not anymore currents.

The Houston Pilots are charged with the safe navigation of vessels on the Houston Ship Channel and we applaud the location of this container terminal.

2-15

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DL11002 MAR 12 2002

City of Shoreacres

AN

601 SHOREACRES BOULEVARD
SHOREACRES, TEXAS 77571
PHONE (281) 471-2244
FAX (281) 471-8955

A COMMUNITY OF BEAUTIFUL HOMES ON GALVESTON BAY
HOME OF THE HOUSTON YACHT CLUB

MAYOR
Nancy R. Edmonson

CITY SECRETARY
Shari Tait

March 12, 2002

Kerry M. Stanley
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229

Dear Mr. Stanley:

Attached are the City of Shoreacres' comments on the Port of Houston's Bayport Channel Container/Cruise Terminal DEIS and permit application (Permit Application Number 21520). As is documented in the comments, many of the analyses presented in the DEIS are biased, inaccurate, incomplete, or inadequate. Due to the serious shortcomings of this important document, the City of Shoreacres would like the Corps of Engineers to correct and complete the impact analysis with a Supplemental Draft Environmental Impact Statement. The changes are far too extensive to proceed to the Final EIS. The public deserves the right for the additional review and comment that would be afforded by a Supplemental DEIS.

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23-160

Based on the information that is provided in the Bayport DEIS, the City of Shoreacres remains opposed to the Bayport site for a new container terminal. The Bayport Alternative would create unavoidable and unacceptable negative impacts to our citizens and should be rejected. Even with the incomplete analyses presented in the DEIS, it is clear that other alternatives would pose fewer negative impacts to far fewer people.

29-84

2-3

Also attached is the City of Shoreacres Resolution 2002-3 passed on March 11, 2002 which reaffirms the City of Shoreacres' opposition to the Bayport Alternative and requests that the Corps of Engineers complete a Supplemental DEIS to address the numerous, substantive omissions and problems with the DEIS.

23-160

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Thank you for your consideration of the citizens of Shoreacres in this important matter.

Nancy R. Edmonson, Mayor

Stan Krauhs, Mayor Pro Tem

Dan Blanchard, Alderman

Mary Becker, Alderman

Vickie Ellis, Alderman

Jayo Washington, Alderman

DL 11002

MAR 1 2 2002

Comments on Bayport Container Terminal DEIS
City of Shoreacres
March 12, 2002

Introduction

Most of this document lists specific comments on the Bayport Channel Container/Cruise Terminal Draft Environmental Impact Statement (hereinafter referred to as the Bayport DEIS or DEIS) by section of the report. First, however, are a few general remarks that apply to most sections of the report.

1. The DEIS suffers from a clear bias toward the Bayport site. This bias is particularly pronounced in Table 2-5 and in the last chapter of the DEIS, summary sections most likely to be read by the public. This bias is documented specifically by section in the remainder of these comments.

2. The No Action Alternative is vaguely and inconsistently defined, rendering it useless as a baseline for environmental comparisons as required by the National Environmental Policy Act (NEPA).

3. Construction impacts are always considered short-term in the DEIS even though construction will stretch over 20 years. Clearly, these impacts are long-term and should be listed as such.

23 I-0

The amount of incorrect data, the number of major omissions of certain impacts, and the methodological problems identified in some sections are too significant to be addressed in the Final Environmental Impact Statement (FEIS). The public should have the opportunity to review and comment on a more complete, accurate, and unbiased DEIS. Therefore, the Corps of Engineers should conduct and issue a supplemental DEIS to address these issues.

The following comments on the Bayport DEIS are listed by section of the report.

1.0 Purpose and Need for Action

While the economics of a project are generally not a part of an environmental impact statement, the Corps of Engineers must look at whether a project is in the overall public interest. The Port of Houston's need for another container terminal, as described in the purpose and need section of the DEIS, is unsupported. Further, the DEIS does not include a differential economic analysis across the alternatives. A comprehensive cost/benefit analysis would indicate that other alternatives are superior to Bayport. Specific comments on this section include the following.

1-49

1. The assumed 5% annual growth in Gulf Coast container business through 2024 is unrealistically high for a 24-year period. The rapid growth rates in the container business over the past twenty years were driven by containerization of cargo previously handled as

1-50

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RESOLUTION NO. 2002-03
REAFFIRMATION OF OPPOSITION TO BAYPORT CONTAINER TERMINAL

A RESOLUTION REAFFIRMING THE CITY OF SHOREACRES' OPPOSITION TO THE BAYPORT CONTAINER TERMINAL AND REQUESTING THAT THE CORPS OF ENGINEERS COMPLETE A SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT TO ADDRESS CONCERNS WITH THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

WHEREAS, the Port of Houston has requested a permit from the U.S. Army Corps of Engineers to build a container and cruise terminal on the Bayport Channel; and,

WHEREAS, the U.S. Army Corps of Engineers has completed a Draft Environmental Impact Statement (DEIS) on the proposed container and cruise terminal which lists significant and unacceptable impacts to the City of Shoreacres; and,

WHEREAS, as detailed in the City of Shoreacres' attached comments on the DEIS, the DEIS has significant errors and omissions that must be corrected to provide a full disclosure of the impacts of this proposal; and,

WHEREAS, if these errors and omissions are not addressed until the Final Environmental Impact Statement, the public and the City of Shoreacres will not have any opportunity to review and comment on the corrected analysis; and, therefore

BE IT THEREFORE RESOLVED BY THE CITY OF SHOREACRES, STATE OF TEXAS:

THAT, based on the information in the DEIS, the City of Shoreacres remains opposed to the Bayport Container Terminal, and that the City of Shoreacres requests that the U.S. Army Corps of Engineers complete a Supplemental DEIS to address the significant concerns of the City with the DEIS. 29-84 23-160

AND IT IS SO ORDERED, PASSED AND APPROVED ON THIS 11th DAY OF MARCH, 2002.

Nancy R. Edmonson
NANCY R. EDMONSON, MAYOR

ATTEST:

SHARI TAIT
CITY SECRETARY

DL 11002

MAR 1 2 2002

Comments on Bayport Container Terminal DEIS
City of Shoreacres
March 12, 2002

Introduction

Most of this document lists specific comments on the Bayport Channel Container/Cruise Terminal Draft Environmental Impact Statement (hereinafter referred to as the Bayport DEIS or DEIS) by section of the report. First, however, are a few general remarks that apply to most sections of the report.

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23 INC

The amount of incorrect data, the number of major omissions of certain impacts, and the methodological problems identified in some sections are too significant to be addressed in the Final Environmental Impact Statement (FEIS). The public should have the opportunity to review and comment on a more complete, accurate, and unbiased DEIS. Therefore, the Corps of Engineers should conduct and issue a supplemental DEIS to address these issues.

The following comments on the Bayport DEIS are listed by section of the report.

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I-49

1. The assumed 5% annual growth in Gulf Coast container business through 2024 is unrealistically high for a 24-year period. The rapid growth rates in the container business over the past twenty years were driven by containerization of cargo previously handled as

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bulk cargo. Most of the cargo that can be containerized has been; therefore, future growth rates for the container business should be no greater than the overall growth rate of imports. 1-50

2. The need for Bayport also assumes that Barbour's Cut and other local container terminals are full. However, Barbour's Cut will not be full when Americana Ships leaves Barbour's Cut for Shoal Point. Shoal Point is likely to be built, which will add more regional container handling capacity. 2-164

3. The DEIS provides no market support for the proposed five-berth cruise terminal. Since it built its first cruise berth, the Port of Houston has had either zero or one cruise ship tenant. No tenant has ever been able to cover its marginal cost of operation. The cruise ship market on the Gulf coast is growing slowly, but because of its other tourist amenities, most cruise ship growth on the Texas coast is occurring in Galveston. There is no reason to believe that a five-berth cruise facility located in upper Galveston Bay would ever be economic or be built. 6-107

4. The Port of Houston's container facilities are inefficient. They could handle more cargo if some of the container storage and intermodal operations were moved to a remote location. And while the efficiency of the applicant may not appear to be directly relevant in a DEIS, this inefficiency is important in two areas—it helps drive the justification of need and it, coupled with the unsupported need for a cruise terminal, inflates the land area needed for alternatives (covered in more detail in Section 2.0). 1-51

An appropriate examination of the underlying economics of this proposal could reveal the entire project as an unnecessary waste of public funds. 6-108

2.0 Project Alternatives

The selection of the final alternatives for study was flawed for the following reasons.

1. The required footprint is too large, because it is based on inflated land needs for a container terminal and includes a very large cruise terminal for which there is little market support. Elimination of sites based on lack of space excludes many reasonable sites. For example, Site #10-Beltway 8 was eliminated because "proposed cruise facilities would have to be developed at another location" (DEIS, page 2-10). The fact that the Bayport project footprint is artificially inflated is further supported by the reduced land area assumption used by the applicant for the Shoal Point Container Terminal in its US Army Corps of Engineers DEIS (Shoal Point DEIS). 23-130

2. Even if there were a demonstrated need for a cruise terminal, there is no reason that the cruise terminal and container terminal must be co-located. If the two facilities were sited separately, additional smaller sites would be feasible. This cruise facility was also used to justify the conclusion that all combination sites must include Bayport "primarily because 2-142

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the other sites in combination are not large enough to accommodate the proposed cruise facilities" (DEIS, page 2-12). This conclusion clearly biases the analysis toward Bayport. 2-146

3. The Tier 2 criteria include potential social impacts as a reason to exclude a site from further study. Potential social impacts are defined as including "potential impacts on existing communities and community structure associated with terminal development at each site" (DEIS, page 2-5). If fairly applied, this criterion should have eliminated Bayport as a potential site. 5-39

4. The development of the combinations alternatives was illogical and biased. No non-Bayport combination alternatives were studied, and three of the final seven alternatives are Bayport-based. At least one combination site that was composed of two smaller sites should have been included rather than using one smaller site with a portion of Bayport or two pieces of two sites that are otherwise large enough (e.g., Bayport/Shoal Point). If Bayport and Shoal Point are each independently large enough for the facilities, using a portion of each would clearly reduce efficiency while increasing the impacts. These combination sites were merely shams, not reasonable alternatives. Similarly, if there were a reason that one portion of each combination alternative must be drawn from one of the larger sites, then one or more could have been created by combining Spilman's Island, Shoal Point, or one of the others with a smaller site to make combination sites. 2-92 2-93

5. Sites such as #12, #14, #17, and others in already industrialized areas are eliminated based on size (although no combination alternative was developed for this area) and because redevelopment of existing industrial properties "would involve additional project costs". Project cost is not, however, a defined selection criteria. If, in fact, project cost were a selection criteria, sites such as Bayport that require extensive additional public infrastructure to be feasible (such as widening of SH 146) and extensive mitigation should be eliminated as well. 2-165

The project alternatives should be redefined and the DEIS redone based on alternatives that are selected in an unbiased manner.

2.5.1 Comparison of Alternative Locations and Their Impacts—Non-Environmental Considerations

Section 2.5 summarizes the impacts of all alternatives. While environmental impacts are covered in Chapter 3 and the City of Shoreacres' comments on those topics will be addressed under those sections, Section 2.5 is the only place where non-environmental impacts (availability of alternative to applicant, operational effectiveness, and development constraints) are discussed. Specific comments include the following.

1. First and perhaps most critically, the analysis of availability of land for Bayport fails to address the issue that Port cannot acquire the land it needs in Seabrook. In fact, it fails to mention at all that land condemnation would be required for Bayport even though the analysis of displacement is a required category under the National Environmental Policy 4-44

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Act (NEPA). The Bayport site plan, as submitted in its Corps permit application, would require condemnation of industrial, residential, agricultural, and park land. This issue is not addressed at all in the DEIS. 4-44

2. The operational effectiveness analysis overstates the importance of proximity to Barbour's Cut by failing to balance the economics of the shorter ship sailing distances against longer truck driving distances. 2-166

3. The development constraint analysis overstates problems with replacement dredge disposal sites. The majority of the acreage proposed for the Bayport container terminal was purchased by the Port of Houston a few years ago for dredge disposal. If container terminals were developed at either Spilman's Island or Shoal Point, dredge disposal could be replaced at Bayport. 11-27

4. The development constraint analysis should consider public opposition as a factor. Clearly, the sites can be significantly differentiated on the basis of the level of public opposition and the delays associated with that opposition. 23-131

5. This section should have included a discussion of proximity to or permission for deeper channels as an important long-term factor. Container ships are getting larger and larger. Economics indicate that developing a site that can accommodate deeper draft ships will be required for the long-term viability of the container terminal. Again, the sites can be clearly differentiated on the availability or ease of acquiring deeper water and this factor should have been analyzed. 2-100

6. Combination sites are considered less efficient because of the need to develop support infrastructure at two separate locations. But returning to the selection of the alternatives, if a combination site that put all container operations at one site and the cruise terminal at a different site were analyzed, duplicate infrastructure would not be needed. The infrastructure needed for container and cruise terminal are different. Indeed, cruise terminal attractiveness would be improved if the two were not co-located. 2-1-2

The non-environmental analysis should be redone. In addition, Table 2-5 presents conclusions of the environmental and non-environmental analyses in a selective and biased manner and should be either redone or eliminated.

3.2 Land Use and Coastal Zone Management

Problems with this section include incorrect data, poor methodologies, and missing analyses, as follows.

1. Given the potential impact of Bayport on Shoreacres, the DEIS should at least get basic facts correct. But on page 3.2-1, the DEIS states that Shoreacres is "dominated by single-family residential development with commercial uses in several scattered locations, mainly along major roadways. In fact, the Houston Yacht Club is the only commercial property 4-58

in Shoreacres and it lays nowhere near the major roadways. Except for the Houston Yacht Club and municipal buildings, the entire city is single-family residential and all undeveloped land is zoned single-family residential. In addition, the DEIS (page 3.2-8) lists possible terminal supporting activities on land in Shoreacres; this land is, however, right-of-way owned by TxDOT and such uses are not allowed by Shoreacres' zoning ordinance. In general, this critical section of the DEIS is poorly researched. 4-58 4-23

2. The assumptions behind the No Action Alternative vary throughout sections of this report. In some sections (e.g., Air Quality), the No Action Alternative means just that—no new development on the proposed site. In this section, the No Action Alternative presumes that the Bayport site would become predominantly industrial, with private properties developing into commercial and multi-family housing. This assumption is unsupported. The Bayport Channel was dredged nearly 30 years ago, and yet today only a small portion of the land at the Bayport site has been developed for industrial uses. The master plan for the Bayport Industrial District did not plan for industrial development east of Old SH 146, except for a narrow strip along the channel. Assuming that the remaining 900 acres will be developed with heavy industry within the 20-year time horizon of this study biases the analysis and should be eliminated. 4-59 4-59

3. In Section 3.2.3.4 Spilman's Island Terminal Location, the concern about a replacement dredge disposal site is again listed. Using the same issue over and over again in different sections of the report biases the analysis against alternatives that would be developed on dredge disposal areas. While replacement dredge disposal sites may be an issue, it should be addressed once in the most appropriate section of the DEIS. In addition, if the Spilman's Island Alternative were designed more efficiently, space would remain for dredge disposal. 2-12-1

4. The basic methodology of the land use analysis is based on the assumption that no land use changes can occur on already developed land. Land use impacts on developed land are not addressed. Therefore, this section concludes that the more fully developed the area around an alternative site, the less the impact of the container terminal. Land use impacts may not be expected in more fully developed areas around a proposed site if the container terminal is consistent with existing land use patterns (i.e., industrial). However, if current land use patterns are inconsistent with such a massive proposed industrial development, land use changes will likely occur in developed areas. Land use could remain residential but degrade from desirable, higher value residential to less desirable, lower value residential or land use could change from residential to other low value supporting land uses (such as container storage) as homes are abandoned. Overall, this very important topic is treated in a very shallow manner. An analysis of potential induced land use changes should have been included. [redacted] 4-9

5. This section also addresses consistency with coastal zone management and lists impa[redacted] types (e.g., oyster reefs, mud flats) on Coastal Natural Resource Areas. The DEIS never says exactly what the significance of the impacts are, however. [redacted] 9-6

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This section treats a very important topic—land use—in a superficial manner and should be significantly revised and expanded. 3-6

3.3 Socioeconomics

In general, this section is much ado about nothing. Nothing can be concluded from the analysis other than if money is spent, jobs are created. Specific problems include the following points.

1. The analysis does not examine the comparative job growth generated by a $1 billion public investment in something other than a container terminal. Similarly, the analysis does not look at the potential socioeconomic negatives of this investment—the potential for crowding out proposed private investment for similar facilities or the alternative uses for limited public bonding capacity. 6-131

2. Approximately the same job growth would occur with each alternative, but the costs (public and private, direct and indirect) of the alternatives are very different. This analysis does not recognize the difference between gross and net job growth. 6-132

3. As with other sections of the report, the No Action Alternative is again inconsistently defined. In this section, the No Action Alternative consists of some growth in the region for container and cruise traffic, with some dampening of the growth rate caused by lack of capacity in the facilities. No jobs from industrial development at the Bayport site are included, even though that type of development was assumed for Section 3.2 (as well as others). 6-33

4. The Bayport DEIS includes no analysis of the impacts of the proposed project on local tax revenues, a topic covered in the Shoal Point DEIS. 6-134

This section needs to be revised to cover important omitted topics while reducing irrelevant filler analysis.

3.4 Social Characteristics and Environmental Justice

The demographic profiles of the populations around each site developed in this section may be interesting. However, most of the data are irrelevant and the little analysis based on these profiles is inadequate. A few comments follow.

1. The number of people (of all ethnicities and income groups) affected by each alternative is very different, but the DEIS fails to recognize this as a distinguishing impact across alternatives. According to the DEIS, the estimated 1999 population for the study areas around each site are: Bayport—22,955, Spilman's Island—4,109, Shoal Point—2,553, Cedar Point—6,176, Pelican Island—532, and Upper San Jacinto Bay—23. The population around the Bayport site is more than the total of the populations around all the rest of the sites. 5-34

2. The DEIS concludes there are no community structure impacts but does not define a methodology or rationale for this conclusion. Issues that should have been recognized in this section include:

- Impact of encircling Shoreacres and old La Porte with industry and port facilities, effectively isolating them from surrounding communities
- Impact of cutting off of Shoreacres from rest of Clear Lake area. Shoreacres belongs to the Clear Lake Council of Cities and considers itself a part of the greater Clear Lake area
- Isolation of El Jardin from all surrounding communities by encircling it with industrial development

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3. The Shoal Point DEIS includes a section called Community Values that addresses compatibility with local plans and public opposition to each site. The Bayport DEIS should include a similar analysis, which will clearly document the solid opposition to the Bayport site from all surrounding jurisdictions. The Cities of Shoreacres, La Porte, Pasadena, Seabrook, Taylor Lake Village, El Lago, League City, and Clear Lake Shores and the La Porte and Clear Creek Independent School Districts are publicly opposing the Bayport Alternative. The other alternatives have not, however, engendered any opposition, a clear and critical differentiation among the alternatives.

23-164

This important section should be revised and expanded.

3.5 Surface Transportation

The effect of Bayport on the area's surface transportation system is a major concern to the public. Unfortunately, the transportation section of the DEIS is poorly executed, with detailed comments as follows.

1. Probably the biggest problem in a significantly flawed section of the DEIS is the assumptions about off-site roadway improvements recommended for each alternative. For Bayport, the DEIS proposes and the analysis is dependent on fly ramps at Port Road/SH 146 interchange, an additional mainlane of capacity in each direction on SH 146 from Red Bluff Road to Fairmont Parkway, elimination of the traffic lights at Shoreacres Boulevard and SH 146 and Red Bluff Road and SH 146, the realignment of Todville Road, widening of Port Road from two lanes to six lanes, and rail grade separations at SH 146, Port Road, Choate Road, Fairmont Parkway, and Red Bluff Road. While all the traffic analysis assumes that these improvements are in place, the DEIS does not address the cost or feasibility of each of these significant roadway improvements. The Port of Houston does not have jurisdiction over these roadways and, therefore, cannot determine whether these expansions will ever occur. None of these improvements except a few of the rail grade separations are in the current Houston-Galveston area Metropolitan Transportation Plan

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- The DEIS assumes that current percentages of traffic comprised of trucks is 6% on all area roadways. The analysis assumes the same percentage on Todville Rd, a two-lane residential road, as on SH 146. The percentage of trucks on SH 146 through Shoreacres today is 10% to 15%.

- The DEIS assumes that the percentage of truck traffic on SH 146 stays the same even after Bayport is added. This assumption is absurd and renders the analysis useless. 3-7

- As mentioned in the Surface Transportation section, the traffic analysis assumes fly ramps connecting SH 146 at Port Rd, direct ramps for trucks over SH 146 to the truck entrance, and grade-separation of traffic on SH 146 at Red Bluff and at Shoreacres Boulevard, elevating the noise at all locations. Even though the traffic analysis was dependent on these roadway changes, the noise analysis did not take these significant changes into account. 3-8

5. The DEIS states that a 20-ft earthen berm on the north shore of the channel could mitigate some of the noise but this berm is not part of the plan and would require residential buy-outs to build. In addition, the berm would do little or nothing to mitigate noise at homes further than one or two structures away from the berm. 3-24

6. Noise from additional trains traveling through Shoreacres and La Porte was not addressed. The engine and whistle noise are significant. The train noise analysis only looked at the residential areas of Seabrook and Taylor Lake just west of the SH 146/Red Bluff Road intersection. 3-13 3-26 3-15

7. Noise is only considered an impact if it rises above a federal cut-off level that requires mitigation for federally funded transportation projects. If an area went from very quiet (as people living there like it) to just below this particular federal standard (which is quite loud), there is no impact assumed. The noise from Bayport should be compared to more appropriate standards, such as those in effect in surrounding cities. Shoreacres' noise ordinance forbids noise sources that raise the average noise level by 5 dba. Even without a complete analysis, the DEIS shows impacts above this level. 3-31

8. The noise analysis assumes that quieter cranes will be used than at Barbour's Cut but the Port has made no commitment to use these. 3-50

9. The noise analysis is based on daily averages, and none of the analysis of impacts looks at maximum sound levels. Dropped containers, revving engines, and other sporadic noises can be extremely disruptive to surrounding land uses, but the impacts of these noises cannot be seen in a daily average analysis. 3-29 3-39

10. The DEIS includes no analysis of vibration impacts. Areas along the north side of the channel already experience disruption from vibration causes by ships in the Bayport 20-23

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Channel. Clearly, these impacts would increase as more ships and more heavy machinery are added to the area. As with many other impacts, vibration impacts for the Bayport Alternative are likely to be worse than for other alternatives because of proximity to residential areas. This impact must be analyzed. 20-46

Shoreacres is a quiet community. We like it that way and want our peace and quiet to remain. Clearly, the Bayport Alternative is the worst alternative with respect to noise because of its proximity to numerous residential communities. This analysis must be redone to accurately and fairly represent the noise impacts from Bayport. 31-12

3.9 Aesthetics and Light

While the impact of changed aesthetics and light levels is hard to measure, this issue is very important to the people living around the proposed Bayport Container Terminal. While we have some industrial views and lighting, they do not currently overwhelm the natural beauty provided by our Bay, bayous, and trees. The enormity of the industrialization brought by the Bayport Container Terminal would dominate views and diminish the quality of life enjoyed by current residents. Specific issues with the aesthetics and light analysis include: 17-19

1. No view analysis was conducted from the north (Shoreacres or La Porte), a significant omission.

2. The light analysis assumes clear nights, with no reflections from clouds. With an average of 50 inches of rain per year, clouds cannot be ignored on the Galveston Bay coast. 17-20

3. On page 3.9-8 of the DEIS, the DEIS states that the viewshed from Shoreacres is obstructed due to the proximity of houses, heavy vegetation, and large trees". It goes on to say that "deciduous vegetation on the north shore of the Bayport Ship Channel would obscure the viewshed during the spring and summer months". These conclusions are incorrect for a number of reasons. 17-19

- First, the dense deciduous vegetation on the north shore has since been ripped out by the Port of Houston while stabilizing the bank of the north shore. The newly planted vegetation will take many years before it approaches the height and thickness of the trees removed. 20 47
- Second, even mature vegetation will not likely reach over 20 feet tall. How can 20-foot trees block views of cranes, light masts, ships, and other items that will soar 120 feet above the ground? 20-8

4. A high-powered telescope is mounted as an outdoor observatory at Armand Bayou Nature Center, which is located a few miles west of the proposed Bayport site. As a part of its environmental education program, astronomers use the telescope to show the stars and planets to lecture attendees. The nightglow from the greater Houston area already 17-20

The traffic volumes in the regional model were adjusted for any roadway section not showing a growth in traffic from existing to future conditions (See Volumes V: Appendices-Technical Memorandum on Post-Model Adjustments of Traffic Projections). First, not all roadways should be expected to show traffic growth, particularly of significant capacity has been added to alternative routes. Second, if traffic is added to one roadway segment, an equal amount of traffic should be taken away from an alternate roadway segment. The validity of the regional model is premised on the assumption of constant trip tables (the total regional number of trips generated in the region) across alternatives. If traffic is added to certain roads and not removed elsewhere, traffic in the region is artificially inflated. Artificially inflated traffic will tend to mask the impact of the traffic that is then added by a new facility such as Bayport. Either all of these adjustments should be removed or offsetting reductions on traffic elsewhere must be made. 27-99 27-99

In general, the regional traffic model is used inappropriately and inconsistently. Given all of the problems listed above, the traffic analysis should be redone. 27-99

3.7 Navigation

The Bayport Container Terminal presents a clear hazard to recreational boating, including boaters at the Houston Yacht Club located in Shoreacres. This section treats the issue lightly and naively, in general concluding only that the shorter the sailing distances up the Bay, the lower the risk of collisions and other accidents. More specifically, the following problems are noted. 31-15

1. In addition to distinguishing the alternatives by the differences in requiring sailing distances for ships, this analysis should have also looked more closely at the differences among the alternatives relative to their proximities to recreational boating. The Bayport Container Terminal will bring additional ships right through one of the busiest recreational boating areas of Galveston Bay. For example, within one mile of the mouth of the Bayport Channel, the following boating facilities are located: the Shoreacres Recreation Association boat ramp, the Houston Yacht Club, the Bay Colony Homeowners Association boat ramp, El Jardin boat ramp, Pine Gully Park boat ramp, and Camp Casa Mare. The number of recreational boats in the area of each alternative is clearly as significant a factor in estimating the risk of collisions as is the ship sailing distance. 31-15 31-15

2. The DEIS states that ship conflicts "may result in the voluntary displacement of recreational boaters" (page 3.7-6) in the Bayport area. But the DEIS then never addresses what the local impacts of these displacements would be on property values and the economic viability of facilities such as the Houston Yacht Club, Camp Casa Mare, and recreation-based residential areas. Again, this analysis should have been conducted because it would further differentiate among the alternatives. 31-16 31-4

3. The risks of collisions and extra traffic up the Ship Channel should be examined economically. The cost of these collisions increases the cost of siting the facility further up a bay with heavy ship and boat traffic. 31-16

4. As with other sections of the DEIS, the navigation section created its own assumptions for the No Action Alternative. The section assumes that ship activity in the Bayport Channel would increase 3.3% per year through 2030. No documentation is provided to support the assumption that future land uses would ever demand that level of ship activity. 31-17

Given the importance of acceptable navigation conditions for a Port, this analysis should be redone.

3.8 Noise

The noise analysis is poorly executed and incomplete, with specific issues as follows. 3-12

1. The No Action Alternative is so vaguely defined that it provides no baseline against which to compare the alternatives.

2. Much of the Bayport DEIS analysis is based on noise levels recorded at Barbour's Cut Container Terminal. Barbour's Cut has only about half of the capacity, and hence activity levels, as would the proposed Bayport Container Terminal. But the DEIS gives no indication that the noise levels were adjusted to account for the higher level of activity. In addition, out of six monitoring sessions, the documentation mentions that one ship was berthed for one session, no ships were at berth for one session, and whether any ships were in dock was not mentioned for the other four. While ship noise may be less important at Barbour's Cut (since the noise of the loading areas and truck queues are between the ships and residential areas), ship noise could be significant in parts of Shoreacres and La Porte. Shoreacres and La Porte lie downwind of the ship berths with nothing to mask or absorb the noise. 3-48

3. As with other sections of the DEIS, the cruise terminal is included only where convenient (generally where benefits accrue, such as job creation). The noise from the cruise terminal is completely omitted from the DEIS noise analysis. The cruise terminal would place ships and traffic very close to residences in Shoreacres, La Porte, and El Jardin and cannot be ignored. 3-47

4. The finding that no noise impacts from traffic will occur for the Bayport Alternative is derived from faulty analysis and must be redone. No adverse impacts from traffic were revealed in the DEIS analysis because: 3-7 3-30

- No sites along SH 146 were modeled. Noise from trucks would not be expected at Shoreacres City Hall, which is approximately 1-½ miles from SH 146 where most of the trucks will be traveling. The DEIS should have modeled potential noise impacts in the Bayou Forest subdivision in Shoreacres, which lies adjacent to SH 146. 3-5

- The DEIS assumes that current percentages of traffic comprised of trucks is 6% on all area roadways. The analysis assumes the same percentage on Todville Rd, a two-lane residential road, as on SH 146. The percentage of trucks on SH 146 through Shoreacres today is 10% to 15%.

- The DEIS assumes that the percentage of truck traffic on SH 146 stays the same even after Bayport is added. This assumption is absurd and renders the analysis useless. 3-7

- As mentioned in the Surface Transportation section, the traffic analysis assumes fly ramps connecting SH 146 at Port Rd, direct ramps for trucks over SH 146 to the truck entrance, and grade-separation of traffic on SH 146 at Red Bluff and at Shoreacres Boulevard, elevating the noise at all locations. Even though the traffic analysis was dependent on these roadway changes, the noise analysis did not take these significant changes into account. 3-8

5. The DEIS states that a 20-ft earthen berm on the north shore of the channel could mitigate some of the noise but this berm is not part of the plan and would require residential buy-outs to build. In addition, the berm would do little or nothing to mitigate noise at homes further than one or two structures away from the berm. 3-24

6. Noise from additional trains traveling through Shoreacres and La Porte was not addressed. The engine and whistle noise are significant. The train noise analysis only looked at the residential areas of Seabrook and Taylor Lake just west of the SH 146/Red Bluff Road intersection. 3-13 3-26 3-15

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1. No view analysis was conducted from the north (Shoreacres or La Porte), a significant omission.

2. The light analysis assumes clear nights, with no reflections from clouds. With an average of 50 inches of rain per year, clouds cannot be ignored on the Galveston Bay coast. 17-20

3. On page 3.9-8 of the DEIS, the DEIS states that the viewshed from Shoreacres is obstructed due to the proximity of houses, heavy vegetation, and large trees". It goes on to say that "deciduous vegetation on the north shore of the Bayport Ship Channel would obscure the viewshed during the spring and summer months". These conclusions are incorrect for a number of reasons. 17-19

- First, the dense deciduous vegetation on the north shore has since been ripped out by the Port of Houston while stabilizing the bank of the north shore. The newly planted vegetation will take many years before it approaches the height and thickness of the trees removed. 20 47
- Second, even mature vegetation will not likely reach over 20 feet tall. How can 20-foot trees block views of cranes, light masts, ships, and other items that will soar 120 feet above the ground? 28-8

4. A high-powered telescope is mounted as an outdoor observatory at Armand Bayou Nature Center, which is located a few miles west of the proposed Bayport site. As a part of its environmental education program, astronomers use the telescope to show the stars and planets to lecture attendees. The nightglow from the greater Houston area already 17-20

makes some sights in the sky hard to see; the added light from Bayport could render the telescope useless. This issue should be addressed. 17-20

The significant omissions and inaccuracies in this section should be corrected. 28-12

3.10 Cultural Resources

The Cultural Resources section does little to convey the history and culture of a unique part of the Houston-Galveston area. A few specific comments on this section include:

1. While the DEIS mentions the remains of the Red Bluff community (which was destroyed by the Port of Houston 30 yrs ago) as a historic site, it does not list impacts to these remains in Section 3.10.3.10 Summary. 16-6

2. Because the National Register eligibility of HYC has not been determined, the indirect impacts on HYC (discussed in this section) are also not listed in Section 3.10.3.10 Summary. 16-1

3. In Section 3.16 Cultural Resources of the Shoal Point DEIS, the DEIS presents extremely detailed histories of the communities located at or near most of the alternatives. The Bayport DEIS includes nothing, however, about the 18th, 19th, and 20th century histories of the sites. The analysis focuses almost exclusively on the archaeological histories. The Bayport DEIS should have also detailed the history of the local communities. Some of the earliest settlement in the Galveston Bay area occurred near the Bayport site, yet the DEIS ignores this fact. The Bayport site includes the historic Red Bluff community, one of the oldest settlements on Galveston Bay. The Port of Houston demolished this community in the early 1970s. The three cities that flank the Bayport site—the Cities of Shoreacres, La Porte, and Seabrook have rich histories that reveal the long history of this area as a residential and recreational resource. 16-6

This section should be expanded to account for the more recent human history of this area.

3.11 Parks and Recreation

Given the recreational environment around the Bayport site, this section should be very important. However, missing data and spurious conclusions diminish the usefulness of this section as a means of distinguishing the alternatives.

1. In listing the recreational properties in the Bayport Study area on Page 3.11-2 (as well as in the supporting tables and appendices), the DEIS omitted the Houston Yacht Club (even though other private facilities were listed), the Bay Colony Park and Pier, the Seabrook Fairgrounds, and the Shoreacres Bayfront Park, and the Shoreacres Recreation Association's Pier and Boat Ramp. Getting a mere inventory of facilities correct does not seem like too much to ask of the Army Corps of Engineers. 32-27

2. The No Action Alternative assumes that the Bayport site would be filled with petrochemical facilities. Again, this is an unsupported assumption that biases the analysis. 32-28

3. The conclusion that there would be no indirect impacts from Bayport on recreational facilities is not supported. The viability of the Houston Yacht Club would certainly be challenged by Bayport from all of the impacts documented in this DEIS. Similarly, indirect impacts would certainly occur at Case Mare, Pine Gully Park, Bay Colony Park and Pier, and Robinson Park, at a minimum. 32-29

4. The Bayport Alternative would clearly have a direct impact on the Seabrook Fairgrounds because it would be condemned and demolished. This impact is, incredibly, not discussed or even listed in the DEIS. 32-29

The omissions in this section are so serious that the entire section should be redone.

3.12 Air Quality

The air quality problem in the Houston-Galveston area is significant and well recognized. Given the importance of the issue, this section must be accurate and complete. Unfortunately, the DEIS analysis is incomplete and flawed.

1. The DEIS includes no site specific air quality modeling results, except for carbon monoxide at one location near the Bayport site. In essence, all of the analysis simply looks at whether the aggregate addition of air pollution from a container terminal significantly increases air pollution over an eight county area and fails to address the impacts to the people living near the sites. Human beings do not breathe "average air"; they breathe the air that is in front of them. The City of Shoreacres does not accept the conclusion that because the air quality in the eight county area does not change significantly with Bayport added that there are no significant air quality impacts. 7-45

2. The DEIS does not include as analysis of small particulate matter (PM 2.5), an extremely hazardous air pollutant generated primarily by diesel engines. Given the number of trains, ships, and trucks proposed for the Bayport Container Terminal, the increase in small particulate pollution is likely to be significant. 7-128

3. The DEIS does not include an analysis of Hazardous Air Pollutants (HAPs), which are also produced by burning diesel fuel, and have been linked to increased morbidity in humans. 7-128

4. The DEIS does not include an analysis of the health effects of any of the air pollutants either included or omitted from the DEIS. 7-17

5. The DEIS finds that because the estimated 2007 NOx emissions for Bayport are less than the amount budgeted for it in the Statewide Implementation Plan (SIP), the operations NOx and VOC emissions are classified as long-term, less than significant 7-138

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impacts. Restricting this analysis to 2007, when Bayport is still under construction and operating at less than 20% of its capacity is extremely misleading. While daily NOx emissions are only about 2.7 tons/day in 2007, this figure rises to 13.6 tons/day on 2025 (see Table 3.12-8). Air quality conformity begins in 2007, not ends. It would be irresponsible to issue a permit for Bayport with an assumption of 2.7 tons/day of NOx, when it is known that this figure will quadruple. 7-138

6. The description of the No Action Alternative on page 3.12-14 states that since "a majority of the containerized cargo entering Houston ports is destined for the immediate Houston area", the No Action Alternative will assume that 80% of the cargo must be brought into the area by vessel, rail, or truck if no new container terminal exists. However, the Origin and Destination Study conducted for the Surface Transportation analysis found that only 56% of the cargo originated or was destined in the study area. 1-52

7. In its description of proposed mitigation (Appendix V), the DEIS states that the Port of Houston will use alternatively fueled vehicles on site "when commercially available". The DEIS does not estimate when that might be or whether the Port would be required to use these cleaner vehicles. 7-140

8. Construction emissions are considered adverse but short-term. Given the proposed length of the construction period (20 years), these impacts should be considered long-term. 7-139

9. One of the conclusions of the DEIS is that emissions are lowest for those sites south of Bayport (Shoal Point and Pelican Island) because shorter ship distances reduce pollution more than the longer truck distances increase them. This significant conclusion, which is counter to the claims made by the Port over the past few years, is not included in Table 2-3 Summary Comparison of Environmental Consequences. 7-141

10. The air quality analysis in the Shoal Point DEIS refers to air quality data collected near the Bayport site at 3903 ½ Old Highway 146 and on Fairmont Parkway. In addition, in 2001, a new air quality monitoring station opened in Friendship Park in Seabrook. The Bayport DEIS states, however, that the nearest air quality monitoring station is in Deer Park. The analysis should include relevant data from these nearer air quality monitoring stations. 7-63

The air quality analysis must be redone.

3.13 Public Safety

This section is incomplete and the methodology is flawed.

1. The most significant flaw in this section is that it did not address differences in populations around each site when concluding that there is no public safety difference among the alternatives from hazardous spills or other threats. Simply concluding that the 21-49

potential for hazardous spills would be the same for each site since number of trucks would be the same without looking at the populations that would be exposed to these spills is irresponsible. 21-49

2. This section did not address the threat of terrorism. Again, because of the difference in number of people and the number of sensitive locations near each site, the alternatives could be distinguished on this issue. 21-54

3. This section did not examine impacts on emergency service response to Shoreacres caused by transportation impacts from the Bayport Alternative. The Clear Lake Emergency Medical Corps provides emergency medical services (EMS) to Shoreacres, dispatching ambulances when needed from either Seabrook or Clear Lake City. Trains blocking Choate Road and truck queues on SH 146 could significantly lengthen EMS response times to Shoreacres. 21-51

4. While Bayport would significantly increase the number of trucks traveling through Shoreacres, many carrying hazardous materials, the City of Shoreacres does not have authority to police trucks for safety violations. This issue should be examined across all alternatives. 21-26

This section, by failing to recognize the differences among the populations potentially affected by safety issues across the alternatives is not only incorrect but also biased.

3.14 Hazardous Materials, Hazardous Wastes, and Other Regulated Substances

The primary problem with this section is the same as with 3.13 Public Safety. The analysis fails to address the difference in risk across alternatives due to the differences in the size of the nearby populations. Again, this omission is irresponsible and results in biased conclusions. 21-49

3.15 Shoreline Erosion

Shoreline erosion from ship wakes can be a significant problem, as can be seen from the nearly 100 feet lost on the north shore of the Bayport Channel over a 13 year period (DEIS, page 3.15-3). Despite the evidence of the magnitude of this problem, the issue is dealt with lightly in the DEIS.

1. In this section, the DEIS enumerates two distinguishing criteria--erosion from ship movements from Bolivar Roads to the site and erosion from the entry of ships into the terminal-- but uses only one (erosion from entry into the terminal) to rank the sites. By doing this, the higher potential for impact to shores and wetlands (including those in the open Bay) from the longer ship distances is ignored. 15-37

2. The impact of ship wakes on the Houston Yacht Club harbor and bulkheads was not addressed. 15-2

3. The DEIS promises shoreline protection to mitigate the effect of erosion for a few of the alternatives. However, it took 30 years for the Port of Houston to protect the rapidly eroding Bayport Channel. 15-35

These omissions should be addressed.

3.16 Hydrology, Drainage, and Flooding

Flooding and drainage are always a concern in a low-lying area that is subject to a large amount of rainfall and periodic tropical systems. Intense impermeable development at Bayport will exacerbate current drainage problems in the area. Other specific comments on this section include: 33-10

1. The detention plans and other mitigation measures mentioned in the DEIS are just suggestions. The Corps did not actually model the plans to see if they work nor are they required as a part of the permit. 33-11

2. The Bayport Alternative has the second most impermeable surface (paving) of the sites due to inefficient design. The amount of impermeable surface increases the flooding potential. 33-12

3. The Bayport and Cedar Point Alternatives are the only upland sites, which means that they potentially affect adjacent and downstream properties. Other sites are basically islands, where the run-off water goes straight to the Bay. 33-4

Since flooding risks cannot be completely eliminated through design, proper siting of new development is the best way to prevent future problems.

3.17 Water Quality

The water quality in the Bay is important to area residents. Over the past 20 years, water quality has improved significantly as local industries have reduced discharges. Introducing a huge new source of pollution in upper Galveston Bay runs counter to the progress for which the communities have fought. Specific comments on this section include:

1. The biggest problem with this section is that it fails to address the impacts of a 50-foot channel. The Port of Houston anticipates the need for a 50-foot channel all the way from Bolivar Roads to whatever site is chosen for this container terminal. The permit application shows wharf depths of 56 feet in anticipation of this deepening. Given this well-publicized expectation, the impacts of the deeper channel must be considered. Given the differences among the alternatives in distance from Bolivar Roads, this factor will show significant distinction among the alternatives. Omitting this factor biases the DEIS. 20-1

2. This section lists potential mitigation strategies for each site; however, the documented impacts cannot be fully mitigated and the undocumented impacts such as the 50-foot channel cannot be mitigated at all. 9-32

3. While water quality changes may be similar across alternatives, the number of people affected by those changes would be different across alternatives. Because changes in water quality affect recreational users of the Bay, the DEIS should have examined the differential impact of water quality across alternatives based on the differences in the surrounding land uses and level of recreational use of the Bay. 9-32 9-33

The section must be redone to account for the potential impacts of a deeper channel. 9-34

3.18 Sediments and Dredged Material Placement

This section addresses two separate but related issues—the need for and impacts from dredging and the placement of dredged materials. Specific comments on this topic include:

1. The DEIS introduces yet another No Action Alternative in this section. The No Action Alternative for this section is a petroleum terminal facility that would "require dredging and expansion of the channel as a part of the construction". This assumption is inconsistent with the No Action Alternative in other parts of the report and is unsupported. 2-167

2. This section should have also addressed the anticipated 50-foot ship channel. The amount of dredging and material placement for widening and deepening 30 miles of the Houston Ship Channel would dwarf any dredging needed at any particular site. The difference in the amount of dredging and related material placement would be significant among the sites, with those sites furthest to the north requiring the most dredging, and would have provided a basis for distinguishing among the sites. 11-28

3. While the DEIS expresses concern about the loss of capacity at Spilman's Island, Shoal Point, and Pelican Island for dredge disposal if the container terminal were built at one of those sites, it does not investigate alternative dredge disposal sites. For example, a good portion of the Bayport site was originally purchased by the Port of Houston for material placement. This land could serve as a dredge disposal site if one of the other alternatives were chosen for the container terminal. Other locations for dredge disposal should be investigated as well. 11-29

4. The DEIS deals with the alternatives inconsistently for disposal plans but never explains why. For example, the Bayport Alternative assumes open water disposal, while the Shoal Point Alternative assumes some type of elevation plan. 11-30

5. The design of some of the alternatives requires more dredging than should be necessary, biasing the analysis against these alternatives. For example, in the Shoal Point DEIS, the Spilman's Island Alternative is oriented so that the berths face northward to the existing 11-31

ship channel. This layout requires significantly less dredging, and hence material placement, than does the layout in the Bayport DEIS.

This section should be redone after more efficient alternatives have been designed.

3.19 Wetlands

This section is inaccurate and biased.

1. The huge issue in this section of the DEIS is the redefinition of most of the wetlands as non-jurisdictional. While a more detailed discussion of this issue must be addressed by wetlands experts, the City of Shoreacres is concerned about the clear bias introduced into this DEIS by the blatant manipulation of the amount of jurisdictional wetlands at each site. 14-49 14-64

2. Further confirming the bias in this section of the report, the loss of similar amounts of total wetlands at other sites is called a "long-term adverse impact" but the loss of wetlands at Bayport site is not called a long-term adverse impact. 14-65

3. The differences in the type and quality of wetlands across the alternatives are not addressed. 14-66

4. The impacts on wetlands from the dredging of a 50-foot ship channel are not addressed. 14-67

5. The DEIS should treat each alternative equally to prevent bias for or against any particular alternative. Yet the DEIS lists proposed and potential mitigation strategies for the Bayport site only. 14-68

Clearly, this entire section must be redone in a scientific and unbiased manner.

3.20 Ecology

The natural environment around Shoreacres is important to its citizens, and intense development at the Bayport site compromises that environment. Specific concerns about this section include:

1. In general, this section lists losses of upland habitat, aquatic resources, wetlands, and bay bottoms for each site but does not draw any real conclusions. The Bayport site is mostly upland habitat with a wide variety of plant and animal life. The Bayport Alternative eliminates more habitat than almost any other alternative. Destroying significant habitat in a highly developed area when alternatives exist, such as former dredge disposal sites, is not desirable. Even when the Port of Houston disrupted a comparatively small amount of habitat during its armoring of the north bank of the Bayport Channel, Shoreacres residents reported an increase in displaced animals being pushed into residential areas. Reported animals included wolves, coyotes, and raccoons. 12-42

2. The DEIS fails to address the issue of the introduction of marine non-indigenous species into Galveston Bay from ballast water. 12-26

3. The DEIS also fails to address the issue of the introduction of non-marine non-indigenous species, such Formosan termites, into the environment either directly from ships or from containers. While the risk exists for all alternatives, the proximity of humans, residences, water wells, and other activities near some sites, such as Bayport, increases the potential for damage for some alternatives. 12-43

4. The DEIS states that because endangered and threatened birds are mobile and can "avoid the area during construction" (DEIS, page 3.20-80), the impacts on these species is not significant. This statement trivializes an important issue for both animals and humans. Bird watching is a popular hobby in the Bay area, and an important part of the tourist trade. As water quality has improved, so have the populations of both common and formerly uncommon birds. After many years' absence, populations of white and brown pelicans have reestablished themselves in upper Galveston Bay. Ospreys have returned to the area, and even bald eagles have been sighted. The noise, light, and loss of habitat introduced by the Bayport Container Terminal would disrupt bird populations, patterns and behaviors. As with water quality, this facility works against the progress made in recent years to improve the natural environment in the area. 13-1 12-44

These major omissions and errors must be corrected.

4.0 Unavoidable, Long-Term, and Cumulative Impacts

This section of the report suffers from some major omissions and unsupported conclusions as follows.

1. The DEIS states that construction of project would result in an irretrievable commitment of $1.017 billion of public funds for the construction of a container terminal at any of the sites but fails to mention that the Bayport site would require the commitment of additional significant public funds to pay for the needed surface transportation improvements. None of the other sites requires anywhere near that level of public spending for transportation improvements. In addition, the ultimate need for a 50-foot channel would also result in additional spending of hundreds of millions of dollars of public funds. Again, not all sites would require that investment. 19-11 19-8

2. On page 4-10, the DEIS covers the issue of impacts on property values with two sentences that say property values may go up or down and that a "more detailed discussion of impacts to property values will be included in the Final EIS". The issue of property values is critical. All of the negative impacts detailed in the DEIS will reduce property values in Shoreacres. Shoreacres is a 100% residential city whose city government is, therefore, funded primarily with property taxes. The ability of the City to continue to provide basic city services to citizens could be jeopardized by falling property values. Waiting to discuss such as important and controversial topic as property values 19-B

until the FEIS is unacceptable. The topic should have been in the DEIS so the public has the ability to review and comment on the analysis. Property value impacts must be covered in a supplemental DEIS. 1,9-13

3. On page 4-4, the DEIS states that with the proposed project "long-term economic productivity would be enhanced by increased navigation". This statement is not supported. Without the property value analysis to show the loss in residential and recreational economic productivity and with no quantification of impacts to the fishing industry, the DEIS cannot conclude that the economic benefits of the port development are sufficient to offset losses in other parts of the economy. 6-129

4. On page 4-14, the DEIS concludes that because "TxDOT and H-GAC have in place a planning mechanism that identifies future roadway needs and allocates resources to meet those needs", additional demand on roads from the Port will be accommodated. Again, this discussion fails to quantify the costs to the public of funding these improvements or identify the transportation projects in other parts of the region that must be eliminated to pay for the Port-generated traffic improvements. 19-14

5. The DEIS should have included a true cumulative impact analysis with the anticipated 50' channel and the proposed San Jacinto Rail Line. 18-27

6. The last paragraph of the DEIS concludes that impacts of the proposed facility would be positive in some ways and negative in others and the potential cumulative effects would not be substantial. This conclusion is unsupported by the data in the DEIS and should be eliminated 18-28

In addition, since this section repeats incorrect conclusions from other sections of the report, the whole section must be redone.

5.0 Consultation and Coordination

This section of the DEIS documents the public process that occurred. While the documentation may be correct, the public involvement process itself was flawed. Some of the problems include:

1. All of the issues raised during scoping were not listed in the DEIS and, of the listed and unlisted issues, not all were addressed as required by NEPA. 23-162

2. The Corps had no real process for public input during the development of the DEIS. 23-163

3. After the release of the DEIS, copies of the DEIS were difficult to get. The public availability of the document was both delayed and poor. Given the level of interest in the project, more free copies should have been readily available. Charging the public for copies of the DEIS, with the stated reason of saving taxpayer monies, at the same time that the tax-supported Port of Houston was spending millions of dollars on consultants, 23-164 23-165

DL 11302

facilitators, and public relations was absurd. The effect was to limit public scrutiny of the document.

4. The time between the release of the DEIS and the public hearing was too short, especially given the length of the DEIS and the time it took people to get a copy of the DEIS. For citizens to make informed comments at the hearing, they needed time to obtain and review the DEIS. Given the fact that even the original comment period did not close until early February, the rush to hold the public hearing was odd and appeared to be just another tactic to limit public comment. 23-166 23-167

5. Similarly, the public hearing should not have been held two weeks from Christmas. The only apparent reason for the scheduled date was to limit input from the public.

While the problems in the public process cannot be fixed after the fact, the constraints on the public input should be documented in the FEIS.

DP 10003

MS. ROSEBUD CARADEC: I think that regionalization of our port system needs to be considered by our state legislature so that all ports are better coordinated to serve the environment and the

industry of shipping.

Other sites than Bayport should have been more seriously considered as a viable port, particularly Texas City which already has a 50-foot channel approved to be constructed. Texas City should be the first consideration to handle container traffic for the next ten to twenty years. 2-9

Thank you.

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MAR 1 2 2001

MS. ROXANNE TINER: I'm a sixth generation Houstonian, Texan. I'm very concerned about what's happening in this state, some of the things that have been occurring the last 20 years -- I'm very pro progress. I'm not so much against the terminal as where they've decided to build it.

I've lived in southeast Houston most of my life and I moved to west Houston ten years ago because of the Brio Superfund site. I saw the way that that was handled.

Let's see. The EPA comes in and says, "All right. We'll make the responsible parties clean it up." Responsible parties clean it up. They're the ones who put it there. Granted, we never learn from our

mistakes.

Historically speaking, if they will go in and guarantee 100 percent that they will do this right, that they will make it aesthetically attractive for the people who live there, they will make it environmentally safe for the people who live in this city, because any type of contamination, once it hits the air can spread 15 to 30 miles, if they can 100 percent guarantee that that will occur, then, hey, put 100 money back guarantee. If it doesn't, I don't think they've done enough studies on this. I think they're in

a hurry.

I think there's other places that they could build this that already need alterations. They could put it in Texas City. They could put it closer to Galveston, which is struggling; they could use this as well. 2-3

I think there's been just too much -- too much of a hurry to put this in. I've watched it, like I said, for 45 years. I've watched what they've done to Houston. I get my joy in taking my oil, Conoco, Exxon, Shell, wives, friends of mine who live in Houston with me, I take them on 225, Pasadena highway, and I say, "This is where I grew up. This is why I don't live over there anymore."

This is what's going on. I've seen Barbours Cut. I've seen what they've done to Barbours Cut. And they say they're not going to do this? Well, they'll say anything for a dollar.

I'm against it. I think they need to take time. I think the government needs to come in and the Corps of Engineers, and I think they really need to look at this and study it and decide this is the best place and what's best for everyone. And I don't think they've done that. I think there's some big bucks 29-3

behind this, as usual, and the money speaks and they're going to put it where they think it's most convenient and to heck with the city. And, unfortunately, we'll all pay the price for it 20, 30 years down the road.

And there's not that much of the bay left. We're a city of -- what, the fourth largest city in the United States now. They can't afford to make these errors like they did years ago with the Superfund sites.

As a concerned Houstonian, someone who loves this city, someone who's been here -- whose ancestors have been here since the very beginning and will continue to stay here and raise their children here, I'm a little concerned of the way I read things in the paper and some of the things that are going on and

how this is all transpiring.

Again, I don't think enough research is being done and I'm just asking, I'm begging the Corps of Engineers to take a good, hard look at this and take --

MR. WEITKNECHT: That's three minutes. You can finish up. Are you done?

MS. ROXANNE TINER: Okay. I just want the Corps of Engineers to take the necessary time, don't be in any hurry, and decide this really is the most appropriate place for Texans and Houstonians here, and I

22-24

don't think they've done that.

Thank you.

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DP 10005 BJJ

MS. SHEILA GOLDSTEIN: We live in the area and we are against Bayport and just want to be on record as opposing it. I'm not going to go into all the reasons here. It's too lengthy.

29-3

Do you want to add anything?

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DP 10006 BJS

MR. CHARLES GOLDSTEIN: Yes.

I think it has a significant impact on the residential areas and it would be better located in the lower Galveston Bay area, in Texas City or the city of Galveston.

5-4

2-3

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DEC 1 2 2001

DP 10007
BSS

MS. SHARON CROWSON: Okay. I have gone around to all the people in this workshop. I've talked to them all and asked them questions and it appears that part of the problem is if there aren't standards for something, they don't consider it in their environmental impact statement.

If there's no standards for light pollution, they don't consider it. If there's no standards for small micron diesel pollution, they don't consider it. The guy told me if they don't have any standards for it, they can't consider it, because if they take it to court, the court would dismiss it because there were no standards for it.

And so a lot of the problems that we're worried about, it seems like there are no standards that they can compare it to, but they are all the things that are really harmful to us, like the diesel pollution is really harmful to us, to our health, and the light pollution, it will never be dark where I live again and

23-11

that is harmful to me in an aesthetic way and in a psychological way.

I just -- the whole impact also, the hydrologist that did the water study, he was really careful to show it was all going to drain off into the bay side and all going to drain off into Pine Gully

Bayou, but they'd have retention ponds and stuff like that. What I'm worried about is we already flood in that area. The Pine Gully Bayou runs right behind my house and it floods often, and my sister's house is right on Pine Gully Bayou. 25-2

If they drain all that stuff off into Pine Gully Bayou -- he said they were not allowed to drain off anything that would make it higher level than it is at the moment, but how are you going to stop it when it rains or we have a hurricane? How are we going to stop all that water? I don't see that anything there was useful enough to stop all that water from draining right into our neighborhoods.

The other thing is, it seemed to me as I walked around and talked to everybody that we don't have enough money, the people don't have enough money, the Port has all the money. Before the bond issue they had all those public service announcements that they put out that they said were public service announcements, but

what they were was propaganda for the Port and they used our tax money for that. We don't have that kind of money and so what we end up with is writing and calling and talking and nobody listens.

And so this is my chance to talk and

that's what I have to say. I feel like the people who live there and the people in our area are not getting to have their voice heard or they hear it, they just ignore it. It doesn't matter. 23-12

My kids say -- and they're really cynical -- they say that it's because we don't have money and the Port does. And I think the big businesses that built the Port are going to -- are doing this with money that belongs to the people and the people are without the money.

And the air pollution is one of the most worrisome things to our group. 7-1

And thank you for listening.

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DEC 1 2 2001

DP 19008

T555

MR. ELLIS PICKETT: My name is Ellis Pickett. I'm the Texas Chairman of the Surf Rider Foundation. We're a 501(c)(3) nonprofit conservation organization. As the name implies, we're surfers. Our

focus is the coast.

First, let me say that we are not against development or jobs. It might surprise some to learn that most surfers do have jobs and we work in many of the fields that are associated with the Port.

Galveston Bay is a complex issue and it is well known that there are decades of chemical pollutants buried beneath the sediment. Also, this is not a proper disposal. If left undisturbed, it could be considered somewhat benign.

One of our concerns, of course, is the Bayport project and any future dredging that this might require. The amount of sediment that is polluted that could be removed in the next 50 or 100 years could be excessive. 11-1

We feel that logically a better location would be closer to the Gulf of Mexico and would cause less environmental disturbance both in the initial construction and over the long period. 2-3

Let's see. Actually, I can pretty much -- you can stop there. I'm thinking out loud now.

Another option would be decentralized locations, such as using Bayport for certain items, certain type of shipping, Texas City, Pelican Island. It's one of those things when decentralized, it would

2-16

have -- we learned on September 11th that having high risk assets in one location can certainly cause problems in the future, and that should be a consideration. Before September 11th, that was probably not even thought of by anyone. But since then, it would be better to spread out the different assets in the Port so that one -- a problem in one area might not cause a problem for the entire Port.

One of the things that's important when you have hundreds of millions of dollars at stake is that the truth seems to get twisted from time to time. Public safety and public health is often pushed aside. If you remember the resistance that the auto industry had for seat belts that cost too much and nobody would use them. And a more recent example of where money got in the way of truth and public safety is a few years ago the CEOs of the tobacco industry stood before Congress and swore under oath that nicotine was not addictive and tobacco was not a public health hazard.

Thank you.

DP 19008

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DEC 1 2 2001

B55

MS. JULIA KNUTSON: I am Julia Knutson, K-N-U-T-S-O-N. I reside at 2622 Orleans Drive,

Seabrook, Texas. I have four main concerns.

First, I have heard no one mention the effect of thousands of loose containers on a hurricane storm surge. In a category 3 or higher hurricane, this, I think, would have a drastic effect on the adjacent tanker terminal tankage to the north, on the adjacent chemical plants. Even though they may be properly shut down, the effect of these loose battering rams I think must be considered, and on the chemical plants in the industrial district to the west of the planned Bayport area. 25-3

Second, how many acres will be paved, covered with rock, et cetera, versus the natural cover that now exists in most of that area. The effect of thermal pollution from a very good portion of the thousand-plus acres that are now included in this area on the cooking of diesel and nitrogen oxide pollutants has the effect of making pollution worse in the area around where the thermal pollution is. Right now this area is on the bay front. We have slightly cooler temperatures in summer, slightly warmer temperatures in winter, and I feel the effect of over a thousand acres of paving will be deleterious. 7-12

DP 10009

Third, will the Port come back in a few years time to claim there is no expansion space for the tankered terminal storage, which has been steadily increasing in area, and seek to condemn adjacent residential areas to the north, i.e., Shoreacres, to expand that or to move Highway 146 again to expand both areas.

4-13

Fourth, looking at the blight in areas abutting Barbours Cut Terminal from 146, how will empty, damaged and for-sale containers, which are not planned to be recycled in shipping, going to be handled for storage, sale and disposal? The blight that now occurs around Barbours Cut on both sides of Highway 146 cannot be tolerated in the areas around us and the Port's disregard of the zoning in Seabrook, which would prevent this is --

28-1

MR. HUDSON: Time's up.

MS. KNUTSON: Thank you.

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DEC 12 2001

DP 10010
BJS

MS. KATHERINE McINTYRE: My name is Kathy McIntyre. I live at 1011 North Shore Drive in Clear Lake Shores. I'm opposed to the expansion of Bayport because I think the increased truck traffic will create hazardous driving conditions for drivers on 146, 225 and I-10. This is our evacuation route for

Galveston and all the cities north in hurricanes, heavy rains, any time we have to get out, and we will be competing with all that truck traffic. The increased traffic will outweigh any economic benefits that the expansion will achieve. There are better locations in Texas for port expansion. I ask the Corps of Engineers to please look at alternatives for Bayport. Thank you.

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DP 10011
BJS

MR. JOHN ELMS: My name is John Elms, the address, 201 Biscayne Boulevard, El Lago, Texas 77586. I just want to say that I am opposed to the Port coming in and building the port facility there for various reasons. For healthwise, I live in the area and I have lived there since 1980 in Shoreacres and El Lago and experienced many spills from chemical plants that have come into the cities I've lived in. Just after this started there was a spill from the chemical plant that was next door to where it's going to be put at and they're talking about putting passenger ships at the terminals there. I think it's very hazardous.

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I also work in the LaPorte area in the school district there. When the port was first built there, the superintendent and the personnel officer told

us that the Port came in and indicated none of this would ever happen there and that was the reason they were allowed to build there in the first place, that they didn't oppose it.

The health of the people that live there is affected by it. Like I said, myself, I used to live in Shoreacres and fumes came -- as the port was building came into the area, increased tremendously. The noise pollution from the port when they first started increasing the Port there caused me -- or was the reason

I left Shoreacres to El Lago, to escape the noise.

I drive and my wife drives down Highway 146. I work in LaPorte and she works in Baytown. The traffic is horrendous right now. I feel it is a danger. Look at all the 18-wheelers and the accidents that are reported on there now and the safety issues with them, yet I and my family drive side by side with them at 70 miles an hour, 65 miles an hour. That's also a danger. 27-1

But more importantly, in the school district where I work, the chemical spills, I've had lockdowns several times in my school because of it. The health concerns of the elderly, my mother is in her 80s and lives in El Lago, I moved her to El Lago, and it's extremely hazardous to her health. The effects on the environment, the ozone.

Those are the basic reasons I'm against it. The fact that the residential community was there long before the port, and maybe most important in my mind and my feeling is that I'm having to pay taxes to the port yet the port is using my tax money to support this and I feel it's taxation without representation and I feel that's unfair and our constitution is against that with the Boston Tea Party.

DP 10011

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DEC 12 2001

DP 10012 BTS

MS. MARY ELMS: My name is Mary Elms and I'm against Bayport. From what I have read it would be built between Shoreacres and El Lago or Seabrook and I live in El Lago. My main concern is the traffic which already is backed up at a certain time of the day, and the amount of 18-wheelers and big trucks. Mostly the traffic, but pollution and more chemical plants and everything is just very scary to me. And the devaluation of my property and just the whole idea that I don't believe too many people would want to live there or come there if they know what kind of a place it will be. And that's about all I have to say. I'm real concerned about it.

I've seen the area grow too fast with

29-3

27-1

7-1

6-14

too many things that to me are just pollutants and I've seen too many of my friends in Bayport where I work coming up with cancer just from all this living along the coastline. And I realized that I should have probably researched before I moved, but it's a little bit late now, but I just don't want anything else like that. We have enough pollution, enough cancer, enough problems, without something else right in our area. That's about it.

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DEC 12 2001

DP 10013

BSS

MR. DAVID BOOZER, JR.: My name is David Boozer, Jr. When the Bayport channel was originally developed, it was developed in the early 1970s, the name of the road that parallels the Bayport channel is Port Road. This area has been slated for industrial-chemical development for almost 30 years. The area around the Bayport facility has over the last 30 years become increasingly a residential area. I find it hard to sympathize with the people who have moved in that area with a "not in my backyard" mindset, knowing quite well that the Port of Houston has all the while slated this area for future port or industrial development.

4-5

The city of Houston and Harris County as a whole owes much of its prosperity to the Port of Houston. The good the port does for the region has a huge multiplier effect. It creates thousands of jobs, attracts businesses to Southeast Texas, generates millions of dollars for the economy and positions Houston as an international city.

6-4

The voters of Harris County have already approved the bonds for this project, so we must move forward and ensure that we stay ahead of our competition

29-7

and protect our current economy and attract new business. The future depends on it.

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DP 10014

BSS

MR. WAYNE TINER: My name is Wayne Tiner in Houston, Texas. I've lived in the city for approximately 25 years. I used to live on the southeast side of town not far from Clear Lake and I moved away about ten years ago, partly to get away from what I call the industrial wasteland.

I've been overseas for two or three years and just returned this last year and I guess I was alarmed to find out that the port is planning to put in this huge facility down at Bayport. In the past I've

had relatives that have had property off of Todville Road. I currently have relatives on my wife's side that live near this facility off of Todville Road and I think it's a real shame that they're fixing to take some of the wetlands and what I consider destroy part of the bay that has been a part of my life. 14-6

I was glad to see that there's a lot of alternative sites that have been considered. I would like to see the Corps seriously consider the sites at Texas City, possibly the one at Pelican Island. I'm not against the Port expanding but I'm for finding the proper location. I think this is the wrong location. I don't think the residents in that community want it there. 2-3

I think the infrastructure is not suited

DP 10014

to handle the traffic that will come in. When I look at the number of trucks and trains that will be in and out of that vicinity to service this port, it's alarming. I don't think the environmental impact study properly addressed some of the issues, such as air pollution, noise pollution, and certainly once again it's alarming to see that we're going to take more of our wetlands.

27-1
7-7
3-4
14-7

I'm pro industry. I'm an engineer. I've worked in the industry for 25 years, and I'm right now spending a lot of my time cleaning up the industrial

waste that industry has brought upon our communities. We're spending a lot of time, a lot of money, cleaning up the air, cleaning up the water, and we don't need to continue the trends of the past. We've learned a lot over time. We need to, you know, take advantage of our lessons learned, and we need to be very careful, make sure we select the proper sites or 20-30 years from now we're going to be cleaning up more industrial waste and we're just going to loose part of our environment.

Once again, I appreciate the time to state my opinion and I think the Corps needs to go back, reassess the environmental impact study, take a serious look at these alternative sites and come back with a new proposal, preferably -- Texas City I think is really the

choice of many, including myself. Thanks.

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DEC 12 2008

DP 10015

BJS

MS. SANDRA NOWINSKI: My name is Sandra Nowinski and -- do you need my address? I've lived in the community for 17 years. We do a lot of recreational activities, a lot of boating. I'm within three blocks of the Taylor Lake. My husband works in the LaPorte area and he drives Highway 146 every day. I'm very concerned about what I've read about 7,000 additional trucks being on that highway, for his safety, for the environmental impact that those additional trucks make. 27-1

I'm worried for our children. We have four children and this seems way too close, not only the trucks but the trains. We would also have a train track very close to our house if they reopen the existing rail line. 21-8

I'm concerned for our property values. We're home owners. Anytime you have industrial in any area of the country next to residential, I think it degrades the property values. 6-13

I'm concerned with storms, hurricanes, what would happen if there were a large storm. The debris, waste, anytime you've not industrial, what -- how that might affect the local area. 25-3

And I'm just against it entirely unless it is away from residential. I don't care for the pollution. There's better places to put it. If they get it in, I don't want it in my 2-3

backyard, too close to the houses.

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DEC 1 2 2001

DP 10016
T355

MR. EARL SMITH: My name is Earl Smith, 406 Bayou View, El Lago, Texas. The main things that I'm concerned about is the amount of additional pollution in the air that has not been considered, the micro particles we're already experiencing is very heavy in our area, a lot of respiratory illness in there, sinus and bronchitis and things of that sort. 7-1

Another area that I'm concerned about is the amount of traffic on 146. 146 now is overloaded completely and it's difficult to get out on 146 most any time of day even now. An additional 7,000 trucks per day will just about do us in. 27-1

So many of the claims that the Port Authority has made has been proven completely wrong and have been published in the papers and things like that but they've continued to go ahead and say it as if they were true. The people who benefit by the port probably don't even live in Houston. We who have the homes in El Lago, Seabrook, El Jardin, Kemah and Nassau Bay and all these, our property values will naturally go down because of the decreased desirability of our area, and we'd like to keep our community there. We've been there. We chose it as a homestead for our kids and lived there and so all this will just about devastate our area. 6-13

DP 1901

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DEC 12 2007

MS. MARGARET SMITH: I'm just going to say the property values have dropped --

6-13

MR. EARL SMITH: She's a real estate broker.

MRS. MARGARET SMITH: -- and we'll have to move away.

MR. EARL SMITH: And there's other areas who want it, like Texas City are begging for it and it would spread out the numbers of trucks, things of that sort, and give them a boost down there where they need it. So I think it would be well that they consider Texas City. I think the money is there and they'll make the same money out of it and they'll leave our area intact.

MRS. MARGARET SMITH: And pollution is already bad in our area and if they build that port it will just get worse and it will be really bad.

7-1

MR. EARL SMITH: You can go into our garage or something like that and you can just see there's black soot all over everything now as a result of all the diesel trucks and the pollution from the industry that's already there. We are probably completely over now the pollution EPA standards in our area and to add this much more loose in there is just unbelievable. I think that's all.

DP 10017

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DEC 1 2 2001

DP 10018
TSS

MR. FRED HENDERSON: My name is Fred Henderson. I'm from Seabrook, mailing address actually Pasadena. My comment has to do with a couple of issues that are close to environmental but not maybe necessarily so.

First of all, I don't think it's a good location from the standpoint of the whole community because of its proximity to Johnson Space Center. Johnson Space Center is just a few miles away. NASA Road 1 is going to be a prime -- a very attractive route for them to take, truckers from that area, and this has strategic value. 2-18

Even without the September the 11th incident, I think it would be a mistake to have hazardous cargos possibly traveling in that area. I don't believe it's necessarily enforceable to keep all the truck traffic from wandering in that direction. People wanting to go west are going to be tempted to take that particular avenue, and so I think it's bad from that standpoint, and particularly when you throw in the possibility of sabotage, of terrorist groups. There's an awful lot of opportunity due to the international nature of shipping to take in containers

of hazardous materials, biological weapons, and really there's a very high-profile target, the Johnson Space

Center and the United States space program. So I think that should be considered among all the other environmental concerns, the strategic value of this particular area.

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DEC 12 2001

DP10020
T355

MR. J. P. ADAMS: I'm J. P. Adams, a resident of Seabrook, Texas, and I feel that the environmental impact as well as the traffic and other logistics in building Bayport at the Bayport Terminal will be detrimental to the area and could be better serving the entire Houston area by building in Spilman Island or other industry areas.

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FEB 12 2001

DP10021
AV

MRS. JULIE ADAMS: My name is Julie Adams. I am a resident of Seabrook, Texas. The issue here is not whether or not to build a new port. I think the money would be better spent if it were placed in a less residential area that has already become industrial. Spilmans Island is closer to the freeways. It does not have the residential impact that it would in the Seabrook area.

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DP10022 AV

MS. MARGARET FRICK: I'm Margaret Frick. I am opposed to Bayport because I have young children. Myself and my daughter have respiratory problems and we just don't need any increase in any sort of air pollution in that area. 29-3 7-7

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DEC 1 2 2001

DP 10023
AV

MS. JUDITH AMRANI: My name is Judith Amrani. I'm here to speak out against Bayport. There are lots of families who moved down to Seabrook to have a good quality of life, to raise our children there. We have a significant investment in our real estate there. We have a good school district. We're trying to keep the quality of life the way it is. 29-3 5-2

The people who want jobs, they can obviously travel to their jobs elsewhere. There's other areas in Texas that are already polluted and there's other industrial development and we do not need to have industrial development in Seabrook and surrounding areas because it is very good quality residential and we want to keep it that way. Thank you. 2-4

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DEC 1 2 2001

DP19024
AV

MR. ELDAD AMRANI: I'm supporting her. We can add one more thing. We prefer to keep this place as a tourism area more than a port area with all that's associated with it.

6-19

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DEC 1 2 2001

DP 10025
AV

MR. DAVID CHAPEK: My name is Dave Chapek. I'm a newly transplanted Boeing employee from California. I just moved out here about two months ago and I bought in Seabrook Island. I actually did not know this whole port thing was going on. I'm certainly concerned, and from my home in California I am aware of what happens in a community when a big commercial project comes in because one came in in my neighborhood. Actually it cost my house $40,000 in comparison to houses a little bit away.

As far as the legalities of it all, basically I'm counting on everyone to follow the law. I'm certainly not against jobs. I just know there will be a drastic impact in the residential community. Thanks.

5-4

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DEC 12 2001

DP 10026
AV

MS. BEVERLY STEVENSON: Beverly Stephenson. We are against the Bayport. We feel that it's a hazard to our community as well as the environment. We recently purchased homes in Clear Lake and if we had known that this was going to be a proposition, we would have not purchased there.

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19-1

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DEC 1 2 2001

DP10027 AV

MS. LAN CHEN: Lan Chen, I'm also against the Bayport and the railroad or the proposed rail line because, like Beverly said, we purchased expensive homes in the community and would like to maintain the property value and we feel like this will devalue our property and also promote traffic congestion and pollution.

29-3

6-38

29-4

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DEC 1 2 2001

DR10028

MR. RICHARD LOMOTHE: My name is Richard Lomothe from Seabrook, Texas, and I am definitely against the Bayport as proposed. I believe it represents a threat to my personal property value,

it represents a threat to the esthetics of my community and the well-being of the entire city of Seabrook. I believe it threatens all of the reasons that we chose to live in that area.

I believe it adds a substantial new source of pollution to an area that's already threatened by the chemical plant pollutions in the general vicinity. I believe that pollution threatens my family's health, my personal health and our well-being. I believe that pollution threatens the well-being of the bay which we enjoy, the recreational benefits from the bay. We enjoy fishing and boating and the beaches, and I think that more pollution only will serve to degrade the quality of life and our enjoyment of the area.

I'm concerned that the Port Authority is forcing this down the public's -- forcing this onto the public. I believe the Port Authority is forcing this on the public and not giving a fair opportunity or consideration to the homeowners and property owners and the residents of the area to voice their objections. And again, I am against the Bayport and am encouraging

all of my friends, neighbors and relatives to likewise be against the port. Thank you.

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DEC 12 2

DP10029

MS. LESLIE GUHL: My name is Leslie Guhl. I'm a resident of Taylor Lake Villiage, and I regret that the unions have made this an issue of jobs. The jobs will be created wherever this facility is located. The main issue, therefore, is the use of the land and the resources that exist at present.

As a resident of the area I am very concerned about the increase in diesel pollution that will result from hundreds or thousands of diesel trucks idling daily while they're waiting for their loads. And secondly I'm concerned greatly about noise pollution. Noise does travel farther over water than over land and I'm very concerned about the increased noise that we will have.

This is in a residential area, it is not an industrial area, where they are seeking to build this. It will be more invasive than the chemical companies that we have in the area, and I'm sure someone has mentioned the increased threat of terrorism because of the location of the chemical companies.

But the issue that I really want to address is the other resources that are available, the other sites in Texas City, which really wants this port, and their port is situated in an industrial area separated by a sea wall. Also Pelican Island is not

inhabited. It is clearly an industrial area. So siting it in one of the alternative locations would have less of an impact on the people in the area. It would also have less of an impact on the marine and water life in the area because it will be closer to the mouth of Galveston Bay. 2-20

I'm also concerned that the Port of Houston is a governmental agency that is not responsive to the taxpayers and is competing against private businesses such as the Port of New Orleans, the Port of Mobile, and Freeport. 22-31

Galveston already has a cruise ship terminal that is underutilized and I believe the alternative sites would be better for the people involved and for the entire bay area. Thank you. 2-21

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DEC 1 2 2001

DP 10030

AV

MS. MARY ANDRES: My name is Mary Andres and I am a Girl Scout leader with the San Jacinto Council and our council owns property at Seabrook and we have a quite large sailing program and a very nice camp that's right on the waterfront and we are afraid that this Bayport project will impact our camp and the girls won't be able to sail and have as much fun as they do

now.

They learn a lot in the sailing program and it's just a wonderful thing and I'm just hoping that this project is -- does not pass or is relocated so we can save our camp because it would be a shame for the younger ones not to get the benefit of this camp, and from what I have heard, it just seems likes the environment will change drastically in that neighborhood too. I know there's bird trails and all the wetlands and I'm just worried about the environment in Houston also.

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DEC 1 2 2007

DP10031

AV

32-2

MS. JESSICA BLACK: I'm Jessica Black and I live at 1406 Gardenia, Houston, Texas 77018. And I'm with the San Jacinto Girl Scout Council and we use the bay to swim and we have a mariner program down there and lots of girls love to go sailing down there and we have camp, and if Bayport is built then that would take away our sailing program.

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DEC 1 2 2001

D10032

25 MISS SARA ANDRES: My name is Sara

1 Andres and I live at 2033 Latexo and I'm against the
2 Bayport also because we have a Girl Scout camp at
3 Seabrook and if the Bayport is built then it will
4 eliminate like all sailing we have. And right now we're
5 trying to get started a racing program and if Bayport is
6 built then we won't be able to have a racing program,
7 and -- let's see. Sailing is lots of people's hobbies,
8 like at Girl Scouts in the mariner program, and if
9 Bayport is built then that's where most of the people's
10 weekends are spent, is sailing at Casa Mare, and if
11 Bayport is built then it will kind of eliminate all
12 sailing for them.
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14 ******
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DEC 12 2001

DP10033

MS. PATRICIA GRIMES: My name is Patricia Grimes, 339 Bay Ridge Road, Morgan's Point, Texas 77571. I am here to protest the Bayport opening or continuation of the port there because the quality of our life in Morgan's Point has already been unfavorably altered. Please don't allow further destruction of our beloved bay. Consider Texas City as an alternative. That's a city that would welcome the port and not despise it as those of us who have to live with it now do. Thank you.

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DEC 1 2 2001

DP 10034

AV

MS. JANET PYLE: My name is Janet Pyle. I live at 515 Bay Ridge Road in Morgan's Point. I also am opposed to the Bayport complex that's coming in. I also live in Morgan's Point and I have lived on the bay since '85 and I have noticed a rapid decrease in the area, loss of land because of the big ships' wakes. I live on the bay.

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I also have children who love to sail. With the Bayport coming in and the Houston Yacht Club where my children sail, I see this as a great problem for my children. I also feel like there needs to be a sacred area of land where people can go and recreate and they do not have to be worried about a big port coming in.

32-4

In my own personal heart, I just feel like once this port comes in, once they get a toe-hold, 20 years from now our area will be gone. It will not be the beautiful quality of life. We will not have -- you know, fisherman will not be having the fish there, children will not be able to play on the bay, our air quality will be ruined, and I just don't want to see our bay ruined and that's why I wanted to come in and make a statement. I'm very, very opposed to it. Thank you.

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DEC 1 2 2001

DP10035

MR. ROY SHAW: My name is Roy Shaw. I live at 2707 Bay Shore Drive. I'm a resident of Galveston County and have lived on Galveston Bay or grown up going down there all my life.

I feel like I was not given a chance to vote on any of the bond referendums, being a resident of Galveston County. I feel like the people of Harris County and those who got to vote on the referendum are in effect shoving this port proposal down our throats.

22-32

I feel in all the literature that's been put out there's been very little discussion about the impact that the increase in shipping traffic is going to have on the risk of the ships running up and down the channel and posing an environmental hazard or any kind of hazard.

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I personally do a lot of sailing, a lot of recreational boating on Galveston Bay. I've heard statements that the recreational boaters are voluntarily displaced. I don't consider it voluntarily displaced.

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That area where this port is proposed to go in is also a proposed area for Olympic-level sailing for the Olympics and training that would go on with that. That's something else that needs to be taken into

consideration. That's really all I have to say. Obviously oppose it.

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DEC 1 2 2001

DP 19036
AV

MS. DIANNE VICTOR: My name is Diane Victor, 3346 Miramar Drive, Shoreacres, Texas. I want to go on record as opposing the Bayport Container Terminal. I feel the Corps of Engineers should deny the Bayport application. The negative impacts of the proposed facility outweigh any benefits, particularly due to its clearly foreseeable negative impacts on health, safety, property rights, land use, wetlands, habitat, and in the conservation, economic use and enjoyment of Galveston Bay. The noise and air pollution of an additional 5,000 more trucks per day is unacceptable. Thank you.

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DEC 12 2001

DP10037 AV

MR. GERALD VICTOR: My name is Gerald Victor. I live at 3346 Miramar Drive in Shoreacres. I'm against the Bayport container project. I believe it will destroy the residential communities in the immediate area of the project and it will have a negative impact on the entire bay area. 29-3 5-2

I worked in the Houston area, the waterfront, for about 20 years and I know what the Port of Houston Authority does to communities. You can go to several areas -- you can go to Galena Park on Clinton Drive, you can go to the end of 75th Street in Houston, you can go to the Jacinto Port. Jacinto Port was a pristine area 25 years ago. It was an ammunition storage area for the Army. It was pristine. Now it's almost totally destroyed and is no longer an area which you'd want to live in. You can also go to Barbours Cut and find the same north of the Morgan's Point community.

I object to the Port Authority just muscling in and trying to push this type of project on the smaller communities. I believe it will totally ruin whatever is left in this particular area. They're going to, my understanding, be running about 5,000 trucks per day up and down 146 and that equates to -- and most of these would run during the daytime, so that would equate to about 500 trucks per hour running past 22-33

DP1C037

my community.

I believe the pollution, the noise and the impact of the lack of maintenance by the Port Authority will have a real negative effect on the entire area.

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In summary, I'm just against the project. I think it will ruin the area like it has in other communities -- Galena Park, Jacinto Port, the end of 75th Street and Morgan's Point.

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DEC 1 2 2001

DP10038

AV

MR. CHARLES GRIFFEY: My name is Charles Griffey, 3316 Miramar Drive, Shoreacres, Texas. I wanted to comment on a number of deficiencies in the DEIS and request that we have additional time to submit analyses for those and need a supplemental DEIS. The number I want to comment on start with the traffic analysis. I looked at that. They looked at, through either incompetence or bias, a measure of traffic that's just a grade level, determined that it was already and so it couldn't get worse. They ought to look at indicators that would be things such as delay time that actually indicate what adding 5,000 additional trucks will do to the people and drive times in the vicinity.

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I wanted to comment on the analysis of the economic impacts of the port. They didn't look at all at the impacts to the tax base and the market value of homes for the cities in the vicinity, they just assumed everything would stay residential and would

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continue to have the same value. That's clearly incorrect and there needs to be analysis done on that.

In terms of noise, they did not do any noise analysis in Shoreacres on the side of Shoreacres toward 146 where people that live there will clearly be impacted by the trucks on Highway 146.

3-5

More on transportation, they assumed

AV

that certain roadway improvements were already in the TxDOT plan and would be built, such as fly-over ramps and crossovers over railroads. Those are not in the TxDOT plan, have not been funded, have not been approved, are not anywhere. They need to redo that analysis knowing that.

27-9

A comment in terms of the environmental justice that's in the DEIS, they never compare, across the alternatives, numbers of people impacted, they just look at percentages. There are clearly more people around the Bayport facility proposed site than there are at any of the other proposed sites. They need to redo that and show what those impacts are.

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As a final comment on the economics of the project, they need to look at what spending $1.2 billion on something else will do. They assume that since you spend $1.2 billion there will be jobs. There are probably more efficient things to do than destroy

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property values in the vicinity of Bayport with the $1.2 billion.

That's all. Thank you.

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DEC 1 2 2001

DP 10039

AV

MR. DWIGHT HOLLISTER: Dwight Hollister, 206 Bay Colony Drive, LaPorte, Texas. My concern is I live approximately 250 yards from the mouth of the Bayport channel on the north side. I've seen nothing in any analysis that says anybody is going to try to protect us from the noise and the lights from the 110-foot towers that are going to be along the channel. We will be lit up around the clock and, I'm sure, within 250 yards quite in earshot of the noise that's going to go on there.

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My second point is I don't believe there's an analysis of fine particles in the analysis that was done. I think it's called PM 2.5. To me, with 5,000 idling trucks that would be rather significant. I also think along with that the project to improve the rail facility needs to be part of this environmental study. They both impact the same area.

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And just an aside, I'm very concerned about just general pollutant running through one of the

best recreational areas in Texas.

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DEC 12 2001

MS. CAROL-LEE HOLLISTER: My name is Carol-Lee Hollister. I live at 206 Bay Colony Drive in LaPorte. I am also 250 yards away from the mouth of this channel. We have watched ships come in. Now we do not have container ships but we have watched ships come in, and if they aren't exactly centered they come in and put waves over the bulkheads all the way down to where they go over a fishing pier. This area is --

MR. HOLLISTER: And our bulkhead.

MS. CAROL-LEE HOLLISTER: Yes, and the bulkhead at the Yacht Club which is quite a bit farther away and the fishing pier that belongs to the community. If a child were to be out there, they couldn't probably, with some of these that come over the pier, save themselves.

With the container ships that are even larger and the traffic that comes through, we will be highly impacted. The recreational area -- this is supposed to be the fourth largest in the country, I don't know. I have been told that -- the shrimping, the fishing, everything will be highly impacted, all to the

negative.

The pollution of 5,000 idling container trucks sitting there with diesel pollutants all day, all night, a prevailing southeast wind is going to put this

AV

right on the top of Houston as well as us who live right next door. We already are fighting the image of being the dirtiest city in the country.

I'm very concerned about the way this was handled from the very beginning. I have to be careful with what I say because there are some things I can't prove but seem to be common knowledge, and I think that it was handled very poorly.

And at the same time we have a place in Texas City that would require no taxes from anybody. It's a private industry that wants the facility; the city wants the facility. The only thing that anybody in the Corps or anyplace else could find wrong with that facility is they said the trucks would have to drive farther to the city. Well, as the crow flies that is correct, but it isn't really true. They're much closer to I-45. They get right on an already built freeway and then they go. We do not have the infrastructure in that area whatsoever to handle that kind of -- everything will have to be rebuilt, all of the roads. They don't have the right-of-way for the train as yet and yet

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that's another big impact.

So all-in-all, I just want to say how very concerned we are not only for our own personal

lifestyle but for everybody in the area.

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DEC 12 2001

MR. DEAN SNIDER: My name is Dean Snider. My wife and I moved to the bay area a couple of years ago upon retirement because of the lifestyle at the bay. We're boaters and like the wildlife and the quietness and the seclusion of the bay, and we have a couple of concerns about the EIS.

I have two legal ones. One relates to the work that they've done on the fine particle emissions. There are federal standards for these and the EIS does not address the impact on the environment of the fine particle emissions. They may well be in violation, considering the fine particle concentration analyzed in the Houston area.

The second one is that there are two projects underway at the present time. One is the Bayport complex and a railroad extension. When -- although these have not been publicly tied together, they are an impact on the same area and I think federal

law requires that two projects that impact on the same area should be considered under the same environmental impact study.

We have lived in the bay area over the last -- we haven't lived there, but we've participated in boating in the bay area for the last 30 years. We are like a lot of the people who live in the area, if

the lighting and the noise and the pollution is downgraded as I expect it will be, we will be one of many in the bay area who do not have to stay there, and once it gets to the point where we don't enjoy it, we will be one of the many that will be selling our property and moving to some place we can enjoy. This will have a major impact on the land values in the area because with the port going in we would have to sell our property at a loss and the local community will lose the tax benefits of the property. So I think this project as it stands will result in the local communities suffering a real financial hardship and way of life.

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DEC 12 2007

MR. KAY L. SNIDER: My name is Kay Snider and I support all of the points that Dean has just made. In addition, I feel that the location

proposed for the new container port and the cruise line terminal are not the best locations for those facilities on the bay. There are other sites on the bay that may be better, both from an economic standpoint and from the standpoint of the environmental issues. 2-29

On the subject of transportation, just following up on the truck traffic, apparently the draft Environmental Impact Statement indicates that there will not be any change in the percentage of traffic that trucks comprise on the area roads, and that seems very inconsistent with the Port Authority's own plans for about 5,000 trucks a day. 27-41

To me these are the two major issues. The really major issue is the economic issue of having the port located -- expansion located at Bayport rather than at other potential locations, particularly Texas City for the container port for the next incremental capacity needed to increase container capacity in the Houston area. 2-29

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DEC 12 2001

MR. THOMAS RODGERS: This is Tommy and Barbara Rodgers. We live at 618 Fairfield in Shoreacres. We're here to express our concerns about

the Bayport proposition. We use Galveston Bay for recreation. We're concerned about what will happen to it in terms of ship traffic, salinity, et cetera, but even more so we're concerned about our quality of life in Shoreacres. 32-8

We've lived there over 25 years. We can see this increase in truck traffic, rail traffic, lights on all night, as turning into a real horror thing for us and there may be a lot of us people who have lived there for a long time that eventually move out, and we would like to spend the rest of our lives there. So that probably is the main concern that we have and that's why we're here. And that's basically all I have to say. 17-1 27-2

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DEC 12 2001

MRS. BARBARA RODGERS: One thing, he said we've been there 25 years. We've lived there for over 40 years.

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DEC 12 2001

MR. PETER O'CONNOR: Peter O'Connor, 1158 Kinley, Houston, Texas 77018, and I also have a bay cottage at 904 Todville Road in Seabrook, Texas. I'm

against it on many levels. The most obvious is that traffic in the area is near or at capacity. There's continued growth of suburban development in the area which is already putting tremendous road pressure. I travel every weekend 610 Loop to 225 to 146. I bypass 45 because of the constant wrecks and traffic that already exists there.

This facility, they've proposed the way they're going to move these containers is by truck traffic. If you add the kind of truck traffic they're talking about, and I've heard as many as 700 trucks a day, it will be absolute gridlock 24 hours a day through there. They've only recently expanded the road down through LaPorte. It's still fairly narrow. It's still a narrow four-lane road into where the container facility is. There's only one way out, that's 146. You add all this traffic, it will be an absolute nightmare for anyone that lives there. I'm there on weekends every weekend.

Other issues are water impact. This year in the NUDE Regatta in September at Houston Yacht Club they had a wreck between a barge and a ship of some

sort. They totally boomed off Barbours Cut. They boomed off Houston Yacht Club. I had water -- I had oil damage on my boat. This is the kind of thing that with

the increased frequency is only likely to happen, given the narrowness of the shipping lanes.

The other thing is I sail over at Houston Yacht Club already every weekend. I sail at Seabrook Sailing Club almost every weekend. If you add all this shipping out there, it's going to become a lot more dangerous for recreational sailors who spend a lot of money on their boats to enjoy that sport.

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The other important thing is going to be as you get all this further industrial development, people who are more affluent are going to leave and you're going to see severe degradation of property values, not unlike in Pasadena where people left and the people that live around Pasadena are the much less affluent, the minorities, and you're just going to lose a tremendous economic base.

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DEC 12 2001

MR. ROSS BEAUDREAU: My name is Ross Beaudreau and I'm completely against this port expansion. It's going to reduce property values. It's going to reduce the quality of life on the bay. The pollution is going to be terrible from the light and the noise and the traffic and I don't think it's been

addressed properly by the Port.

I think this is probably the worst form of dirty politics I've ever seen in my whole life, the way the Port is trying to shove this down people's throats. This is not justice.

I don't think any of the environmental issues have been answered properly, and that's about all I have to say.

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DEC 1 2 2001

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MS. WEDA SCHOLES: My name is Weda Scholes, 538 Surf Oaks, Seabrook, Texas. Pollution mainly and nobody -- as fine particle. I mean, we understand pollution but they haven't explained that to my satisfaction yet.

Safety, the police. We're already a small community. They're going to have theirs and Seabrook, as I assume, will pitch in. There's not enough yet. Here a couple of months ago we had a train wreck on Port Road, that's between 146 and Todville, and that's right in where they're going to build it. Traffic was, what, a half a day or almost a day getting around it and cleaned up.

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Just against the whole port. And how

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much taxpayers' money does the port receive? And I didn't realize until tonight, I signed up downstairs, the CD that I requested, I wanted to know who funds it. The port. Okay. I asked you two who pays your salary. The port. Okay. How much taxpayers' -- where's the money coming from? Is it from all taxpayers? That's all I have to say.

22-102

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DEC 11 2 2001

MRS. MARIANNE WILLIAMS: Marianne Williams, 110 Shoreacres, Shoreacres, Texas. I have lived in the area or owned property there since 1964 and we have seen the changes in the area which have really occurred more and more to my disliking. The pollution that has occurred already which stands to be increased so much, that's my main concern with the port coming in -- the air quality, the noise factor that will happen and the traffic that will be stopping life. Already we have trains that are going across Shoreacres Boulevard. We were detained last night, like 5:30 when people are coming home from work, probably 20 minutes, maybe 30 minutes, and to think that the port hasn't been built but we're already suffering to that extent.

This is a neighborhood of families and I

feel like there are other areas that are already industrial and commercial, like Texas City. Texas City has invited the port to come. They're aggressively pursuing them and I really wish that the port would consider moving there instead of in our area. Thank you.

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DEC 12 2001

MR. KELLY D. WILLIAMS: I'm Kelly Williams. I live at 110 Shoreacres Boulevard in Shoreacres. I came to register my discontent and protest against the building of this Bayport or expansion of it. I think the Bayport is a lousy neighbor. They make loud noises all night long. The switch engines now -- I've represented railroads in the past, I'm a lawyer, I know universal switch engine signals. Those people don't use them. They -- how do you put this on the record? -- go tat-tat-ta-dat-tat and a bunch of nonrailroad signals all night long. They're loud, they're smoky, they're disruptive, and they're just moving into our area. We've been there for decades and for them to be lousy neighbors, move in and make it uninhabitable for the rest of us I think is unacceptable to us who live there.

I've retired now but I've been a municipal judge in the little Shoreacres municipality there for years, and I can tell you that from a personal public safety standpoint that expansion will endanger the citizens who are nearby because our little police force cannot handle the sailors and the traffic that's getting ready to take place there if this expansion is carried out.

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DEC 12 2001

MS. KATHLEEN GRAF: I'm Kathleen Graf, 3405 West Country Club, Shoreacres. I agree with what they've said completely, and I might add that I really don't believe any of the promises that they've made to us. Like they say they're going to take our wetlands but they're going to give us some more wetlands. Well, that's like they're going to take our children but give us some more children.

I don't want them polluting our area, our beautiful bay waters, and it's disconcerting to kind of have your dream home and then hear this pounding that we hear right now. We feel like they're already building this without even -- I think they've gone ahead because we hear this pounding. It's like -- I don't

know what they're doing, but we have lights. I just can't imagine it being multiplied so many more times to the pollution we're already experiencing in our beautiful area. That's really all I have to say.

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DEC 12 2001

DP 10051

MR. JOHN PRICE: I'm John Price. My address is 3803 Dolphin Lane in LaPorte. I object to the proposed container facility at Bayport Terminal and my objections are based on what I've read issued by the United States Army Corps of Engineers' report. It seems to me from their report that they did not take into account the homes and livelihoods of those people on the north side of this container facility, and their own documentation makes many references to what they in turn have learned from the Port of Houston Authority, that all of the concerns issued and addressed are towards the east and south of the container facility. There is no reference to anything that they intend to do to the north. And it is based on that that I disagree and do not desire to see this facility go through.

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DEC 1 2 2001

MR. BRUCE OREN: Bruce Oren, O-R-E-N. My address is 907 Oak Leaf, LaPorte, Texas 77571. We live about a mile from -- north of the Bayport channel and it's a little pocket, an oasis of beauty over there, and we're insulated from most of the industrialization around Bayport now and I'm afraid that if the facility is expanded it will be very detrimental to our way of life.

It will add tremendously to the air pollution that's already a huge problem in the Houston area. We have the worst or among the worst air quality in the United States now and the building at Bayport will only exacerbate that. There are an estimated 5,000 trucks that will be going through there. The prevailing winds are south-southwest and it will just pour over Houston.

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This town needs to be more than about industrialization and work. People have to live here. It's about quality of life. Let us live in peace. Thank you.

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DEC 1 2 2001

MRS. ANGELA OREN: My name is Angela Oren, O-R-E-N. I live at 907 Oak Leaf in

LaPorte. I'm sure you've heard a lot of comments about the delicate ecosystems, of the wonderful variety of wildlife and vegetation throughout the area that's going to be decimated by this project, but one of the things that doesn't come up much is the eroding tax base. You're talking about well-established, fairly prosperous communities where people are going to lose their property values in dramatic ways and they're going to leave the area. It's going to be left with far less than it started out with as far as the tax base and as far as a sense of community in that area. I think that's far too high a price to pay, considering that right up the road in Texas City you have a community that welcomes this project.

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MS. CHERYL ESPOSITO: Cheryl Esposito. I live at 4514 North Herron in Seabrook, which is Seascape Subdivision, just down the road on Todville Road where they want to build that. My concerns are with flooding. We've done some drainage things and it works out fine right now, but I don't want to be another Friendswood where everything they build after that, all the cement they put down is property that won't absorb

water.

I'm worried about all -- the traffic is already hell in the morning at the intersection of Red Bluff and 146 where it's backed up two stops with the amount of traffic that's on it now. The neighborhood is not going to be able to handle that.

I'm worried about crime and, of course, my property value going down. They've got some houses already going for sale. I've considered it myself, and obviously people from outside don't realize what's coming because they're still building new houses and I wonder what kind of suits will come out of that because I think those people building those big, beautiful houses a mile from where they want to put this in are going to be very upset when their property value drops in half. I just don't think it's right for the community. That's it.

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DEC 12 2001

PASTOR ROBERT PURDY: My name is Pastor Robert Purdy. My address is 1756 Florida, Seabrook. I'm the pastor of the church located closest to the proposed expansion. I am adamantly against Bayport and adamantly against the draft Environmental Impact

29-3

Statement.

The environmental impact statement as it exists is woefully inadequate. It does not address quality of life issues, it doesn't address traffic issues, it doesn't address security issues. It completely ignores small particle pollution from the 10,000 trucks that are projected to go across 146, 225 and Red Bluff. It doesn't at all address the economic impact of the Clear Lake area, as if Seabrook and El Jardin were located by themselves.

23-78

What I'm most concerned about is that they have decided that the displacement of 5,000 homes, particularly those in El Jardin where my church people live is not an issue and the quality of their lives is not an issue, and from a biblical standpoint, that's sinful and does not represent the best that we as a community can do.

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They have not explored to any degree the other venues that are open for the port expansion. In the draft Environmental Impact Statement they've spent

23-79

an inordinate amount of time addressing subjects that have absolutely nothing to do with the expansion and not enough time addressing things such as the San Jacinto rail proposal which has been left out or given a cursory look in the Environmental Impact Statement. 23-74

I would be very interested to know what communities exactly are supposed to do that only have one road for egress that are going to be blocked over two hours a day by the eight trains that are proposed to come through there. I would also like to see what study they based their assessment on of the height of their berm and the distance of the lighting and the sound barriers for those in El Jardin and I would like to know just who could tolerate that because according to their statement it would not have a negative impact but according to all federal standards it would. 27-38 23-80

I'm also interested to know why ballast water issues weren't addressed when this area is directly in the middle of an estuary that supports almost all of Galveston Bay. There are other options that need to be explored completely and the Bayport issue and the Bayport expansion is not the best solution. 20-4

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MR. TOM HESTER: Tom Hester, 1119 Howard Lane, Bellaire, Texas. Given the fact that this is an industrial business, it has no business in a residential area which is located near Armand Bayou, the

Clear Lake/Seabrook/Kemah area, would have a gross negative impact on the environment and it would also change an area which has more cars, already has plenty of vehicular traffic, into a commercial-industrial traffic area with all sorts of trucks and everything running through there and it would change the quality of life for families.

It would -- the pollution, there's a lot of tourism there and it would have a gross impact on the tourism and also property values. We have a condo over at The Landing on Kirby and NASA Road 1 and I love the quality of life there and it makes absolutely no sense that they'd want to put an industrial when there's all sorts of other industrial locations that they could put this port -- this business.

I've heard someone earlier mention about the Houston Ship Channel. I mean, there's also Texas City. There's also the Houston -- I said the Houston Ship Channel, but like I said, it would also -- I don't know what else to -- I think that it's rather, for lack of a better word, gutsy, that they would try to

locate a business like that in a residential resort -- combination resort-residential neighborhood.

When they wanted to bring a business over to the Brazos River, my folks live in Simonton and

my dad worked on this with the mayor of Simonton. They would have created a situation where gravel trucks would have been coming down through the neighborhood, thus changing a residential rural area into a situation where they would have much more traffic. I think that it's related in the sense that from the standpoint of pollution and what it would do from an environmental standpoint from the standpoint of fish and being able to eat the fish or not.

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MR. CURTIS SINCLAIR WELLS: Curtis Sinclair Wells. I would like to echo several things that I heard the mayors of several of the cities that surround the proposed Bayport location say concerning the adverse effects on families living within a few miles of the site, and I oppose the Bayport location of the container terminal.

I have two interests. One is I live about a half mile from the proposed Bayport facility, and the other is I know something about weapons of mass destruction and have become extremely concerned about the ability of terrorists to bring weapons in uninspected with radiation, nuclear, biological and

chemical weapons of mass destruction in containers.

My background is as an engineer. I helped develop a successful system to defend against weapons of mass destruction delivered by missiles by developing a missile system that defends our soldiers and those of our allies. I retired about three years ago from that work and the events of 9-11 cause me to be concerned in a new way about the proposed Bayport location in the midst of hundreds of thousands of people within a lethal radius of those weapons of mass destruction.

The late September article in Business

Week documented that concern and the Business Week article did not indicate that there were any solutions other than the only obvious one, and that is locating it far away from population centers. The Business Week article talked about the large number of container facilities over the country and the ease with which terrorists can bring weapons of mass destruction in through containers with no inspection techniques.

I'm having some concern as a resident not too far from Barbours Cut within the lethal radius of those weapons from Barbours Cut. I did inquire of security agencies such as the FBI and the Customs Service, and I understand they were not able to give me

21-21

specifics, but I received no -- even general indication that that security is handleable.

So in summary, I'm opposed to the location at Bayport. I'm in favor of the expansion of containers but in an area where weapons of mass destruction will not lead to the number of deaths that it would at Bayport. Thank you.

29-51

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DEC 1 2 2008

MISS MERANDA McDANIEL: My name is Meranda McDaniel and what I want from Bayport is a quiet playground, less lights and less pollution.

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DEC 12 2001

MS. SHIRLEY McDANIEL: I'm Shirley McDaniel, and Shoreacres is a quiet neighborhood and I want to keep it that way. The port as it exists now doesn't cause any pollution. It's quiet enough and it's a good neighbor. If they expand it, I don't feel that's going to be the case.

Texas City wants the port there. It's a great place for it. I have friends in Texas City who agree that that's a good place for the port to be. The

roads are better. They're in place now. I think it will be less costly for everybody and that's just the place that we need to build. That's all I have to say.

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DEC 1 2 2001

MR. JOHN STAUTNER: My name is John Stautner and I live in The Woodlands, Texas. I believe that we in the Houston area should preserve our recreational and residential integrity of the Houston shoreline in one of the few areas that actually is still attractive and usable and on the water, so I would like to ask that the port expansion be located at another site, not at Bayport, but at another site which has been researched that would work equally as well or better, such as the Shoal Point area.

And finally, I think Houston should also consider some alternatives or possible ways to enhance the recreational attractiveness of the specific area around Bayport to make it more attractive for not only recreational use on the water but also recreational use on the shore and also keep it a good place to live residentially. That's all.

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MS. GAY YORK: My name is Gay York.

I'm asking that you do not authorize this permit for the Bayport Terminal. I live in the proximity and I do not want myself and my family subject to the additional pollution, the additional traffic, the additional problems associated with container yards, typically being chemical spills and lots and lots of rats.

I would like for you to please look at the facts and the truisms and not the things that were presented in the study that may have missed some of the points that should have been looked at.

And I also ask that it's not a political act, which most things that involve any type of government are, and you look at the people that have to live in it. If you would typically drive down by the docks in any city, you would see that that's the ghetto and I didn't buy a house in the ghetto and I hope that's not what my house turns into because the Port of Houston doesn't care if I have to put my house up for sale and move away. Matter of fact, that's what they're wanting all of us to do so that they can take over the rest of the land.

I don't want to do that. I enjoy Galveston Bay. Every weekend I fish at the channel of Bayport. That's where the fish are. You fish right on

the channel where it gets shallow again, and if there's a container port there with several berths I won't be able to do that any longer. I gladly invite you to come for a ride with me in my 22-foot fishing boat and face a wake from a loaded megacontainer ship. It's not fun, and I don't really want to travel with those people when I'm in my recreational boat. 32.7 31.3

I guess that's about all because the other people have hit on the topics of pollution, traffic, and I guess if you look at the birds, they don't, to use a nice word, crap in their own nests so humans shouldn't either and that's what you're asking me to do. I think that's about it.

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MR. JARRELL J. PRIESS: I'm Jarrell J. Priess, Lt. Col. (Ret.) United States Army Reserve, former Corps of Engineers, and as a former Corps of Engineer member I just want to -- I've heard a lot of comments tonight that I've questioned whether they're actually doing the job and I just don't want to be embarrassed and I hope they do what they're chartered to do. And that's all I have.

REPRESENTATIVE JOHN DAVIS: I'm John Davis, State Representative for House District 129. The proposed Bayport container facility will be located in the heart of my district. I want to --

(Applause.)

-- go on record asking Colonel Waterworth and the U.S. Corps of engineers not to issue the Port of Houston Authority a permit to construct the Bayport container facility.

29-5

(Crowd noise.)

Colonel, please find a better site.

(Applause.)

We could do better. My constituents and taxpayers demand it.

(Applause.)

Other sites are available in our region that can accomplish the same goals as Bayport, but not

2-3

at the expense of the taxpayers, Galveston Bay and private industry.

(Crowd noise.)

The proposed Bayport container dramatically changes the landscape of the type of economic growth we want to encourage for southeast Harris County. 6-24

(Crowd noise.)

The Port Authority is laying the groundwork to crowd out future aerospace industry growth. We will handicap --

(Crowd noise.) 6-22

--our ability -- well, (inaudible) the Port Authority -- we will handicap our ability to attract the best and brightest minds that America has to

offer. People are attracted to NASA, to Johnson Space Center --

(Crowd noise.)

COL. LEONARD WATERWORTH: Representative Davis. Excuse me. Ladies and gentlemen. Ladies and gentlemen. Ladies and gentlemen. Let the representative finish his comments, please. Sir.

REPRESENTATIVE JOHN DAVIS: Do I get three more minutes?

We will handicap our ability to attract the best and brightest minds that America has to offer. People are attracted to NASA and the Johnson Space Center, not only for the current and future challenges for conquering space, but when back on Earth, our astronauts want to enjoy a clean and beautiful Galveston Bay.

(Crowd noise.)

Additionally, the proposed container facility will overcrowd the current rail system which supports our chemical plants. Current steps are being taken by BNSF to construct a new San Jacinto rail which

21-8

will run through the heart of Clear Lake City.

(Crowd noise.)

This is a major sign that industry fears they will not be able to get their products to the marketplace in a timely fashion as they, too, will be crowded out by the Port of Houston Authority.

(Crowd noise.)

If the Port Authority gets its permit, we will have negative economic growth. Containers, pothole, windshield repair companies will be our future growth industries. 6-75

(Crowd noise.)

In conclusion, one last comment on personal privilege. As a Texas state legislator, I have been extremely disappointed in the Port of Houston Authority, in how the authority has handled its use of power. As a newcomer to the political process, I have been watching and observing how those with power use it. The Port of Houston Authority has used -- has used their

power to be arrogant, deceitful and manipulative.

(Crowd noise.)

They are truly accountable to no one and it shows.

(Applause.)

On top of that, they have an annual $5 million taxpayer-subsidized spending allowance to spend on how it, the Authority, sees fit without any accountability to the taxer. This authority needs to be seriously curtailed and monitored by your Texas legislature in 2003.

(Crowd noise.)

COL. LEONARD WATERWORTH: Representative Davis, can I have your concluding remarks, please?

REPRESENTATIVE JOHN DAVIS: Three more sentences and I'm done.

COL. LEONARD WATERWORTH: Okay. Thank you.

REPRESENTATIVE JOHN DAVIS: The real

issue here is political, and it's about $1.2 billion in taxpayer-paid-for bonds --

(Crowd noise.)

COL. LEONARD WATERWORTH: Excuse me. Ladies and gentlemen. Please hold your remarks down so the representative can finish his comments so we can get on with the evening, please.

REPRESENTATIVE JOHN DAVIS: You're hurting my feelings.

I'll start over. I have three sentences. I'm out of here now.

The real issue here is political, and it's about 1.2 billion taxpayer-paid-for bonds and who gets the power to dole out the contracts. This is a story about a few big dogs eating at the trough of the little dogs.

(Crowd noise.)

COL. LEONARD WATERWORTH: Ladies and gentlemen. I would like to call forward the mayor of Seabrook, Jack Friday, for his comments.

Sir, I'm going to try to keep us back on schedule. Please limit your comments.

MS. DARLENE RUIZ: Good evening. My name is Darlene Ruiz with Mediterranean Shipping Company, and as a carrier, we would like to express our view that as carriers we welcome the expansion of the Port's container operating facilities. We view Bayport as an essential facility that will provide the opportunity for all carriers to obtain relief long overdue, caused by the sphere of congestion which exists at the Port's lone container facility. We expect the new facility to result in the Port offering more cranes and labor which is essential to our vessel operations. The Port has already run out of needed fully automated container-handling space. The Port Authority and the Port of Houston's growth and our growth has been affected by lack of available space to efficiently handle all cargoes. After all, the Port has become a one million TEU container port, but it is out of space.

(Applause.)

As global members, we would like to keep our roots here, but expansion is necessary. I love the Port for -- I love the Port Authority for going all out to investigate and address all issues regarding this project. Of great importance is minimal impact to our environment, more jobs and a secure economy for all.

(Crowd noise.)

This study has been extremely comprehensive. Please note that this industry is a key element of the region's economic infrastructure. As a global carrier in international trade, I'm happy to note that at least one in three jobs here in Houston is tied to our trade by one means or another.

6-74

(Applause.)

What happens to the Port will impact on what happens to Houston, our local economy, my colleagues, and so on, up and down the line. This development must not just go away. Think about it. It's all about our progress, our livelihoods and our environment, and extensive studies have shown that these factors can co-exist.

18-18

As a global operator of vessels and a carrier of containers and with what Houston has, an essential gateway for us all, we urge you to go forward with a sound project and build Bayport terminal. Thank you.

(Applause.)

COL. LEONARD WATERWORTH: The next speaker will be Mr. Richard Lord.

(Crowd noise.)

DEC 1 2 2001

MR. RICHARD LORD: Yes. My name is Richard Lord, and I'm with the plumbers union. I stand in favor of the port expansion, and I would like to thank the Corps of Engineers and the Port Authority for all the work that they have put into this project.

When we first started talking to the Port Authority, it seemed like every concern that we had -- the environment, the community, and even the jobs -- had been met. The Port Authority -- the Port Authority itself has gone through a great deal of effort to ensure that everybody's concern has been met.

Now we're getting into a situation of

global markets and downsizing and a lot of jobs going to NAFTA, and I want to applaud the Port Authority for going after these jobs. They have taken an aggressive stance to sit here and listen to some of the people to say, take care of me but not take care of the other part of this city. It spoke with the 60 to 40 vote for approval --

(Crowd noise.)

-- for approval of the port expansion, and I want to again state that I stand in support. Thank you.

(Crowd noise.)

COL. LEONARD WATERWORTH: E. Dale Worthan.

DEC 1 2 2001

MR. E. DALE WORTHAN: I'm Dale Worthan, and I represent working folks.

(Applause.)

All the working folks, stand up. Let me tell you what. This is about jobs for our children, our

grandchildren and their parents' grandchildren. You've heard -- you've heard politicians get up here and talk about how we don't need this, but I tell you what. The same politicians have a vested interest. Some of them own property. Some of them have lucrative deals with the Port. The fact of the matter is, Houston is a world-class city. We need this port. We need these jobs, because not everybody is going to own a yard or yacht in El Jardin. Not everybody -- not everybody is going to be able to afford the $200,000 homes. Some of us have to work for a living. And what we're going to do is we're going to build this port, we're going to make Houston a world-class city, and we need this facility in the Bayport area for our children and our grandchildren.

(Crowd noise.)

CHIEF DOLAN DUNN: Next speaker is Beau McDaniel, please.

MS. MEREDITH PICKETT: Hi, I'm Meredith Pickett, and I'm here to talk about Camp Casa Mare, which is located in very close proximity to Port Road and what it means to the girls. For over 20 years, the Camp Casa Mare saling program in Seabrook has offered girls many opportunities which they otherwise would not be able to experience. These opportunities include assuming a leadership role, learning teaching skills, being a mentor to younger girls and developing a strong character. Most girls who come down to camp would never have been able to even step on a boat if it wasn't for Casa Mare.

But most importantly, girls have the opportunity to just be themselves. We gain a true identity and individuality through trials and interactions with our fellow Americans. We also gain confidence which is so often lacking in people my age, confidence in our actions and confidence in ourselves. We learn how to work with people and how to effectively

teach people with different personalities. For some people, it takes a lifetime to learn these skills, but mariners learn them while we are still teenagers.

What I value the most about Casa Mare are the friendships that I've formed over the years. I have met girls from all over the Houston area. We go to

different schools, have different backgrounds and different families, but the thing that ties us together is our love of sailing. When I first started sailing, I looked up to the older girls that were my friends. And now, four years later, I have become one of the older girls and there are younger girls that look up to me. Because of camp, I have the opportunity to be a role model and a big sister to the younger girls. The friends we make at Casa Mare are friends we will keep forever. We all look forward to coming down to camp Friday night and seeing our friends. Staying up all night talking with our friends, feeling the cool ocean breeze on your face and watching the waves in the bay may not seem like much, but I assure you, it is. Camp is so different from the city, so peaceful. It really is a place to get away. We truly do grow every weekend, whether it's by teaching a class, learning more information or just goofing off and having fun. Camp Casa Mare really has become more than just a camp and

the mariners are more than just our friends. The mariners are our family and Casa Mare is our home.

(Applause.)

MR. DERRYL WOOD: My name is Derryl Wood, a resident of Seabrook, Texas. I've heard state representatives and mayors speak of traffic and terrorism. The traffic issue, I'll address first.

If the Bayport facility is not built, a southern location such as Texas City is built, the traffic through Seabrook, Kemah, Bacliff and south will be unbearable.

The terrorism act that was brought up, there are refineries up and down that channel right now that are as good a terror attack spot as anything, and a thousand acres of land that the Port of Houston owns, if they're not given a permit to build there, that land will be for sale to some individual or large refineries that will build in that area. It is zoned industrial. The people that live south of the Bayport area --

(Applause.)

-- will be inundated with traffic that could go into Bayport and off of 146.

I do not think it's in the best interests to delay the process. I think it's in the best interests of the community, the workers, and all involved that you make the decision as soon as possible so that Houston can continue to grow with the container

terminal that will meet the 21st century. Thank you.

(Crowd noise.)

MR. MARK LUMEN: Captain Alistair MacNab, please, and I want to remind everybody to speak clearly into the microphone.

We have six more: Captain Alistair -- Alistair MacNab, Mike Laible, Richard Shaw, Rey Gonzales, Juan Parras and Stan Krauhs. Would y'all come up to the front.

The first speaker will be Captain MacNab.

COL. LEONARD WATERWORTH: I would ask all speakers that if you would speak clearly and talk into the microphone so that everybody can hear you, please.

DP 10078

25 CAPTAIN ALISTAIR M. MacNAB: Well, good

1 evening, Council. I guess it's my accent that may be a
2 problem for you, but we'll try and work our way around
3 that.
4 I'm really quite interested to note that
5 the speakers who come from the floor have been more in
6 favor of Bayport than against it, while all a big many
7 of -- a great many of our politicians have been against
8 the -- against Bayport. And that's -- that's strange.
9
10 (Crowd noise.)
11
12 Where are -- where we are with regard to
13 Bayport, I think, is an interesting point in the
14 development of Houston, Texas, and Harris County and the
15 southwest region in its position in the world.
16 I've heard everyone say they're not
17 against -- they're not opposed to trade and business
18 development, but they don't offer a real alternative.
19 There's no thought been put into where -- how world
20 business will be achieved, because I think that's a
21 pity. Because there has been a lot of input in the
22 study that identifies that world trade has to be handled
23 in a certain fashion, and that Bayport fulfills these
24 conditions.

20-22

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6 favor of Bayport than against it, while all a big many
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20 business will be achieved, because I think that's a
21 pity. Because there has been a lot of input in the
22 study that identifies that world trade has to be handled
23 in a certain fashion, and that Bayport fulfills these
24 conditions.

2-14

25 The other thing, too, is that people

1 have said that, you know, jobs -- they're not against
2 jobs. They love jobs. But if the job -- if the port is
3 not built or the terminal is not built in the right
4 place, there won't be jobs, because the world ships will
5 not come if the -- if the terminal is not in the right
6 place.
7
8 (Crowd noise.)
9
10 You know, you seem to -- you seem to
11 think that the decision is made here in Houston, Harris
12 County. The decision is made -- or will be made in
13 Copenhagen and London and Tokyo and Hong Kong. It will
14 not be made here. And these decisions, these people,
15 these very smart, world-class business people are
16 looking at Houston through a microscope. They're
17 looking to see whether or not Houston will emerge as a
18 world-leading business center in the future, in the 21st
19 century, and if they don't see us being progressive,
20 then they will ignore us and find another way of
21 servicing our community, and if they do, how are the
22 goods going to come in here to service the 20 million,
23 30 million people we have? By truck. I don't know that

trucks is a good alternative to the Port of Bayport.

Now, we all have jobs, we all need jobs,

and I've also had a few people being a little bit high-handed about the quality of jobs. I've had people being disparaging about longshoremen, being disparaging about construction workers, being disparaging about truck drivers.

(Crowd noise.)

Do you realize that one job in every three in Houston is related to international commerce? And that's bankers, lawyers, engineers, accountants, steamship agencies, importers, exporters, manufacturers, service providers. All these jobs are related to international commerce. They're all related to --

(Crowd noise.)

-- the port being put in the proper place, and the proper place is Bayport. Thank you.

MR. MARK LUMEN: We have Mike Laible, Seabrook city council.

MR. REY GONZALES: We know the history -- economic history of the Port of Houston. We know the economic history of its future. What I want to call your attention to is the importance that the Port of Houston has had for women and for minorities in creating a solid middle class. 5-9

(Applause.)

The Port of Houston, if you take for a moment and realize that in our shipping community, 50 percent of all the people involved are minorities and women. The salary structure that Bayport brings will allow these families to continue to send their children to college, pay taxes to the school districts, be a tax asset and not a tax burden. We have in our children created lawyers, accountants, teachers, MBAs, soldiers, sailors, firemen and police officers. 6-16

When I see a truck or when somebody sees a truck on the highway, what I see is that Afro-American student at Stephen F. Austin or the Hispanic student at U of H or the women business owners. When I see the longshoreman unloading containers, I see the joy in those parents as their first generation graduates from college.

The Port of Houston --

(Applause.)

-- has allowed women to be successful. Many are owners. Many are prime and senior partners in their organization. Many of the women share the organizations that support our industry. It is the Port of Houston that has allowed minorities and women to actually flourish in this industry successfully, equally, solely relying on their experience and expertise.

(Applause.)

I leave you with a message that Bayport will create jobs, good-paying jobs, will create the future for minorities and for women. Thank you. 6-27

(Crowd noise.)

MR. MARK LUMEN: Thank you, Mr. Gonzales. Now we have Juan Parras. Juan Parras.

(Applause.)

DEC 1 2 2001

DP 10082
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25 MR. JUAN PARRAS: My name is Juan

Parras, and I'm with Unidas for Environmental Racism, and I would like to remind the Corps that under Executive Order 12989 on environmental justice, all federal agencies are mandated -- it says, "mandated to take into consideration how federal projects will impact communities of color and low income who are already overburdened with pollution." East end Harris County will be greatly impacted by Bayport, yet the Draft Environmental Impact Statement did not extend its study to include us. Perhaps the Corps needs to review and read the Executive Order 12989, and it also needs to look up the definition of mandate. We in east end Harris County demand that we be included on the Environmental Impact Statement and, therefore, because we were not included, we demand that the permit be denied. Thank you.

26-3

29-17
26-4

(Applause.)

MR. MARK LUMEN: Okay. Next we have Stan Krauhs, who is council member, City of Shoreacres.

DEC 1 2 2001

MS. CYNTHIA SARTHOU: Good evening. My name is Cynthia Sarthou, and I'm executive director of the Gulf Restoration Network. I'm here because of several concerns. First I would like to start with the concern that I have that goes even deeper than Bayport. The Corps of Engineers is presently considering no less than four, maybe more, expansions of ports for container facilities in the Gulf of Mexico. In each of these, the same claims that have been made tonight are being made. There will be lots of cargo, there will be lots of jobs, we need deeper draft, we need more wharves, and yet the Corps has done absolutely no study of the actual economic need for that many ports.

1-9
1-15

(Applause.)

The expansion of ports is continuing in this country, with untold and unanalyzed benefits and harms and needs to be fully analyzed before the federal taxpayer is required to pay any more for these ports.

6-46

(Applause.)

Second of all, I want to reiterate what Mr. Parras said. I understand that the Corps of Engineers is -- at least is reluctant to find a

connection between the railroad line that has recently been announced to be constructed and this project. I would, however, cite you to the cases in the Gulf Coast of Mississippi, where a programmatic EIS is presently underway, where in the courts, the District of Columbia, found that all foreseeable impacts must be analyzed, including any foreseeable construction of transportation systems, of residential housing, or other related impacts associated with any development. Those were also permits, they were not Corps of Engineers developments, and in this instance, I believe that the DEIS needs to be expanded to include all impacts, including construction of railroad lines which are foreseeable and --

18-6

23-18

27-2

(Applause.)

-- and any highways which are also foreseeable. I would also like to note that the railroad line in question potentially impacts low income and minority populations in the City of Houston. It increases their risk of harm and, therefore, falls

26-3

within the executive order referenced by Mr. Parras, who recently spoke.

Finally, I'm a little bit concerned -- I have written comments, which I will submit for the record, about the Corps of Engineers' analysis of wetlands impacts in this instance.

I am at a loss to see how the number of acres that were originally cited by the Corps in its analysis of this project have been eliminated or at least developed to 2.5, and I can only suppose that you are interpreting the SWANCC decision in its most limited and focused method or way. And I would like to say that I cannot see that any interpretation of SWANCC would, in fact, bring about the finding that you have made. Hydrological connection, not merely adjacent location, is all that is required for jurisdictional authority of the Corps over wetlands, and in this instance, there is hydrologic connection, and I would venture to say that even the ditches that somebody nicely built on this property create an even greater hydrologic connection than previously.

14-5

(Applause.)

So I would submit my -- I will submit my

comments, but I will say that there are serious problems with this DEIS and I would request that the Corps

23-19

revisit it and reissue a new DEIS in the future. Thank you.

(Applause.)

CHIEF DOLAN DUNN: Mr. Jim Blackburn.

(Crowd noise.)

DP10085

MR. JIM BLACKBURN: Good evening. Good evening, Colonel. I appreciate the opportunity to come and speak to you this evening on behalf of the Galveston Bay Conservation and Preservation Association.

(Crowd noise.)

And I want to thank you for the opportunity to have us all come, whether we agree or disagree, and express our opinions, because that's the America that I think is important, and we're here to do that tonight.

(Applause.)

Now, the Draft Environmental Impact Statement that the Corps of Engineers has put forward is fatally flawed. The purpose of a Draft Environmental Impact Statement is to tell the truth about all of the environmental issues, and it's really to help you, Colonel, make your decision. This is a document that you're supposed to be able to rely upon to address the issues that are of concern to, among others, the community. 23-20

We held a scoping meeting. We participated in a scoping meeting that the Corps of

Engineers held well over two years ago. At that time, GBCPA asked that a number of issues be analyzed. We asked that fine particle air pollution, PM 2.5, be analyzed. That has not been analyzed in this Draft Environmental Impact Statement. We asked that hazardous air pollutants be analyzed. They have not been analyzed in this Environmental Impact Statement. 7-4 7-5

(Applause.)

We asked that a 50-foot channel be analyzed, because the Port of Houston's application has a 56-foot-deep wharf. If we put $1.2 billion into the ground on upper Galveston Bay with a 56-foot-deep 20-1

channel at the dock, the Port of Houston's going to come back and say, "We've got to have a 50-foot-channel across Galveston Bay." Until that's analyzed, we do not know the truth as to what the impacts are.

The same thing's true about train traffic; the same thing's true about truck traffic. We do not have the truth in this document. It means you don't have the truth. 27-2

Now, a Draft Environmental Impact Statement is to give the public a chance to comment. We

haven't had a chance to comment on those issues, because you didn't address them initially. A supplemental Draft Environmental Impact Statement must be prepared to address these issues and tell the truth. Otherwise, the purpose of the document and the purpose of the National Environmental Policy Act will be circumvented and ultimately the policy of Congress will fail.

23-22

(Applause.)

Now, I want to draw an analogy in closing. You know, Enron was about jobs, and Enron isn't employing a lot of people right now, and the reason it's not employing a lot of people is because the truth was not told about Enron.

(Applause.)

Bayport must reveal the truth. The Corps of Engineers needs to know the truth, and the truth will take us to another location. Thank you very much.

22-35

(Crowd noise.)

CHIEF DOLAN DUNN: Next speaker is

Mr. Dennis Brown.

DEC 1 2 2001

DP 10086

MR. DENNIS BROWN: Hello, Colonel. My name is Benny Holland. I'm the president of South Atlantic Gulf Coast District of International Longshoremen's Association.

(Applause.)

I happen to represent some 10,000 retired and active longshoremen in the City of Galveston whose sole being depends on the failure or the success of Port of Houston. I'm here to say that we are in total support of the Bayport project. I don't have to tell you, Colonel, that the maritime industry has changed over the last ten years. It's going to change

29-2

even more over the next ten or 15 years. There's no question that Bayport is necessary today and that all of the alternatives that we've heard about tonight are also going to be necessary in the next five to ten years. If we're going to be the one hub port in the Gulf that we need to be for Houston to be successful, we must have Bayport on line along with the other projects, like Texas City, Shoals Field, and the other alternatives that I've heard tonight.

1-10

It hasn't been brought out, but it's very important that you understand that Houston is

successful today, but if we're not able to handle all of the traffic that's necessary to house the maritime industry in the next five or ten years, that business can go to New Orleans or some other area, and some 10,000 longshoremen and retirees can lose their pensions and their jobs because we put ourselves ahead of jobs for some working people.

6-29

So, therefore, tonight, I'm here to say that all the longshoremen in Houston and all the longshoremen in this region are in full support of the Bayport project. Thank you very much.

(Crowd noise.)

CHIEF DOLAN DUNN: Is Mr. Dennis Brown here?

Okay. Bernard Maristany? My apologies.

DEC 1 2 2001

MR. BERNARD MARISTANY: I'm Bernard Maristany. I'm a resident of the Gulf Coast. First speaker tonight was supposed to address the DEIS and he did not. I was disappointed at that. Instead, he used the time to make a political speech to defend his views and to create a division among us. He talked a lot about "they," "they," "they," and the implication of us. It's not us, but it's they. We (inaudible). There's no need to think that if the terminal is not built in Bayport, there will not be jobs. There will be jobs this way. What I see here is an attempt to get the $1.2 billion crown, to use the longshoremen and the workers as forces against us, who are weak. We are just people who save money and own a home and don't want to have that taken from us. 6-30

So I urge everyone to think, what is it that we are doing here? Are we against somebody or are we for something?

And with regards to the analysis, it's clear that the ships are going to be much larger than they are, and it's clear from the others that occur that we're going to need a 50-foot channel to serve that terminal, wherever it is built, and I think the Corps ought to include that alternative and consider what would happen with a 50-foot channel. Thank you. 20-1

(Applause.)

CHIEF DOLAN DUNN: Thank you.

Mr. Laurence Tobin.

DEC 12 2001

DP 10089

MR. JIM MORRISON: Thank you, Colonel. My name is Jim Morrison. I'm vice president of the West Gulf Maritime Association. The association and its member companies support the Port of Houston's proposed Bayport container terminal. There is an economic need

29-2

for the construction and the operation of the Bayport container terminal. The world's shippers, similar to the airline industry, are establishing hub ports across the coast of the U.S. There will be one hub port in the Gulf of Mexico, and the Port of Houston is at the crossroads of economic trade in the region. The terminal will create a tremendous economic impact, not only for Harris County, but, also, for southeast Texas.

1-11

Concerning the Draft Environmental Impact Statement, we have reviewed the facts and heard arguments from those for and against. Many of our neighbors in Clear Lake area have spoken out against the project. However, the study shows we can have Bayport and clean air, too. The Corps' report models conclude that air emissions and the traffic control systems planned for the Bayport terminal will significantly lower the level of emissions previously assumed for the state implementation plan.

7-15

The study also shows the traffic concerns will also be addressed.

27-35

(Crowd noise.)

On the issue of wetlands and water quality, opponents to the plan -- specifically the cities of Seabrook, Taylor Lake Village -- purport the project will damage the bay. They oppose the Port project while approving million dollar housing developments that are destroying wetlands and creating tremendous nonpoint source pollution problems for the bay. 92 14-8

(Applause.)

The Seabrook Island development bulkheading destroyed wetlands and its discharges run off directly into the bay ecosystem. The same is true for Taylor Lake Shores development. And how about The Park at Armand Bayou? Luxury apartment living? The Draft EIS addresses storm water issues with retention and detention ponds and treatment facilities for the Bayport project. The Port plan allows for environmental protection and economic growth. The Port has also committed to being a good neighbor during the building 9-1 33-2 22-98 22-38

and the operation of the Bayport terminal complex.

] 29-2

Build it, Colonel.

(Crowd noise.)

MR. MARK LUMEN: Diane Domenech.

DEC 12 200

DP10090

MS. DIANE DOMENECH: I'm Diane Domenech, and I'm the president of the East End Area Chamber of Commerce. On behalf of the board of directors of the East End Area Chamber of Commerce, I voice support for the Port of Houston Authority and the Bayport Container and Cruise Terminal. 29-1

(Crowd noise.)

The Port of Houston -- the Port of Houston is an economic stronghold that remains stable in the midst of recession. It supports over 200,000 jobs and is the key element in the shipping infrastructure, which contributes nearly $8 million annually to our economy.

The strength of our nation lies in the understanding and acceptance of growth made possible through change and progress. The Bayport container terminal is needed to accommodate the projected growth of container traffic over the next 30 years and is a primary factor in the Port of Houston maintaining its status as the nation's number one port in foreign cargo and one of the largest ports in the world. 1-1

The Port of Houston Authority has taken the environmental impact of the facility into account

since the beginning of the project and has continually made modifications based on feedback from citizens as the project progressed. We firmly believe that progress and the environment can co-exist and, in this case, set new standards for reasonable -- for responsible construction, taking environmental issues into consideration with each stage of the planning process. 29-18

The continuing economic vitality of the Port of Houston and the 200,000 jobs it affects needs a Bayport container facility, not to mention the 12,000 jobs that it will create over the first ten years, 12,000 jobs that are desperately needed to replace the thousands of layoffs that have occurred over the last few months.

(Applause.)

Houston is facing economic decline and the Port of Houston Authority is proposing a facility that will create an economic boost. We need the Port of Houston and the Bayport container facility. Change is the forerunner of progress, and we need progress. 1-12

(Applause.)

Deterring progress will deter our return to the thriving economy. To further understand the importance of a thriving economy, talk to someone recently laid off from their job. These 12,000 jobs become pretty important to one of those who don't have one.

The East End Area Chamber of Commerce is proud of the Port of Houston Authority and the extent it has gone to to protect the environment in its planning for the facility. We are proud that they are protecting the economic impact of the Port by meeting industry's needs. We applaud and support the plans to keep progress alive by constructing the Bayport container facility. Thank you. 29-19

(Applause.)

MR. MARK LUMEN: Thank you. Mary Vitek or Vitek.

DEC 1 2 2001

DP 10091

MS. MARY VITEK: I'm Mary Vitek, chief executive officer of the Girl Scouts of San Jacinto Council. I want to start out by acknowledging the Girl Scouts recognize the importance of economic growth in our community. However, in this particular case, one of our facilities, Camp Casa Mare, will be directly and

29-3

significantly impacted by the proposed project. From the perspective of the proximity of this project to our camp, Bayport is the least desirable alternative. We believe that the impact is most significant in four areas: Noise, light, air and vessel traffic.

With respect to noise, over 10,500 Girl Scouts participated in activities at Camp Casa Mare last year. During the construction phase, dredging and pile construction will result in adverse noise, particularly during nighttime hours.

3-6

With respect to light, we are concerned that ambient light will reach unacceptable levels. What recourse will we have if night glow reaches higher glow than stated in the report?

29-4

Air quality is a significant concern to us. Girls sleep in an open air environment. We are concerned about an increase in particulates, especially those less than ten microns and their impact on girls with respiratory disorders.

29-1

The final concern is vessel traffic. The number of one-way vessel transits is projected to increase by less than 2 percent according to Section E57 of the report. It is unclear from the tables how many transits past Camp Casa Mare and Seabrook. The report indicates that the potential for conflicts between

31-4

commercial vehicles -- vessels and recreation boats is considerable. We maintain a fleet of 40 boats on site. Over 2200 girls learn to sail annually and to progress to master higher level sailing skills. We request that the Environmental Impact Statement fully consider the impact of each of these items on the girls and adults that visit Camp Casa Mare annually.

If this project moves forward -- moves forward, there is one element of the Port's current plan that is critical to mitigating many of the impacts to its neighbors and that's the berm construction. We are concerned that the report indicates that dredging will occur over a 15- to 20-year period. If a permit is granted for this project, we request that it require that the entire berm be in place before construction begins.

22-52

In closing, we request that a plan be required that addresses the additional mitigation

measures that will take place, should the impact of this project exceed the expectation outlined in the Environmental Impact Statement. Thank you.

(Applause.)

MR. MARK LUMEN: Thank you.

Next we have Mr. Williams, B. R. Williams. B. R. Williams.

Okay. Then we have Dean Corgey.

(Applause.)

DEC 12 2001

MR. DEAN CORGEY: Good evening. My name is Dean -- excuse me. I'm a little hoarse this evening.

My name is Dean Corgey, and I am a member of the Seafarers International Union. I'm a United States Merchant Marine member, and I stand here tonight to support the Bayport container port expansion project. 29-1

(Applause.)

You know, our members are the folks who sail the ships who come in and out of our port, and I'm very proud to stand here tonight and tell you that we are not afraid of the terrorists. In fact, we have a number of our members here tonight who are going to soon be joining vessels to go fight the terrorists in the Arabian Sea.

(Applause.)

And, you know, long before there was an Enron or a Compaq Computer or even a NASA, we had a Port of Houston, where seamen and longshoremen and construction workers and truck drivers made good, honest wages and had good benefits and supported their families and paid taxes and drove the economic engine that is the 6-32

Port of Houston and our local economy.

And I can guarantee you, long after a lot of those folks are gone, you're still going to have working people down there at our port that are going to be paying the taxes and earning the wages that continue to drive the economic engine that is this local economy and our port.

(Applause.)

You know, I also serve as the regional vice president for my union, and I travel all throughout the Gulf of Mexico, and I can tell you that all of the other gulf ports are very envious of the situation that we find ourselves in tonight.

22-39

The Port of New Orleans has plans on the drawing board to build a megaport which will be a huge container terminal. If they build that port before we finish our business and get this project up and running,

6-33

it could severely limit the cargo coming into this port, and reduce the number of jobs available for working folks in this area.

And on a -- and a more personal note, I would like to state that I have a son who is currently

serving in the United States Marine Corps. He is willing to make the ultimate sacrifice for his country. When he gets out of the Marines, he is looking forward to a good-paying job down here at our port. I certainly wouldn't want to tell him, when he gets back, that there's nothing for him because we didn't make the right decision here tonight.

And I strongly encourage you to support this project. Let's create jobs. Let's bring containers in Bayport. 29-20

(Crowd noise.)

MR. MARK LUMEN: Okay. Next we have Cora Ann Blytas or Blytas.

DP 10093

MS. CORA ANN BLYTAS: Good evening. I am Cora Ann Blytas, and I'm here as chairman of the board of Girl Scouts of San Jacinto Council. We are the second largest Girl Scout council in the United States and the largest council in Texas. Currently we have a

membership of over 53,000 girls who reside in 21 counties in southeast Texas.

As part of the contemporary, innovative and fun programs that we offer for girls, we own and maintain eight camps within our jurisdiction. One of those camps is Casa Mare. It is located on Toddville Road in Seabrook and has been there for several decades.

This camp has not been shown on the maps, nor was it described correctly in the EIS report. We have 44 acres with several hundred feet of shoreline, a lodge, dormitories and cabins for girls and a sailing program that is beyond compare with any other Girl Scout council in the United States.

4-8

As the board of this nonprofit -- as the board of this nonprofit, we are charged with the responsibility of providing program and facilities that maintain a high level of safety, a responsibility that we take very seriously. We have concerns about noise, light, air quality, water purity and the vessel traffic. We have concerns for the period of construction and,

18-7

more importantly, we as a board are worried about 20 or 30 years out, when that generation will say: Why didn't the board of directors of Girl Scouts of San Jacinto Council do something about it in 2001?

We would hope, when this project gets underway, that you could all say that you are also thinking of the health and safety of the thousands of girls that use our facility. We would also hope that you could say to yourself that you would allow your own daughter or granddaughter to enjoy two weeks of summer camp and feel perfectly sure that the air, noise, light and water quality would not detract from her fun at Girl Scout camp. Thank you.

21-11

(Applause.)

CHIEF DOLAN DUNN: Okay. Our next six speakers: Mike Cunningham, Buddy Hammond, Russ Kimble, Charlotte Cherry, Michael Dickens, Emily Connor. Please come forward. And the first speaker, when you make it up front, will be Mike Cunningham.

DEC 1 2 2001

DP 10094

MR. MIKE CUNNINGHAM: Good evening. My name is Mike Cunningham. I'm the representative of the Houston Gulf Coast Building Trades Council. We represent over 15 construction crafts, over 24,000 members and their families. We've reviewed the EIS study. We're in agreement that Bayport is the right place. 29-1

(Crowd noise.)

I know there's a lot of proponents in here that will say it is not, but I see a lot of proponents in here that are leaving.

This is important. It's important to jobs. And one of the things and points I wanted to hit on was I've heard everybody saying they've (inaudible) the study, and I've had the privilege to work around a lot of Army Corps of Engineers projects and I've never known about many more (inaudible) --

(Crowd noise.)

Matter of fact, the Army Corps of Engineers are very precise in the things that they do.

We -- one of the concerns, they talked about the steps of air quality. I like the idea of 7-16 27-16

having the two -- the electric trains on these things, being electric. I like the NOx reduction on the diesel engines, which we need to do on our other Port facilities on the Ship Channel. But I would also go back and look at what happened if we didn't have the Ship Channel, if we didn't have the Intercoastal Canal, where would we be? And I think those are well-directed projects and I think we still prosper from them.

And all these jobs, and we're talking

about representing the construction industry, is, you know, might not be union jobs, but it might be to the point that it does let union workers do these jobs. Construction workers and our contract can compete, but also we'd like the opportunity for this to happen in Bayport. We support the EIS study for Bayport as the terminal for the members and families that we represent.

Same as First Statement G. 29-1

(Applause.)

CHIEF DOLAN DUNN: Thank you. Buddy Hammond.

DP 10095

BUDDY HAMMOND: Thank you. In speaking of jobs, I think it's important to note, according to the "Houston Chronicle" year before last, the average longshoreman makes $17,000 a year. You can mow yards and make more money than that.

(Crowd noise.)

Colonel, I'm concerned the DEIS does not take into consideration the events of September the 11th in its assessment of the Bayport location. In addition to the thousands who lost their lives in the attack upon the World Trade Center, it is estimated that it will

cost the City of New York over 36,000 jobs and $83 billion. If an attack of similar magnitude was suffered that was suffered by the World Trade Center, directed at the Port of Houston, what impact would it have in terms of loss of human life in the immediate area and the financial loss to Houston in the greater Houston community. Containers have long been used by those engaged in the smuggling of contraband, and now the containers will be an obvious choice for the concealment of terrorist weapons. On Friday, December the 7th, 2001, ABC News reported the United States Navy is in search of 23 ships that the Norwegian and U.S.

21-P

intelligence agencies have identified as being under the control of Osama bin Laden and his terrorist organization. Senator Joseph Lieberman is quoted as saying, "The ease with which the terrorists could smuggle chemical, biological or even nuclear weapons in a container without detection is, in a word, hair raising." We still do not know the whereabouts of these ships or their containers.

Containerized cargo in the Port of Houston represents less than five percent of the tonnage that moves through the Port of Houston. The proposed Bayport location is separated from 200 billion gallons of liquid petroleum products that are toxic and

21-B

flammable and separated only by a chain link fence. Approval of a Bayport location will in no doubt place in harm the second largest petrochemical manufacturing complex in the world. It will place in jeopardy the economic foundation of the City of Houston, America's fourth largest city. Are we willing to unnecessarily place in harm's way the fourth largest city in America for less than 5 percent of the business of the Port?

And in a three-page letter dated September the 7th from James Edmonds, the Port chairman, Mr. Edmonds addresses five areas of concern at the

21-14

Bayport and the Port Authority's remedy for each of these concerns. However, as in all the Port's previous addresses, there was no mention of security to protect the surrounding communities, Galveston Bay, or the rest of the Port of Houston. Mr. Edmonds goes on in his letter to say that without additional capacity, our existing containers -- excuse me -- quote, "Without additional capacity, our existing customers who want to expand their operations will take their entire business to another port, and all the jobs associated with them will go. Most likely, they will go to the Millennium container terminal in New Orleans."

What Mr. Edmonds is saying, that with or without Bayport, container traffic and all the jobs will

continue to flourish. Standing further upon Mr. Edmonds' own arguments, it would seem that the location -- any location within six hours of Bayport would be acceptable as New Orleans is a six-and-a-half-hour truck drive from Houston.

(Crowd noise.)

CHIEF DOLAN DUNN: Thank you. Russ Kimble.

MR. RUSS KIMBLE: Thank you and good evening. My name is Russ Kimble, and I'm an environmental scientist.

COL. LEONARD WATERWORTH: Sir, can you talk into the mike, please?

DEC 1 2 2001

DP 10096

MR. RUSS KIMBLE: Yes. My name is Mike Kimble and I'm an environmental scientist. I have over 27 years of experience as a research scientist, an environmental regulator and an environmental consultant. I'm co-author of the ENVIRONMENTAL GEOLOGIC ATLAS of Texas, which was published by the University of Texas Press during the 1970s and 1980s and was the first comprehensive look at the state of Texas and the identification of wetlands, endangered species and environmental impact for our state.

I believe in protection of the environment, but I also believe that commercial growth is needed to provide jobs and services for the citizens of Texas, and I also believe that there must be a balance in providing this commercial development and environmental protection. I've read the Draft Environmental Impact Statement that's been prepared for the proposed Bayport project. I paid particular attention to the areas of my expertise regarding the wetlands, the benthic species and the ecological assessments. As a professional and experienced, qualified scientist, I commend the Port of Houston Authority on the efforts to identify issues related to the wetlands that may be encountered during this project and their efforts to minimize impact and mitigate those

14-9

impacts during the construction and the operation.

I believe that the Port of Houston Authority has done a commendable job and its efforts will more than exceed the federal requirements and truly provide for the protection of the environment through the construction and operation of this site. I recommend, without qualification and without hesitation, proceeding forward with the Bayport project. Thank you. 29-21

(Applause.)

CHIEF DOLAN DUNN: Thank you.

Charlotte Cherry.

DEC 1 9 2001

DP 10097

MS. CHARLOTTE CHERRY: Hello. My name is Charlotte Cherry and I live in El Jardin, which is in the City of Pasadena. El Jardin is directly impacted by this proposed facility because we abut it. We're adjacent to it. I've not completed reading the Draft DEIS. I've read a few hundred pages, but what I have determined can be described in two words. It's biased and it's unacceptable. 29-22

There is not enough time to discuss how miserable this document fails to scope the issues raised by the citizens, so I'll be brief and submit more detailed comments prior to the February 11th close date.

I would like to point out one thing that impacts my community in Section 4.0, entitled Unavoidable Adverse Impacts of the Proposed Project. It's noted that dynamic changes in property values will occur in the core impact area. The researcher did not expand on that comment, but assured the reader he would have more details for the final Draft DEIS. That's unacceptable. The public wants this information now, during the comment period, so somebody needs to go back to the kitchen and get it right. 6-61

(Applause.)

I have family living next to Barbours Cut. For a fact, their property values have not gone up 70 percent and, if so, I'll sell my house right now.

Regarding the lack of analysis of small particulate matter, 2.5 microns in diameter, my ten-year-old daughter has done more research and produced more data to illustrate the PM 2.5 emissions near Barbours Cut than you. She submitted a project on this subject to the Corps back in 1999. Why did you not include PM 2.5 modeling in the DEIS? Do you want my daughter to call you and tell y'all how to do that?

7-4

(Applause.)

Regarding the issue of jobs, I am married to a union electrician, proudly, IBEW 716. This is not about jobs. This is about a small group of wealthy, inbred men, who were known as the business round table back in the 1980s, who suppressed the unions, who tried to break their backs, but here you are tonight, because they promised you jobs. Gentlemen, they lied to you then; they lied to you now. This is not a football game where y'all are booing one side here

and one side, yes. There is a compromise. We can work

together. No Bayport doesn't mean no jobs. There's a better place, better way to build it that does not destroy lives, and I tell you, unions should have never been against me. You should have been with me, because we're in this together. We all want the same things in life: Quality of life, good wages, nice place to live, good education for your kids. But I'll tell you what. I would have stood for you, fight for your right for better wages and conditions, and that is not something that the men who brought you here tonight would stand up and do for you.

My husband is going to speak tonight about this.

(Applause.)

One last thing. All of you so-called experts on the port, I think you will all admit that the alpha dog is Tom Kornegay on the Port of Houston. When he had to tell the truth in front of a legislative committee about two months ago --

COL. LEONARD WATERWORTH: Ma'am, conclude your comments.

25 MS. CHARLOTTE CHERRY: When asked if

1 Bayport should be built, you would lose customers, he
2 said, "You don't have to build Bayport. But you won't
3 lose customers." That's the truth.
4
5 (Applause.)
6
7 CHIEF DOLAN DUNN: Thank you. Michael
8 Dickens.

DEC 1 2 2001

DP 10098

MR. MICHAEL DICKENS: Good evening everyone. Colonel Waterworth, my name is Michael Dickens. I am the president of the Houston (inaudible) Marine Council, president of the Marine Association. I am here tonight to speak on behalf of Bayport. Being a citizen of Pasadena for almost 30 years and then moving later on to Deer Park and residing there for the past 11 years, my whole life is involved in the shipping industry throughout the Galveston Bay Area. I presently see the importance of having the port and having the things, the products and goods that we all depend upon brought in each and every day. It is known that 75 percent of all cargo was imported or consumed in the area that we all live in.

The DEIS study performed by the Corps of Engineers, which I believe determines that Bayport is the most appropriate site for the container terminal. 29-1

Additional studies also state that it will also have the least effect on the environment and its surroundings. I also understand the amount of jobs that can be provided and the economic impact that it also provides. 18-8

We currently are not able to accept new customers and their cargoes at the bay -- Barbours Cut terminal because of limited space. The container industry is expected to grow ten percent annually and 1-7

will soon embrace 90 percent of all cargo shipped by water.

Furthermore, it is the safest and most efficient means of transportation we have today. We have the opportunity to do some things that will be good for all citizens, economically and beneficially, in a time when our economy can certainly use a push to help overcome many of the corporate layoffs and job closures. We can certainly use the expansion of the port to create new job opportunities.

There are many issues, I know, at hand. However, by working together, we can resolve these issues and make progress by expanding the port facilities that are needed to secure the future for all of our needs. As you've heard tonight, over the next 20 years there are an estimated 39,000 new jobs, $3.3 billion in new business, and over $150 million in new

taxes every year that will secure our region's future as a major port hub.

The Port of Houston has set for environment -- set new standards for environmental planning and construction. They have addressed residential concerns, as well as air and water quality, traffic and protection of wetlands. The Port is

committed to being a good neighbor, and we, as representatives of labor, are committed to supporting them in the Bayport expansion.

To Representative Jackson, Bayport is the right site.

Thank you very much.

CHIEF DOLAN DUNN: Thank you. Emily Connor.

(Applause.)

DP 19099

MS. EMILY CONNOR: Hi. My name is Emily Connor, and I sail at the Girl Scout camp at Seabrook. The Girl Scouts have a motto that states, "Where girls grow strong." Not only do girls grow strong mentally, but also physically. The Mariner program of the San Jacinto Council implies these fundamentals of growing mentally and physically strong, while learning skills to

help girls attain their goals. The sailing program offers opportunities for girls to experience and learn about themselves, their peers and their surroundings.

Every weekend in the month of April through October, the sailing season is active. On the weekends in the spring and fall, and all week long in the summer mornings, Girl Scouts go down in the mornings to flip Sunfish. The only way to flip these 14-feet-long boats is to use teamwork. Not only is flipping the boat the only part of teamwork. If you want to race a sailboat with more than one sail, you need someone else on the boat. To be able to work with someone else, to win that race, you need to work together. The sailing program encourages these skills every morning when we rig the boats and every afternoon when we derig them. To be able to go and flip 20 boats, we need to rely on each other's physical strength and endurance, but our strength in our knowledge. Our

No comment pertinent to the Report or Project

32-2

physical strength goes hand in hand with our knowledge of weather, sailing patterns and boat equipment.

Without the Mariner programs of Girl Scouts of San Jacinto Council, many teenage mariners, including myself, would have dropped out of Girl Scouts and missed learning valuable skills of life. Life is like a giant race. You only win with your knowledge,

physical strength, and being able to work on a team. Thank you.

MR. MARK LUMEN: Okay. We're going to call six more speakers up to the front, please. Louis Vest, Rudy Roof, Ellyn Roof, Page Williams, Craig Holland, and Ned Winters. Come to the front, please.

And Louis Vest will be the first speaker. Mr. Vest.

DEC 1 2 2001

MR. LOUIS VEST: Good evening. We're not here tonight to decide the fate -- the fate of Yosemite or the Virgin Islands or the Sierra Nevadas. We're talking about an industrial district in Pasadena, Texas. It's located on a deep water channel. We're one of the ten largest ports in the United States and one of the ten largest ports in the world and the largest port in the United States. Bayport is the most desirable vacant land space on that channel. This has never been a fight about building or not building docks in Bayport. Docks will be built. The fight is about and always has been about what kind of docks will be built in Bayport. We won that fight when the Port announced it was going to build container docks.

22 - 40

UNIDENTIFIED VOICE: It's not over.

MR. LOUIS VEST: The alternative is more petrochemical docks in this area. As the petro -- as the local resident whose house is less than two miles from Bayport and as a marine professional who has worked around docks all over the world, I'd like to see Bayport built as a container terminal. If the opposition to this project is successful, they'll simply guarantee that whatever eventually gets built out there will be far worse than the Port of -- what the Port of Houston proposes.

29 - 23

And while I've still got a few minutes, I'd like to urge all the Girl Scouts to use the parts of the channel, parts of the bay that aren't between the beacons. We'd really like to encourage you not to use the -- that part of the channel. You have a whole bay out there to sail around in. Be responsible. Teach the Girl Scouts not to sail where the ships go. Thank you.

UNIDENTIFIED VOICE: You're an idiot.

(Crowd noise.)

MR. MARK LUMEN: Rudy Roof. Rudy Roof. Ellyn Roof.

DEC 1 2 2001

MS. ELLYN ROOF: That -- now I can speak into it.

Colonel, and everybody else that is still here, I'm Ellyn Roof, R O O F, like the top of a

house. I've been playing on this bay since 1955. It's been about 14 years since I first commented to the Corps about one of the problems on the bay. That's the effect of the ship wakes. The project that is under construction now, my comments at that time were asking for a study done over at the experiment station in Vicksburg or some sort of modeling so we know what those ship wakes are doing to the whole bay, not just all the ones in the DEIS, that talk about the nearby ones that are armored. The erosion that I have watched in the past 40 years is causing -- caused primarily by ship wakes is phenomenal. There is also a tremendous safety issue with those ship wakes. I have watched boats get tossed over. I have seen shrimp boats that have been abandoned and destroyed.

15-4

21-16

It's real interesting on the Girl Scouts. Those girls are sailing in shallow water. Those ship wakes come rolling in. I taught at Casa Mare back in the '60s and '70s. I know what those wakes do to them. In my written submission, I will be sending photographs of what the ship wakes do in Pine Gully. I

have sat in a home on Kipp Avenue in Kemah where the roar of the ship wake coming in from the channel, which is miles and miles away, and that roar is greater than any ocean swell at any of the great beaches in this

world.

This was not addressed in the DEIS, even though I asked for it at the scoping meeting.

Would you please consider that we need to have some idea of what these wakes do to our bay? Thank you very much.

15-1

(Applause.)

MR. MARK LUMEN: Thank you. Page Williams, please.

DEC 1 2 2001

MS. PAGE WILLIAMS: Yes, Colonel Waterworth. I'm Page Williams. I live in west Houston, but I love fishing, crabbing, kayaking and sailing on Galveston Bay. At the Pasadena meeting, I objected to the proposed container port in Bayport and I still object. If the Corps will ask the same questions I now ask, the answers should support my objections. 29-3

The DEIS is biased. For example, in the land use and coastal zone management figures for Bayport and for five alternative sites, only the Bayport figures shows no wetlands. So why does the Port Citizens Advisory Group have a wetlands subgroup? Why is the Port prepared to do extensive wetlands mitigation for the Bayport alternative? Where did those disappearing 23-25 14-10

wetlands go?

The Port's chairman Jim Edmonds wrote in last Sunday's "Chronicle," quote, "From day one of planning the Bayport terminal, the Port has committed to being a good neighbor to the nearby communities and the entire region as it has in all its projects," unquote.

Why, then, did the Port need to modify its original permit application? Why has the Port supported a Citizens Advisory Group to learn how to be a better neighbor and why has the Port never installed berms, shielded lights and landscaping at Barbours Cut

to protect the community of Morgan's Point?

The "Chronicle" also ran a pro-Bayport editorial, professing concern that the Port set a high standard for environmental stewardship by accommodating ships where ships already go. Why don't the "Chronicle's" editors look at a map and recommend the Spillman Island location adjacent to Barbours Cut, which is where the container ships already go?

(Applause.)

Isn't Spillman Island directly on the Ship Channel and at the intersection of Highways 146 and 225, thus requiring minimal dredging and highway

2-6
2-22

improvements? Isn't it where there are no neighbored and no recreational or commercial fishing activities to be impacted? Isn't it where there's already so much air, noise and light pollution, that a container port expansion would be a drop in the bucket?

In the last three years, the Port has spent millions of dollars to convince the community and the Corps that the Bayport alternative is the best choice. It remains the worst choice. As a participant in this Port's Citizens Advisory Group, I know that

dozens of good and sincere people have spent thousands of hours and dollars trying to make lemonade out of this lemon, and it can't be done. Several years ago, I argued that the Port proposal, the Bayport proposal, shows inadequate regard for the residential, recreational, fishery and ecotourism interests that share Galveston Bay. It still does. Please protect Galveston Bay and our communities by denying a permit for the Bayport location. Thank you. 29-24 29-3

(Applause.)

MR. MARK LUMEN: Thank you, Ms. Roof. Next we have Craig Holland.

DEC 1 2 2001

25 MR. CRAIG HOLLAND: Good evening,

Colonel. My name is Craig Holland and tonight we've heard a lot of comment about property values and what it's going to do to local neighborhoods and residential areas around the Bayport area. I haven't heard from anybody tonight from Morgan's Point.

I live one mile from the current Barbours Cut container terminal and I can tell you that in the seven years that I've lived on Morgan's Point, my property value has gone up and is consistently going up 8 to 10, maybe 12 percent every year. 6-35

There is some concerns probably with the light pollution. I can agree with that. They would have to, you know, deal with that problem. But other than that, the Port has not been one of these -- this big monster that everybody's talking about. 17-5

We've been able to work with the Port through our city council to obtain bicycle paths and other such items that they're going to put in in the next year. All it takes is a little compromise, which most of the people in Seabrook, Shoreacres and El Lago and El Jardin, when they walked out of these processes, they gave up that option. It's unfortunate they did, because the Port has been able to work with us there at Morgan's Point. 22-42

25 I think that we really do need this

container terminal. It will help us diversify our economy and make the economy of Harris County stronger and not so subject to cyclic downturns. I would certainly suggest that you go ahead and give the permit for the Port of Houston.] 29.2

(Applause.)

MR. MARK LUMEN: Thank you, Mr. Holland.

Ned Winders. Ned Winders?

CHIEF DOLAN DUNN: Okay. The next six speakers. Craig Feazel, Terri Morgan, Arnold Collins, Arthur Allen, Bill Oliver and Dr. David Nickeson.

The first speaker would be Craig Feazel. Is Mr. Feazel still here?

Terri Morgan?

DEC 1 2 2001

MS. TERRI MORGAN: Thank you very much for an opportunity to address this group. My name is Terri Morgan. I'm the president of the Christian Environmental Network and the Christian Life Commission.

We oppose the construction of the Bayport container facility based upon the following four compelling issues: 29-3

The first is the permanent loss of habitat and species, combined with severe land and water 12-4

degradation.

The second is the lack of consideration for the losses to local homes, schools, businesses and churches. 6-36

The third reason we oppose this is the lack of due consideration for the severe and negative public health impacts on community residents due to dangerously high levels of desalinations and fine particulate matter, particularly in pediatric populations. 7-17

And the fourth reason is that we believe that the lack of public input, public notice and participation in the decision-making process constitutes an abuse of power by The Port Authority over and against the legitimate rights of the local residents to due process in their own neighborhood. 23-50

(Applause.)

CHIEF DOLAN DUNN: Arnold Collins, C-O-L-L-I-N-S.

Arthur Allen?

DEC 1 2 2001

DP10105

MR. ARTHUR ALLEN: Good evening, Colonel. My name is Arthur Allen. I am the president of the Ministry Committee to the -- at the Port of

Houston, the International Seafarers.

Our chaplain's deal with over 220,000 seamen in a year plus many more thousand that are directly involved in the Port. I really have nothing new to add. You've already been bombarded with a lot of statistics and facts and concerns.

One thing that I think I'm hearing, though, that is of concern that you need to be sensitive to and that's the fear of citizens who feel like they're being ignored or not being considered, and it's little items that become major issues that can swamp a task that's important to the whole community. 23-51

The Port should expand. It would appear that Bayport is the place, but at the same time, the concerns of the citizens in that area need to be addressed. And a lot of them seem to be small issues, but they're not to those individuals; and they should not be small to the greater society of some 8.5 million more who could directly be affected by the Port. 22-43

So I would urge you that you would be concerned about those issues of individuals in that area

and I think those problems can be addressed creatively.

Thank you. I admire your patience. I appreciate you being here and we're grateful for your work.

(Applause.)

CHIEF DOLAN DUNN: Thank you.

Mr. Bill Oliver?

DEC 1 2 2001

MR. BILL OLIVER: Thank you, Colonel. My name is Bill Oliver from Austin.

This is for my family and friends in the area of Seabrook and El Jardin and for all those Alligators in Pine Gully who wants to be here.

My lovely assistant from El Jardin, please.

What a room. Okay.

(Playing guitar and singing the following song.)

Container ports like Bayport don't belong in Seabrook. It's a city of new neighborhoods and old story books. It's by the Bay and, by the way, really quite quaint. Isn't this container Port a bit out of place?

Container ports are busy ports, they're running all night. They make a lot of racket and they leave on the lights. The ships are floating monsters

17-1
3-1

and the channel's real deep. The locals will be leaving and they're selling real cheap.

6-37

Lights and noise and traffic will be Seabrook's affair, but all of Harris County will be sharing the air pollution from the thousands of new

trucks every day and saltwater intrusion as you screw up the Bay.

It has a better place, and it's a pity. They're building one with private funds in Texas City. You're the bully of the Bay and it's bringing you all trains and trucks and toxics and industrial sprawl.

No Bayport in Seabrook. No Bayport in Seabrook.

The Port of Houston had to have a container plan. It's a megaPort of pork for themselves and their friends. It's a tyranny of taxes that the public's been sold. The PHA is arrogant and out of control.

They just might build a terminal where no ships will come. Their PR folks think peons here are terminally dumb. It's a sacrifice zone that they're ready to pave. The PHA is the bully of Galveston Bay.

They're in cahoots with contracts, with political peers. They'll dig a deeper channel when the coast is clear. They're lying about the wetlands that

somehow disappeared. And we're getting railroaded by the Corps of Engineers.

No Bayport in Seabrook. No Bayport in Seabrook.

Say what? No Bayport in Seabrook. No Bayport in Seabrook. No Bayport in Seabrook.

(Applause.)

CHIEF DOLAN DUNN: Thank you.

Dr. David Nickeson?

DEC 1 2 2001

DP 10107

DR. DAVID NICKESON: Good evening, Colonel Waterworth, ladies and gentlemen. I am David Nixon. I'm a specialist in pulmonary disease. I live in Taylor Lake Village and practice in the area, caring for patients with lung disease.

The proposed Bayport container Port is a very large operation. From what I understand, there will be over 7,000 trucks moving in and out of the container Port daily. There may be six or seven large container ships, several cruise ships at the Port at any one time. There will be frequent rail traffic. Cargo movers such as forklifts would be a nearly continuous operation, moving containers continuously 24 hours a day.

The ships, trucks, cranes, cargo movers would all be powered by diesel engines. Compared with emissions from gasoline engines with catalytic converters, diesel engine particle emissions are 30 to 100 times greater. Most of the particles formed by combustion in a diesel engine are from small particles with diameters of less than 2.5 micrometers.

7-4

I'm informed that the DEIS analysis looked only at larger particulate matter and materials in the vapor phase of diesel exhaust. Since small particles are more readily inhaled into the air sacs of

the lung, they are more capable of causing lung damage. The International Agency for Research on Cancer has concluded that diesel exhaust is probably carcinogenic to humans. 7-18

There can be irritation of mucous membranes such as the nose, mouth and eyes that can occur after short-term exposure to diesel exhaust, and cases of asthma appear to be caused by it. There's information that dock workers have reductions in breathing capacity after working a shift during which they were exposed to diesel exhaust.

An increase in the number of diesel-powered vehicles in this area could significantly contribute to particulate air pollution and the effects

would not be limited to those working at the site. One study has estimated that concentrations of diesel particles were increased by 50 percent over background levels for every 500 diesel vehicles passing by per hour. That sounds like about the same number of trucks which will be passing through our neighborhood as they enter and leave the Bayport complex. 7-7

I believe the health of the citizens of Clear Lake, Pasadena and Seabrook would be best served by locating a large container Port on Spillman Island or 2-22

in the Galveston or Texas City area. I believe the final EIS must contain information and analysis related to small particle air pollution to get a true picture of the health effects and I urge the Corps to do its duty and consider health impacts in an even-handed fashion. I-4

(Applause.)

MR. MARK LUMEN: Thank you very much.

We're going to call six more. Mike DeCourcy, Carl Reister, Charlotte Wells, Frank Blake, Bob Webbon and Brandt Mannchen.

Mike DeCourcy will be the first speaker.

DEC 1 2 2001

DP 10108

MR. MICHAEL DeCOURCY: Hello. Just checking.

It's a hard act to follow with the guitar, but I'll try and be brief.

My name is Mike DeCourcy. I'm a Registered Professional Engineer and a resident of the Clear Lake area. Although I work as a process engineer for the chemical companies on the Ship Channel, I'm speaking to you today not as a representative of industry, but as a concerned Pasadena citizen.

I don't live adjacent to the Bayport terminal site; however, I can certainly empathize with those in the community that do. I believe that they are the best representatives of their concerns and issues, and so I'll focus my comments on a few technical concerns I have with the EIS itself.

The draft EIS is a substantial document, as we've heard, and it is clear that the Corps of Engineers and URS have put a significant effort into its preparation. While I've read the documents myself, I know that many individuals will not have the available time nor the stamina to wade through it in its entirety. The average reader is most likely going to focus on the 32-page executive summary section at the beginning of the report. Because of this, I'm especially concerned

23-33

that the text of the executive summary section fairly represent the technical content of the report itself.

In this way, those who read the EIS will more clearly understand the benefits and consequences of the proposed project and a well-informed decision can be made.

One issue with the report itself that must be addressed is the inconsistent basis for the no action alternative case. When describing the benefit -- beneficial aspects of the Bayport alternative, the benefits are presented on an absolute basis -- that is, the no action case is assumed to have no beneficial impact, as with a totally undeveloped site. Specific examples include the claimed benefits of 39,300 new jobs, and now I know it's a misprint, the $1.1 billion in taxes is actually a hundred million in taxes. I learned that this evening.

23-34

This is in sharp contrast to the description of adverse consequences where the Bayport alternative is compared on a relative basis, effectively minimizing its negative impact. For example, with respect to navigation, the no action basis represents, quote, "...industrial facilities that would most likely develop," rather than an undeveloped site as used in the benefits. This basis is then carried forward in the

analysis to the seemingly counter-intuitive conclusion that 20 percent more marine transits would occur if an alternative industrial facility were built instead of

this massive container terminal. I don't get that point.

Another example of this inconsistency in basis can be found in Section 3.12, Air Quality, where it is asserted that because the majority of cargo currently entering Houston stays in Houston, it's reasonable to assume that this same relationship would hold true in the future -- that is, even without a new container terminal, it's asserted that 80 percent of the expected 2 million TEUs would still enter the Houston area and, therefore, 80 percent of the adverse air emission impact would still occur.

In order for such an assumption to be true, however, the economic justification for building the proposed $1 billion container terminal would be undermined. In essence, if cargo still arrives in the Houston area even when there's no terminal, then the majority of the economic benefits could be had for free.

(Applause.)

In conclusion, I believe the draft EIS

23-38 Same as initial statement.

needs to be improved such that it more fairly and consistently represents the no action case, especially in the executive summary section. These improvements 23

are necessary so that those who read the report can clearly understand the way the benefits and consequences of the proposed project.

Thanks for your time.

MR. MARK LUMEN: Thank you.

Carl Reister?

DP 10109

MR. CARL REISTER: Good evening. This is Carl Reister.

God bless America and only in America could we all come together, but I don't think all of us really realize the impact that this is going to have on our communities. I live in Pasadena and I'm worried -- I'm worried about the traffic flow. 27-16

If we're speaking about a megaPort or a mega container ship coming into Port, megaships today carry in the area of 8,000 containers. If we have three ships a day come in, that's 24,000 containers. What does it take to move 24,000 containers? It takes an average of about 5,000 trucks and 80 trains, 100 cars in all. 27-4

Where's all this -- where are they going to go? What roads are they going to use? Where are the rail lines? These are my questions.

I think Bayport is the wrong place for the biggest reason is it's too small. You gentlemen are 29-30

not thinking large enough. In ten years there's going to be container ships on the oceans carrying 13 -- 10,000 to 13,000 containers. How are we going to handle that out of Bayport? Bayport's going to be a white elephant. Then what's going to happen to it?

We're going to have another piece of

ecology destroyed and we'll be looking for another place to build a bigger place.

So, gentlemen, I would say set your eyes to the sky, look for a bigger place. Bayport's way too small. We'll be outdated in ten years.

Thank you.

(Applause.)

MR. MARK LUMEN: Thank you, Mr. Reister.

Charlotte Wells?

DEC 1 2 2001

DP 10110

MS. CHARLOTTE WELLS: I intended to address the same issue that I addressed to the La Porte Independent School District School Board last evening who did decide to draft a resolution which would oppose the Bayport expansion, but because Mr. Edmonds again, once again said that he and the Port of Houston are good neighbors, I am going to speak on that issue.

If the Port of Houston is really a good

29-3

neighbor, why haven't they convinced the neighborhood? From the beginning, local citizens considered the Ned Holmes Bayport facility a bad idea. Do good neighbors start neighborhood feuds, bribe elected officials, make the children sick, boast and expect you to believe them, claim to create 39,000 new area jobs when you saw the oil spill cleanup trucks coming from Oklahoma, import termites which do over $50,000 worth of damage to your home, invite their clients over to leave big metal boxes which block the view out of your bedroom window?

Do good neighbors pour a truck full of apple juice in the city sewage that killed the water treatment plant? Do good neighbors invite 5,000 diesel trucks and ships belching black smoke to sit on your street waiting to transport who knows what to who knows where? Do they avoid regulatory agencies by blatantly changing the geography of the land?

Do they import everything from wine to nuclear weapons, checking only one-tenth of the cargo to find what's inside? Do they contribute to hazardous air which caused your health insurance premiums to be higher than other counties and states?

I am a neighbor of the Port of Houston and they are not good neighbors. The $12 million they plan to spend on environmental problems will not make

them a good neighbor. Like my grandmother used to say, you can't make a silk purse out of a sow's ear.

(Applause.)

MR. MARK LUMEN: Thank you.

Frank Blake.

DEC 1 2 2001

MR. FRANK BLAKE: Colonel Waterworth and all, my name is Frank Blake. I'm speaking on behalf of the 5,000 members of the Sierra Club who reside all across the Houston region.

Galveston Bay is one of our region's most important economic, environmental and recreational resources. Considering the future pressures from increased economic and population growth, it is imperative that massive projects such as the Port Authority's container terminal that will affect the Bay's health and impact other user groups should be studied completely and thoroughly.

We are deeply disappointed by the draft EIS the Corps has prepared. We feel that the public and Galveston Bay have been poorly served.

A number of very important considerations identified in the scoping process have not been analyzed by the Corps. These include fine

particle air pollution, hazardous air pollutants from diesel emissions, impact on regional land use patterns, impacts of a future 50-foot deep channel, storm water runoff, impacts on recreational boating, and others.

A number of other critically important issues have been inadequately or incorrectly covered. These include wetlands on the site, increased truck and

train traffic, land use and cumulative impacts, and alternative sites.

We also believe the conclusions are biased in favor of the Port's proposed Bayport facility. Some sites, such as Spillman Island, appear to be very workable alternatives. Other sites have been discounted or judged inadequate for specious reasons.

The Sierra Club has participated in the Port's Citizen Advisory Group on Bayport since its inception. We are more convinced than ever that Bayport is the wrong location for a large container facility and that there are, indeed, alternative sites and approaches that would cause far fewer environmental and community impacts.

The Bayport proposal shows inadequate regard for community health and the residential, recreational, fishery and ecotourism interests that share Galveston Bay. If the Port of Houston Authority

is truly concerned with being a good neighbor and the long-term health of Galveston Bay, it should be willing to change course and seriously pursue an alternate site.

Thank you.

(Applause.)

MR. MARK LUMEN: Thank you, Mr. Blake.

Bob Webbon? Bob Webbon?

Brandt Mannchen?

DP 10112

MR. BRANDT MANNCHEN: Good evening, Colonel Waterworth. My name is Brandt Mannchen. I'm here representing the Texas Committee on Natural Resources this evening.

I'd like to address in particular the executive summary here because that's the document most people will read. I'm very concerned that it's very inadequate and it will not provide a level of detail necessary for the public to review and then make its decisions and give its comments. Let me give you some particular examples. 23-33

For instance, this particular document, when it talks about air pollution, has no tonnage of air pollutants generated by this facility either directly or secondarily, cumulatively, indirectly. It also has a

phrase called long-term adverse impact in that table in the back. It's not even defined, so you have no earthly idea what that means. 22-23

In addition, this document states that this Bayport proposal and others will probably lead to additional placement areas in Galveston Bay for dredge material, but then it never says how big these areas are going to be, how much material, and where they might be located and what those impacts are. 11-4

This document also states that there

will be an additional 53,200 people that will move to this location or nearby area, but it does not give the specific impacts of serving 53,200 more people in that particular area as far as environmental impacts and resources. 24-2

In addition, this document talks about beneficial uses, but it does not give an assessment of the present beneficial uses and what sort of erosion we're getting in what I call a new way to dispose of dredge material, which is basically put it in a beneficial use area and let it slowly seep out into the Bay, because those areas are not very secure. 11-5

In essence, this document takes a no-action alternative and darkly hints that it's really worse than any of the other alternatives, but then it 2-40

doesn't explain specifically what industrial businesses will be on that site and give the environmental impacts. It takes the no action alternative and makes it the action alternative and makes it sound worse than any of the other alternatives. That doesn't make sense to me.

Finally, I'd like to complain about having to spend $190.86 for a hard copy of this. I believe I've participated for 25 years in looking at Corps of Engineers documents. I've gotten the Houston 23-54

Ship Channel widening and deepening document, the Buffalo Bayou tributaries document, the Trinity River barge canal document, the Wallisville Dam document, and all those documents were as big as this one and I got them for free. I don't see why I need to spend $190.86 to buy this document.

(Applause.)

It seems to me you're keeping people who really want to read all the documents from having an opportunity to do that and I urge you to provide some copies of it to those who really want it.

Thank you very much.

(Applause.)

CHIEF DOLAN DUNN: Next six speakers. Steve Gilliland, Gary Poulson, Sharron Stewart, Bill Davis, Debra Gallington, Henry Horne, Jr.

And the first speaker would be Steve Gilliland. No Steve Gilliland?

Gary Poulson?

DP 10113

MR. GARY POULSON: Hello, everybody. Thank you for staying this late. My name is Gary Poulson and I'm a pharmacist here in Houston.

Colonel, thank you for allowing me to speak this evening.

The Environmental Protection Agency has established a national air quality standard for fine particle air pollution due to the severe health effects associated with fine particles that can be inhaled deep into the lungs. We all just heard Dr. Nickeson state many reasons why he is very concerned about this. May I just add that a study for the City of Houston identified that over 435 deaths per year occurred in Harris County due to fine particle air pollution and that thousands more were made sick from this form of pollution. 7-7

Diesel engines are a major source of fine particle air pollution. These ships, trucks and trains are all powered by diesel engines. Every day as 7-7

a pharmacist I see many patients with breathing problems who require medicine. I have to wonder how many more patients I may be seeing if this project is built.

Thank you.

(Applause.)

CHIEF DOLAN DUNN: Thank you.

Sharron Stewart?

DEC 1 2 2001

MS. SHARRON STEWART: I'm Sharron Stewart from Lake Jackson, Texas. Thank you, Colonel, gentlemen.

For more than 30 years, I've been looking at every Port project on the Texas coast. I know that some of you read the Journal of Commerce and when you do that, you see that there are expected to be two container hubs on the Pacific coast, two container hubs on the Atlantic coast, and one in the Gulf. Right now, the Port of New Orleans and the Port of Houston are competing to be that hub.

Gentlemen, I say to you if the Port of Houston continues to look at Bayport as the only site, New Orleans is going to be building those docks while Houston is still tied up in court. 2-3

(Applause.)

Cynthia Sarthou from the Gulf Restoration Network made an important point about the SWANCC decision and the interpretation by the Galveston office of that decision. There are more regulatory wetlands on the site than 2.5 acres. That triggers the more rigorous alternatives analysis. If you actually did that analysis and you really looked at the Port of 14-5

Freeport, you could see that if Houston really wanted to build a Port and build it quickly, they could put five docks at Freeport today, all mitigated for. 2-41

They have land for all of the adjacent facilities. They have a rail. They have highway. They have hurricane evacuation. And it's an industrialized area. And all of the captains would want to call on Freeport because it's the closest to deep water and it does no harm to the bay, zero.

(Applause.)

The cost/benefit ratio for dredging for the Port of Freeport is better than six to one. For the Port of -- that's the highest, by the way, on the Texas coast. For the Port of Freeport -- I mean, for the Port 6-41

of Houston, it's the lowest cost/benefit ratio.

If we look at environment, if we look at the economics and the people who will do the building, the same labor force serves Freeport that serves the Port of Houston, the same construction trades, the same ILA. It will be the same people doing the construction, getting the grants. 6-42

Freeport is willing. Houston needs to

look at that alternative. The environmental community has always supported deep draft for Freeport because it doesn't do harm to any bay system and it's safer. 2-42

(Applause.)

CHIEF DOLAN DUNN: Thank you.

Bill Davis. Mr. Davis?

Debra Gallington?

DP 10115

MS. DEBRA GALLINGTON: Good evening. My name is Debra Gallington and I'm grateful to see so many of you have stayed, and I'm very grateful that so many people came out in the middle of preparing for the holiday season.

I've been asked to speak on behalf of the Houston Yacht Club located in Shoreacres directly across from this proposed Port.

HYC has 1500 members, and like my family, 25 percent of us live in communities immediately adjacent to this project.

HYC is very disappointed in this draft EIS. It includes a large number of discrepancies, inaccuracies, omissions and mistakes, which you, Colonel Waterworth, must take personal responsibility for. And the EIS provides the only real chance for the public to evaluate a development proposal. It is, therefore, imperative that the information is complete and faithful. 23-35

HYC stands firm in its resolve to stop this project. Bayport is not the place for this Port. A suitable site must be found somewhere else. 29-3

And I understand that much has been made of the enhancements to make this more palatable, such as berms and fancy lighting, but that will accomplish a

whole lot of nothing. It's just like putting perfume on a pig. It annoys the pig and it does nothing to cover the stench of this monstrosity that must be stopped.

(Applause.)

The real basic pivotal issue is the lack of evidence of the demonstrated economic need for this project. Do we really need this Port? However, that

1-16

seems to be ignored, so I'll move on.

HYC has several concerns. In September of 1999, we submitted an exhaustive list of issues at the scoping meeting. Precious few of those were even addressed in your voluminous report.

23-9

I have little time left, so I'll list some of these issues. We'll file yet another exhaustive report requesting a further review.

Item number one. Item 18 in our original filing, which was September 15th, 1999, reads, Defense strategy/terrorists." Now, we don't claim to be clairvoyant, but this has been our concern from day one. This topic was not addressed in the DEIS.

21-20

Number two. The 2012 Olympic Games. HYC will be the host for the sailboat racing. That will not be possible should this port be built. Again, that

32-1

topic was not addressed in the DEIS.

Recreational boating. The safety of our children, our members and others who enjoy Galveston Bay is in peril. Galveston Bay is the third largest recreational boating area in the United States. The DEIS merely speaks of "voluntary displacement." Now, how does that properly address this concern? 32-9

Number four. Wake damage. HYC will be brutally damaged by the constant wake of these vessels

traveling only hundreds of yards from our breakwater. There is a question of our ability to sufficiently withstand that abuse, let alone the exorbitant costs. HYC was not addressed in the DEIS with regards to this damage. 15-2

Number five. Parks and recreation. A section was included in the DEIS on this; however, HYC was not considered on the list and it is the recreation area closest to this project. 32-10

Historical significance. HYC is a national historic landmark. Its very existence is at stake. This topic was not addressed. 16-1

We share the concern with others about traffic congestion, air pollution and property values. 18-2

Colonel Waterworth, are you getting the picture? We have many concerns that were not addressed.

We ask -- no, we demand that a supplemental draft be prepared so we can review this again.

Thank you.

(Applause.)

CHIEF DOLAN DUNN: Thank you.

Henry Horne, Jr.?

MR. MARK LUMEN: Okay. We're going to

call six more. Frank Smith, Laurence Vantries, Evangeline Whorton, Biet McCracken, Lance Miller and Allen Jamail.

Frank Smith will be the first speaker.

Laurence Vantries?

Evangeline Whorton?

DEC 1 2 2001

DP 10116

MS. EVANGELINE WHORTON: I am Evangeline Whorton, chairman of a large regional 501(c)(3) scenic and conservation membership organization known as Scenic Galveston.

We have created a 900-acre habitat conservation preserve further south along interstate 45 known as the John M. O'Quinn I-45 Estuarial Corridor. As wetlands warriors since 1992, we've made a tremendous, I mean a tremendous investment in purchase, protection and restoration of Galveston Bay wetlands insitu. Scenic Galveston is a major Bay stakeholder. We oppose Bayport. 29-3

(Applause.)

Scenic Galveston joins other conservation organizations in requesting that a supplemental draft environmental impact statement be prepared for the proposed Bayport project. 23-6

Others have addressed land use, mobility, air quality, recreational issues, among other issues, tonight. Scenic Galveston restricts its comments to the wetlands and water quality impacts that are most pertinent to the organization's stated purpose. Our concerns are detailed in the document I submitted to

the Corps earlier today.

Our public remarks tonight only briefly address three major failings of the DEIS.

Number one. The DEIS did not analyze the impacts of Bayport's 50-foot wharf design and future 50-foot deep channel across Galveston Bay. 20-1

Number two. The DEIS is deficient on Bayport's real impacts on wetlands. What happened to the 100 or so additional acres of wetlands that were present before the PHA acquired the site? 14-9

The Corps determined that only 2.5 acres of the remaining 100 plus acres of site wetlands are adjacent and therefore jurisdictional. Scenic Galveston finds that the 2.5 acre figure to be most curious. The level of regulatory scrutiny regarding wetlands is vastly more stringent if three or more acres are affected. 14-1

Number three. The DEIS does not address the possible cumulative effects of several proposed Port expansions in the pipeline. Scenic Galveston's 900-acre habitat conservation wetlands preserve is in the epicenter of not one nor two, but three Port expansion projects -- Bayport, Shoal Point and soon to be Galveston Pelican Island. We are most concerned that 6-46

these proposals are being analyzed piecemeal rather than in concert. The thought that all of these projects might receive permits is frightening, indeed, for our bay area quality of life and environmental health.

It is time for the Corps to take the lead, to slow the process down, to arrive at a responsible and least environmentally harmful alternative solution to the undeniable need for shipping expansion in the mid Gulf Coast area. That alternative Port might well be determined to be Freeport.

2-41

Thank you.

(Applause.)

MR. MARK LUMEN: Thank you.

Biet McCracken?

DEC 1 2 2001

MS. BIET McCRACKEN: Good evening. Thank you for having me. I was like one of the first people here though. It's kind of interesting that I'm going at the end.

But I am an environmental artist and my name is Biet McCracken. I paint for the environment to educate and speak for what cannot speak for itself.

I am here tonight to speak for the multitude of species that will be affected by the Bayport terminal. This project will displace and kill many species that know this area to be home. They find their land suffocating with cement while their air and water becomes that much more contaminated. 12-4

Seabrook is one of the largest migratory routes in the nation. Birds summer and winter throughout the area or just rest while traveling north or south. After flying thousands of miles, wherever these birds go -- where will these birds go, being displaced time and time again. What will they all eat if there is not open land to support the food that they eat?

We cannot rationally think that by taking so much land to house a container Port that it will suffice to appropriate a small portion elsewhere. 14-13

Please note for future reference that

birds are also indicators of species, meaning that what is not good for the birds is not good for humans.

Countless species of plants and animals have called this area home for generations, yet they

were forced to struggle to survive.

I have been working with the children of Ed White Elementary over the past year painting an educational mural regarding the remaining species of our local water sheds. These species as seen on this representative drawing are labeled for educational purposes so that they may be identified in the wild. Some are very rare, while others are endangered or even thought to be extinct, like the red-tailed mink.

The container Port would destroy vital habitat to further upset the vital balance of nature. If we continue to allow such environmental destruction, will the only idea children have of nature be that scene of paintings and photographs hanging on the walls in buildings or shall we know when to say enough is enough?

Please reconsider Bayport.

14-14

(Applause.)

MR. MARK LUMEN: Thank you.

Lance Miller. Lance Miller?

Allen Jamail?

CHIEF DOLAN DUNN: The next six speakers. Jim Delane, Kirk Dunham, Floyd Reb, Linda Shead, Nancy Dietrich, Victor Whitehead.

Jim Delane would be the first speaker. Or Delaney.

Mr. Delane? No?

Kirk Dunham?

DP 10118

MR. KIRK DUNHAM: I'd like to thank the Corps of Engineers for its patience being here so late. I would suggest a way to prevent this in the future and that's deny the Port its permit and you don't have to sit through any more of these.

(Applause.)

I live in Seabrook. I've been in the marine industry since 1973. I'm a licensed mariner, merchant marine. I've sailed as chief mate and master on container vessels. I've seen containers on the East Coast, West Coast, Mexico, north Europe. I've never ever seen a container terminal that benefited a residential area, ever. 29-34

(Applause.)

I've heard a lot of talk here tonight about jobs. Most of those people went home. I have a job tomorrow, too. I had to stay late to talk.

But the "E" in EIS stands for environmental, not the economy, and I believe that the environment should weigh heavier than the economy. 22-55

(Applause.)

There are other ways to stimulate the economy and Houston has been bit before by concentrating on one industry only.

You've asked for citizen input. The voters of Pasadena, La Porte, Deer Park, Seabrook and all the Clear Lake area cities voted against the Bayport project. That's citizen input. 21-35

I won't belabor some of the other points that have already been made.

They talked about the diesel emissions. I think you have enough evidence already to deny the permit without continually studying it. Even though the Port's paying for it, we're paying for the Port, so it's still the taxpayers' money.

(Applause.)

I don't really know what a jurisdictional wetland is. It's been quite a magic trick to go from over 200 acres down to 2.5 at the 14-2

stroke of a pen.

(Applause.)

I hope that when you considered the effect to the environment that you considered that the migratory fowl can't tell the difference between a wetland and a jurisdictional wetland.

(Applause.)

I'd like to realistically look at the need. I work at Barbours Cut quite often. They only stack containers there four or five high. They can stack them higher than that. There's land to the south, west, north for expansion. 1-16

They don't stack trailers. They could be stacking those. It's really an inefficient operation. There's three dock areas that are not used for containers at all and could be used for containers.

(Applause.)

Barbours Cut could be made more efficient. I don't think you should take the Port's word for it that it's maxed out.

Overbuilding in the seventies -- when I was getting out of the maritime academy, they were talking about the supertankers. There's going to be a

hub on the East Coast, a hub on the West Coast and a hub on the Gulf Coast. It didn't happen that way. They overbuilt, they had some problems with the economics and they're not there.

COL. LEONARD WATERWORTH: Please wrap up your comments, please.

MR. KIRK DUNHAM: The Port has gone through great lengths to make their efforts look good on paper, but the truth is our air quality will get worse, our wetlands will become diminished and this area will become less and less desirable for those who live here. Please reject the permit.

29-36

Thank you.

(Applause.)

CHIEF DOLAN DUNN: Thank you.

Floyd Reb?

DEC 1 2 2001

MR. FLOYD REB: Hello. My name is Floyd Reb. I'm a native Houstonian. I'm a resident of Pasadena. My father's a retired longshoreman in Houston. I'm a member of Pipefitters Local 211 in

Houston.

I'm here to support the Bayport plant, the Bayport facility. 29-1

Colonel Waterworth, I want to go on record and ask that you move forward and get this thing done. The voters -- the way I understood it, the voters in Harris County spoke. 60 percent, we asked to move forward with this. 29-7

We know it's not a painless proposition, we know that there's a lot of concerns, but Houston is here because we have Port facilities. We need you to move forward with this.

I've listened for hours to everyone's concerns tonight. I'm a fisherman. I enjoy the bays. I've spent a lot of money on a center-console fishing boat. I've seen these facilities. My father took me to these when I was a kid.

I know that these concerns that people have about their homes, the wakes, those are real concerns. We can -- in my opinion, those concerns can be addressed and we can still have the Bayport facility

available.

So, Colonel, please move forward and get this thing built.

Thank you.

CHIEF DOLAN DUNN: Thank you.

Linda Shead?

DEC 1 2 2001

DP 10120

MS. LINDA SHEAD: My name is Linda Shead. I'm executive director of the Galveston Bay Foundation.

Thank you, Colonel Waterworth, for the opportunity to be here to give everyone a chance to have their say and to hear some of it more than once.

The Galveston Bay Foundation's mission is to preserve, protect and enhance the Bay. We have trustees and members that have been on all sides of this issue. Fundamentally, however, we believe in the concept of sustainable development, economic development that protects the Bay and the surrounding environment.

As of September of this year, the Galveston Bay Foundation concluded that the project as it had been proposed would tip the balance too far to one side. Still we have participated in the community advisory board and we have awaited the draft environmental impact statement to see a thorough analysis of the impacts. We have been sorely disappointed in the document.

The DEIS appears a superficial and flawed report with little analysis, and failure to cover the topics that were presented during the scoping. And

23-20

consequently, it cannot be used to draw the conclusions it reports.

I would reiterate two main concerns. To claim that wetlands within a few thousand feet of bay waters, the last downstream destination of all the streams in the area and overland flows, to claim that those wetlands are not adjacent begs a question of distinction between adjacent and isolated.

14-15

Second, a proposal for a 50-foot project should require either an analysis of the impacts of a 50-foot channel or a prohibition against building into 50 feet.

20-1

Regarding the draft EIS process, we need a longer review period. While 90 days is more than you're required to give, it is not enough, especially over the winter holiday season.

Furthermore, the review period needs to be concurrent with that for the Shoal Point DEIS, especially so the cumulative impacts of the projects can be evaluated.

23-56

We don't need multiple permits. We do need a regional approach to Port development. We need to consider the best solution, to find the best site. The DEIS is not convincing for Bayport.

20-6

Thank you.

(Applause.)

CHIEF DOLAN DUNN: Thank you.

Nancy Deitrich?

DEC 12 2001

MS. NANCY DEITRICH: Hi. I'm Nancy Deitrich and I'm a former council member for the City of Seabrook.

Earlier tonight we heard Mr. Edmonds say those who oppose Bayport do not want the Port to be built. That simply is not true. The people who oppose this project are opposed to the fact that Bayport is going to be built in its current location. There are obviously better alternatives available and that is where this Port should go. 29-37

To make an analogy, we do not allow sexually-oriented businesses to be constructed near our schools. We shouldn't allow a mega container port of this size to be built near residential areas. The Port should be built elsewhere where it is more appropriate and better suited for the roads and areas around it.

The DEIS has not adequately addressed the following issues: Small or fine particle pollution; 7-4 the transportation system, including the San Jacinto railroad impacts 27-24 and other foreseeable issues along

these lines; the dredging of the Bayport channel to 50 feet, although the Port has promised us that they would not be asking for that. 20-1

The reality is, once you build the Port and they need it five, ten years down the line, are you

going to deny it?

And many other issues that many people have already mentioned tonight that I won't go into in order to spare you some time.

I encourage the Corps to address these issues and to take these citizens seriously.

Obviously, this project is opposed by those people who live around it. If you look at the voting statistics, you'll find that over 70 percent of the people who live in the Clear Lake area voted against this project. If the people in the other part of Harris County want to have it, move the project closer to them. But the people that live there are saying no, we do not want this project.

29-38

NIMBY

I encourage you to address these issues, flesh out all the details and facts in a supplemental document. I also encourage you to extend the comment period for this DEIS. Obviously, this is a seven-volume book to read. You can't expect people to be able to do that over the Christmas holidays in the 90-day comment

23-37.

period. Obviously, there are many people who are interested in this issue that want to make comments, but they all had to go home early tonight.

In conclusion, Bayport should not be

29-32

built on the proposed location. Viable alternatives do exist and have less impact on the residential areas and the environment. And the jobs are preserved. We can still keep the unions happy, we can still have the jobs, we can still have Houston's future.

The permit should be denied on these bases.

MR. MARK LUMEN: Thank you.

Victor Whitehead?

DEC 1 2 2001

DP 10122

DR. VICTOR WHITEHEAD: Thanks for an opportunity to speak. My credentials are 25 years as a NASA scientist with the Johnson Space Center working on environmental problems, three years as a military detailee at the Pasadena office of civil defense, 31 years as a resident of El Jardin.

There are two issues involved in the draft that concern me most, one of which has been covered by several people, that being the [small particle problem.] The second is a very important environmental problem, that being [the potential damage caused by terrorist activity.] This morning I mailed duplicate

7-4

21-20

letters addressed to Mr. Tom Ridge, Director of Homeland Security, and Mr. Izzo, Deputy Assistant Secretary of the U.S. Army in charge of public works, expressing this concern. I will read excerpts from these two identical letters.

Our president has taken great pains to inform all Americans that the events of 11 September have changed our way of doing things. I would like to point out an exception that poses considerable potential danger to some national resources as well as the safety of citizens. I believe the responsibility to correct this exception may fall within the responsibilities of the Office of Homeland Security and the Corps of

Engineers.

The Port of Houston Authority plans to develop a major marine container terminal complex on the approximately 1,090 acres along the south side of the Bayport ship channel. With the planned location, this development is a terrorist's dream site. The site is completely surrounded by private property and public access roads, transportation arteries, providing ample opportunity for lobbing explosives into the facilities.

The greatest potential threat, however, lies in the traffic by trucks, rail cars and ships, all carrying containers, which will provide at least 5,000

opportunities a day to sneak a nuclear device or biological bomb into the Port for detonation. The distance between the proposed site and the NASA Johnson Space Center is five miles. A five-mile radius from the proposed facility encompasses also part or all of nine cities and the greater portion of the Pasadena Industrial Park, one of the world's largest sources of petrochemicals.

Depending on the meteorological conditions at the time of detonation of a nuclear device, any or all of these resources could be contaminated for years. A biological bomb, if detonated

during the prevailing southeasterly winds, would rapidly spread the microbes throughout the Houston area, reaching downtown Houston and River Oaks within a three- to four-hour period.

The draft environmental impact statement released November 11, 2001, for this facility does not address the issue of the potential environmental impact or vulnerability of other sites deemed reasonable for the development of the facility. At this time, there does not appear to be any formal mechanism to address the terror problem during the site selection process. 2-13

COL. LEONARD WATERWORTH: Sir, will you wrap up your comments, please?

DR. VICTOR WHITEHEAD: I encourage both the Office of Homeland Security and the Department of the Army to use the power of your offices to see that an assessment of the vulnerability to terror activity and the potential consequences of terror activity for this and the other reasonable sites be a requirement and be performed prior to the final site selection.

Thank you.

(Applause.)

MR. MARK LUMEN: Okay. We're going to call six more. Harvill Weller, Mary Beth Maher, Paul Pop, Dave Marrow, Laureen Marrow and Cindy Evans. If you'll come up in front. And Harvill Weller will speak first.

Harvill Weller?

DEC 12 2001

MR. HARVILL WELLER: Thank you, Colonel.

My name is Harvill Weller. I'm a resident of Taylor Lake Village. I've lived there since 1980. I have worked in the Clear Lake area as an attorney since 1972.

I want to speak today about the process, the process under which the DEIS is being conducted. As an attorney and a concerned citizen, I've been trying to

get records first from the Port of Houston Authority through an open records request going on a couple of years. I received some records, but then when we got close to the studies that supported the work being done as part of the DEIS, we were shut down by the Port of Houston Authority. They claimed privilege. It was supported by the Attorney General's office.

23-38

We spoke to Mark King during the process of the DEIS. Mr. King told us that as soon as the DEIS was produced, that we would receive the entire record supporting their DEIS. That has not happened.

I have requested an FOIA request, Army Corps of Engineers. It was in late October. I have offered to pay for all the costs of that request for all the supporting information, for all the communications that preceded the DEIS. I have been told by Mr. Lumen that that information will not be available until the

23-38

EIS is published and the permit is granted.

Now, from a legal standpoint, we must make our comments, our evaluation, our public review during the process. This apparent ruling by the local office, the Galveston district office, will deny to the public the fundamental process of public review. We don't think that's fair or right.

23-38

This is all heightened by the fact that

we have made several requests the public be allowed to meet at some of these interagency meetings with the Army Corps, the Port Authority, URS, the contractor, and some of the other cooperating agencies. That request has been denied.

We also requested that minutes be taken of the actual discourse that's going on at the meetings. That has also been denied. Now we can't even get the backup information on that.

We think that's fundamentally unfair and inconsistent with the procedure that should be followed.

Finally, there's been a lot of talk today -- tonight, rather, about the Port of Houston and all the jobs that it has brought. This was the same fallacy, the same misinformation that was produced during the bond election. The Port of Houston is not

the Port of Houston Authority. Exxon, Shell are not the Port of Houston Authority. And to use those jobs as the basis for the economic growth of this development is misinformation, unfactual, untrue, and should not be a part of this process.

Thank you.

(Applause.)

MR. MARK LUMEN: Thank you, Mr. Weller.

Mary Beth Maher?

DP 10124

MS. MARY BETH MAHER: My name is Mary Beth Maher and I'm going to -- most of my comments are the same ones that I made at the scoping meeting. I do not feel like they have been addressed adequately.

I'm here because of my concerns the effects of this proposed facility will have on the air quality of Harris County residents, as well as the effect it will have on property values within several miles. You see, I live in a small town called Shoreacres. There are probably about 1800 or so residents. We are just north of the Bayport channel.

Over and over I hear, "I can understand why you're affected by this. You're so close to Bayport."

However, what people don't realize is that we are in the backyard of Houston and what happens in Bayport is going to go all over Harris County.

The problem I really have is that we -- the City of Shoreacres, all of the City of Shoreacres and part of La Porte, a very major part of La Porte will now be blocked in. To the north is Barbours Cut. To the west is highway 146 and approximately 66 or so chemical plants. And now to the south is the proposed Bayport terminal.

7-2

22-54

Now, in this area there -- and to the

east is Galveston Bay. In this area is our only high school, 1800 students or so, a junior high, two elementary schools, two retirement homes, Boys and Girls Harbor. Every day they are going to be subjected to diesel trucks traveling 146, idling their motors. This is not fair. It is not -- it is not right to do this to us.

When I told Mr. Kornegay at a meeting in Clear Lake that my home value would be dropped, his comment was, "Don't worry. There's plenty of people from the Port that will buy your house."

I don't appreciate that. I moved to that area for a quality of life and I pay taxes like everybody else and I think I have a say so.

I did go and protest my taxes this year because they were raised and I had no reason to protest them except for the fact of Bayport. I took my folder of Bayport in front of three people. My taxes were brought back down to what they were last year.

Shoreacres cannot survive. It has no industry. It needs the residential income that it gets from tax -- its tax base.

As a Harris County taxpayer, citizen, I ask the Corps to go back and do a supplemental DEIS on

the project and address the inadequate air analysis and the effects on the land values.

Thank you.

(Applause.)

MR. MARK LUMEN: Thank you.

Paul Pop? Paul Pop.

Dave Marrow?

Laureen Marrow?

Cindy Evans?

The next six speakers. Robert McFarlane, Karl Silverman, Robert O'Sullivan, Peggy Brannigan, Doug Peterson, Gwynne Pierce. And Robert McFarlane will be the first speaker.

Mr. McFarlane?

DP 10125

DR. ROBERT McFARLANE: I am Robert McFarlane and I'm a consulting ecologist with expertise in environmental impact assessment.

While your draft EIS has the appearance of being adequate, I am here to tell you that once you scratch the surface, you will find that it is woefully deficient.

I am particularly interested in the subject of the introduction of non-indigenous species through the mechanism of ballast water. Your study has said that -- has acknowledged that as a problem, says that it's going to be a minor problem, and it failed to acknowledge or even mention a study by the Gulf of Mexico Program that indicates that in 1996, one billion gallons of ballast water were discharged into the Port of Houston. It also says that ballast water is not going to be a problem because container ships have so little ballast water in them. It doesn't tell you how much. I had to search and find yet another document that indicated that each new container vessel that enters the Port is going to add up to three million gallons of ballast water on each visit.

12-7

12-18

There is no data in the report on the ballast capacity of existing vessels, on the number of vessels that are using it, and on the present and future

discharge of ballast water.

The report did point out that we have no information regarding the current status of non-indigenous species in Galveston Bay. Now, if we don't know where we are, then there is absolutely no way we can tell where we are going. Therefore, it behooves the Port and the Corps to rapidly commission a rapid assessment survey to determine the number of non-indigenous species which are currently present in

12-8

the Galveston Bay ecosystem.

On another topic regarding the potential for a 50-foot channel, the report incredulously has come to the conclusion that salinity in Galveston Bay is highly variable. Hello! Galveston Bay is an estuary. Any third grade student around Galveston Bay can tell you that the salinity is highly variable and changes from one to another.

A few years ago while I was chairman of the Scientific Technical Advisory Committee of the Galveston Bay National Estuary Program and participating in the interagency coordination team of the Corps of Engineers for the enlargement of the Houston/Galveston navigation channel, we spent several million dollars doing a three-dimensional hydrodynamic study of

20-7

Galveston Bay. The draft EIS for Bayport makes absolutely no mention of this document which did, in fact, consider a 50-foot channel coming into the Galveston Bay.

COL. LEONARD WATERWORTH: Sir, will you wrap up your comments?

DR. ROBERT McFARLANE: I suggest that we desperately need a supplemental draft environmental impact study.

Thank you.

(Applause.)

CHIEF DOLAN DUNN: Thank you.

Karl Silverman? Mr. Silverman?

Robert O'Sullivan?

Peggy Brannigan?

Doug Peterson?

Gwynne Pierce?

MR. MARK LUMEN: Okay. We're going to call the next six. Tagore Somers, Koral Pior, Charles Stebbins, Peter O'Connor, Ted McCollon and John Grunsfeld. Tagore Somers first.

DEC 1 2 2001

MR. TAGORE SOMERS: My name is Tagore Somers. Up till about ten days ago, I worked for Enron, so I'm here to personally bear witness to the fact that what you don't know can hurt you.

I think part of how we got to where we are now at Enron was by systemically burying things that we didn't want to know about and concentrating on the things we did want to know about. And as an engineer, I can sympathize with your situation having to do this report, looking at all these problems, and I just would like to bring out one aspect of this that I see in my life in Clear Lake, which is that this community,

whether we really want to recognize it or not, has conducted a massive chemical experiment on our families, our children and ourselves through the -- our proximity to Pasadena, our proximity to the Bayport chemical complex.

At this time, we are not measuring the pollutants in our air. We measure ozone. We measure some particulate. We don't measure airborne hydrocarbons in our community. And as many of you know, there are on certain days airborne hydrocarbons in our schools, in our streets.

And I'm not talking just El Jardin, Shoreacres. I'm talking all the way as far as Nassau

Bay, certainly Clear Lake, the northern part of Clear Lake City all the way out to I-45 and Friendswood.

Part of, I think, the concern that you see from the citizens here over the air issue is that this area is very highly stressed from the air quality point of view. And I think Houston as a whole is highly stressed. We are in danger of losing our federal highway funding if the Clean Air Act ever comes back into effect over the air issue.

7-25

So we are sitting on a house of cards that could have ramifications beyond anything that's even being discussed here today. I sat in meetings at

Enron where we sat around and said, you know, I can't figure out how we could possibly make money this way, but none of us in those meetings really considered the fact that we were not making money, that there were underlying problems that were -- that the whole thing was a charade.

So I would just urge that if at all possible, if we are going to build a large container Port in this area, that we pay some attention to actually beginning to monitor the quality of the air in the area where we plan to put this facility.

7-22

(Applause.)

If we were in southern California trying to site this facility, we'd be in an environment where there were perimeter monitoring on each one of those chemical plants and we would know when there's a release, exactly how much is released and, you know, who did it and why, and there would be explanations to the Environmental Protection Agency and the little cars with the inspectors would be out there. That's not going on in this community and I think that the Corps of Engineers needs to be aware of the fact that we are essentially not regulating the air in this community the way that it should be. And if we layer a Port on top of this, we could have -- we really could reach a situation where it would not -- would no longer be acceptable to professional people to live in this community and continue.

7-26

COL. LEONARD WATERWORTH: Thank you.

MR. MARK LUMEN: Thank you.

MR. TAGORE SOMERS: Thank you.

MR. MARK LUMEN: Koral Pior?

Charles Stebbins?

Peter O'Connor?

Ted McCollon?

John Grunsfeld?

CHIEF DOLAN DUNN: The next six speakers. Leonard Charles Pylant, Jr., John Ralston, Diane Cheadle.

(Crowd noise.)

CHIEF DOLAN DUNN: Must be here, huh?

Marvin Madison, Guy Cherry, Vincent Ward.

The first speaker would be Leonard Charles Pylant, Jr.

John Ralston?

Diane Cheadle?

MS. DIANE CHEADLE: Hi. My name's Diane Cheadle. My husband Chuck and I have lived in Seabrook for 13 years and raised our daughter here. We remodeled our home and refinanced it several years ago so it would be paid off when we retire. We plan to stay here.

My husband Chuck has served two terms on City Council in Seabrook. I presently serve on the Parks Board. I'm a veterinary technician and state permitted wildlife rehabilitator. I devote much of my time 365 days a year to rescue and rehabilitating injured and orphaned wildlife in my home from all of the greater communities in the Clear Lake area, Pasadena and beyond.

We are citizens who give back, contribute to our community. If you build your Port facility here, we will leave, if we can even sell our home with the depressed market value you will create. We know many other citizens in our community who feel the same. 6-8

Many, perhaps most of you tonight speaking for the Port have never even been through Seabrook. This is a beautiful bayside area with a wonderful park system, heavily wooded acreages, wetlands, habitats, hiking trails, a native wildlife

park where we have released many rehabilitated animals

back into the wild. We are on the Great Texas Coastal Birding Trail and are working hard to promote ecotourism.

Red Bluff Road east of 146 is a two-lane, 35-mile-per-hour meandering road through heavily wooded areas, past parks with soccer fields for the children in our communities, past two residential neighborhoods, our wildlife habitat park and Robinson Park. Early every morning I drive Red Bluff to work. I frequently, many times a week have to stop to let deer cross. We are all very careful on this road, as in the summer when the does cross we stop and wait, knowing that their fawns will be scampering out not far behind.

If you come into our community you will be running semi-trucks up and down this road. Will they obey the 35-mile-an-hour speed limit, stop for deer, wait for the fawns? Actually, you have plans to turn this into a four-lane highway barreling more semis through here belching out diesel fumes, mowing down our wildlife just a few blocks from my home.

Twenty-four-hour-a-day bright lights from your facility will adversely affect our wildlife. Most are nocturnal night hunters in this area. Coyotes, bobcats, foxes, raccoons and possums, just to cite a

17-6

few.

We cannot comprehend how a group of unelected officials have the right to come into our community and destroy our way of life and sacrifice --

(Applause.)

-- sacrifice our city and the five surrounding communities, which is what you intend to do, sacrifice us.

It is not morally right when you have alternatives where you would be welcome. You need to acknowledge this. We don't want you here to destroy our way of life.

Thank you.

(Applause.)

CHIEF DOLAN DUNN: Thank you.

Marvin Madison?

Guy Cherry?

Vincent Ward?

MR. MARK LUMEN: Okay. We're going to call some more. Just raise your hand and come on up, please.

Susan Rector, Gerry Guerrieri, P. J. Mack, Jr., John Cobarruvias, Byrlan Shively and Henry Swallows.

It looks like we've got one. Come on up.

DEC 1 2 2001

MR. GERRY GUERRIERI: Thank you for including me even at this late date, Colonel. My name is Gerry Guerrieri. I'm president of El Jardin, a subdivision that is the most impacted residential area by the Port.

I dearly hope that maybe you'll come down and see El Jardin. It's one of the last of the pristine areas right on the Bay. Give me a call and I'll escort you around.

You saw somebody from the Port say, "All you working people, stand up," and all of those people stood up. And they stood up, Colonel, because they're worried about getting a paycheck. All the people here from the residential areas around Bayport, if they stood up, they would be standing up to guard a way of life.

That's what bothers me the most about the DEIS. I read it. I contacted your office. You were good enough to send me a CD. I read the whole thing and I was disappointed, and the reason I was disappointed is because it doesn't take into

23-59

consideration the people.

I know how blue sky that sounds, but you've heard from environmental experts and some guy on birds and chemists and all that, but what we're really concerned with here is the 5,000 people that live within

one mile of this proposed site. That should be a primary factor in this whole thing.

In El Jardin, we have 365 homes, over a thousand residents, that are going to be living a little over a quarter of a mile from what they call their mobile -- the railroad thing. It's going to change our way of life. But what really knocks me out is when the Port brought in all these guys to talk about jobs, their conning them, they're just plain duping them, and I feel sorry for those guys.

I thank you, but let's start thinking about the people. That's the most important part.

(Applause.)

CHIEF DOLAN DUNN: The next six. Jerry Rhame, John McCorquodule, Jonathan Powell, Shawn McCracken, Vaness Hamilton, Cathy Emrick.

Go ahead and come on up and identify yourself, please.

DEC 1 2 2001

MR. SHAWN McCRACKEN: Hi. My name's Shawn McCracken. I'm a resident of Kemah.

Pretty much everyone's hit on my points that I had, primarily air pollution. I just want to give everyone some statistics that I found. If the Corps wants to check them out too, it's pretty scary, go to scorecard.org.

Harris County is ranked third in the nation for releases of known carcinogens into the air. Harris and Galveston Counties rank in the top 10 percent of U.S. counties for added cancer risk from hazardous air pollutants, non-cancer risks from hazardous air pollutants, number of people living in areas where cancer risk from hazardous air pollutants exceeds one in 1,000.

The people of Harris and Galveston Counties face a cancer risk more than 100 times greater than the goal set by the Clean Air Act. 90 percent of that cancer risk is from hazardous air pollutants which originate from mobile sources such as ships, trucks, trains, heavy equipment.

Gee. That's all going to be at Bayport.

The hazardous air pollutant with the highest contribution to cancer risk in Harris and

Galveston County is diesel emissions. The greatest source of pollutant from Bayport, I'm sure, too. The Bayport terminal will add a minimum of 4500 to 9,000 trucks -- I've seen all kinds of numbers -- a day to our roadways. The Bayport terminal will add 26 vessels a week to the current traffic of 31 vessels, and nine barges per week used by the 50 plus chemical plants in the Bayport area.

Think about how many tons of hazardous air pollutants this will add to our already heavily polluted air.

I would like to see in the DEIS a tonnage of diesel emissions.] 7-28

That's it. I'm sorry. Everything else everyone has touched on.

I just want to say I really don't want to see a Port anywhere, but if we do have to have a Port somewhere and we're going to use -- I've heard the talk of electric cranes and such, why can't we check into other things such as solar power and possibly wind power to cut down on emissions as well?

Thank you.

(Applause.)

CHIEF DOLAN DUNN: Thank you.

Was Jerry Rhame here? Or John McCorquodule?

Jonathan Powell?

Vaness Hamilton?

Cathy Emrick?

MR. MARK LUMEN: Okay. We're going to go to six more. Robin Riley, Wade Webster, Alice Bissel, Francisco Sanchez, Karen Laake.

And if you're here, come on up.

Is Robin Riley here?

Wade Webster?

There you go.

DEC 1 2 2001

MR. WADE WEBSTER: I'm Wade Webster. I'm a retired engineer after a long career supporting NASA and other aerospace activities. I've lived in the Clear Lake area for 37 years.

I live far enough away from this I'm not terribly affected. I'm retired. I can move away if I want to. It doesn't bother me much.

[What does bother my is the injustice of this thing. It's terrible.] We heard a lot of talk about a 60/40 vote. I know a lot about politics and environmental -- more than I know about environmental studies and maritime industry and that. Let me tell you something. That 60/40 vote has no validity. That has

23-40

about the same amount of validity as a vote that might take place on a dessert island where you have six callous and drunken sailors and four women and they're voting whether to make rape legal or not. That's about how much validity it has and about how much justice it has.

[As you heard earlier, everyone out in the area anywhere near this thing is against it, or the huge majority is.]

29-38
29-35

Another thing about a straight up and down vote like that is just a plain old one-time vote does not really take into account intensity. You can

see something about intensity just by looking at this tonight. I think it was about 60/40 earlier for the Port. What is it now? I think it's about 40 to one against the Port. That's against it. The people who are against it are still here.

As I said, I'm not that much affected directly, but I kind of have an axe to grind with the powers that be in the City of Houston. Ben Ashby about 30 years ago, for one thing. For another, I think the City Fathers of Houston are really perpetrating a terrible injustice here.

Here's another injustice they've done. This is, I believe, the most gerrymandered, horrible

district in the whole United States. It's District E in the City of Houston. It stretches about 45 miles. It looks like five different districts connected by a little tiny string. I'll bring it closer here in a minute.

This is their method of putting all of the recently annexed residents of a suburban area into one district so that they have only one councilman. They dilute the votes. If we were a majority, they wouldn't allow it. The constitution shouldn't allow this. This is the kind of people that you're dealing

with.

Now, I don't know a whole lot about your DEIS. I'm not going to attack you. I think other people here have done a pretty good job of that tonight. I just want to tell you that if you allow the Corps of Engineers to be used by the same people that do this, you're going to disgrace the Corps of Engineers.

(Applause.)

Thank you.

MR. MARK LUMEN: Thank you, Mr. Webster.

Alice Bissel?

DEC 1 2 2001

DP 10131

25 MS. ALICE BISSEL: Hello. All right. I

1 guess I've got the right speaker.
2 My name is Alice Bissel. I live in the
3 small community of El Jardin. I've lived there since
4 1989 and August 28th, 1998, I was exposed to a hazardous
5 chemical under a shelter in place in my home.
6 Everything that could possibly have gone wrong went
7 wrong. It was actually a relatively small incident, but
8 because of the inadequate, I guess, response to do with
9 our local emergency services, by the time that our
10 emergency went off -- I mean our sirens went off, my air
11 conditioner kicked down and pulled this chemical into my
12 home.
13 I was affected. It was not that
14 hazardous of a chemical, but I was affected with my
15 breathing for really two or three months because I used
16 to be in quite good shape.
17 I feel like since the Port of Houston
18 has announced this project that my community has been
19 under fire. I feel that we have been unable to find --
20 we always thought we had rights as citizens to enjoy the
21 property that we have and to, you know -- that we were
22 protected by certain government entities. In 1990,
23 Governor -- I mean President Bush signed into effect the
24 Clean Air Act. Up until that -- up until like the last

25 year or so, I've sat on some of these committees with

1 industry and that type of thing and they have really
2 done nothing in Harris County to address this. They
3 have just built, built, built. They have not considered
4 the consequences. They have made no efforts to reduce
5 the emissions.
6 And I just don't understand how in a
7 county that has really bad air quality problems that
8 they can continue to ask for more emissions for new
9 projects. Now, you say that the -- because the semis
10 are not part of the project that they really shouldn't
11 be counted, but what I say to you is if you did not
12 build that project, they would not come. It's like
13 anything else. You build it and they will come.
14 So I feel that you should be at least
15 looking at these type of emissions. I also feel that
16 they have not necessarily represented -- I talked to
17 Mr. Stanley and Mr. Stanley said that you were using one
18 of the reports, I think it was maybe the Booze Allen
19 report, saying that they needed several container ports
20 along this area, that maybe in the next 40 years you
21 maybe will even use 40 berths.
22 Well, I say they also said that there
23 was going to be tremendous increase in the cruise

terminals here in this area -- and I know my time is almost up -- but what I say to you, in 1998 when they

were saying, Mr. Kornegay and Mr. Holmes was standing on the podium saying there's going to be a fantastic, a phenomenal increase in cruise ships, they had one ship then, they have one ship now. They have had ships hit by tugboats along the Ship Channel, they have had repossessed ships, and they're still in the same position. So that prediction has not come true.

And I would just like for you to take a closer look at actually the need and the efficiency of the Port facilities that they have now.

COL. LEONARD WATERWORTH: Thank you very much.

(Applause.)

MR. MARK LUMEN: Thank you.

Francisco Sanchez?

Karen Laake?

MS. KAREN LAAKE: Good evening. I think I may be last. Not quite.

I have many problems and the reason why I stayed late to talk at this time is because I submitted my comments written last time and the comments that I made I was asked not to repeat what others had submitted. And so one of the concerns that myself and

12-7

my neighbors have were introduced species. But we weren't speaking of just introduced species into the water. We were speaking of introduced species that can come into this country in containers and invade our trees and our soil like it happened in Chicago or how we got fire ants.

12-7

And I don't believe, unless I missed it somewhere, that they've addressed any kind of land species or bacteria that could be brought here in a container. I don't even know if it's impossible for any kind of medical bacteria, like ebola, things like that, to come here in a container and be put out to the public.

It also concerns me because of terrorism because I don't know what things -- other than a bomb coming in a container, what could they put as far as diseases inside one of their containers and pack it and have somebody open it and here we go. And our homes are

21-20

so close. They shouldn't be putting this where the homes are this close to all of these dangers.

And with any conscience at all, if they must build Bayport and they have to have the entire Bay, then they should have to purchase the entire Bay because what they're doing is too dangerous for us.

22-59

(Applause.)

I sat here tonight and I listened to people applaud and boo us when we talked about terrorism. This is real. Did these people who are running this Port Authority, did they not understand that this is real? We had 5,000 people die in New York City. Do 5,000 have to die here for the people in Houston, Texas to understand that this is real?

(Applause.)

The other problem that I had with the draft EIS study was that I live in the City of Pasadena. The City of Pasadena is saying that they are going to provide several services to the Port of Houston Authority for them to build their Port in the city of

Pasadena. Pasadena has not released to us what those services are nor have they released to us as citizens of Pasadena what that cost would be to us. None of those things were either addressed in the draft EIS.

24-3

It could be water treatment. It could be -- who knows? We have no idea. I would like to see those things itemized and I would like to know the cost to me as a citizen of Pasadena so that I can decide if I

would like to continue living there, if I can even afford it after this Port comes in.

Do I still have time?

COL. LEONARD WATERWORTH: You're out of time. Thank you very much.

MS. KAREN LAAKE: I will submit the rest in writing.

COL. LEONARD WATERWORTH: Thank you.

MS. KAREN LAAKE: Thank you.

(Applause.)

CHIEF DOLAN DUNN: We're down to the last group. David Marrack, Jim Travlas, Jay Meyers and Patrick Stanton.

Please come -- I guess you're the only one. Please come on up and identify yourself.

DEC 1 2 2001

MR. PATRICK STANTON: Thank you for allowing me to address this body concerning two areas which I'm concerned about.

CHIEF DOLAN DUNN: Could you -- I'm sorry. Could you identify yourself, please?

MR. PATRICK STANTON: My name is Patrick Stanton.

CHIEF DOLAN DUNN: Thank you very much.

MR. PATRICK STANTON: I live at 128 Shady Lawn in the City of Shoreacres. I've lived in the area since 1965, prior to there being a Bayport ship channel. In fact, when I lived in Bay Colony, one morning I looked out and there was a ship in the middle of the prairie.

I commuted from Bay Colony to the Monsanto plant in Texas City. At the entrance of the plant in south Texas City there was a monument, this monument that depicts the names of nearly 600 people who died in the Texas City disaster in 1947. This disaster was caused by a ship called the GRAND CAM and the HIGH FLIER who was hauling ammonium nitrate which exploded in the Texas City dock. It subsequently caught the Monsanto Chemical Company on fire, resulting in approximately 600 deaths. The blast was so powerful

that I saw a book published by the Corps of Engineers that a plane was flying over taking movie pictures of this and the second explosion blew the plane out of the sky.

Yesterday Don Young, who is the Chairman of the U.S. House of Representatives Transportation and Infrastructure Committee, was in Houston. He and his committee have been working on transportation homeland security throughout the United

States. He explained that this not only includes air transportation, but also includes trains, buses, ships, etcetera.

He mentioned that at this juncture that they have no foolproof way of inspecting containers to ensure that explosive devices are not inside the containers. He felt that the technology to do this would probably be available sometime in the future, but it is not available now. He mentioned that even today human beings have been smuggled into the United States utilizing containers.

21-21

So why do I mention this? I think there's a very parallel situation to what happened in Texas City in 1947. It is a bad idea to place a container Port so near the chemical industry now located in the Bayport Harbor complex.

2-45

(Applause.)

Should a terrorist manage to place explosives in a container, import it from foreign countries or even within the United States, these containers are sealed, they can go in and inspect them, but they have no device to inspect them, we could have another disaster. It wouldn't have to be a nuclear

bomb. I mean, we've seen what they did in Oklahoma City, but it would be very easy.

Has the Corps of Engineers truly considered the potential for a horrendous loss of life and property? Has the Port of Houston Authority planned any barriers that would prevent a disaster from occurring? 21-22

Secondly, I would like to address the problem of vibration and noise pollution. The widow of our former family doctor, Dr. Yoder, lives on the street Shady Lane. This street is immediately next to the Bayport channel. Whenever a ship enters Bayport, her whole house vibrates. A 77-year-old woman wakes up in the middle of the night because of the vibration caused by ships entering or leaving the Bayport channel. 3-1

Now, she was here first, before Bayport was ever built. And this has gotten worse. Why has it gotten worse? Because the Port has allowed the north shore of the channel to erode, widening the Bayport channel.

COL. LEONARD WATERWORTH: Sir, could you wrap up your remarks?

MR. PATRICK STANTON: This disregard for our environment has also increased noise and vibration throughout the area. Has adequate testing been done to

3-11

consider the effect on housing foundations, the general health of those people who live in the area and barriers to prevent vibration and ships from waking seasoned citizens up in the middle of the night?

The Port of Houston Authority has promised much over the years, but delivered little. We were promised a green belt with trees, etcetera, would be on the north side to protect us from the noise, light and vibration resulting from facilities to receive and ship chemicals. Instead we now have a massive tank farm, eroded banks and no green belt.

4-12

Thirty years of being a bad neighbor. In my opinion, an organization that has run amuck, arrogant and is accountable to political appointees to provide no oversight, an organization who constantly

bends the truth, pays no taxes and seems to be interested only in more power. [This application should be denied.] 29-39

(Applause.)

COL. LEONARD WATERWORTH: That was our last registered speaker. Is there anyone else out there that we have missed?

Well, for the folks that are here, the

hard core, thank you very much for staying till the very end.

In closing, I would like to reiterate that you can still leave written comments at the registration table this evening. You can also submit written comments to our office until February 11th. We'll be happy to receive them.

And I'd like to thank everyone for attending this hearing.

I would like the record to show that this hearing was adjourned at three minutes after midnight on the 13th of December, 2001.

Thank you very much for attending.

(Meeting adjourned at 12:03 a.m.)

DP10135

[redacted]

Stanley, Kerry M SWG

From: kristine.trevino@ps.ge.com
Sent: Thursday, November 15, 2001 4:12 PM
To: Stanley, Kerry M
Subject: Surely my Eyes Deceive me

[redacted]

P

I just finished reading the draft EIS and I'm am utterly shocked by what I've just read. You might as well be a proponent for the Port of Houston Authority.

How comforting to know that the 1,091 acres of concrete, construction and truck traffic with all its fine particulate matter and NOX emission won't affect us. Thank God that all the dredging, loss of habitat, and noise from trucks, cranes and ships will go unnoticed. How wonderful that there will not be any light pollution, only "glow" and that the safety and health of the residence of Shoreacres and Seabrook will be just as it is today. NO IMPACT. We just seem to have all the necessary facilities to handle any situation that should arise. They'll destroy wetland here, but replace it at Armand Bayou, our only nature preserve, that will, in a few years, be surrounded new housing or more chemical plants. Do you think we can put all of the displaced animals there? Birds and fish will only be temporarily inconvenienced and the turtles will just swim out of harms way. What a nice little package you are trying to sell.

7-1
2-3-1
11-1
17-1
14-1
*

This is the worse load of bullshit I've ever read. I read today on the USACE's website that part of the mission of the USACE is to "protect the environment". Clearly, you have failed miserably at your job.

22-3

The air quality alone should be reason enough not to approve such a plan. Until companies can use technology to create cleaner ways to do business, a plan of this magnitude can only further degrades our air and quality of life, not to mention the animal population. Think for a minute about any parcel of land in this immediate area and I'll guarantee you its for sale. We leave no green space. No buffer land. No where for animals to live in peace. And if you think you are immune because you may not live in this immediate area, think again. All of us are suffering due to poor planning and industrial sprawl.

7-2
7-3
4-1

Your EIS was a total waste of time and money and it was even more predictable and disappointing than even I could have imagined.

What do you really stand for? Why don't you guys just cut the crap and tell us like it is. Your a bureaucratic machine that has no values, morals or ethics.

22-4
29-3

Beyond disappointed,

Kristine Trevino
Customer Engineer
SIEMENS Enterprise Networks
dialcom 326-2856
office 281-864-2856
e-FAX 419-818-6101
FAX 281-864-2724
kristine.trevino@ps.ge.com

DP 10136

NOV 14 2001

Space Panoramas
Space Photography Slide Lectures Since 1965
RICHARD W. UNDERWOOD Managing Director
18323 Blanchmont Lane, Houston, Texas 77058
Tel/Fax (281) 333-3854

7 NOV 01

The Citizen
17511 El Camino Real
Houston, Tx. 77058

May I be permitted to comment on the Controversy regarding the location of the 12 December Meeting "Draft Environmental Impact Statement for Port of Houston, Bayport Project".

I would state the Mr. Mark Kang of the Corps of Engineers is to be given the very highest Commendation for selecting the George R. Brown Convention Center for the subject meeting. It has a large capacity, More than adequate parking, and a very central location. It simply could not get any better.

We have all heard of the "port that built a city". that city is Houston! The Port, its history, its facilities, its expansion its future are all of deject interests to all that live in Houston and not just that live in the Seabrook and environs area. It is of equal importance to the

23-1

6-4

who live in and have business or
Commercial interests in Houston center,
Spring Branch, Conroe Katy, Sugar Land
Tomball Baytown Channelview Alvin etc,
Yes, ~~even~~ even those in River Oaks a
Memorial. Thus, the only logical place
would be downtown. Eunice Cherry may
claim to be a senior citizen but her
rantings are more in tune with tha
of a six year old spoiled brat

Ms. Cherry really hits a sore spo
when writing about sons, daughters,
husbands, etc. out there to fight to
maintain our way of life, etc. the Nat
is at maximum capacity of its ports righ
now. Highway capacity is also totally
saturated in many important areas, Ra
roads are moving almost the same
tonnage as at the heights of World Wa
II on about half the miles of rail tha
was available in 1945. In order to
provide the port, rail, highway facilit
to support the efforts of our armed forc

a massive investment must be mad
in the port rail highway facilities, an
do it in a short time or ~~we~~ we
all suffer great hardships. Food, Fuel
Cargo, ~~Ammo~~ armor and armaments etc
can and must be moved quickly an
efficiently to keep the nation and o
armed forces safe. Without quick
action, that simply isn't going to
happen. A two front war and the
nation's infrastructure will fail
without action, and immediate action

I believe that Ms Cheney is pu
for, more interested in her NYMBY,
than in the welfare of the nation
people and its armed forces. She
can make no claim to patriotism.
I remain,

Sincerely

Richard Underwood

Stanley, Kerry M SWG

DP10137

From: Charlotte Cherry [ccherry@bcm.tmc.edu]
Sent: Monday, November 12, 2001 5:04 PM
To: Stanley, Kerry M
Subject: Public Scoping Meeting

Dear Mr. Stanley:

For the first time, I have read the transcript of the Public Scoping meeting on the proposed Bayport Container Facility.

I want to know why my comments and my daughter's comments were not recorded. I spoke after Peter Brown and my name is in the transcript to come up to the podium, yet my comments were not addressed. I addressed transportation disruption at the SCOPING meeting. 22-5

My daughter, Shannon Cherry, spoke after me. WHY WERE HER COMMENTS NOT RECORDED!

My daughter brought her science project to the SCOPING on PARTICULATE MATTER 2.5 and she gave her project to the Corps to show to them how much PM2.5 is already in our air from the Baybour's Cut Container Facility. She gave thoughtful comments to the Corps that she wanted PM2.5 studied in regards to BAYPORT and received a standing ovation from the crowd. 7-4

HOW IS IT THAT THE CORPS DID NOT RECORD HER COMMENTS AND FAILED TO INCLUDE PM2.5 IN THEIR ANALYSIS?! 23-9

I want an answer as to how it is possible that citizens make public comments and your "transcriber" conveniently ignores our issues and the Corps fails to conduct studies that were publically requested.

Charlotte Cherry
4902 Elm Street
Seabrook, Texas 77586
713-798-8438
--

Galveston Bay Conservation & Preservation Association

P.O. Box 323 Seabrook, Texas 77586

DP10138

November 13, 2001

VIA FAX: 409/766-3951 and Certified Mail
Return Receipt Requested # 7000 1670 0006 3079 9656
Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District, CESWG-DE
P.O. Box 1229
Galveston, TX 77551

RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES, DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

Dear Col. Waterworth:

On November 9, 2001, the Galveston District released a Public Notice regarding Permit Application Number 21520 - the Port of Houston's proposed Bayport Container Facility. That Public Notice stated, "all comments pertaining to this Public Notice must reach this office on or before December 11, 2001. All comments pertaining specifically to the DEIS must reach this office on or before February 11, 2002."

GBCPA requests that the deadline for comments pertaining to the Public Notice be made coterminous with the February 11, 2002 (or later) deadline for comments pertaining to the DEIS. Commenting on the Public Notice and the Corps discharge of responsibilities under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act necessarily entails reviewing the entire 6-volume DEIS as well as other information. The Corps' public interest review (see 33 CFR 320.4) for granting the Section 404 and Section 10 permits includes several factors and standards not discussed or evaluated in the DEIS. Issues will arise on these matters that will need to be considered before the permits are granted. GBCPA and other members of the public will not have time to review and prepare comments on these issues by December 11.

Many citizens plan on submitting their comments at the public hearing on December 12, 2001. The Public Notice comment deadline precludes participation by those citizens and the rest of the public. The Corps is therefore requested to extend the Public Notice comment deadline until at least February 11, 2002.

23-2

10139

Sincerely,

James B. Blackburn, Jr.
Chairman
Galveston Bay Conservation and Preservation Association

CC: Mr. Kerry Stanley, CESWG-RE, Galveston

NOV 15 20

Galveston Bay Conservation & Preservation Association

P.O. Box 323 Seabrook, Texas 77586

November 13, 2001

VIA FAX: 409/766-3951 and Certified Mail
Return Receipt Requested # 7000 1670 0006 3079 9656

COPY

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District, CESWG-DE
P.O. Box 1229
Galveston, TX 77551

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Dup w/o attach

Sincerely,

James B. Blackburn, Jr.
Chairman
Galveston Bay Conservation and Preservation Association

CC: Mr. Kerry Stanley, CESWG-RE, Galveston

DP 10139

Stanley, Kerry M SWG

From: Steve Gallington [stevegal@neosoft.com]
Sent: Tuesday, November 13, 2001 1:27 PM
To: Stanley, Kerry M
Subject: Comments on Public Notice of Permit Application Number 21520
Importance: High

Kerry M. Stanley
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229

Mr. Stanley:

Thank you for sending the Public Notice to me regarding the Corps of Engineers' pending approval of the Port of Houston Authority's application for permit for the Bayport Container Port. I will certainly be at the public hearing on December 12th with my family to protest this unwanted and unneeded development. 29-3

I know this has been a difficult and contentious process for you; clearly the Corps of Engineers doesn't have the resources or capability to address an EIS project of this magnitude. This is made especially apparent by the draft results of the study. Despite the preponderance of evidence against the project, you will allow the PHA to build this white elephant and destroy my home and way of life along with thousands of others. To be specific, here is a summary of the gross omissions and mistakes you have made (I have put them in order as listed in the Public Notice): 5-1

Jurisdictional Wetlands: In 1998, the PHA identified 209 acres of Jurisdictional Wetlands on the site. Their application was later changed to only 2.5 acres of Jurisdictional Wetlands. Where did the other 206.5 acres go? Aerial photographs of the site show that the PHA systematically (and illegally) drained these wetlands. The EPA and Corps of Engineers needs to investigate this clear violation. You don't grant permits to environmental criminals! 14-2 14-3

National Register of Historic Places: The Houston Yacht Club is a Texas Historic Landmark. It is the oldest yacht club in Texas, over 100 years old. It would be the headquarters for the sailing venues of the 2012 Olympics should Houston be selected as the host city. The club is less than 600 yards away from the development site. Already, the club experiences significant damage due to wakes of passing ships in the Houston Ship Channel and Bayport Ship Channel. With 23 additional ships a week calling on the new port, this historic and valuable site would be destroyed. 16-1

Public Interest Review Factors: You have completely ignored so many things in this section, it's hard to be brief. Let me just highlight a few that are of extreme importance to me:

1) The effects of small particle pollution from the expansion: I have a son who will be starting school at Bayshore Elementary next fall. Bayshore Elementary is about 1/2 mile North (downwind) of the proposed facility. Studies indicate that the overall mortality rate at the school will rise 1% due to small particle pollution alone. How can the Corps of Engineers state that they have reviewed "the needs and the welfare of the people" when this project will put MY SON and hundreds of other schoolchildren at risk of early death? 21-1

2) The regional effects of 7,000 additional trucks on the road every day: There is only one road out of Bayport. State highway 146 is already congested as the tens of thousands of residents in the area commute to NASA, industrial sites, and their businesses every day. 146 is a major route for school buses. 7,000 heavy, loud, dirty trucks every 24 hours (292 every hour, 5 every minute!) will turn 146 into a parking lot 24x7x365. More than inconvenient, this will kill the businesses in La Porte. The trucks will also kill people, by accident, to the tune of several dozen additional deaths a year. The PHA asserts that once the trucks/ trains are off the port property, they are not their problem. That's why the Corps of Engineers needs to look into the REGIONAL impact of the project. You have simply not done that. 27-1 21-2 18-1

3) The "slum effect": The PHA pays no taxes. It is, in fact, a tax burden on everyone in Harris County. The Bayport Container Facility will also reduce tax revenues in the surrounding area, by killing local businesses 6-9

12139

who do pay taxes. With local business gone and the environment compromised, the area around the port will become an industrial slum. Weedy, empty lots and stacks of rusty, abandoned containers will stand where businesses and residents once thrived. The loss in tax revenue will be immense. It may take 15 years to fully happen, but it will. You have to look no farther than the Port of Los Angeles to see the long term effects of a out of control Port Authority. 6-9

3) Property Values: Just the threat of this project has already decreased property values in my area. I love La Porte, and I love the neighborhood I live in. I will be forced to take a loss on my house and move away, however, should the expansion be built. How can I put my family at such risk? 6-8

Mr. Stanley, I went to the Colorado School of Mines and hold a degree in Geophysical Engineering. I was required to take several classes from the Corps of Engineers (map reading and concrete engineering), I guess to let them pitch ROTC to me! Many of my classmates went into careers with the Corps after college, and I have met many folks in the Corps of Engineers through my involvement with the United States Power Squadrons. I have always been impressed with the Corps of Engineers' professionalism, objectivity and skill. Until now. To permit this project in the face of all of damage it will do shows how corrupted the EIS process has become at the hands of the Port of Houston Authority. 23-4

No amount of burms, trees, buffer zones or light shields will mitigate the massive damage that this project will cause to the Galveston Bay area. **The only viable solution is to deny the PHA'a permit application. Period.** 29-5

Not only will the Corps of Engineers be implementing the will of the people, you've be saving lives and $1.2 Billion of our money.

Sincerely,

Steve

Steve Gallington
811 Oak Leaf
La Porte, TX 77571
(281) 470-7744
(832) 754-4128 (mobile)
stevegal@neosoft.com
------fortes fortuna juvant------

DP10140

[redacted] D P

November 13, 2001

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District, CESWG-DE
P.O. Box 1229
Galveston, TX 77551

RE: Port of Houston Authority's Proposed Bayport Container Terminal Facilities, Department of the Army Application Number 21520

Dear Col. Waterworth:

On November 9, 2001, the Galveston District released a Public Notice regarding Permit Application Number 21520 - the Port of Houston's proposed Bayport Container Facility. That Public Notice stated, "all comments pertaining to this Public Notice must reach this office on or before December 11, 2001. All comments pertaining specifically to the DEIS must reach this office on or before February 11, 2002."

I understand that the Public Notice comment deadline pertains to comments relevant to the Corps' decision to grant or deny several permits in accordance with the public interest. That decision will likely include many of the same issues relevant to determining the adequacy of the EIS and the severity of any impacts to this area of Southeast Harris County.

It seems clear to me that commenting adequately on the Public Notice and the Corps' discharge of public interest responsibilities will require reviewing the entire 6-volume DEIS as well as other information. This is a huge document that took over 3 years to produce, and I should be given ample opportunity to review it and address the issues that arise. I do not think that the Corps' public interest mandate can be so easily separated from the process that it took to study the Bayport proposal to date. 23-2

Therefore, I request that you extend the deadline for comments pertaining to the Public Notice match the deadline for DEIS comments. I will not have had time to fully respond to the issues raised by then. I further request that you extend the overall comment period for at least 90 days beyond February 11, 2002. 23-5

Many of my fellow citizens plan on submitting their comments at the public hearing on December 12, 2001. The present Public Notice comment deadline precludes our participation. I hope that you will agree with me that more time is necessary to incorporate public involvement into this process.

Sincerely,

Joyce Peterson

Joyce Peterson
1419 Pirates Cove
Houston, Texas 77058

cc: Mr. Kerry Stanley, CESWG-PE-R, Galveston

10140

Duplicate

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Joyce Peterson

Joyce Peterson
1419 Pirates Cove
Houston, Texas 77058

10140
Dup

cc: Mr. Kerry Stanley, CESWG-PE-R, Galveston

DP 10141

Don Kirchoff
1419 Pirates Cove
Nassau Bay, Texas 77058

November 13, 2001

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District, CESWG-DE
P.O. Box 1229
Galveston, TX 77551

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Sincerely,

Don Kirchoff

Don Kirchoff

cc: Mr. Kerry Stanley, CESWG-PE-R, Galveston

Stanley, Kerry M SWG

[redacted]

From: Jim Blackburn [jbb@blackburncarter.com]
Sent: Tuesday, November 13, 2001 7:42 AM
To: Charlotte Cherry; Stanley, Kerry M
Subject: RE: Public Scoping Meeting

DP 10142

Charlotte. I think that the failure of the Corps to consider your daughter's comments on PM2.5 as well as ours from GBCPA on PM2.5 is one of the biggest insults that I have ever seen a governmental entity deliver to citizens who are trying to participate in good faith in agency proceedings. This is the type of behavior that leads all of us to believe that a truthful analysis was not intended or conducted here. Blackburn.

22-6

-----Original Message-----
From: Charlotte Cherry [mailto:ccherry@bcm.tmc.edu]
Sent: Monday, November 12, 2001 5:04 PM
To: kerry.m.stanley@swg02.usace.army.mil
Subject: Public Scoping Meeting

Dear Mr. Stanley:

10137 Formated.

For the first time, I have read the transcript of the Public Scoping meeting on the proposed Bayport Container Facility.

I want to know why my comments and my daughter's comments were not recorded. I spoke after Peter Brown and my name is in the transcript to come up to the podium, yet my comments were not addressed. I addressed transportation disruption at the SCOPING meeting.

My daughter, Shannon Cherry, spoke after me. WHY WERE HER COMMENTS NOT RECORDED!
My daughter brought her science project to the SCOPING on PARTICULATE MATTER 2.5 and she gave her project to the Corps to show to them how much PM2.5 is already in our air from the Baybour's Cut Container Facility. She gave thoughtful comments to the Corps that she wanted PM2.5 studied in regards to BAYPORT and received a standing ovation from the crowd.

HOW IS IT THAT THE CORPS DID NOT RECORD HER COMMENTS AND FAILED TO INCLUDE PM2.5 IN THEIR ANALYSIS?!

I want an answer as to how it is possible that citizens make public comments and your "transcriber" conveniently ignores our issues and the Corps fails to conduct studies that were publically requested.

Previously Recorded as DP 10137

Charlotte Cherry
4902 Elm Street
Seabrook, Texas 77586
713-798-8438
--

DP 10143

November 13, 2001

VIA FAX: 409/766-3951 and Regular Mail
Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District, CESWG-DE
P.O. Box 1229, Galveston, TX 77551

RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES, DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

Dear Col. Waterworth:

On November 9, 2001, the Galveston District released a Public Notice regarding Permit Application Number 21520 - the Port of Houston's proposed Bayport Container Facility. That Public Notice stated, "all comments pertaining to this Public Notice must reach this office on or before December 11, 2001. All comments pertaining specifically to the DEIS must reach this office on or before February 11, 2002."

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Therefore, I request that you extend the deadline for comments pertaining to the Public Notice match the deadline for DEIS comments. I will not have had time to fully respond to the issues raised by then. I further request that you extend the overall comment period for at least 90 days beyond February 11, 2002. 23-6

Many of my fellow citizens plan on submitting their comments at the public hearing to be held on December 12, 2001. The present Public Notice comment deadline precludes our participation. I hope that you will agree with me that more time is necessary to incorporate public involvement into this process.

Cordially,

Earl S. Barnett

Earl S. Barnett
Colonel, USAF (Ret)
FAX 281-333-5263

CC: Mr. Kerry Stanley, CESWG-PE-R, Galveston

DP 10144

Stanley, Kerry M SWG

From: Galveston Bay Foundation [gbf@galvbay.org]
Sent: Thursday, November 15, 2001 2:52 PM
To: Stanley, Kerry M
Subject: Bayport DEIS

Kerry --

Is e-mail a better way to correspond with you?

First, we were previously told that anyone who so requested could receive a CD of the DEIS. Is this still true? When might that happen? and how should the request be made?] 23-8

As you can imagine, we have had a lot of concerns about the timing and distribution of the DEIS documentation and meeting schedule.] 23-8

What in the world is the deal with a comment period on the Bayport public notice closing on December 11, a DEIS public hearing on December 12, and a DEIS comment closing on February 11, 2002?] 23-2

I hope you can give me a response that will help allay the fears and concerns and frustration that is developing over this schedule.

Linda R. Shead
Galveston Bay Foundation
17324-A Highway 3
Webster, TX 77598
281-332-3381
reply to: lrshead@galvbay.org

DP 10145

Stanley, Kerry M SWG

From: Shane Tierling [tierling@texas.net]
Sent: Thursday, November 15, 2001 6:34 PM
To: Stanley, Kerry M
Subject: Comment Period on Bayport Draft EIS

- Kerry Stanley

I would like to ask for an extension on the public comment period on the draft Environmental Impact Study. A document of 1700 pages requires at least 60 days of review to do justice to the work that went into the document. 23

Further the public comment period should include public hearing meeting on December 12th so that these comments may also be a part of the record on this Study. The 29 days after the public meeting would allow investigation of issues brought up in the public meeting supporting or refuting those positions. 23

- Shane Tierling

Stanley, Kerry M SWG

DP 19146

From: Rice, Fred J [ricefj@bp.com]
Sent: Thursday, November 15, 2001 10:51 AM
To: Kerry Stanley (E-mail)
Cc: Rice, Fred J
Subject: Closing Comments

I just recieved a note that indicates the public is only being allowed 30 days to comment the 1700 page bayport report that took the army corp almost 3 yeras to complete. I have also been told that the public hearning will be conducted on the 12 of December (which is more than 30 days from relese) which means none of the comments will go in the public record. Is all this true?

25.2

Stanley, Kerry M SWG

DP10147

From: Murphy Graham [murphyg@mercersales.com]
Sent: Thursday, December 13, 2001 3:07 PM
To: Stanley, Kerry M
Subject: Bayport Terminal

Mr. Stanley –

As a Houston resident, as a sailor, as a parent of three children who spend a great deal of time sailing out of HYC, I strongly urge you and your colleagues to rule against the construction of a container terminal in Bayport. 29-5

Increased ship traffic so close to HYC will increase the danger to the many youth that sail their dinghies in this area and will surely make this part of the Bay less attractive to the many international regattas hosted by HYC. 21-3, 32-1

The increased noise, traffic and pollution will have a negative impact on the historic, quiet residential communities in the area and certainly drop their property values. 17-2

The claims of economic benefits to the area are so exaggerated they are laughable. With a viable alternative available near Texas City (welcomed by that community) the Bayport plan is obviously a scheme by a handful of wealthy businessmen to cash in on their real estate holdings without regard to the impact on the locals. This isn't a question of some forest in the middle of nowhere, visited and defended by only a small group of tree huggers. A container port at the Bayport terminal will adversely affect the quality of life of thousands of taxpayers. 6-10, 5-2

Murphy Graham
Houston

Stanley, Kerry M SWG DP 10148

From: Victoria Risch [vprisch@hotmail.com]
Sent: Thursday, December 13, 2001 11:03 AM
To: Stanley, Kerry M
Subject: Comments on DEIS for Bayport

Dear Mr. Stanley
My name is Victoria Risch. I live at 4102 Sand Dollar Ct., Seabrook, TX 77586.
I would like to respectfully submit my comments regarding the proposed Bayport Marine Terminal.

First I would like to say that so many lives would be affected by the placement of the port Bayport. We are not against boosting the economy or jobs, but when they affect my quality of life, I have a problem. There are other sites that would allow the same amount of jobs, while not affecting my air, water, property values, health issues, etc. 5-2 5-3
Please, I ask that you read all of the information that people submit to you carefully. All we ask is you be fare. I know that you don't want 2 1/2 years of work to go by the wayside. I am positive that you are pushing for Bayport for this exact reason.
But the Military is there to protect the country and it's citizen's. I am one of them, and adding this port to my neighborhood would not be protecting me or my unborn children.
PLEASE! READ THE FACTS

1. The Corps of Engineers should deny the Bayport Application 29-5
2. The Corps should complete a Supplemental Draft Environmental Impact Statement. 23-6
3. The Public should receive more time to comment 23-5
4. The Corps has foreclosed its analysis of Bayport alternatives and should not have. 2-10
5. The amount of Wetlands at Bayport is significant and exceeds 3 acres. 14-4
6. The Corps has failed to analyze the impact of fine particle (PM 2.5) and hazardous air polluntants. ~~7-6~~ 7-4
7. The Coprs has failed to analyze a 50' deep ship channel. 20-1
8. The study of future land use impacts in the DEIS is inadequate. 4-4
9. The study of transportation use impacts in the DEIS is inadequate. 27-4
10. The Corps should undertake with the Surface Transportation Board a combined EIS. 23-10
11. An Environmental Justice analysis should extend to include the 8 daily 8000' trains 26-1
12. The Port Authority has submitted a false and illegal permit application because it does not own all of the land neccessary to construct the facility. 23-16
13. The Corps and Port Authority rely on unrealistic growth projections 1-14
14. The Corps should undertake a rish assessment to disclose impacts from hazardous materials, safety, and potential terrorism. 21-6
15: The Corps should stop playing "hide the ball" with its data and 22-9

analysis.

16. No conservation measures are included for water and power consumption or wastewater and solid waste production at any alternative. 24-1

17. The Corps must analyze different operational and logistical designs. 2-11

18. The Corps must account for negative impacts on ALL public and private recreational facilities in the DEIS' economics, land use, and recreation sections. 32-3

19. The Corps must apply the distinguishing criteria it finds equitably. 2-12

20.The Corps myst eliminate baseless charges against alternatives. 22-19

21. Again, a Supplemental Draft Environmental Impact Statement should be prepared to incorporate these previously expressed concerns and omissions!

Thank you for the opportunity to submit my comments

Victoria Risch

Join the world's largest e-mail service with MSN Hotmail.
http://www.hotmail.com

DEC 14

DP 10149

U.S. Army Corps of Engineers
Galveston District

PUBLIC HEARING COMMENT

DRAFT
ENVIRONMENTAL IMPACT STATEMENT
FOR THE PROPOSED
BAYPORT MARINE TERMINAL

This form may be used to provide your comments resulting from review of the Draft Environmental Impact Statement for the proposed Bayport Marine Terminal. Written comments may also be sent directly to:

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

All written comments should be received by February 11, 2002.

Name: Mary Ellen Whitworth

Address: 1408 MICHIGAN

City, State and Zip: HOUSTON, TEXAS 77006

Comment:

As a member of the Galveston Bay Foundation, I am concerned that the Bay will be harmed by the construction of Bayport. Galveston Bay is too important to risk for any reason.

22-10

See attached

Submit these Comments at the Comment Tables TONIGHT!

10149

21 Comments on the Bayport Container Terminal's
Draft Environmental Impact Statement and
Negative Effect on the Public Interest

- **The Corps of Engineers should deny the Bayport application** for Section 10 and Section 404 permits because the construction of Bayport is not in the public interest. The negative impacts of the proposed facility outweigh any benefits, particularly due to its clearly foreseeable negative impacts on health, safety, property rights, land use, wetlands, habitat, and the conservation, economic use, and enjoyment of Galveston Bay. 29-29

- **The Corps should complete a Supplemental Draft Environmental Impact Statement**. That Supplemental DEIS should fully analyze issues raised during the Scoping process that were NOT analyzed in the current DEIS. The public has a right to know the impact of these issues and the Corps cannot make a legitimate decision without analyzing them and allowing the public to comment on its analysis. 23-6

- **The Public should receive more time to comment** on the current DEIS. The Port Authority and Corps have had over 2-1/2 years to produce this inadequate DEIS. The Public should have at least 180 to comment on it and address its deficiencies. 23-5

- **The Corps has foreclosed its analysis of Bayport alternatives** by excluding non-Bayport combinations. Sites that together would provide more economic benefit at less environmental cost, and therefore enhance the public interest, were not considered in the DEIS. 2-10

- **The amount of wetlands at Bayport is significant and exceeds 3 acres**. In an effort to avoid state review and the requirement to conduct a more extensive site-rating analysis, the Corps claimed jurisdiction over only 2.5 acres of the 116+ acres of wetlands on the site. Most of the 116+ acres of wetlands – more than nearly any other site - are adjacent to waters and therefore should be included. 14-4

- **The Corps has failed to analyze the impact of fine particle (PM 2.5) and hazardous air pollutants**. The most deadly forms of air pollution were not analyzed. Modeling needs to be completed for all pollutants for which national standards exist. 7-4

- **The Corps has failed to analyze a 50' deep ship channel** across Galveston Bay. A permit application with wharves to -56' MLT (mean low tide), that accommodates 50' draft ships, will demand a 50' channel. A 50' channel will destroy the ecological and economic productivity of Galveston Bay by introducing additional salinity. The Port Authority hopes to break any resistance to a 50' channel by putting $1.2 billion on the ground at Bayport. The Corps must stop them by analyzing a 50' channel in a DEIS now. 20-1

- **The study of future land use impacts in the DEIS is inadequate** and fails to disclose impacts contrary to the public's interest. The land use study does not account for changes in existing land use, such as the conversion of residential and recreational land to industrial sprawl that Bayport would enable. Bayport would divide and destroy communities and diminish the environmental values that support them. 4-4

- **The study of transportation and noise in the DEIS is inadequate** and fails to disclose impacts contrary to the public's interest. Both analyses assume that post-build out, the percentage of traffic that trucks comprise on area roads will not change! The Port Authority's own plans call for 5000 new trucks a day. 3-7 27-4

- **The Corps should undertake with the Surface Transportation Board a combined EIS** for the proposed BNSF/San Jacinto rail project. The law requires a combined EIS when the cumulative impacts of two proposals affect the same area. These 2 proposals are related and would cause industrial sprawl to invade residential communities. 23-10

- **An Environmental Justice analysis should extend to include the 8 daily 8000' trains** from Bayport that will pass through the East End of Houston. The DEIS fails to analyze any traffic or blockage impacts on the routes Bayport's cargo would take to numerous yards in the East End. Neighborhoods there already face chronic delays and blocked crossings that will worsen and extend south with Bayport. 26-1

- **The Port Authority has submitted a false and illegal permit application** because it does not own all the land necessary to construct the facility at Bayport. It is against the law to apply for a Corps permit without being able to acquire all the land. The Port Authority cannot acquire all the land needed for Bayport, and even if it did, it couldn't use it to build this facility. Instead, the Port Authority is trying to intimidate innocent landowners and local governments with its application. This falsification skews the impact analysis and cannot stand in a state that believes in property rights. 23-16 23-27

- **The Corps and Port Authority rely on unrealistic growth projections** to justify the need for Bayport. That need is predicated on a 10% annual growth rate, indefinitely, for containerized cargo. Even the DEIS summary refuses to agree that a 10% rate is realistic. However, the Corps uses these figures to unfairly exclude legitimate alternatives from analysis. It then spreads the economic benefits of a new port over a three county-area without analyzing ANY localized negative impacts. 1-14 2-28 6-11

- **The Corps should undertake a risk assessment** to disclose impacts from hazardous materials, safety, and potential terrorism. These issues were raised before, but the Corps has generated 30 pages of useless regulations and data rather than the risk analysis it was asked to complete. 21-6

- **The Corps should stop playing "hide the ball" with its data and analysis**. On several issues, including declining property values, the Corps promises more information in the Final EIS. For wetlands, it does not indicate the locations where it claims jurisdiction. For flooding, it fails to determine if Bayport's drainage system actually works, saying that the Port Authority will disclose that information to another agency. This is all ludicrous and contrary to the intent of a DEIS. The Corps must fully disclose all of these issues in a Supplemental DEIS that the Public can comment on. 22-9 23-6

- **No conservation measures are included** for water and power consumption or wastewater and solid waste production at any alternative. The Corps should require these measures as mitigation for any site. 24-1

- **The Corps must analyze different operational and logistical designs** in its alternatives analysis. All of the current alternative designs in the DEIS presume a single set of land requirements and operational patterns. The Corps must analyze more efficient terminal designs, including dockside rail and the reconfiguration of the existing Barbours' Cut facility. 2-11

- **The Corps must account for negative impacts on ALL public and private recreational facilities** in the DEIS' economics, land use, and recreation sections. 32-3

- **The Corps must apply the distinguishing criteria it finds equitably**. The Corps uses planning horizon years inconsistently, and fails to apply all distinguishing criteria to alternatives in the Navigation, Shoreline Erosion, Water Quality, and Hydrology sections. In addition, it must treat the NO ACTION alternative as just that – NO ACTION, not industrial development. 22-45 2-12

- **The Corps must eliminate baseless charges against alternatives.** For example, at Bayport, the recreational boating community is "voluntarily displaced" while it experiences a "potential for conflict" at other sites. This bias, along with reams of useless trivia in place of analysis – for example, a list of storms to hit Galveston Bay since 1900 in the place of storm surge modeling – requires correction in a DEIS supplement. 22-19

- **Again, a Supplemental Draft Environmental Impact Statement should be prepared** to incorporate these previously expressed concerns and omissions. The Corps cannot "hide the ball" and then place a trivial analysis of these concerns in the Final EIS, thereby preventing public comment. It must produce a Supplemental DEIS that fully discloses impacts identified during the Scoping process, and it must allow the Public to comment on the new findings. 23-6

Submit these comments TONIGHT at the Public Hearing. After the Hearing, mail them before February 11, 2002 to:
U.S. Army Corps of Engineers, Galveston Regulatory Branch Re: Bayport Comments, P.O. Box 1229, Galveston, TX 77553-1229.

DP 10150

PUBLIC HEARING COMMENT

U.S. Army Corps of Engineers
Galveston District

DRAFT
ENVIRONMENTAL IMPACT STATEMENT
FOR THE PROPOSED
BAYPORT MARINE TERMINAL

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Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

All written comments should be received by February 11, 2002.

Name: THOMAS M. WHITWORTH

Address: 1408 MICHIGAN

City, State and Zip: HOUSTON, TX 77006

Comment:

See attached

Submit these Comments at the Comment Tables TONIGHT!

21 Comments on the Bayport Container Terminal's
Draft Environmental Impact Statement and
Negative Effect on the Public Interest

1^150

- **The Corps of Engineers should deny the Bayport application** for Section 10 and Section 404 permits because the construction of Bayport is not in the public interest. The negative impacts of the proposed facility outweigh any benefits, particularly due to its clearly foreseeable negative impacts on health, safety, property rights, land use, wetlands, habitat, and the conservation, economic use, and enjoyment of Galveston Bay. 29-29

- **The Corps should complete a Supplemental Draft Environmental Impact Statement**. That Supplemental DEIS should fully analyze issues raised during the Scoping process that were NOT analyzed in the current DEIS. The public has a right to know the impact of these issues and the Corps cannot make a legitimate decision without analyzing them and allowing the public to comment on its analysis. 23-6

- **The Public should receive more time to comment** on the current DEIS. The Port Authority and Corps have had over 2-1/2 years to produce this inadequate DEIS. The Public should have at least 180 to comment on it and address its deficiencies. 23-5

- **The Corps has foreclosed its analysis of Bayport alternatives** by excluding non-Bayport combinations. Sites that together would provide more economic benefit at less environmental cost, and therefore enhance the public interest, were not considered in the DEIS. 2-10

- **The amount of wetlands at Bayport is significant and exceeds 3 acres**. In an effort to avoid state review and the requirement to conduct a more extensive site-rating analysis, the Corps claimed jurisdiction over only 2.5 acres of the 116+ acres of wetlands on the site. Most of the 116+ acres of wetlands – more than nearly any other site - are adjacent to waters and therefore should be included. 14-4

- **The Corps has failed to analyze the impact of fine particle (PM 2.5) and hazardous air pollutants**. The most deadly forms of air pollution were not analyzed. Modeling needs to be completed for all pollutants for which national standards exist. 7-4

- **The Corps has failed to analyze a 50' deep ship channel** across Galveston Bay. A permit application with wharves to -56' MLT (mean low tide), that accommodates 50' draft ships, will demand a 50' channel. A 50' channel will destroy the ecological and economic productivity of Galveston Bay by introducing additional salinity. The Port Authority hopes to break any resistance to a 50' channel by putting $1.2 billion on the ground at Bayport. The Corps must stop them by analyzing a 50' channel in a DEIS <u>now</u>. 20-1

- **The study of future land use impacts in the DEIS is inadequate** and fails to disclose impacts contrary to the public's interest. The land use study does not account for changes in existing land use, such as the conversion of residential and recreational land to industrial sprawl that Bayport would enable. Bayport would divide and destroy communities and diminish the environmental values that support them. 4-4

- **The study of transportation and noise in the DEIS is inadequate** and fails to disclose impacts contrary to the public's interest. Both analyses assume that post-build out, the percentage of traffic that trucks comprise on area roads will not change! The Port Authority's own plans call for 5000 new trucks a day. 3-7 27-4

- **The Corps should undertake with the Surface Transportation Board a combined EIS** for the proposed BNSF/San Jacinto rail project. The law requires a combined EIS when the cumulative impacts of two proposals affect the same area. These 2 proposals are related and would cause industrial sprawl to invade residential communities. 23-10

- **An Environmental Justice analysis should extend to include the 8 daily 8000' trains** from Bayport that will pass through the East End of Houston. The DEIS fails to analyze any traffic or blockage impacts on the routes Bayport's cargo would take to numerous yards in the East End. Neighborhoods there already face chronic delays and blocked crossings that will worsen and extend south with Bayport. 26-1

- **The Port Authority has submitted a false and illegal permit application** because it does not own all the land necessary to construct the facility at Bayport. It is against the law to apply for a Corps permit without being able to acquire all the land. The Port Authority cannot acquire all the land needed for Bayport, and even if it did, it couldn't use it to build this facility. Instead, the Port Authority is trying to intimidate innocent landowners and local governments with its application. This falsification skews the impact analysis and cannot stand in a state that believes in property rights. 23-16 23-27

- **The Corps and Port Authority rely on unrealistic growth projections** to justify the need for Bayport. That need is predicated on a 10% annual growth rate, indefinitely, for containerized cargo. Even the DEIS summary refuses to agree that a 10% rate is realistic. However, the Corps uses these figures to unfairly exclude legitimate alternatives from analysis. It then spreads the economic benefits of a new port over a three county-area without analyzing ANY localized negative impacts. 1-14 2-28 6-11

- **The Corps should undertake a risk assessment** to disclose impacts from hazardous materials, safety, and potential terrorism. These issues were raised before, but the Corps has generated 30 pages of useless regulations and data rather than the risk analysis it was asked to complete. 21-6

- **The Corps should stop playing "hide the ball" with its data and analysis**. On several issues, including declining property values, the Corps promises more information in the Final EIS. For wetlands, it does not indicate the locations where it claims jurisdiction. For flooding, it fails to determine if Bayport's drainage system actually works, saying that the Port Authority will disclose that information to another agency. This is all ludicrous and contrary to the intent of a DEIS. The Corps must fully disclose all of these issues in a Supplemental DEIS that the Public can comment on. 22-9 23-6

- **No conservation measures are included** for water and power consumption or wastewater and solid waste production at any alternative. The Corps should require these measures as mitigation for any site. 24-1

- **The Corps must analyze different operational and logistical designs** in its alternatives analysis. All of the current alternative designs in the DEIS presume a single set of land requirements and operational patterns. The Corps must analyze more efficient terminal designs, including dockside rail and the reconfiguration of the existing Barbours' Cut facility. 2-11

- **The Corps must account for negative impacts on ALL public and private recreational facilities** in the DEIS' economics, land use, and recreation sections. 32-3

- **The Corps must apply the distinguishing criteria it finds equitably**. The Corps uses planning horizon years inconsistently, and fails to apply all distinguishing criteria to alternatives in the Navigation, Shoreline Erosion, Water Quality, and Hydrology sections. In addition, it must treat the NO ACTION alternative as just that – NO ACTION, not industrial development. 22-45 2-12

- **The Corps must eliminate baseless charges against alternatives.** For example, at Bayport, the recreational boating community is "voluntarily displaced" while it experiences a "potential for conflict" at other sites. This bias, along with reams of useless trivia in place of analysis – for example, a list of storms to hit Galveston Bay since 1900 in the place of storm surge modeling – requires correction in a DEIS supplement. 22-19

- **Again, a Supplemental Draft Environmental Impact Statement should be prepared** to incorporate these previously expressed concerns and omissions. The Corps cannot "hide the ball" and then place a trivial analysis of these concerns in the Final EIS, thereby preventing public comment. It must produce a Supplemental DEIS that fully discloses impacts identified during the Scoping process, and it must allow the Public to comment on the new findings. 23-6

Submit these comments TONIGHT at the Public Hearing. After the Hearing, mail them before February 11, 2002 to:
U.S. Army Corps of Engineers, Galveston Regulatory Branch Re: Bayport Comments, P.O. Box 1229, Galveston, TX 77553-1229.

Galveston Bay Conservation & Preservation Association

P.O. Box 323 Seabrook, Texas 77586

19151

November 16, 2001

VIA FAX: 202/761-1683 and Certified Mail
Return Receipt Requested # 7000 1670 0006 3079 9670
Lieutenant General Robert B. Flowers
Commanding General and Chief of Engineers
U.S. Army Corps of Engineers, Executive Office
441 G Street NW
Washington, DC 20314-1000

COPY

FILE

RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES, DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

Dear Lt. General Flowers:

On 9 November 2001, the Galveston District released a Public Notice regarding Army Department Permit Application Number 21520 - the Port of Houston's proposed Bayport Container Facility. Subsequent to that release and that of the Draft Environmental Impact Statement the following week, the Port of Houston Authority (Applicant) acted to subvert the public comment process under NEPA. Because of this tampering, the Applicant should have their permit denied immediately.

The Applicant has made representations to the public, the media, and elected officials that the Corps has already selected the Bayport site as the best alternative for Applicant's proposal, and that the Corps will grant the Applicant a permit to construct at that site. Two public statements from the Applicant – a press release dated 13 November 2001 and a letter to elected officials dated 9 November 2001 – are attached for your review. Video from Applicant's news conference on 13 November 2001 also exists but is not enclosed.

23-156

These statements represent an attempt to tamper with the NEPA public comment process by creating the perception that the Corps has already decided the issue and finished its analysis and statutory responsibilities. They could also be construed as an attempt not only to stifle public participation, but to pressure the Corps into issuing the permits on an expedited schedule, without adequate time for public review.

The Applicant has maligned the reputation of the Corps before the public and the elected officials of Southeast Harris County. It has acted in bad faith and sought to

22-150

portray the Corps as an agency favorably biased towards Applicant's preferred alternative site and towards granting Applicant's permit request. Keep in mind that the Galveston District has just released the Draft EIS this week. Public meetings have not yet occurred. The closing date for comments is 11 February 2002, or hopefully a later date to allow for review of the document, now three years in the making. 22-150

On 14 November 2001, the Galveston District's Chief of Public Affairs sent a message, also attached, to the major print media outlet in Houston, the *Chronicle*. This message stated - contrary to Applicant's assertions that the Corps had declared its preferred alternative the "best location" and that construction "will begin soon" - that the Corps had "not reached a conclusion."

The Corps needs to make a broader release of this counterpoint, and also needs to request that the Applicant retract their earlier public statements. That counterpoint and any future counterpoints, as well as this letter and all of its attachments, should be placed in the Administrative Record for this application. Further, the Corps needs to evaluate appropriate sanctions against the Applicant, including denial of their permit. 22-151

The Applicant's project remains highly controversial in Southeast Harris County, and the Applicant's preferred alternative site has been strongly opposed in the past. Regional vote totals against the Applicant's countywide bond issue for the proposal in November 1999 – also prior to a final decision by the Corps – exceeded 88%. Attendance at an August 1999 Scoping meeting on Applicant's proposal totaled over 2500 citizens.

To convince citizens that its preferred alternative site is "a done deal," the Applicant has undertaken a sustained public relations offensive for the past 3 years. That offensive has proceeded without consideration of those who might be harmed, and has now tarred the reputation of the Corps and its Galveston District. It is high time that offensive was halted, and that the Applicant's tampering was recognized as a violation of NEPA, inimical to the public interest, and worthy of permit denial. 22-150 22-151

Sincerely,

James B. Blackburn, Jr.
Chairman
Galveston Bay Conservation and Preservation Association

CC: Brig. Gen. Robert Griffin, HQ-CW, Washington
Brig. Gen. David F. Melcher, Commander, CESWD, Dallas
The Hon. Kay Bailey Hutchison, TX
The Hon. Phil Gramm, TX
The Hon. Nick Lampson, TX-9
The Hon. Ken Bentsen, TX-25
The Hon. Gene Green, TX-29
The Hon. Shiela Jackson Lee, TX-18
Col. Leonard D. Waterworth, CESWG-DE, Galveston

From: Sommers & Associates [mailto:somran@sommersassoc.com]
<mailto:[mailto:somran@sommersassoc.com]>
Sent: Tuesday, November 13, 2001 11:05 AM
Subject: Port of Houston Authority Press Release

FOR IMMEDIATE RELEASE
Corps Environmental Impact Statement Shows Bayport Best Gulf Terminal Location, Environmentally Friendly: Port Produces 12,000 New Jobs, $1 billion in New Business, $40 million Annual New Taxes

HOUSTON-Nov. 13, 2001--A Draft Environmental Impact Statement (DEIS) released yesterday by the U.S. Army Corps of Engineers demonstrates that Bayport is the best location for a new container and cruise complex, according to Port of Houston Authority Chairman James T. Edmonds.

"When you combine environmentally responsible operations with almost 12,000 new jobs in the first 10 years, over $1 billion in new business, and more than $40 million in new taxes each year, the facts are clear: The Bayport Container Terminal should be built and brought into operation as soon as possible," Edmonds said.

Job creation will occur not only at the Port, but in stores, offices and trucking terminals throughout the Gulf Coast and Texas, according to Edmonds. By the time the project is fully built-out, the Port of Houston - including the Bayport Terminal - will be responsible for 272,000 jobs, $24.3 billion in direct and indirect business revenue, and more than $1.1 billion in state and local tax revenue, he added.

New Environmental Standards

The Port's plan for the Bayport Container Terminal project "sets new national standards for environmental performance in new terminal planning and construction," Edmonds said. The plan raises the bar among industry facilities for the level of commitment in protection of environmental resources with steps such as dedicating about 25 percent of the land associated with the project to conservation easement areas and buffer zones.

The Port chairman reported that the Corps of Engineers report gave the project high grades in four primary areas of potential environmental concern: air quality, traffic, wetlands and water quality.

* Air Quality - "The study shows we can have Bayport and clean air too," Edmonds said. The Corps report models conclude that air emission and traffic control systems planned for the Bayport Terminal will significantly lower the level of emissions previously assumed for the project in the State Implementation Plan (SIP), which achieves compliance with federal air quality standards.

* Traffic - "The study shows that the Bayport facility plan effectively addresses traffic impacts," according to Edmonds. Most of the roadways in the project area would not experience a significant degradation of their level of service as a result of Bayport Terminal related traffic. Improvements to roadways will be needed, although most will be required as a result of traffic growth whether or not the Bayport Terminal is built.

* Wetlands - The study shows the Bayport plan does an outstanding job of protecting area wetlands, establishing permanent protection for 163 acres of mixed habitat and creating 12.4 acres of new wetlands, a more than 5 to 1 ratio of compensation for jurisdictional wetland areas affected by the site's development.

* Water Quality - "The study shows we can have Bayport and keep our water clean too," Edmonds reported. The DEIS concludes that construction and operation of the Bayport Terminal would comply with all regulations for storm water and waste water discharges. The terminal incorporates detailed designs to capture and treat the "first-flush" of storm water after rainfall, which exceeds Texas law. In addition, ballast water impacts at the terminal are minimal.

Alternative Sites

The Corps' report also reviewed four other potential alternative sites and two split location options for a container terminal complex. "The report's findings, combined with an assessment of the practicality of building rail or highway infrastructure at several of the sites, leads us to the conclusion that Bayport is the best possible location environmentally, logistically and commercially," Edmonds said. Serious adverse trade-offs would be involved in any of the other locations, he added.

"In conclusion, we believe the plans for construction and operation of the Bayport Terminal Complex set a new standard for environmentally responsible growth. We are committed to being a good neighbor during the building and operation of the Bayport Terminal complex. We believe the Corps analysis indicates this plan for Bayport will be an economic, environmental and aesthetic success, and we hope it will help establish Houston as the example to be followed across the nation for responsible development to support growth and safeguard future generations' interests."

CONTACT: Sommers & Associates, Houston
Tom Sommers or Cindy Shanley, 713/222-1600

PORT OF HOUSTON AUTHORITY

EXECUTIVE OFFICES: 111 EAST LOOP NORTH • HOUSTON, TEXAS 77029-4327
MAILING ADDRESS: P.O. BOX 2562 • HOUSTON, TEXAS 77252-2562
TELEPHONE: (713) 670-2400 • FAX: (713) 670-2429

JAMES T. EDMONDS
Chairman

10151

November 9, 2001

The Honorable Natalie O'Neill
Taylor Lake Village
500 Kirby
Taylor Lake Village, Texas 77586

RE: Port of Houston Authority's Proposed Bayport Terminal

Dear Mayor O'Neill:

The Port of Houston Authority (PHA) currently has a permit application pending with the U.S. Army Corps of Engineers (USACE) to develop a 1,091-acre container and cruise terminal located on the Bayport Ship Channel. Over the past three years, the USACE and its contractor have been developing a Draft Environmental Impact Statement (DEIS) for the proposed Bayport Terminal. It is expected the DEIS will be released on November 12, 2001 with public workshops on November 28th and December 4th at the Pasadena Convention Center. An additional workshop will be held on December 12th prior to the public hearing at the George R. Brown Convention Center.

As you may recall, the $387 million bond proposal for the Port of Houston Authority's Bayport Terminal was approved by Harris County voters by a 60 percent to 40 percent margin in 1999. Phase one of the project will begin soon after the USACE permits the facility. It is estimated that ten years after operations begin, the economic activity of the Bayport project will be associated with creation of nearly 12,000 new jobs. At full build out, Bayport will be the catalyst for 39,000 new jobs.

At full build out in 15 to 30 years, the Bayport Terminal will have seven container ship berths, five cruise ship berths, a rail yard, and a grade-separated, dedicated truck entrance. Additionally, mitigation measures were added to the plan to include a berm surrounding the terminal to reduce noise and light impact, an area of buffer land, detention areas for storm water mitigation and special lighting. The connections to and from the Bayport Terminal to State Highway 146 allows for quick transportation of containers North on Highway 146 to State Highway 225 with access to the East 610 Loop and I-10 East.

Nov 14 01 06:20p City Taylor Lake Village 2813265456 p.2

The Proposed Bayport Terminal will allow the PHA to expand its container and cruise business, further its position as the leading load center for the U.S. Gulf of Mexico and encourage new commodities to be traded through the Port of Houston. Such commodities could include green coffee and raw cocoa, two items that were the subject of State Proposition 3 that was approved by Texas voters last Tuesday. State Proposition 3 will allow the Port of Houston to apply to the New York Board of Trade to be designated as a coffee exchange port. Our application to the New York Board of Trade will be enhanced greatly by a state of the art container terminal as is proposed at the Bayport Channel, just South of the PHA's current container terminal at Barbours Cut.

An executive summary of the USACE's DEIS will be sent to you shortly after it is released. Once you receive the USACE's document, if you have any questions, or need any additional information, please do not hesitate to call myself, or Scott Forbes, the Port's Governmental Relations Manager at 713-670-2400. Additionally, if you would like a briefing, we would be happy to meet with you at your convenience.

Sincerely,

James T. Edmonds
Chairman

cc: W. Battles
C. Jenkins
L. Fiffick
S. Forbes

-----Original Message-----
From: Bledsoe, Phyllis A SWG
[mailto:Phyllis.A.Bledsoe@swg02.usace.army.mil]

Sent: Wednesday, November 14, 2001 10:15 AM
To: online@chron.com; 'www@houstonchronicle.com'
Subject:

The DEIS is a DRAFT Environmental Impact Statement, not a final. The statement the Port of Houston put out is their interpretation of the draft.

We, the U.S. Army Corps of Engineers, have not reached a conclusion. There is a 90 day comment period and three workshops to be held in November and December. Information gained from the 90 day comment and workshops will be taken into consideration.

For additional questions please contact the undersigned.

Phyllis A. Bledsoe
Chief, Public Affairs
USACE, Galveston District
409-766-3005

Phyllis A. Bledsoe
Chief, Public Affairs
USACE, Galveston District
409-766-3005

[redacted]

DP10152

1009 N. Heron
Seabrook, TX 77586
November 13, 2001

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District, CESWG-DE
P.O. Box 1229
Galveston, TX 77551
RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES, DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

Dear Col. Waterworth:

On November 9, 2001, the Galveston District released a Public Notice regarding Permit Application Number 21520 - the Port of Houston's proposed Bayport Container Facility. That Public Notice stated, "all comments pertaining to this Public Notice must reach this office on or before December 11, 2001. All comments pertaining specifically to the DEIS must reach this office on or before February 11, 2002."

I understand that the Public Notice comment deadline pertains to comments relevant to the Corps' decision to grant or deny several permits in accordance with the public interest. That decision will likely include many of the same issues relevant to determining the adequacy of the EIS and the severity of any impacts to this area of Southeast Harris County.

It seems clear to me that commenting adequately on the Public Notice and the Corps' discharge of public interest responsibilities will require reviewing the entire 6-volume DEIS as well as other information. This is a huge document that took over 3 years to produce, and I should be given ample opportunity to review it and address the issues that arise. I do not think that the Corps' public interest mandate can be so easily separated from the process that it took to study the Bayport proposal to date. 23-5

Therefore, I request that you extend the deadline for comments pertaining to the Public Notice match the deadline for DEIS comments. I will not have had time to fully respond to the issues raised by then. I further request that you extend the overall comment period for at least 90 days beyond February 11, 2002.

Many of my fellow citizens plan on submitting their comments at the public hearing on December 12, 2001. The present Public Notice comment deadline precludes our participation. I hope that you will agree with me that more time is necessary to incorporate public involvement into this process. 23-5

Sincerely,

William Ohs

WILLIAM OHS

DP10153

Darrell R. Matula
2521 Orion Dr.
League City, TX 77573
November 13, 2001

VIA FAX: 409/766-3951 and Regular Mail
Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District, CESWG-DE
P.O. Box 1229
Galveston, TX 77551

RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES, DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

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Sincerely,
Darrell R. Matula 11/15/01

CC: Mr. Kerry Stanley, CESWG-PE-R, Galveston

This Proposed Port will ruin Seabrook + Clear Lake! DP 10154 00 22-11

November 13, 2001

VIA FAX: 409/766-3951 and Regular Mail
Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District, CESWG-DE
P.O. Box 1229
Galveston, TX 77551

RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES, DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

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1015#

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Sincerely,

Elaine Douglass

(281) 474-7463

CC: Mr. Kerry Stanley, CESWG-PE-R, Galveston

Don Kirchoff
1419 Pirates Cove
Nassau Bay, Texas 77058

DP10155

November 13, 2001

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District, CESWG-DE
P.O. Box 1229
Galveston, TX 77551

RE: Port of Houston Authority's Proposed Bayport Container Terminal Facilities, Department of the Army Application Number 21520

Dear Col. Waterworth:

On November 9, 2001, the Galveston District released a Public Notice regarding Permit Application Number 21520 - the Port of Houston's proposed Bayport Container Facility. That Public Notice stated, "all comments pertaining to this Public Notice must reach this office on or before December 11, 2001. All comments pertaining specifically to the DEIS must reach this office on or before February 11, 2002."

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Sincerely,

Don Kirchoff

Don Kirchoff

cc: Mr. Kerry Stanley, CESWG-PE-R, Galveston

FROM : Ultra Air Systems FAX NO. : 2814744096 DP 10156 Nov. 13 2001 10:30PM P1

TO: COLONEL LEONARD D. WATERWORTH
DISTRICT ENGINEER and COMMANDING OFFICER
U.S. ARMY CORPS OF ENGINEERS, GALVESTON
DISTRICT, CESWG-DE
P.O. Box 1229
GALVESTON, TX. 77551

Why have you changed the closing date for the public?

Do you think it is fair and just to schedule the Public hearing regarding the PHA Bayport Contained Terminal on Dec. 12, 2001, one day after the Public Comment ends?

I understand that this means no part of the public comment will become A part of the record.

UNBELIEVABLE, OUTRAGEOUS + UNJUST

23-25

Do the right thing,

Concerned citizen,

Kelly Reed

Fax 281-474-4096

DP 10157

Sharlene Thomas
4727 Geraldine
Seabrook, TX 77586

November 14, 2001

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District, CESWG-DE
P.O. Box 1229
Galveston, TX 77551

Via Fax: 409-766-3951
Re: Closing Comment period on the Bayport Project

Dear Colonel Waterworth:

I am concerned about the recent turn of events and felt it important to voice these concerns. I hope that you will take these concerns to heart and act upon them.

1. WHY have you changed the public closing date?] 23-26

2. WHY have you given us only 30 days in which to read the DEIS, which is in a **6 Volume Set, has 1700 pages and weighs in at 18 pounds?** Surely you must realize that the residents who are against the Bayport project have jobs and families. There are not enough hours in the day to complete this reading before the public closing date, digest the information, work our jobs and spend quality time with our families.] 23-2

3. This large report was released on November 11th. Why have I not received my copy in the mail? Don't you want the concerned public to be aware of your findings?] 23-12

4. WHY did YOU schedule a public hearing on December 12, ONE DAY AFTER the public comment period ENDS??!! This means that NOTHING we say on December 12 will matter or be a part of the record.] 23-5

HAVE YOU BEEN BOUGHT OUT BY THE OTHER SIDE??? It sure seems so to me.....

Prove me wrong. Stand up for what's right and just. BE FAIR!! The way of life of innocent people is at stake here and the signal you are sending out is that you care more for the Houston Port Authority than you do the residents of the Bayport area.] 23-13

Regards,

Sharlene Thomas

Sharlene Thomas

11/14/2001 09:54 2819961947 HDR PAGE 01/01

[redacted]

Tracy Revak
214 Shoreacres Blvd.
Shoreacres, TX 77571

DP 10160

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers
Galveston District, CESWG-DE
P.O. Box 1229
Galveston, TX 77551

November 14, 2001

Colonel Waterworth,
I am a taxpayer. I reside in Shoreacres not far from the proposed site of the container port. My property tax went up this year and I didn't challenge it although all my neighbors did. To my amazement all they had to say was that the port would lower their property value and their taxes were lowered considerably. 6-12 I have been to LA and seen what a pretty sight their port is. This most recent news that the closing comment will take place on December 11th and the public hearing on December 12th astounds me. Don't the citizens have a right to be heard? Don't they have a right to review the DEIS for 120 days? Isn't this America? I have to ask myself is this ethical or even legal? 23-2
If, and I quote, the port claims to be a "primary catalysts for the future strength and development of not only Harris County, but all of Southeast Texas" then why will the port be placed on a residential coastline and not in Texas City. Not to mention the benefits of the port will be felt throughout the USA then why is this not placed somewhere more accommodating to the nature of their business, Texas City? The competition is already there although the port claims to be home to publicly and privately owned terminals. 2-5
I really believed that the Corp of Engineers had the citizen in mind when making their decisions. Now, I dread the worst. This reeks of payoffs and deceitful cover-ups. 22-14 Bottom line my health is at risk and my government won't stand up for me. That in the light of all the tragedies of late absolutely baffles me. I am extremely disappointed. This is unconstitutional behavior. 21-4

Sincerely,

Tracy Revak

John O. Sloan
518 Crestwood Dr.
El Lago, TX 77586

DP 10161 dai

November 14, 2001

VIA FAX: 409/766-3951 and Regular Mail
Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District, CESWG-DE
P.O. Box 1229
Galveston, TX 77551

RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES, DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

Dear Col. Waterworth:

On November 9, 2001, the Galveston District released a Public Notice regarding Permit Application Number 21520 - the Port of Houston's proposed Bayport Container Facility. That Public Notice stated, "all comments pertaining to this Public Notice must reach this office on or before December 11, 2001. All comments pertaining specifically to the DEIS must reach this office on or before February 11, 2002."

I understand that the Public Notice comment deadline pertains to comments relevant to the Corps' decision to grant or deny several permits in accordance with the public interest. That decision will likely include many of the same issues relevant to determining the adequacy of the EIS and the severity of any impacts to this area of Southeast Harris County.

It seems clear to me that commenting adequately on the Public Notice and the Corps' discharge of public interest responsibilities will require reviewing the entire 6-volume DEIS as well as other information. This is a huge document that took over 3 years to produce, and I should be given ample opportunity to review it and address the issues that arise. I do not think that the Corps' public interest mandate can be so easily separated from the process that it took to study the Bayport proposal to date. 23-13

Therefore, I request that you extend the deadline for comments pertaining to the Public Notice match the deadline for DEIS comments. I will not have had time to fully respond to the issues raised by then. I further request that you extend the overall comment period for at least 90 days beyond February 11, 2002. 23-13

Many of my fellow citizens plan on submitting their comments at the public hearing on December 12, 2001. The present Public Notice comment deadline precludes our 23-13

1016

participation. I hope that you will agree with me that more time is necessary to incorporate public involvement into this process.

Sincerely,

John D. Stoan

CC: Mr. Kerry Stanley, CESWG-PE-R, Galveston

DP 10162

FAX

TO: Colonel Waterworth
FAX NUMBER: 409.766.3951
NUMBER OF PAGES INCLUDING COVER PAGE: 1

FROM: Bob Buddingh
WORK PHONE: 713.845.4582
FAX 713.640.6637
4430 Pine St
Seabrook, TX

MESSAGE

Dear Sir,

I live in El Jardin, which is very close to the Proposed Bayport Container Facility. From the time I learned about the Facility, I was very concerned about what the installation would do to the quality of environment. I was very pleased that an EIS was to be performed and after reading the mission statement of the Army Corps of Engineers I was confident that we were in good hands. As the EIS proceeded, I could tell that the fingers of local government and big business extended into all sectors. Fine particulate pollution is a major concern to me. I have two 9-year-old children. If you have ever been behind a diesel truck in stop and go traffic you do not have to be a scientist to conclude it is not healthy and the concept that it is not addressed by the study is unconceivable. 22-15 7-1

To top this off, I was informed that December 11th is the cut off for citizen comments. In my opinion, this is ridiculous. We the citizens need much more time to read and respond to the document. I took the Corps approximately three years to generate the report and we need at least 3 months to respond. I feel railroaded and betrayed by my own government. 27-5

In the 60's Galveston Bay had some of the worst water quality and the Bay was on the brink of destruction. With the help of the Government, the Bay is back. Does Houston need to have the worst air quality year in and year out before something is done? The project does not make sense for the area. 9-9 29-3 23-5

I urge you to extend the review and comment period.

Respectfully,

Bob Buddingh

DP 10163

dai

November 14, 2001

Jane Krommenhoek
2502 Hollybrook Drive
Seabrook, TX 77586

VIA FAX: 409/766-3951 and Regular Mail
Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District, CESWG-DE
P.O. Box 1229
Galveston, TX 77551

RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES, DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

Dear Col. Waterworth:

On November 9, 2001, the Galveston District released a Public Notice regarding Permit Application Number 21520 - the Port of Houston's proposed Bayport Container Facility. That Public Notice stated, "all comments pertaining to this Public Notice must reach this office on or before December 11, 2001. All comments pertaining specifically to the DEIS must reach this office on or before February 11, 2002."

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It seems clear to me that commenting adequately on the Public Notice and the Corps' discharge of public interest responsibilities will require reviewing the entire 6-volume DEIS as well as other information. This is a huge document that took over 3 years to produce, and I should be given ample opportunity to review it and address the issues that arise. I do not think that the Corps' public interest mandate can be so easily separated from the process that it took to study the Bayport proposal to date.

Therefore, I request that you extend the deadline for comments pertaining to the Public Notice match the deadline for DEIS comments. I will not have had time to fully

23-13

10163

respond to the issues raised by then. I further request that you extend the overall comment period for at least 90 days beyond February 11, 2002.

Many of my fellow citizens plan on submitting their comments at the public hearing on December 12, 2001. The present Public Notice comment deadline precludes our participation. I hope that you will agree with me that more time is necessary to incorporate public involvement into this process.

23-13

Sincerely,

Jane Kronenbeck

CC: Mr. Kerry Stanley, CESWG-PE-R, Galveston

DP 10164 D

[redacted] dai

FAX COVER SHEET FROM

Kinesiology Department

San Jacinto College South
13735 Beamer Rd, Houston, TX 77089
(281) 922-3425 FAX (281) 922-3448

Date: 11-15-01

To: Leonard Waterworth

Company:

Fax Number: 409-766-3951
# of Pages (including cover) 3

From: S. Oliver

RE: Bayport Container Terminal
If you do not receive all pages, please call us at (281) 922-3425

REMARKS/SPECIAL INSTRUCTIONS:

DP 10164

November 14, 2001

VIA FAX: 409/766-3951 and Regular Mail
Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District, CESWG-DE
P.O. Box 1229
Galveston, TX 77551

RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE-SHIP FACILITIES, DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

Dear Col. Waterworth:

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Therefore, I request that you extend the deadline for comments pertaining to the Public Notice match the deadline for DEIS comments. I will not have had time to fully respond to the issues raised by then. I further request that you extend the overall comment period for at least 90 days beyond February 11, 2002. 23-13

10164

Many of my fellow citizens plan on submitting their comments at the public hearing on December 12, 2001. The present Public Notice comment deadline precludes our participation. I hope that you will agree with me that more time is necessary to incorporate public involvement into this process. 23-5

Sincerely,

Suzanne K. Oliver

CC: Mr. Kerry Stanley, CESWG-PE-R, Galveston

DP 10165

[redacted] Ddai

Thomas W. Revak
214 Shoreacres Blvd.
Shoreacres, TX 77571
281-471-3425

November 14, 2001

Colonel Leonard D. Waterworth
District Engineer & Commanding Officer
US Army Corps of Engineers, Galveston District
CESWG-DE
P.O. Box 1229
Galveston, TX 77551

Dear Colonel Waterworth,

I just learned today that the DEIS for the Port of Houston's Bayport expansion has been released and that the public comment period is closing 30 days after release. Not only do I find the 30 day period to be ridiculously short for such a lengthy and overwhelmingly important document, I am absolutely flabbergasted that the Corps would close the comment period **the day before** a major public meeting that has been scheduled for some time whose purpose is **public comment** on the DEIS! I find this to be astonishing. Even were I an impartial citizen, I would be amazed at the timing. 23-2

Colonel Waterworth, I am not an impartial citizen. I am very partial. I am partial to not just the neighborhood I live in, which you will notice by my address is very near the proposed Bayport terminal, but to the entire upper-bay area and especially to the bay itself. When I read what the Port Authority has to say about Bayport, I can see that they are partial too. They write that they are working with the community to do the best possible job of protecting everyone's priorities. They write that they are faithful stewards of the environment and have a track record of protecting it. They are not telling the truth. They write as if they are impartial and then very partially try to bulldoze, literally and figuratively, over everything in their path.

There is no question in my mind that the Bayport terminal is a bad idea and there are a lot of people who agree with me. If we held another bond election and only those people who had even moderate feelings or concerns about the Bayport issue were allowed to vote, regardless of whose side they were on, I venture to say that the bond measures would go down in defeat. While there are a bunch of people opposed to the expansion, I really don't believe that there are that many people who have actual feelings or opinions in active support of Bayport, beyond the Port Authority and their contractors. Those are the organizations being served by this expansion and it is those organizations who win a default victory if the DEIS is approved without the fair and effective input of the majority I speak of who oppose it. 29-8 29-9

Set the public comment period back where it belongs at 90 days and listen. You know and I know that you won't hear much from citizens who support this expansion. Why then just hand it to the Port by default? I sincerely appreciate you attention. 23-14

Sincerely,

T W Revak

Thomas W. Revak

DP 10166

P.O. Box 898 **Seabrook, Texas 77586**

Gerry Guerrieri, President

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District, CESWG-DE
P.O. Box 1229
Galveston, TX 77551

November 15, 2001
Via Fax 409-766-3951
Page 1 of 2 pages

RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES, DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

Dear Col. Waterworth:

We here in El Jardin, a residential neighborhood most impacted by the Houston Port Authority's expansion plans, are respectively requesting that your office send us a copy of your DEIS report, free of charge. I will make it available to any of our residents who care to peruse the report. 23-48

Also, be advised that I received your notice of November 9, 2001 regarding Permit Application Number 21520, the PHA's proposed Bayport Container Facility. Your notice stated, "all comments pertaining to the Public Notice must reach this office of or before December 11, 2001. All comments pertaining specifically to the DEIS must reach this office on or before February 11, 2002."

we understand that the Public Notice comment deadline pertains to comments relevant to the Corps' decision to grant or deny several permits in accordance with the public interest. That decision will likely include many of the same issues relevant to determining the adequacy of the EIS and the severity of any impacts to the area of Southeast Harris County in general and of course, we are concerned more specifically with our entire subdivision of El Jardin. 23-2

It seems clear to us that commenting adequately on the Public Notice and the Corps' discharge of public interest responsibilities will require reviewing the entire 6-volume DEIS as well as other information. This is a huge document that took over 3 years to produce, and we should be given ample opportunity to review it and address the issues that arise. We do not think that the Corps' public interest mandate can be so easily separated from the process that it took to study the Bayport proposal to date. 23-13

DP10166 dai

Continue: Waterworth Fax page 2 of 2

Therefore, we request that you extend the deadline for comments pertaining to the Public Notice match the deadline for DEIS comments. We will not have had time to fully respond to the issues raised by then. We further request that you extend the overall comment period for at least 90 days beyond February 11, 2002. 23-13

Many of our residents plan on submitting their comments at the public hearing on December 12, 2001. The present Public Notice comment deadline precludes our participation. We hope that you will agree with us that more time is necessary to incorporate public involvement into this process. 23-13

Sincerely,

Gerald Guerrieri
President, El Jardin Community Association

Cc: Mr. Kerry Stanley, CESWG-PE-R, Galveston

DP 10167

[redacted]

November 15, 2001

VIA FAX: 409/766-3951 and Regular Mail
Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District, CESWG-DE
P.O. Box 1229
Galveston, TX 77551

RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES, DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

Dear Col. Waterworth:

On November 9, 2001, the Galveston District released a Public Notice regarding Permit Application Number 21520 - the Port of Houston's proposed Bayport Container Facility. That Public Notice stated, "all comments pertaining to this Public Notice must reach this office on or before December 11, 2001. All comments pertaining specifically to the DEIS must reach this office on or before February 11, 2002."

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It seems clear to me that commenting adequately on the Public Notice and the Corps' discharge of public interest responsibilities will require reviewing the entire 6-volume DEIS as well as other information. This is a huge document that took over 3 years to produce, and I should be given ample opportunity to review it and address the issues that arise. I do not think that the Corps' public interest mandate can be so easily separated from the process that it took to study the Bayport proposal to date.

Therefore, I request that you extend the deadline for comments pertaining to the Public Notice match the deadline for DEIS comments. I will not have had time to fully respond to the issues raised by then. I further request that you extend the overall comment period for at least 90 days beyond February 11, 2002. 23-13

Many of my fellow citizens plan on submitting their comments at the public hearing on December 12, 2001. The present Public Notice comment deadline precludes our participation. I hope that you will agree with me that more time is necessary to incorporate public involvement into this process. 23-13

Sincerely,

Russell & Judith Gibbs
4146 Pine Crest Trail
Houston, TX 77059

DP 10168

November 15, 2001

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District, CESWG-DE
P.O. Box 1229
Galveston, TX 77551

Re: Port of Houston Authority's Proposed Bayport Container Terminal

Dear Col. Waterworth:

On November 9, 2001, the Galveston District released a Public Notice regarding Permit Application Number 21520 - the Port of Houston's proposed Bayport Container Facility. I request that you extend the deadline for comments pertaining to the Public Notice match the deadline for DEIS comments. I further request that you extend the overall comment period for at least 90 days beyond February 11, 2002.

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Many of my fellow citizens plan to submit their comments at the public hearing on December 12, 2001. The present Public Notice comment deadline precludes our participation. I hope that you will agree with me that more time is necessary to incorporate public involvement into this process. 23-2

Sincerely,

Robert Kosar

Robert Kosar

CC: Mr. Kerry Stanley, CESWG-PE-R, Galveston

DP 10169

Ned Van Maanen
6919 Bent Branch
Houston, Texas 77088

November 15, 2001

Col. Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District, CESWG-DE
P.O. Box 1229
Galveston, TX 77551

Dear Col. Waterworth,

The December 11th deadline for public comment on the Bayport Draft EIS "Public Notice" is too short. I want to make a response to this notice but the timeline provided is not sufficient.] 23-2

The current deadline will preclude me, and many other members of the public, from participating in this process.] 23-5

Please review this artificially short deadline and revise it.

Sincerely,

Ned Van Maanen

Ned Van Maanen, Ph.D.

Cc:
Sen Kay Bailey Hutchinson
Representative Sheila Jackson Lee
Representative John Culberson

10170

November 15, 2001

Duplicate of 10168

Mr. Kerry Stanley
Regulatory Branch
U.S. Army Corps of Engineers, Galveston District, CESWG-PE-R
P.O. Box 1229
Galveston, TX 77551

Re: Port of Houston Authority's Proposed Bayport Container Terminal

Dear Mr. Stanley:

On November 9, 2001, the Galveston District released a Public Notice regarding Permit Application Number 21520 - the Port of Houston's proposed Bayport Container Facility. I request that you extend the deadline for comments pertaining to the Public Notice match the deadline for DEIS comments. I further request that you extend the overall comment period for at least 90 days beyond February 11, 2002.

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Many of my fellow citizens plan to submit their comments at the public hearing on December 12, 2001. The present Public Notice comment deadline precludes our participation. I hope that you will agree with me that more time is necessary to incorporate public involvement into this process. 23-5

Sincerely,

Robert Kosar

Robert Kosar

CC: Colonel Leonard D. Waterworth

DP 10171

November 15, 2001

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District, CESWG-DE
P.O. Box 1229
Galveston, TX 77551

RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES, DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

Dear Col. Waterworth:

On November 9, 2001, the Galveston District released a Public Notice regarding Permit Application Number 21520 - the Port of Houston's proposed Bayport Container Facility. That Public Notice stated, "all comments pertaining to this Public Notice must reach this office on or before December 11, 2001. All comments pertaining specifically to the DEIS must reach this office on or before February 11, 2002."

I hereby request that the deadline for comments pertaining to the Public Notice be made the same as the February 11, 2002 (or later) deadline for comments pertaining to the DEIS. The Corps' public interest review for granting the required permits includes several factors and standards not considered in the DEIS. Issues will arise on these matters that will need to be evaluated before permits are granted. Local organizations dedicated to the preservation of the Bay and other members of the public will not have time to review and prepare comments on these issues by December 11. 23-2

I had planned on submitting my comments at the public hearing on December 12, 2001. The Public Notice comment deadline appears on its surface to callously disregard any attempt at fairness by excluding participation by interested citizens attending the public hearing. It hardly seems that such a decision could be unintentional, and it certainly gives the appearance of a manipulation of the deadline-setting process to favor the interests of the Port of Houston, and to sweep opposing opinions under the proverbial rug. I therefore request that the Corps extend the Public Notice comment deadline until at least February 11, 2002. 23-2

Sincerely,

MaryEllen Oliver
1003 Lake Country Drive
Seabrook, Texas 77586

CC: Mr. Kerry Stanley, CESWG-PE-R, Galveston

DP10173

dai

135 Woodhaven Lane
Seabrook, Texas 77586
November 16, 2001

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District CESWG-DE
P.O. Box 1229
Galveston TX 77551

Dear Colonel Waterworth,

This letter is in protest to the date of December 11, 2001, the Closing Comment period on the Bayport Project. Thirty days is not enough time to read the 1700 pages in the DEIS. I have yet to receive my copy! In addition the Public Hearing of December 12th is one day after the public comment period ends. This means that nothing we say on December 12 will matter or be part of the record. This is an outrage.] 23-2

Why have you changed the public closing date?] 23-26

Sincerely,

M.L. Metzler

M. L. Metzler

DP10173

dai

135 Woodhaven Lane
Seabrook, Texas 77586
November 16, 2001

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District CESWG-DE
P.O. Box 1229
Galveston TX 77551

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Why have you changed the public closing date?] 23-26

Sincerely,

M.L. Metzler

M. L. Metzler

11/16/01

DP 10174 dai

Dear Mr. ~~King~~, Stanley,

After receiving the U.S. Army Corps Public Hearing Notice papers in the mail, I was very upset to learn that the last and final meeting will be held at the George R. Brown Convention Center. I live in Seabrook, one block off Red Bluff road, so my family WILL be impacted if the Port of Houston's Bayport Project is built. I am asking that the final hearing be held closer to us down here. The first impression I got when reading about the final hearing site chosen was, *"Well as usual, we are the ones paying the price"* (inconvenience, traffic time and going into Houston at night is sometimes down-right dangerous). Please reconsider the final site location. The Pasadena Convention Center was perfect before, so why not switch one of the first two workshops and make George R. Brown one of them? I will be waiting for your answer.

23-43

Gail and Ken Centanni
1006 W. Flamingo Dr.
Seabrook, Texas 77586
281-474-5254

DP10175

November 16, 2001

Colonel Leonard D. Waterworth
District Engineer & Commanding Officer
U.S. Army Corps of Engineers
Galveston District
CESWG-DE
P.O. Box 1229
Galveston, TX.77551

RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES, DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

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Many of my fellow citizens plan on submitting their comments at the public hearing on December 12, 2001. The present Public Notice comment deadline precludes our participation. I hope that you will agree with me that more time is necessary to incorporate public involvement into this process. 23-13

Sincerely,

Lloyd Blanke

CC: Mr. Kerry Stanley, CESWG-PE-R, Galveston

10175

November 16, 2001

Colonel Leonard D. Waterworth
District Engineer & Commanding Officer
U.S. Army Corps of Engineers
Galveston District
CESWG-DE
P.O. Box 1229
Galveston, TX.77551

RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES, DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

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Sincerely,

CC: Mr. Kerry Stanley, CESWG-PE-R, Galveston

DP 10176

Kerry M. Stanley
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229

Mr. Stanley:

Thank you for sending the Public Notice to me regarding the Corps of Engineers' pending approval of the Port of Houston Authority's application for permit for the Bayport Container Port. I will certainly be at the public hearing on December 12th with my family to protest this unwanted and unneeded development. 29-3

I know this has been a difficult and contentious process for you; clearly the Corps of Engineers doesn't have the resources or capability to address an EIS project of this magnitude. This is made especially apparent by the draft results of the study. Despite the preponderance of evidence against the project, you will allow the PHA to build this white elephant and destroy my home and way of life along with thousands of others. To be specific, here is a summary of the gross omissions and mistakes you have made (I have put them in order as listed in the Public Notice):

Jurisdictional Wetlands: In 1998, the PHA identified 209 acres of Jurisdictional Wetlands on the site. Their application was later changed to only 2.5 acres of Jurisdictional Wetlands. Where did the other 206.5 acres go? Aerial photographs of the site show that the PHA systematically (and illegally) drained these wetlands. The EPA and Corps of Engineers needs to investigate this clear violation. You don't grant permits to environmental criminals! 14-2

National Register of Historic Places: The Houston Yacht Club is a Texas Historic Landmark. It is the oldest yacht club in Texas, over 100 years old. It would be the headquarters for the sailing venues of the 2012 Olympics should Houston be selected as the host city. The club is less than 600 yards away from the development site. Already, the club experiences significant damage due to wakes of passing ships in the Houston Ship Channel and Bayport Ship Channel. With 23 additional ships a week calling on the new port, this historic and valuable site would be destroyed. 16-1

Public Interest Review Factors: You have completely ignored so many things in this section, it's hard to be brief. Let me just highlight a few that are of extreme importance to me:

1) The effects of small particle pollution from the expansion: I have a son who will be starting school at Bayshore Elementary next fall. Bayshore Elementary is about 1/2 mile North (downwind) of the proposed facility. Studies indicate that the overall mortality rate at the school will rise 1% due to small particle pollution alone. How can the Corps of Engineers state that they have reviewed "the needs and the welfare of the people" when this project will put MY SON and hundreds of other schoolchildren at risk of early death? 21-1

2) The regional effects of 7,000 additional trucks on the road every day: There is only one road out of Bayport. State highway 146 is already congested as the tens of thousands of residents in the area commute to NASA, industrial sites, and their businesses every day. 146 is a major route for school buses. 7,000 heavy, loud, dirty trucks every 24 hours (292 every hour, 5 every minute!) will turn 146 into a parking lot 24x7x365. More than inconvenient, this will kill the businesses in La Porte. The trucks will also kill people, by accident, to the tune of several dozen additional deaths a year. The PHA asserts that once the trucks/ trains are off the port property, they are not their problem. That's why the Corps of Engineers needs to look into the REGIONAL impact of the project. You have simply not done that. 27-1

3) The "slum effect": The PHA pays no taxes. It is, in fact, a tax burden on everyone in Harris County. The Bayport Container Facility will also reduce tax revenues in the surrounding area, by killing local businesses that do pay taxes. With local business gone and the environment compromised, the area around the port will become an industrial slum. Weedy, empty lots and stacks of rusty, abandoned containers will stand where businesses and residents once thrived. The loss in tax revenue will be 6-9

10176

immense. It may take 15 years to fully happen, but it will. You have to look no farther than the Port of Los Angeles to see the long term effects of a out of control Port Authority.

4) Property Values: Just the threat of this project has already decreased property values in my area. I love La Porte, and I love the neighborhood I live in. I will be forced to take a loss on my house and move away, however, should the expansion be built. How can I put my family at such risk?] 29-15 6-8

Mr. Stanley, I went to the Colorado School of Mines and hold a degree in Geophysical Engineering. I was required to take several classes from the Corps of Engineers (map reading and concrete engineering). I guess to let them pitch ROTC to me! Many of my classmates went into careers with the Corps after college, and I have met many folks in the Corps of Engineers through my involvement with the United States Power Squadrons. I have always been impressed with the Corps of Engineers' professionalism, objectivity and skill. Until now. To permit this project in the face of all of damage it will do shows how corrupted the EIS process has become at the hands of the Port of Houston Authority.] 23-4

No amount of burms, trees, buffer zones or light shields will mitigate the massive damage that this project will cause to the Galveston Bay area. **The only viable solution is to deny the PHA'a permit application. Period.**] 5-4 29-5

Not only will the Corps of Engineers be implementing the will of the people, you've be saving lives and $1.2 Billion of our money.

Sincerely,

Steve

Steve Gallington
811 Oak Leaf
La Porte, TX 77571
(281) 470-7744
(832) 754-4128 (mobile)
stevegal@neosoft.com

DP 10178

November 17, 2001

VIA FAX 409/766-3951 and Regular Mail
Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District, CESWG-DE
P.O. Box 1229
Galveston, Texas 77551

Re: Port of Houston Authority's Proposed Bayport Container Terminal
And Cruise Ship Facilities, Department of the Army Application No. 21520

Dear Colonel Waterworth:

According to the dates released in a Public Notice from the Corps that I received via regular mail on November 16, 2001, regarding the above referenced Permit Application "all comments pertaining to this Public Notice must reach this office on or before December 11, 2001. All comments pertaining specifically to the DEIS must reach this office on or before February 11, 2002."

As a Harris County resident, the studying of the entire 6-volumes will take much longer than 30 days to determine my public interest comments on the project. I request that you extend the deadline for comments to the Public Notice to match the deadline for the DEIS comments. 23-2

I further request that you extend the overall comment period for at least 90 days beyond February 11, 2002. The volume of pages will be impossible to comment on in the time frame you have set out. 23-13

Yours truly,

Mary Beth Maher
3610 Miramar
Shoreacres, Texas 77571

Cc: Mr. Kerry Stanley, CESWG, Galveston

DP 10179

NOV 20 2001

W. E. BATES ENGINEERING COMPANY, INC.

POST OFFICE BOX 172
SEABROOK, TEXAS 77586

PHONE: AREA CODE 713
474-3781

11/17/01

Mr. Mark King, Project Manager
US Army Corps of Engineers
Galveston District
PO Box 1229
Galveston, TX 77553

Subject: Port of Houston Authority Bayport

Dear Mr. King,

I learned this week of your change from Bradford Convention Center to Brown Convention Center to keep those attending be accomodated more comfortably. To me, Mr. King this seems to fit very well into your entire effort. To those of us who live in the area (El Jardin) the move represents the difference between a disagreeable evening to an almost impossible one. 23.43

I believe when viewed from a distance you can never be accused of unparticularity or objective views of the P-O-H's efforts. One major point has to be the re-duction of the wetlands from 209 acres to 2.5 ac. 14.2

I wonder if the Corps used the same approach of the Iron Bigbee project, a monument to the art of boondoggle.

I hope to be able to attend the Public Hearing & see the extent of your efforts.

Very truly yours,
Walter E. Bates

DP10180
dai NOV 20 2001

November 17, 2001

VIA FAX 409/766-3951 and Regular Mail
Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District, CESWG-DE
P.O. Box 1229
Galveston, Texas 77551

Re: Port of Houston Authority's Proposed Bayport Container Terminal
And Cruise Ship Facilities, Department of the Army Application No. 21520

Dear Colonel Waterworth:

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I further request that you extend the overall comment period for at least 90 days beyond February 11, 2002. The volume of pages will be impossible to comment on in the time frame you have set out. 23-13

Yours truly,

Mary Beth Maher

Mary Beth Maher
3610 Miramar
Shoreacres, Texas 77571

Cc: Mr. Kerry Stanley, CESWG, Galveston

DP 10181

November 19, 2001

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
US Army Corps of Engineers, Galveston District, CESWG-DE
P O Box 1229
Galveston, TX 77551

RE: Port of Houston Authority's Proposed Bayport Container Terminal and Cruise Ship Facilities, Department of the Army Application Number 21520

Dear Col. Waterworth:

We have just received a Public Notice, issue date Nov. 9, from USACE on the above referenced application. It has also been brought to our attention that it is this Public Notice from which USACE will make the determination to issue/not issue this permit. If this is true, then there are serious questions about the whole process, such as: Why was the issuance of this Public Notice not posted in the schedule for this process? Why were we not informed of the importance of this Public Notice? Why is the comment period so short? And, why does the comment period close the day before the scheduled Public Hearing on the DEIS?

On Aug. 17, 1999, some 2000 people gathered at the USACE Scoping meeting to voice their opposition to this permit. We will have to respond again following the DEIS Hearing on Dec. 12. This new and unexpected Public Notice will be a distraction from a careful examination of the 1700 page DEIS. How many times will we be asked to comment? And, perhaps more importantly, will any of our comments even be considered? If so, which comments will take precedence? 29-14 23-47 23-46

Perhaps the comment periods of the Public Notice and the DEIS could coincide-with the comment period ending not earlier than Feb. 11, 2002 and preferably Mar. 11, 2002. 23-2 23-5

The timing of the DEIS process during the holiday season, the location of the DEIS Hearing at a distance from the proposed permit site and now this Public Notice seem designed to discourage public participation in a process that I consider to be our right. Surely this could be accomplished with fewer obstacles. 23-8

Thank you for your time and attention to these concerns.

Barbara Suber

Barbara Suber
3902 Bonita
LaPorte, Texas 77571

DP 10182

Speed Letter®

To Mr. Mark King
Bayport Project Manager
P.O. Box 1229
Galveston, TX
77553-3991

NOV 19 2001

From Carolie Horton
313 Baycrest Drive
League City, TX
77573

bject

Message

Why do a group from the Clear Lake area need to go to Houston to meet with someone from Galveston?] 22-17

Date 11-7-01 Signed Carolie Horton

Reply

IsonJones
LINE FORM 44-902P 3-PART
• PRINTED IN U.S.A.

Date _____ Signed _____

85 RECIPIENT—RETAIN WHITE COPY, RETURN PINK COPY.

DP 10184

Date: 11/19/2001

PARSONS Energy & Chemicals

1 Greenway Plaza. Houston, Texas 77046 . (713) 407-7500
Mailing Address: P.O. Box 271787. Houston, Texas 77277-1787

MESSAGE TO: Colonel Leonard D. Waterworth

COMPANY: U.S. Army Corps of Engineers, Galveston District

FAX NO.: 409 766-3951 **TEL.:**

MESSAGE FROM: B. Legrand

PHONE NO.: (713) 407-7421

JOB NO.: N/A

FACSIMILE MODEL & NO: DENKA OMNIFAX L 535 **5GP-10065E - 8th FLOOR**

FAX NUMBER (713) 407-7291

MESSAGE (IF ANY):

Dear Sir:

Please see attached, for your consideration.

Sincerely

Bernard Legrand

File Name: FaxEIS.doc

10184

BAYSIDE TERRACE

Bernard Legrand
3115 Layne Court
La Porte, Texas, 77571
Telephone: Home: (281) 471-2532
Bus: (713) 407-7421
Fax: (713) 407-7291
E-Mail: bernard.n.legrand@parsons.com
b.n.legrand@att.net

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District, CESWG-DE
P.O. Box 1229
Galveston, TX 77551

Via Fax 409-766-3951

RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES, DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

Dear Col. Waterworth:

As a citizen of La Porte very involved in city government, president of the Bayside Terrace Civic Club (BTCC), and also a very involved and concerned person residing in a neighborhood most impacted by the Houston Port Authority's expansion plans, I am respectively requesting that your office send me a copy of your DEIS report, free of charge. I signed on several times at several meetings concerning the Bayport proposal in order to get one obviously without success. The intent is to make the report available to any of our residents who wishes to examine this report. For your information, the subdivision I represent is located immediately next to Shoreacres, on Galveston Bay near the Houston Yacht Club, on the Northern shore of the Bayport channel. Much to close for comfort. 23-19

Yesterday and the day before yesterday, I did receive a total of two notices dated November 9, 2001 regarding Permit Application Number 21520, the PHA's proposed Bayport Container Facility. As you certainly have guessed by now, because of the late delivery, your notice stating that, "all comments pertaining to the Public Notice must reach this office on or before December 11, 2001. All comments pertaining specifically to the DEIS must reach this office on or before February 11, 2002." is even more unreasonable. One may wonder if the timing of the releases is entirely coincidental, the holiday season, or is this cold blooded calculation from the proponents of this project put in practice by the same people in charge of protecting us. What is to be expected on December 12 if December 11 is the deadline for the notice public comments ? One can be sure of one fact only and safely assume that these comments, whatever they are, will not be considered at that public meeting. 23-8

xtended Page 1.1

We understand that the Public Notice comment deadline pertains to comments relevant to the Corps' decision to grant or deny several permits in accordance with the public interest. That decision will likely include many of the same issues relevant to determining the adequacy of the EIS and the severity of any impacts to the area of Southeast Harris County in general and of course, we are concerned more specifically with our entire subdivision of Bayside Terrace. 23-2

It seems clear to us that commenting adequately on the Public Notice and the Corps' discharge of public interest responsibilities will require reviewing the entire 6-volume DEIS as well as other information. This is a huge document that took over 3 years to produce, and we should be given ample opportunity to review it and address the issues that arise. We do not think that the Corps' public interest mandate can be so easily separated from the process that it took to study the Bayport proposal to date. 23-5

Therefore, we request that you extend the deadline for comments pertaining to the Public Notice match the deadline for DEIS comments. We will not have had time to fully respond to the issues raised by then. We further request that you extend the overall comment period for at least 90 days beyond February 11, 2002. 23-2 23-5

Many of our residents plan on submitting their comments at the public hearing on December 12, 2001. The present Public Notice comment deadline precludes our participation. We hope that you will agree with us that more time is necessary to incorporate public involvement into this process. 23-5

Sincerely,

Bernard Legrand
President, Bayside Terrace Civic Club

Cc: All Board Members
e-mail list

P.S.: In these days of High Technology, an e-mail address from the U.S. Army Corps of Engineers, Galveston District, CESWG-DE might be in order. Thanks in advance.

Sent by: WorkCenter 250 7134077291 11/19/01 12:59PM Job 231 Page 2/2

[redacted]

DP 10185

Col. Leonard D. Waterworth
U.S. Army Corp of Engineers
P.O. Box 1229
Galveston, TX 77551

Col. Waterworth,

I met you at the Nov 16 public hearing and told you of my concerns about air quality and the port expansion. I want to reiterate my concerns.

On demand of the residents in my community of 2000+ homes Councilman Rob Todd set a meeting with Mark King of the Corps, myself, Bud Taylor of Rob Todd's office and a representative from Pinebrook (~1000 homes). Our questions were very simple concerning air quality and truck safety.

Mr. King stated that the Corps agreed Houston had the worst air pollution in the nation, and that the Bayport expansion would make it worse, and that the Corps will NOT deny the permit based upon these facts. He also stated this for the truck safety. At the time the City of Houston was conducting a sting operation and had curbed 50% of all trucks on the roads because they were not safe. Again Bayport will make this worse and it was acknowledged by Mr. King.

7-13
21-5

On these two simple, common sense, issues, and the refusal of the Corps to take action, it is clear the **Corps of Engineers is failing in their fiduciary duty** as federal employees to the citizens of Houston. This is an outrage! This is unacceptable! As a federal employee I am well aware of my job status if I would conduct myself in this matter. As a Federal Employee you should also.

With this, I request a contact at the Corps of Engineers and the TNRCC as well as the EPA who would take these issues seriously. I am also requesting:

1) the Corps of Engineers to provide mass transportation to the George R. Brown facility for Clear Lake Residents.
2) to extend the reviewing of the massive stack of documents and comment period at least 60 days.

22-21
23-5

John R. Cobarruvias
14646 Cardinal Creek CT
Houston, TX 77062
281-486-5203

10186

APHELION

1100 Nasa Rd. 1
Houston, TX 77058

FAX: 281-333-9816
SALES: 281-333-9800
TECH: 281-333-9897

To 'FAX4097663951'

Fax 4097663951 Pages 2

From Bill Nichtberger

Date 11/14/2001 12:45:08 PM

Subject DRAFT EIS

Message

please see attached comments

DP19186 dai

Colonel Leonard D. Waterworth

Why is the draft EIS comment period only 30 days?

also, why is the SCHEDULED PUBLIC HEARING ON DECEMBER 12, ONE DAY AFTER THE PUBLIC COMMENT PERIOD ENDS!! This means that nothing said on the 12 is part of the comments.

Please extend the public comment period to 120 days, similar to other comment periods for other port projects.

23-14

PP10187

APHELION

1100 Nasa Rd. 1
Houston, TX 77058

FAX: 281-333-9816
SALES: 281-333-9800
TECH: 281-333-9897

To 'FAX4097663951'
Fax 4097663951
From Bill Nichtberger
Date 11/21/2001 9:52:45 AM
Subject Port of Houston

Pages 2

Message

see attached.

Kerry M. Stanley
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, TX 77553-1229

Sir!

My home on Shoreacres Blvd. was constructed in 1959. It has withstood Hurricane Carla, Hurricane Alicia, floods, and one fire. Mother Nature with all her potent power could not dislodge my family - my wife and I and our four children! But you guys can do so with ease!

[But why bother to comment further on a "done deal"!] 23-12

[no! I do not choose to reside in a congested polluted area! Would you?!] 29-4

Sincerely,
John M. Madison
406 Shoreacres Blvd
La Porte 77571

DP 10188

135 Woodhaven Lane
Seabrook, Texas 77586
November 9, 2001

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District CESWG-DE
P.O. Box 1229
Galveston TX 77551

Dear Colonel Waterworth,

This letter is in protest to the date of December 11, 2001, the Closing Comment period on the Bayport Project. Thirty days is not enough time to read the 1700 pages in the DEIS. I have yet to receive my copy! In addition the Public Hearing of December 12th is one day after the public comment period ends. This means that nothing we say on December 12 will matter or be part of the record. This is an outrage. 232

Why have you changed the public closing date?

Sincerely,

Janet Dimberger

Janet Dimberger

DP 10139

STOP BAYPORT EXPANSION

STOP POLLUTION

Allow working citizens time to read DEIS — 30 days is not long enough.] 23-5

Citizen input of Dec 12 must be allowed + put into record.] ~~23-5~~ 23-2

Bob + Sharon Baskey
1324 Windleaf Drive
Shoreacres,
Tx 77571
281-471-6519

DP 10190

An open letter to Col. Len Waterworth of the U.S. Army Corp of Engineers
Re: Bayport Container Port Environmental Impact Study

Dear Col. Waterworth:

I am very disappointed but not surprised with your choice of time and location for the Bayport EIS. 23-15

Those of us in the communities that will suffer from the greatest negative impacts from this are a 45-minute drive (each way) from the George Brown Convention Center. Many of our elderly citizens are afraid to go into Houston, especially at night, and especially into what they (rightly or wrongly) perceive to be a high crime area such as that surrounding the George Brown Convention Center. While I am neither elderly nor afraid, I rarely venture into Houston, and I haven't been downtown in several years (except passing by on the freeway).

We live near Houston, but we are not Houstonians. To many of us this is a case of our behemoth bully neighbors Houston and Pasadena attempting to have their way with us against our will. It was Houston voters who approved the bonds for this boondoggle (because of a tax-financed misinformation campaign by the PHA), 29-16 while the communities most affected voted 90% against it. It is Houston's excessive urban sprawl and greedy developers that are gobbling up our landscape at an alarming rate. Where will we go when the Port comes?

You must know that to ask us to go into Houston (hostile enemy territory), at night, and on a weeknight, and during the busy Christmas season is more of a burden than many people are able to bear. Only diehard activists are likely to show up under such circumstances. Maybe you are hoping for a low turnout? A lot of folks around here think so.

I, for one, will be there; if that's the way it has to be. But I would rather stand and be counted outside in the parking lot at some other venue closer to the affected area if it meant more of my neighbors could attend.

In all fairness, I know that you are in a very difficult position. You have been given this job at a time when it is near completion and with certain expectations, and being a military man you are accustomed to following orders. It would be difficult to go against the wishes of those above you in the chain of command, even without explicit orders. There are also powerful politicians and businessmen from Houston and Pasadena applying pressure as well.

From our perspective, the recent change of command looks like a ploy to make it difficult to assign responsibility to any particular individual involved in the decision making process. It seems like a very odd time for a leadership change.

How in the heck did you guys get this job in the first place? These decisions should be in the hands of the EPA, or somebody like that. Put the engineers in charge of issuing permits to protect the environment? I have worked with enough engineers to know that engineers love to build things. When you consider this, along with the historical relationship between the USACE and the Port of Houston Authority; and the projects they have done together, it is difficult to imagine how the Corp of Engineers could possibly be anything but biased in favor of the project. 22-28 22-27

This site choice is just one more confirmation of my belief that the EIS process, intended to protect the environment against things such as this, is deeply flawed from the outset. Having the Corp of Engineers in charge of Environmental Impact Studies and the issuance of permits is like putting a fox in charge of protecting the chickens. Add to that the fact that the engineering company that you awarded the study does work for the PHA regularly; the disappearance of 200 acres of wetlands by bureaucratic sleight of hand; the failure to acknowledge the link between the oversize rail yard that is tacked on to the Container Port project with the new BSNF Clear Lake Railroad recently proposed to connect it to the tracks on Highway 3; the lack of small particle analysis; and the cumulative effects of this project along with other activities in the area; and the short time (90 days) allowed for the public to review and comment on a 1700 page, 6 volume study that took three years to complete (in secret); and...well, we are starting to paint a pretty grim picture, aren't we? 14-2 27-2 7-4 18-3 23-17

I have become more cynical than ever about how our so-called democracy really works since all of this began. It seems more and more like a show or a facade to appease the masses while the real power is exercised by powerful business interests and unelected bureaucrats.

As you can see, I have a pretty low opinion of your ability or desire to be a fair and impartial judge of whether this project should be allowed to go forward. You, however, have the power to change my opinion. All you have to do is the right thing, and you will go along way toward restoring my faith in our democracy. Otherwise, I guess we'll have to turn to the courts system to get a fair hearing.

As I am in the very act of editing this letter to keep up with the changing situation, I learn that you have pulled another fast one on us and that our (the public, whose taxes pay your salary) comments pertaining to the issuance of permits will not be accepted after Dec. 11th, one day BEFORE the public hearing on the DEIS! The 23-2

already inadequate 90 days I referenced above is reduced to less than 30 days with no prior notice, and apparently the hearing is meaningless!

You have now crossed the line from merely biased and unfair to an outright arrogant slap in the face to everything good about our system of government. You may be within the letter of the law, but you have certainly violated the spirit of the law! If this is how you treat your own citizens, no wonder the rest of the world is cynical about the Americas good intentions. It is a shame that you would test our belief in the democratic process the very time when we are trying to eradicate the terrorism bred in part by feelings of helplessness against such willful abuse of power. True patriots should never tolerate such abuses.

God Bless America,

Douglas J Storey
Dawn Storey

Doug and Dawn Storey
Concerned Citizens of Seabrook Texas
and of the USA

1401 Cedarbrook Ct.
Seabrook, Tx 77586

10190 NOV 14

An open letter to Col. Mark King of the U.S. Army Corp of Engineers
Re: Bayport Container Port Environmental Impact Study

Dear Col. King:

I am very disappointed but not surprised with your choice of time and location for the Bayport EIS.

Those of us in the communities that will suffer from the greatest negative impacts from this are a 45-minute drive (each way) from the George Brown Convention Center. Many of our elderly citizens are afraid to go into Houston, especially at night, and especially into what they (rightly or wrongly) perceive to be a high crime area such as that surrounding the George Brown Convention Center. While I am neither elderly nor afraid, I rarely venture into Houston, and I haven't been downtown in several years (except passing by on the freeway).

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Respectfully,

Doug and Dawn Storey
Concerned Citizens of Seabrook Texas
and of the USA

1401 Cedarbrook Ct.
Seabrook, Tx 77586

DP10191
dai

November 21, 2001

Col. Leonard D. Waterworth
District Engineer
U.S. Army Engineer District, Galveston
P.O. Box 1229
Galveston TX 77553-1229

Fax: 409-766-3064

Dear Colonel Waterworth:

I am writing in response to various articles and letters to the editor found in today's edition of the *Clear Lake Citizen* regarding the DEIS on the Bayport expansion project. I am certain that your public affairs staff has furnished you a copy of their most recent edition. While I make it a point to not argue in print with someone who buys ink by the barrel, I found their reporting and editorial commentary to be completely off-base. I was particularly disturbed by the letter to the editor from a Mr. Storey, which I thought was abusive and personally insulting to you, the tone apparently stemming from a fundamental lack of knowledge about the role of the Corps. I have written to the newspaper to express my concerns about the tone of the reporting, as well as what I considered the libelous letter to the editor from Mr. Storey, but I do not expect to see my own letter in their next edition.

22-29

My interest in this issue comes not from any particular familiarity with the Bayport project, but from the fact that I am a former Corps project manager (Detroit District planning division – years ago.) I certainly came away from those years of experience with my own complaints about the Corps, but I never doubted the professionalism, dedication and integrity of the staff or the military leadership. Thus I was particularly offended by Mr. Storey's gratuitous insults and attacks on your personal character and wrote the *Citizen* to say so.

I also wanted to write to express my personal thanks to Kerry Stanley for his professionalism. I had left a message on his voice mail several days ago and he called my home at about 8:30 pm on a Friday evening, certainly well after most people had ceased their work week. I appreciate his effort and surely offer him my best wishes for an orderly, peaceful and productive meeting on the 12th. I'll be sitting that one out, myself.

Thank you for your service to our country.

Sincerely,

Dennis Oakes
238 Sunset Ridge Drive
League City TX 77573
Fax 281 538 3603

From : Bzgreely@aol.com
To : john.m.king@swgo2usace.army.mil
CC : Kit_george@hotmail.com
Subject : Bayport Hearing Site
Date : Wed, 21 Nov 2001 04:25:20 EST

Dear Mr. Mark King:

I am writing you to protest the site of the Draft Environmental Impact Statement for the Port of Houston Bayport Project. To the people who will be most affected by the building of this port facility, the drive is around a 50 mile trip. An overwhelming number of people in the Bay Area, have opposed the Bayport facility from the beginning, and I believe that the site was chosen as a deterrent to keep many of us from attending the hearing. My neighbors and I are not at all pleased.

Not all of the people in this area are able to make such a trip due to work obligations, fear of visiting an undesirable location, and many of them being senior citizens who do not feel safe driving into downtown Houston. Not all of us in this area are wealthy, and many people cannot afford to make such a trip particularly when Christmas is coming and the economy is not going so well. I am not convinced that the Bayport facility will do anything to help the economy in our area, (or the country). The only business it might help would be indoor air cleaner manufacturers. But on the other hand, problems will be caused to the recreational and tourism, real estate and retail sectors. I am not even going to go into the problems that will be caused to our health and our childrens health by all the added pollutants in our already poor air quality by the comings and goings of 18 wheelers. The highway (146) is not equipped to handle any more traffic than it is currently handling. There is already a major traffic problem at rush hour times from Nasa Rd 1 @ 146, and all they way to Baytown from there. 23-15 27-1

My husband and I worked hard for many years to be able to move to this area because we love to be close to the water for recreational boating and fishing. We love our neighborhood because of the large old trees, the quietness, the low crime and great schools. We want to keep it that way, and the Port of Houston is trying to ruin everything for us and tens of thousands of other people in this area, just because they have a megalomaniac heading them up, who wants to have his name in lights. 29-15

If nothing is done to change the site of the hearing, and unless I am gravely ill, you will see me there, and I will pack as many seniors in my car as I can who need a ride there.

Mrs. Shannon Greely
314 Lakeshore Drive
Taylor Lake Village, TX 77586

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10192

ATTENTION!

COL. LEONARD D. WATERWORTH

DP10193

NOV 26 2001

Colonel & Mrs. Robert A. Maddocks, Jr., USMC (Retired)
2110 Woodside Drive
Houston, Texas 77062

November 23, 2001

Mr. Kerry M. Stanley
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229

Re: Opposition Comments to POHA Application 21520 (Bayport Container Facility)

Dear Mr. Stanley,

As medical science and engineering professionals, we have strong objections to the Port of Houston Authority's proposed 1091-acre Bayport container port facility for the following reasons: 29-10

1. Lack of sufficient air quality analyses and assessments – The POHA proposal indicates that as many as 7000 diesel trucks and 8 trains daily will support this major heavy industrial area. The Corps has failed to address the detrimental effects of small particle pollution and vehicle air pollution in the adjacent areas that will result from this concentrated throughput of trucks, automobiles, ships and rail traffic. Houston currently fails to meet the federal requirements for air quality and has a disproportionately higher number of children affected by respiratory diseases. Bayport will become another major health hazard in Houston. 7-4 7-6 21-9

2. Failure to provide a regional analysis of port and rail combined – A combined EIS should be required to include the Bayport facility and the new railway being proposed to support the Bayport industrial area. Instead, the Corps is allowing "incremental" approval of various proposals that have high synergistic impact to the local environment and community. 27-2

3. Economics – The POHA consistently takes credit for so-called economic benefits that are not substantiated by the record nor documented in other POHA activities. Credit for substantial indirect increases in economic activity by the POHA should be compared closely with their resultant environmental effects. Likewise, increased heavy industry in the Clear Lake area has been proven to be a detriment to the hiring of high technology scientists and engineers supporting NASA and the aerospace industry, a clearly negative economic impact that has not been considered. 6-21 6-22

4. Need to analyze effects of further channel dredging – The current analysis of dredging to 45 feet is inadequate, as the POHA's wharf design is clearly aimed at an additional 5 feet of dredging (50 feet total). With wharves engineered to 50 feet (e.g. the "super" containership standard), an additional 5 feet of dredging is a reasonably foreseeable future action. 20-1

5. "Disappearing" wetlands – The POHA's original 1998 plans identified 209 acres of wetlands on the Bayport site, wetlands that have been reduced by a systematic and surreptitious drainage effort. The wetland acreage now being considered "jurisdictional" by the Corps is 2.5 acres. 14-2

6. Property ownership considerations/regional land use changes – Increases in related heavy industry, container transportation, warehousing facilities, and rail will further encroach on existing and developing residential areas and adversely affect property values and property tax bases with the core and affected areas. Development of port and rail will threaten property values by creating substantial industrial sprawl across the Bay area. 6-38

Thank you for your consideration of our comments. If the POHA indeed builds Bayport, it is our intention to sell our residence and take our substantial business and investment interests somewhere other than Houston, Texas.

Sincerely,

Robert A. Maddocks, Jr.

Mary Jane Maddocks

Mary Jane Maddocks

Copies to:

Mayor Lee Brown, City of Houston
Councilman Rob Todd, City of Houston

26 NOV

PE-R

DP 10194

November 24, 2001

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District, CESWG-DE
P.O. Box 1229, Galveston, TX 77551

RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMNAL AND CRUISE SHIP FACILITIES, DEPARTMENT OF THE army APPLICATION NUMBER 21520

Dear Col. Waterworth:

On November 9, 2001, the Galveston District released a Public Notice regarding Permit Application Number 21520 – the Port of Houston's proposed Bayport container Facility. That Public Notice stated, "all comments pertaining to this Public Notice must reach this office on or before December 11, 2001. All comments pertaining specifically to the DEIS must reach this office on or before February 11, 2002."

I understand that the Public Notice comment deadline pertains to comments relevant to the Corps' decision to grant or deny several permits in accordance with the public interest. That decision will likely include many of the same issues relevant to determining the adequacy of the EIS and the severity of any impacts to this area of Southeast Harris County.

Therefore, I request that you extend the deadline for comments pertaining to the Public Notice match the deadline for DEIS comments. I will not have had time to fully respond to the issues raised by then. I further request that you extend the overall comment period for at least 90 days beyond February 11, 2002. 23-5

Many of my fellow citizens plan on submitting their comments at the public hearing on December 12, 2001. The present Public Notice comment deadline precludes our participation. I hope that you will agree with me that more time is necessary to incorporate public involvement into this process. 23-5

Sincerely,

CW Schoellkopf
3817 Nasa Rd. 1
Seabrook, TX 77586

DP 10195 dou

NOV 26 2001

4900 S. Surf Oaks
Seabrook, TX 77586
November 20, 2001

Kerry M. Stanley
Regulatory Branch, CESWG-PE-RE
U.S. Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229

Dear Mr. Stanley:

Unfortunately, I will be out of the country on the workshop dates of 28 November, 4 December and 12 December 2001 which will address the proposed Port of Houston Bayport Project and the DEIS. I wish to make my objection to this project known. 29-3

The impact on the quality of life in the residential areas adjacent to the project will be very significant despite all the promises of berms, low lighting, re-routing of truck entrances, etc.. There is no way a project of this magnitude should be allowed in the center of residential and recreational areas already built and enjoyed. 5-4

I find it very objectionable that the Corps of Engineers would allow such a project to be given approval in light of the fact that some 8 years ago my neighbors and I here in Surf Oaks were given a "cease and desist order" by the Corps of Engineers when we, with City of Seabrook approval, attempted to put about 10 linear feet of rip-rap at our shoreline to prevent further erosion of our bayside properties. The inspector who visited our property searched out individual blades of grass, which he said we could not cover. With this minute zeal of detail in your environmental protection plan, how can you give permission for such destruction of the environment as would happen with this proposed project? 22-26

It is my prayer that this project will not be approved.

Respectfully submitted,

Fairy S. Overton

Fairy S. Overton

DF 10196 NOV 29
doc

November 26, 2001

Kerry M. Stanley
Regulatory Branch, CESWG-PE-RE
US Army Corps of Engineers
PO Box 1229
Galveston, Texas 77553-1229

RE: Bayport Terminal Mitigation Features Permit Application Number 21520

Dear Sir,

As a general comment, I found nothing in the Public Notice that has led me to change my view that this permit should NOT be issued. I still feel strongly that any potential good to be derived from this project is far out-weighed by the probable harm to the surrounding communities. 29-3

Channel Setback:

The extra distance allowed for by this proposed setback will do little, if anything, to reduce or mitigate the noise and light impact on the residences along the north shoreline. 17-2 3-2

North Shore Slope Erosion:

I do not understand the inclusion of this item in mitigation features of this permit application. The erosion control was a separate permit. The rip-rap portion of the project did nothing to address past erosion – no lost land was reclaimed. Current and future erosion remains to be seen. In preparing for the rip-rap project, some 2/3 of the existing plants and trees were removed. Planting to replace removed foliage is not mitigation. 15-1

Wetland Property Acquisition and Mitigation:

The fact that the POHA is to be held accountable for only 2.475 acres of wetlands out of an original 100 + acres is nothing short of ludicrous. 14-2

Alternate Fuel for Vehicles and Equipment:

The State Implementation Plan requires industries to reduce their emissions by 90%. For this project to be added to an already over-burdened system with vague promises of "when commercially available" and "may also include" would be unconscionable. 7-14

Lighting:

I am not convinced that the lighting, which will be required for the safety of personnel and equipment, can possibly NOT have an impact on the residences along the north shoreline. 17-2

Drilled Shaft vs Piles
Tangent Pier vs Sheetpile Construction:

The solutions for both of these items only address noise mitigation during the construction phase of the project. It does nothing to mitigate noise during the proposed 24 hour a day, 7 day a week operation of the facility.

In closing, I would like to emphasize again my objection to the issuing of this permit. Bayport Channel is not the location for this project. I should have thought that Sept.11 would have been a wake-up call to all of us. Why would we even consider building a major port so close to so many residences and in such close proximity to petro-chemical plants and storage tanks?

Thank you for your attention to these comments.

Barbara Suber

Barbara Suber
3902 Bonita Ln.
LaPorte, TX 77571

DP10197
dai

Col. Leonard D. Waterworth
U.S. Army Corp of Engineers
P.O. Box 1229
Galveston, TX 77551

Col. Waterworth,

In today's Houston Chronicle an editorial stated "A draft environmental report prepared for the Army Corps of Engineers concludes that Bayport is the best place to build these facilities, and would not damage the bay's water quality." As you know this is far from the truth.

I would appreciate it if the Corps would immediately contact the Houston Chronicle and correct their lack of knowledge on the subject. The Corps should also issue a press release with this correction. Misinformation like this fuels the argument "Bayport is a done deal". As you know from this month's public hearing, many elected officials eyes are upon the Corps of Engineers as well as the citizens in the surrounding area. Mine included.

23-32

To allow this misinformation to be unchecked is a breach of your fiduciary duty to the citizens affected by Bayport. As a civil servant working on my tax dollars, I am demanding that you do your duty and issue a press release correcting these incorrect statements.

Please inform me of your intentions.

John R. Cobarruvias
14646 Cardinal Creek CT
Houston, TX 77062
281-486-5203

DP10198
dai

Charlotte Cherry
4902 Elm Street
Seabrook, Texas 77586
Phone: 281-474-1364 Fax: 713-798-8717

To:	Col. Leonard Waterworth	**From:**	Charlotte Cherry
Fax:	409-766-3951	**Pages:**	2
Phone:		**Date:**	November 28, 2001
Re:	Houston Chronicle Editorial	**CC:**	

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

• Comments

Dear Col. Leonard Waterworth and Mr. Stanley:

I would like to call your attention to the following editorial which appeared in the Houston Chronicle this morning. This was written by HC Editorial Staff and TWICE indicates that the Army Corps of Engineers has reached a conclusion on the Bayport site for the proposed facility. I live in EL JARDIN and for the past 3 years have worked very hard on this issue as this facility will greatly impact my family.

23-32

There has been television coverage and articles recently reported this all a DONE DEAL. I would greatly appreciate if the Army Corps of Engineers would contact the Houston Chronicle and put out a Press Release to the television stations in Houston to COUNTER this publicity that UNDERMINES the purpose of the DRAFT ENVIRONMENTAL STATEMENT PROCESS.

Thank you so much for your time and consideration in this matter.

Charlotte Cherry

Charlotte Cherry

Houston Chronicle/November 28, 2001 EDITORIAL

Bayport: Ideally suited for new container, cruise ship terminals

For years the Port of Houston has argued that the best place to build new or expanded maritime facilities is at an existing port. In this case, port officials propose to build a new

10198

November 27, 2001

container facility and cruise ship terminal on land the port owns at Bayport, on Galveston Bay.

A draft environmental report prepared for the Army Corps of Engineers concludes that Bayport is the best place to build these facilities, and would not damage the bay's water quality. Design changes to the project will reduce the amount of noise and air pollution from the machinery and truck fleet.

Opponents to the project argue along two lines: Other locations in the Galveston Bay ecosystem are more suitable for expanded container and cruise ship facilities, and the Bayport project would inflict unacceptable environmental damage.

Even before the Corps' environmental study, common sense dictates that it is better to accommodate ships where ships already go than to send them somewhere where they do not go at present -- somewhere with a shoreline likely to be more sensitive than that of an existing port. Since the alternative sites are farther than Bayport from the cargo's local destination (businesses or rail yards) the amount of toxic emissions produced in moving the cargo would be greater and affect many more neighborhoods and towns.

The port's new facilities at Bayport will be neither silent nor free of all grime, so it is important for the port to make every effort, as it says it is doing, to set a high standard for environmental stewardship and civic-mindedness. The Corps' report gives weight to the port's claims to environmental sensitivity.

The Port of Houston handles more than half the container traffic in the Gulf of Mexico at its Barbours Cut facility near Bayport. The port must gain overflow capacity in order to keep its current customers and win new ones.

The port's opponents, some of whom bill the taxpayers for the time they spend protesting maritime expansion, argue that all sorts of new port activity and battalions of additional trucks will cause clouds of new pollution without producing new jobs and revenues. **Exactly the opposite is true, as the Corps' report makes clear.**

The Port of Houston needs new facilities, and Bayport, it turns out, is ideally suited to accommodate them.

Jesse H. Jones Graduate School of Management
Rice University

FAX TRANSMITTAL SHEET

Total number of pages (including cover sheet): 2 If you do not receive all pages, please call (713) 348-3463

FAX Number 409-766-3951 Date 11-27-01 Time Sent

Attention Col. Leonard Waterworth

From Sharon Matusik

RE

DP 199
dai

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DP 10199
dai

FAX to ARMY CORPS OF ENGINEER/GALVESTON: 409-766-3951

November 27, 2001

Dear Col. Leonard Waterworth and Mr. Stanley:

I would like to call your attention to the editorial that appeared in the Houston Chronicle this morning. It was written by HC Editorial Staff and twice indicates that the Army Corps of Engineers has reached the conclusion that Bayport is the best site for the proposed facility. There has also been television coverage and other articles recently reporting that Bayport is a done deal. I would greatly appreciate it if the Army Corps of Engineers would contact the Houston Chronicle and put out a Press Release to the television stations in Houston to counter these inaccuracies. This false reporting undermines the purpose of the draft environmental impact statement process. It inaccurately suggests that public comments are useless.

23-32

Thank you for your time and consideration in this matter.

Sincerely,

Sharon F. Matusik

DP10200
dai

U.S. Army Corps of Engineers
Galveston District

PUBLIC HEARING COMMENT

DRAFT
ENVIRONMENTAL IMPACT STATEMENT
FOR THE PROPOSED
BAYPORT MARINE TERMINAL

This form may be used to provide your comments resulting from review of the Draft Environmental Impact Statement for the proposed Bayport Marine Terminal. Written comments may also be sent directly to:

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

All written comments should be received by February 11, 2002.

Name: Ed MATUSZAK

Address: 10443 CATLETT

City, State and Zip: LaPORTE, TX 77571

Comment:

HAVE YOU CONSIDERED THE STORM SURGE EFFECTS OF DREDGE SPOIL DEPOSITS FROM BAYPORT TO MORGANS POINT. (I.E. CHANNELING OF STORM SURGE UP THE FUNNEL CREATED BY SPOIL ISLAND HEIGHT INCREASE?) 25-4

GOOD PRESENTATIONS!

10200

URS

Facsimile

Date: 12-3-01 Page 1 of: 2

To: KERRY STANLEY From: Lou Kmagyar

Firm: USACE cc:

Facsimile: 409-766-6301

Subject: Completed comment from last week

Message:

URS Corporation
9801 Westheimer, Suite 500
Houston, TX 77042
Phone: 713-789-9801
Fax: 713-789-8404

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Galveston Bay Conservation & Preservation Association

P.O. Box 323 Seabrook, Texas 77586

NOV 30

November 28, 2001

DP 10201
WJ dai

VIA FAX: 512/475-0680 and Certified Mail
Return Receipt Requested # 7001 2510 0001 6262 7781
Ms. Diane Garcia
Council Secretary
Coastal Coordination Council
P.O. Box 12873
Austin, TX 78711-2873

RE: FEDERAL ACTION, DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520 - PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES, CCC PROJECT NUMBER 01-0400-F1

Request for Extension of Comment Period

Dear Ms. Garcia:

On November 21, 2001, the Coastal Coordination Commission ("CCC") posted notice on its website that Army Department permit application number 21520 – the Port of Houston Authority's proposed Bayport Container Terminal ("Bayport") – had reached the stage of federal consistency review before the CCC.

Though the minimum comment period for comments on federal consistency certification runs only 30 days (31 TAC 506.32(b)), the chair or any three members of the CCC may extend the public comment period when appropriate (31 TAC 506.32(c)). The Galveston Bay Conservation and Preservation Association ("GBCPA"), along with many residents and elected officials, believes that an extension is appropriate on such a highly complex and significant project as Bayport.

On November 9, 2001, the U.S. Army Corps of Engineers' Galveston District released a Public Notice regarding Bayport and Permit Application Number 21520. All dates pertaining to the federal notice and the federal agency's (Corps') Draft Environmental Impact Statement ("DEIS") have been moved to match a single February 11, 2002 date. This federal comment deadline may be further extended in the future. Obviously at the current time, it provides a far more acceptable schedule than the 5:00pm December 21, 2001 deadline for comments pertaining to CCC consistency review.

DP 10201 dai

The information necessary for the public to comment adequately on CCC consistency review is contained in a 6-volume bound DEIS that exceeds 1700 pages. Holiday schedules, a public meeting for the federal review of this project on December 12th, and mid-January scoping meetings and legislative hearings on a concurrent action affecting the same area (the proposed BNSF-San Jacinto Rail line, U.S. Surface Transportation Board Finance Docket No. 34079) already crowd the agenda. Issues will arise on these matters that will need to be considered before consistency review commenting concludes. GBCPA and other members of the public will not have time to review and prepare comments on these issues by December 21.

Therefore, GBCPA requests that the deadline for comments pertaining to the Public Notice be made coterminous with the February 11, 2002 (or later) deadline for comments pertaining to the federal Public Notice and DEIS. 23-2

GBCPA has serious concerns with the ability of the Bayport project to meet the standards required for consistency with the Coastal Management Plan. The DEIS as it stands is highly incompatible with the goals of the Coastal Management Plan. GBCPA believes that the amount of jurisdictional wetlands and critical areas far exceeds the amount listed in the documentation provided by the Applicant to the CCC. In addition, the Applicant and the Corps have failed in their attempt to fairly analyze practicable alternatives, particularly for those areas with fewer impacts from dredging and dredge disposal, wetland fill, shoreline erosion, and land use change. The Corps has also failed to analyze the foreseeable impact of a 50-foot ship channel associated with this project, despite the fact that the proposed wharves require excavation to accommodate a 50-foot draft. The impact on human welfare and coastal ecology from that omission alone should give CCC members pause. GBCPA strongly urges that CCC staff recommend this project for referral, and hopes that CCC members will request referral to the full committee immediately. They must currently do so by Monday, January 7, 2002 (31 TAC 506.33(b)). 30-2 14-12 2-13 20-1

The CCC currently has a meeting scheduled for December 6, 2001 in Austin. GBCPA requests that the CCC consider an extension of time on the comment period for Bayport as an agenda item. A representative of GBCPA will likely attend that meeting, and will contact the Secretary soon to discuss details. GBCPA highly recommends that the CCC schedule the agenda item and act on the extension immediately. A large volume of public comment will occur on the consistency issues; it need not occur prematurely or incompletely if the CCC reasonably agrees to extend the comment period. It is our hope that CCC will grant the request.

Finally, I request that you please place this letter in the administrative record for CCC Project Number 01-0400-F1 and for Bayport DA permit 21520 as applicable.

DP10201

Sincerely,

James B. Blackburn, Jr.
Chairman
Galveston Bay Conservation and Preservation Association

CC: The Hon. David Dewhurst, Commissioner, GLO
and Chairman, CCC
Ms. Sally Davenport, Director, Coastal Management, GLO
and Chair, CCC Executive Committee
Sen. Mike Jackson (R-11)
Rep. John Davis (R-129)
Rep. Rick Noreiga (D-145)
Mr. Kerry Stanley, USACE-Galveston, RB

DP 10202

Galveston Bay Conservation & Preservation Association

P.O. Box 323 Seabrook, Texas 77586

November 28, 2001

VIA FAX: 409/766-3951 and Certified Mail
Return Receipt Requested # 7001 2510 0001 6262 7798
Colonel Leonard D. Waterworth
Commanding Officer and District Engineer
U.S. Army Corps of Engineers, Galveston CESWG-DE
P.O. Box 1229
Galveston, TX 77553-1229

RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES, DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

Dear Col. Waterworth:

I am writing to express my deepest concern regarding the manipulation of the public participation process by the Port of Houston Authority ("Applicant"). The Applicant has continued to subvert the public participation process regarding the proposed Bayport container facility and they are succeeding. I am writing to ask you to take extraordinary action to correct this public participation manipulation by the Applicant.

As you know, the Corps of Engineers is currently in the process of preparing an Environmental Impact Statement under the National Environmental Policy Act on the Applicant's proposed Bayport container port. As part of this process, the Corps has produced a Draft Environmental Impact Statement (DEIS). That DEIS is now in the phase of the process where public review and comment occurs. Public review and comment is an extremely important part of the EIS process established by NEPA. Public review and comment is specifically set out in the statute as one of the requisite items for NEPA compliance. The role of the public is important to the NEPA process. However, that public review process is being subverted and biased by the actions of the Applicant.

The Applicant issued a press release on 13 November 2001, that stated that "Corps Environmental Impact Statement Shows Bayport Best Gulf Terminal Location". This press release was widely circulated and reported in area newspapers and media outlets. However, on 27 November 2001, the Houston Chronicle wrote an editorial (attached) that states the following:

"A draft environmental report prepared for the Army Corps of Engineers concludes that Bayport is the best place to build these facilities . . ."

This editorial is clearly based upon the press release of the Applicant. This editorial was widely distributed throughout the Houston metropolitan area. It tells the public that the Corps of Engineers has made a decision regarding the proposed Bayport project.

The press release by the Applicant was intended to subvert the public participation process. This press release misstated the conclusion of the Corps of Engineers. This press release has led to the entire Houston metropolitan area being told that Bayport is a "done deal" when that is not the truth. The Applicant has intentionally misled the press about the permit process of the Corps of Engineers and the Corps must take action to address this problem.

Bias is prohibited under the National Environmental Policy Act. When an applicant for a Corps of Engineers permit takes action intended to bias the public participation process, the Corps of Engineers has an obligation to take appropriate action to correct this error that undermines public trust and public confidence in the Corps' process.

By this letter, I am requesting that the Corps of Engineers take specific action to correct the errors contained in the 13 November 2001 press release of the Port of Houston Authority. At the least, the Corps should send out a detailed and specific letter that sets the record straight for all area media regarding the fact that no decision has been made regarding Bayport at this time. More importantly, the arrogance of the Port of Houston in attempting to subvert the public participation process must be addressed. In a fair world, the Corps of Engineers would dismiss the Port of Houston Authority's permit application for attempting to interfere with the public participation process under NEPA.

23-32

Our letter dated 16 November 2001 first alerted the Corps to the Port of Houston's reckless public relations offensive, prior to the erroneous editorial by the Houston Chronicle. This situation has clearly worsened since 16 November. The Corps must begin to think of the long-term implications of allowing the Applicant to tamper with the process. A pattern of disengagement that allows the Applicant's actions to eviscerate the Galveston District's credibility and objectivity will reflect poorly later on.

Finally, I request that you please place this letter and the attached editorial in the administrative record for DA Permit Application 21520.

Sincerely,

James B. Blackburn, Jr.
Chairman
Galveston Bay Conservation and Preservation Association

CC: Lt. Gen. Robert B. Flowers, Chief of Engineers, Washington
Brig. Gen. Robert Griffin, HQ-CW, Washington
Brig. Gen. David F. Melcher, Commander, CESWD, Dallas
The Hon. Kay Bailey Hutchison, TX
The Hon. Phil Gramm, TX
The Hon. Nick Lampson, TX-9
The Hon. Ken Bentsen, TX-25
The Hon. Gene Green, TX-29
The Hon. Sheila Jackson Lee, TX-18
Col. Leonard D. Waterworth, CESWG-DE, Galveston

Houston Chronicle

JACK SWEENEY, Publisher & President
JACK LOFTIS, Associate Publisher & Editor

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STEVE JETTON, Assistant Managing Editor
WALTER JOHNS, Assistant Managing Editor
JIM NEWKIRK, Assistant Managing Editor
ERNIE WILLIAMSON, Assistant Managing Editor

RICHARD J. V. JOHNSON, Chairman, Houston Chronicle

Houston Chronicle is a division of The Hearst Corporation

BAYPORT

Ideally suited for new container, cruise ship terminals

For years the Port of Houston has argued that the best place to build new or expanded maritime facilities is at an existing port. In this case, port officials propose to build a new container facility and cruise ship terminal on land the port owns at Bayport, on Galveston Bay.

A draft environmental report prepared for the Army Corps of Engineers concludes that Bayport is the best place to build these facilities, and would not damage the bay's water quality. Design changes to the project will reduce the amount of noise and air pollution from the machinery and truck fleet.

Opponents to the project argue along two lines: Other locations in the Galveston Bay ecosystem are more suitable for expanded container and cruise ship facilities, and the Bayport project would inflict unacceptable environmental damage.

Even before the Corps' environmental study, common sense dictates that it is better to accommodate ships where ships already go than to send them somewhere where they do not go at present — somewhere with a shoreline likely to be more sensitive than that of an existing port. Since the alternative sites are farther than Bayport from the cargo's local destination (businesses or rail yards) the amount of toxic emissions produced in moving the cargo would be greater and affect many more neighborhoods and towns.

The port's new facilities at Bayport will be neither silent nor free of all grime, so it is important for the port to make every effort, as it says it is doing, to set a high standard for environmental stewardship and civic-mindedness. The Corps' report gives weight to the port's claims to environmental sensitivity.

The Port of Houston handles more than half the container traffic in the Gulf of Mexico at its Barbours Cut facility near Bayport. The port must gain overflow capacity in order to keep its current customers and win new ones.

The port's opponents, some of whom bill the taxpayers for the time they spend protesting maritime expansion, argue that all sorts of new port activity and battalions of additional trucks will cause clouds of new pollution without producing new jobs and revenues. Exactly the opposite is true, as the Corps' report makes clear.

The Port of Houston needs new facilities, and Bayport, it turns out, is ideally suited to accommodate them.

PERFIDY

Taliban and al-Qaida even turn against their own

...their condemnation

10205

November 28, 2001

Col. Len Waterworth
U.S. Army Corps of Engineers
Galveston, Texas

Dear Col. Waterworth,

The following comments pertain to your 11/9/01 Public Notice:

1. Convention Center location

The George R. Brown Convention Center is in a dangerous location. Adequate lighting and plenty of law enforcement should be evident and advertised.] 23-15

2. DEIS locations

It would be helpful to advertise that DEIS sets are available at some local government locations. This is in addditions to the Public Library locations you have listed.] 23-28

3. A Summary Agenda

This Public Notice lacks a summary description of your workshops and Public Hearing agendas. This would be especially helpful for thoes who didn't attend the prior EIS Scoping meeting and Public Workshop.] 23-29

Sincerely,

Ed Sartain

Ed Sartain
629 N. Flamingo Dr.
Seabrook, Tx. 77586 1809

Marcus A. Lamkin
3412 Bayou Forest Dr.
La Porte, TX 77571

DP 10206
dai

November 28, 2001

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers,
P.O. Box 1229
Galveston, TX 77551

Subject: PHA's Proposed Bayport Container & Cruise Ship Terminal
DOA Application #21520

Dear Colonel Waterworth:

I have lived in Shoreacres for 31 years. My home is 1/3 mile from the Bayport turning basin. I am terribly concerned about the value of my property if PHA is allowed to achieve their objective. 6-38

In order to give the neighboring public an adequate chance to comment on this application, we respectfully request an extended deadline for public comment be granted to at least 90 days past the February 11, 2002 date for the DEIS. Since there are other related permits up for discussion, and since they are all inter-related, it would seem reasonable to reassure the public that their concerns will be given due consideration in reaching a fair decision. 23-13

Colonel, This EIS statement took a number of years to produce and emerged as a six volume set, taxing the most patient reader. Unless the Corps wishes to help the PHA more than its desire for fairness to the surrounding residents, you will surely extend this deadline for public comment on all these related issues.

Sincerely,

Marc Lamkin

Marc Lamkin

P.S. I would hope that setting a date for the hearing on a Wednesday night in downtown Houston, two weeks before Christmas was not a means to discourage attendance, as would please PHA. 23-15

DEC 13 2001

DP 10207
dai

November 29, 2001

Colonel Leonard D. Waterworth
Commanding Officer and District Engineer
U.S. Army Corps of Engineers, Galveston CESWG-DE
P.O. Box 1229
Galveston, TX 77553-1229

RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES, DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

Dear Col. Waterworth:

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The Applicant issued a press release on 13 November 2001, that stated that "Corps Environmental Impact Statement Shows Bayport Best Gulf Terminal Location". This press release was widely circulated and reported in area newspapers and media outlets. However, on 27 November 2001, the Houston Chronicle wrote an editorial (attached) that states the following:

> "A draft environmental report prepared for the Army Corps of Engineers concludes that Bayport is the best place to build these facilities . . ."

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By this letter, I am requesting that the Corps of Engineers take specific action to correct the errors contained in the 13 November 2001 press release of the Port of Houston Authority. At the least, the Corps should send out a detailed and specific letter that sets the record straight for all area media regarding the fact that no decision has been made regarding Bayport at this time. More importantly, the arrogance of the Port of Houston in attempting to subvert the public participation process must be addressed. In a fair world, the Corps of Engineers would dismiss the Port of Houston Authority's permit application for attempting to interfere with the public participation process under NEPA. 23-32

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Finally, I request that you please place this letter and the attached editorial in the administrative record for DA Permit Application 21520.

Janet Dirnberger
135 Woodhaven Ln.
Seabrook, Tx 77586

DP 10209
dai

November 29, 2001

JaneKrommenhoek
2502 Hollybrook Drive
Seabrook, TX 77586

VIA FAX: 409/766-3951
Colonel Leonard D. Waterworth
Commanding Officer and District Engineer
U.S. Army Corps of Engineers, Galveston CESWG-DE
P.O. Box 1229
Galveston, TX 77553-1229

RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES, DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

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Finally, I request that you please place this letter in the administrative record for DA Permit Application 21520.

Sincerely,

Jane Krommenhoek

Jane Krommenhoek

DEC 3

DP10211
dai

November 29, 2001

VIA FAX: 409/766-3951;
Return Receipt Requested # 7001 2510 0001 6262 7798
Colonel Leonard D. Waterworth
Commanding Officer and District Engineer
U.S. Army Corps of Engineers, Galveston CESWG-DE
P.O. Box 1229
Galveston, TX 77553-1229

RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES, DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

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Finally, I request that you please place this letter and the attached editorial in the administrative record for DA Permit Application 21520.

Sincerely,

M. L. Metzler

M. L. Metzler

10211

CC: Lt. Gen. Robert B. Flowers, Chief of Engineers, Washington
Brig. Gen. Robert Griffin, HQ-CW, Washington
Brig. Gen. David F. Melcher, Commander, CESWD, Dallas
The Hon. Kay Bailey Hutchison, TX
The Hon. Phil Gramm, TX
The Hon. Nick Lampson, TX-9
The Hon. Ken Bentsen, TX-25
The Hon. Gene Green, TX-29
The Hon. Sheila Jackson Lee, TX-18

DEC 3

FAX

DP 10212

FAX No.409 766 3951

To: Colonel Leonard D. Waterworth
Commanding Officer and District Engineer
U.S. Army Corps of Engineers, Galveston CESWG-DE
P.O. Box 1229
Galveston, TX 77553-1229

See attached

FROM:
MARCUS LAMKIN
3412 Bayou Forest Dr.
Shoreacres, TX 77571

November 29,2001

Marcus A. Lamkin
3412 Bayou Forest Dr.
La Porte, TX 77571

DP 10212
dai

November 29, 2001

VIA FAX: 409/766-3951

Colonel Leonard D. Waterworth
Commanding Officer and District Engineer
U.S. Army Corps of Engineers, Galveston CESWG-DE
P.O. Box 1229
Galveston, TX 77553-1229

RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES, DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

Dear Col. Waterworth:

I am terribly upset with the manipulation of the public participation process being carried by HPA in their attempt to gain their Bayport permit.

I am writing to ask you to make an official statement (Houston Chronicle present) that the permit has not been granted and will not be until all steps in the procedure have been completed. Until then, no one is to assume it is a done deal.

Their statement of November 13 sounded as if the Corps was saying through the DEIS that Bayport is the best location. The Chronicle picking it up and commenting editorially November 27, made it sound mission completed. The EIS can only make that statement after all the steps are finished and the Corps conclusion confirms. You must call their hand on this in order to maintain the Corps impartial integrity.

We will be waiting to read of your statement correcting this attempt to manipulate the truth. We will also take special note of whether you treat their action as an innocent mistake or a purposeful attempt to subvert the permit process.

23-32

Colonel, The Corps' reputation is on the line.

Very truly yours,

Marc Lamkin

Marc Lamkin

10212

CC: Lt. Gen. Robert B. Flowers, Chief of Engineers, Washington Brig. Gen. Robert Griffin, HQ-CW, Washington Brig. Gen. David F. Melcher, Commander, CESWD, Dallas The Hon. Kay Bailey Hutchison, TX The Hon. Phil Gramm, TX The Hon. Nick Lampson, TX-9 The Hon. Ken Bentsen, TX-25 The Hon. Gene Green, TX-29 The Hon. Sheila Jackson Lee, TX-18

TV 1-100-5.1-1

10213

TO: Colonel Leonard D. Waterworth

November 29, 2001

The Army Corps of Engineers/Galveston DISTRICT CESWG-OE

This is a message to say how DISMAYED we are about the editorial that the Houston Chronicle ran this week in which they as much as said the battle is over and that the Corps of Engineers had said in the Draft EIS that Bayport was the best place for the new container port. If it is truly a DRAFT, then it isn't the last word. It is unfair and the Chronicle should be told so. Please set the paper straight - speak out! They obviously are puppets of the PHA because they did not show any of the other side of this problem. If one side or the other of this issue wins fair and square, then all will know a good fight was fought and won. But to have one side print untruths and essentially sway public opinion unfairly and ignore the concerns of all the people in this end of the county, it will not end up being a fair fight and this end of the county will be gone as we know it today. 23-32

Have any of you ever spent any days in this part of the county? To El Jardin, Seabrook, Taylor Lake Village, Armand Bayou, spent any time on the bay, bought fish at the fish markets in Kemah, gone to Old Seabrook Days when the antique shops are, or attended the yearly music festival held at Seabrook right in the backyard of where the containers will be??? Have you seen all the homes??? Do you understand how the thousands of people will be impacted??? Do you know that the pollution in this area has changed over the last 39 years we have lived in La Porte, Seabrook, and now off of Bay Area Blvd.? I used to clean my glass top table in the backyard with a sponge just to get the dust off of it. Now it takes many paper towels and cleaner and the results are that the paper towels are black, literally black. This pollution is filtering on us all the time. I can't even imagine what it will be like when the trucks start running down Red Bluff Road, thousands a day spewing their nasty diesel fuel, not even to mention trains. I even wonder if the trees at Armand Bayou will survive as they go by. To build this port in this area would be a crime, essentially robbing the people of this area of their choice to a gentle, pleasant, and unique lifestyle. There comes a time when it is appropriate to put the brakes on progress that destroys all it touches. Progress in such a gross amount as the port is proposing is just criminal. 2-4 7-10 29-15

There are not many places where you can live close to water where recreation is prized, where seafood is abundant, fresh shrimp every day, boating, etc. The other people of Harris Country - which is huge - should know exactly what is going to be changed forever, damaged forever, lost forever if the port is allowed to be built. But they won't hear it if the Chronicle just prints misinformation. You can help stop that. There are other places for the port, Don't let the PHA railroad YOU into doing their bidding. There is more to consider than the PHA and their contention this port is needed for jobs. They can do it somewhere else and still provide jobs for people. 5-3

10213

Please do not aid the PHA in this ***gross misinformation*** that will do irreparable harm. Please play fair with the people of southeast Harris County. We all deserve that much.] 23-32

Mrs. Barbara R. Frank, 4015 Peach Country Ct., Houston, Texas 77059.

1100 Nasa Rd. 1
Houston, TX 77058

FAX: 281-333-9816
SALES: 281-333-9800
TECH: 281-333-9897

Baypark Site

To 'Colonel L.Waterworth'

Fax 4097663951

Pages 3

From Bill Nichtberger

Date 11/30/2001 9:32:41 AM

Subject Port Of Houston

DP 10214

dai

Message

see attached

DP 10214 dai

VIA FAX: 409/766-3951 a

Colonel Leonard D. Waterworth
Commanding Officer and District Engineer
U.S. Army Corps of Engineers, Galveston CESWG-DE
P.O. Box 1229
Galveston, TX 77553-1229

RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES, DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

Dear Col. Waterworth:

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DP 10214 dai

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Finally, I request that you please place this letter and the attached editorial in the administrative record for DA Permit Application 21520.

Sincerely,

Bill Nichtberger
3702 Elmen
Seabrook, TX 77586

CC: Lt. Gen. Robert B. Flowers, Chief of Engineers, Washington Brig. Gen. Robert Griffin, HQ-CW, Washington Brig. Gen. David F. Melcher, Commander, CESWD, Dallas The Hon. Kay Bailey Hutchison, TX The Hon. Phil Gramm, TX The Hon. Nick Lampson, TX-9 The Hon. Ken Bentsen, TX-25 The Hon. Gene Green, TX-29 The Hon. Sheila Jackson Lee, TX-18

DP 10215 dai DEC 3

209 Lakeshore Circle
Seabrook, TX 77586
November 30, 2001

Colonel Leonard D. Waterworth
Commanding Officer and District Engineer
U.S. Army Corps of Engineers, Galveston CESWG-DE
P.O. Box 1229
Galveston, TX 77553-1229

RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES, DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

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DP 10215 dai

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Sincerely,

Dallas Ives

CC: Lt. Gen. Robert B. Flowers, Chief of Engineers, Washington
Brig. Gen. David F. Melcher, Commander, CESWD, Dallas
The Hon. Kay Bailey Hutchison, TX
The Hon. Phil Gramm, TX
The Hon. Nick Lampson, TX-9
The Hon. Ken Bentsen, TX-25

DP 10216
AV

November 30, 2001

VIA FAX: 409/766-3951
Colonel Leonard D. Waterworth
Commanding Officer and District Engineer
U.S. Army Corps of Engineers, Galveston CESWG-DE
P.O. Box 1229
Galveston, TX 77553-1229

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23-30

The press release by the Applicant was intended to subvert the public participation process. This press release misstated the conclusion of the Corps of Engineers. This press release has led to the entire Houston metropolitan area being told that Bayport is a "done deal" when that is not the truth. The Applicant has intentionally misled the press about the permit process of the Corps of Engineers and the Corps must take action to address this problem.

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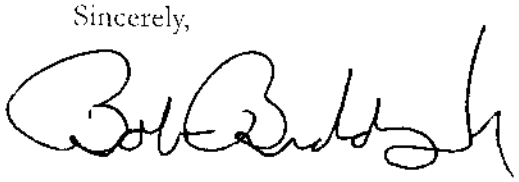
Finally, I request that you please place this letter and the attached editorial in the administrative record for DA Permit Application 21520. 23-7

Sincerely,



Bob Buddingh
4830 Palm Street
Seabrook, Texas 77586

CC: Lt. Gen. Robert B. Flowers, Chief of Engineers, Washington
Brig. Gen. Robert Griffin, HQ-CW, Washington

Brig. Gen. David F. Melcher, Commander, CESWD, Dallas
The Hon. Kay Bailey Hutchison, TX
The Hon. Phil Gramm, TX
The Hon. Nick Lampson, TX-9
The Hon. Ken Bentsen, TX-25
The Hon. Gene Green, TX-29
The Hon. Sheila Jackson Lee, TX-18

DP10217

DAVID & GAY YORK
2423 CRESCENT DRIVE
LAPORTE, TX 77571
(281)470-2998

NOVEMBER 30, 2001

COLONEL LEONARD D. WATERWORTH
DISTRICT ENGINEER AND COMMANDING OFFICER
US ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT, CESWG-DE
PO BOX 1229
GALVESTON, TX 77551

COL. WATERWORTH,

THIS LETTER IS TO BRING TO YOUR ATTENTION THE ENVIRONMENTAL IMPACT THAT THE PROPOSED BAYPORT TERMINAL ON GALVESTON BAY WILL HAVE ON MY FAMILY AND MYSELF. HAVE YOU EVER DRIVEN "DOWN BY THE DOCKS"? IT IS COMPARABLE TO A GHETTO IN EVERY CITY THAT I HAVE VISITED. CONTAINER YARDS ARE FILLED WITH SPILLAGE OF CHEMICALS AND RATS. THE DEISEL FUMES WILL CAUSE HEALTH PROBLEMS TO ANY LIVING THING IN THE AREA. I WOULD NOT INTENTIONALLY MOVE THERE. DO NOT GIVE THE PERMIT TO INTENTIONALLY MOVE IT TO ME. 7-7 29-6

IF WE NEED A MEGA PORT (ALTHOUGH I DO BELIEVE THAT WE ARE UNDERUTILIZING THE HOUSTON SHIP CHANNEL AND MORGANS POINT TERMINAL AS IT IS) IT SHOULD NOT BE PLACED IN THE MIDDLE OF A RESIDENTIAL AREA SO CLOSE TO NATURAL RESOURCES THAT THE PHA HASN'T HAD THE CHANCE TO RUIN YET. THEY HAVE ALREADY DESTROYED THE AREA OF THE SHIP CHANNEL FROM BEGINNING TO END AND MORGANS POINT IS NO LONGER USEFUL FOR ANY OTHER REASON. ASK ANY MORGANS POINT RESIDENT IF THE PHA ARE GOOD NEIGHBORS. THEY ARE NOT. IF YOU AUTHORIZE THIS PERMIT, THE AREA WILL NEVER BE OF USE FOR ANYTHING ELSE EVER AGAIN. 1-8 WR 2-4 29-6

I DO NOT HAVE TO REITERATE ALL OF THE STATISTICS THAT HAVE ALREADY BEEN GIVEN TO YOU REGARDING AIR QUALITY, TRAFFIC CONGESTION, WATER QUALITY (WOULD YOU PERSONALLY EAT A FISH CAUGHT IN THE HOUSTON SHIP CHANNEL?), NOISE POLLUTION, LIGHT POLLUTION, ETC. ASK YOURSELF, WOULD IT IMPACT MY ENVIRONMENT IF THIS WAS BUILT NEXT TO MY HOME. I DO NOT SEE HOW YOU CAN AUTHORIZE THIS PERMIT WITH A CLEAR CONSCIENCE. THIS PERMIT CAN ONLY BE AUTHORIZED FOR A PAYOFF. NO ONE WANTS TO LIVE IN THE FILTHY ENVIRONMENT THAT WOULD BE CREATED BY ALLOWING THIS RUIN . 19-1 29-6

REGARDS,

Gay York

GAY YORK

DEC 4

10217

To: Lieutenant General Robert B. Flowers
Brig. General Robert Griffin
Brig. General David Melcher
Colonel Leonard D. Waterworth
The Hon. Ken Bentsen
The Hon. Sheila Jackson Lee
The Hon. Nick Lampson
The Hon. Gene Green
The Hon. Kay Bailey Hutchison
The Hon. Phil Gramm

DEC 6

TO: Kerry M. Stanley
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers

12-02-01

DP 10218 dai

Dear Sir

This letter contains my concerns in regard to the PUBLIC NOTICE for Permit Application No: 21520. The Proposed Bayport Terminal located in Pasadena, Texas.

I would first like to express my displeasure in some of the procedures that have been set in place for the process of permitting the current application.

#1 The Corps will hold a public hearing regarding the proposed project and DEIS on December 12, 2001 at the George R. Brown Convention Center in Houston, Texas.

Although this project will no doubt affect many people in the city of Houston, the fact of the matter is that the actual location of this proposed project falls within the city limits of Pasadena. I therefore submit that the hearing should be held in Pasadena, Texas and not in Houston, Texas. .If one had proposed the building of an airport in Houston, then it would not be correct to have the hearing held in Dallas! I believe the same principal applies in this permitting process. This may be a point that could be raised in possible litigation in the process in which this permit was reviewed from the public point of view. 23-43

#2 As stated on the last page, second paragraph, last sentence"This hearing will be conducted to allow the public to provide information to the Corps regarding the proposed project and the DEIS."(On December 12) Next Paragraph; "All comments pertaining to this Public Notice must reach this office on or before 11 December 2001."

There is conflicting time frames between these two paragraph as far as the publics ability to submit "information to the Corps regarding the proposed project and the DEIS" as stated in the last sentence. If the hearing is to be held on the 12 th of Dec. and the close of comment period to the Public Notice is on the 11 th of Dec. then any comments on the Public Notice made at the hearing will be negated. Is not the Public Notice a part of the Permitting Process? Weather or not these time frames were established intentionally or not there seems to be another avenue to contest the process through litigation. 23-2

Every year I force my self to read a book titled"A Weekend in September" by John Edward Weems, Texas A&M University Press. It describes in detail eyewitness accounts of the experiences of people who survived the Great Storm which hit Galveston on the weekend of September 8, 1900.

I do this as a reminder to myself of the tremendous strength a storm of that magnitude has and where I live.(in Seabrook).It's a mental reminder to me that to try to ride out a storm such as that anywhere along Galveston Bay would be lethal mistake in the proportions equal to the storms strength. At the very least it would be necessary to be many miles inland and in a safe structure to withstand such an event. When the decision has been made to evacuate this area then time becomes the most critical element. I'm sure the Corps of Engineers is very aware of the window of opportunity that exists to evacuate an area in a safe manner. If you do not get out within this time frame you will be forced to withstand the event where you located or worse in transit on the highway.

This is my main concern for the current proposed location of the Bayport Terminal.

The area between Seabrook and Galveston has experienced explosive residential growth in recent years. Although though this results in many positive aspects such as economic properity, etc. it also increases the time frame of the window of opportunity to evacuate.

The main evacuation routes being I-45, State Highway 6, State Highway 3, and State Highway 146. Of all of these routes State highway 146 is the main route for many thousands of people on the East end for it has the major bridge over the Houston Shipchannel, The Fred Hartman Bridge. The fact that State highway 146 has never been fully built between La Porte and Shoreacres, will make this a tremendous bottleneck for traffic in the event that a massive evacuation should be necessary. The stretch of Highway 146 between Mc Cabe road and Wharton Weems road has no main lanes. Even though they appear as being in place on Key map page 580 K. I assure you that they are most definitely not built. At these points the main lanes end and the traffic is diverted to the service lanes. The service lanes are two lanes in width hardly enough to accommodate a massive evacuation of residents, workers and thousands of Trucks. Even where the main lanes are in place there are only two in each direction until you are in Seabrook Proper or La Porte Proper. These lanes will not even accommodate the existing traffic during evening rush our traffic as many who travel through that area can attest to. Every day in the afternoon through evening hours the southbound traffic is a solid line between Shoreacres through Seabrook. In

21-7

the event of a major evacuation the flow would be reversed (from the south heading north) and would be many times more in volume than just daily commute loads. This is the exact area where the proposed Bayport Terminal would be accessed with many thousands of vehicles per day added to the already overloaded highway system. With every additional vehicle the window of opportunity to evacuate increases in time. It is very obvious to those who travel this route that its current size would not carry such a massive evacuation. The current highway infrastructure is inadequate in its present state in these areas which just happens to be the focal point of this new proposal. If the task of rebuilding the highway was to be addressed immediately it would be to late, for the amount of population increase south of this area has already far exceeded the current capability to evacuate through that stretch. Furthermore new construction of that stretch of highway would also be cause for great concern in the event of an evacuation due to the additional time to travel through construction detours. The construction of a new highway infrastructure in combination with the construction of a massive shipping terminal would cause the window of opportunity to increase many hours if not days. This stretch of Highway 146 is most definitely the weakest link in this evacuation route and it puts each and every one of us in gave danger in the spring when the next hurricane season begins. This is the most urgent problem that needs to be addressed immediately long before any plans for port expansion could even be considered.

In the event that a Force Five hurricane should approach the Galveston Area in the future and this evacuation route is still in its current state ,many people will be trapped in their vehicles or at home which WILL result in a catastrophe that could exceed the the one of September 8-9,1900 on Galveston Island.

Where are the traffic studies necessary to determine the size and construction timetable of a highway infrastructure needed to evacuate this increase in population as well as thousands of construction vehicles and workers at this portion of highway. The Fred Hartman Bridge and the Kemah Bridge are significant additions to the evacuation route, however their ability to move massive amounts of traffic during an evacuation will be greatly diminished by this bottleneck stretch of State Highway 146. 27-13

I hope that the Corps will consider this problem with great dispatch for it is one that could mean the difference between surviving and perishing during another Great Storm that will surely come. It's only a matter of time and to delay would be a great folly. The safety of every man, woman and child in this area depends on the correct decisions being made now by a few.

I encourage you to read "A Weekend In September" and make the correct decision with a clear conscious. The citizens depend on You to keep us safe. And Please Remember "Safety First"

Good Luck

Douglas K Lowe

DP 10219

Kirchoff Peterson Company
P. O. Box 580673
Houston, Texas 77258

December 2, 2001

Colonel Leonard D. Waterworth
Commanding Officer and District Engineer
U.S. Army Corps of Engineers, Galveston CESWG-DE
P.O. Box 1229
Galveston, TX 77553-1229

RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES, DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

Dear Col. Waterworth:

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10219

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Don Kirchoff

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10219

HOUSTON CHRONICLE ARCHIVES
Paper: Houston Chronicle
Date: TUE 11/27/01
Section: A
Page: 22
Edition: 3 STAR

BAYPORT /Ideally suited for new container, cruise ship terminals

Staff

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A draft environmental report prepared for the Army Corps of Engineers concludes that ***Bayport*** is the best place to build these facilities, and would not damage the bay's water quality. Design changes to the project will reduce the amount of noise and air pollution from the machinery and truck fleet.

Opponents to the project argue along two lines: Other locations in the Galveston Bay ecosystem are more suitable for expanded container and cruise ship facilities, and the ***Bayport*** project would inflict unacceptable environmental damage.

Even before the Corps' environmental study, common sense dictates that it is better to accommodate ships where ships already go than to send them somewhere where they do not go at present - somewhere with a shoreline likely to be more sensitive than that of an existing port. Since the alternative sites are farther than ***Bayport*** from the cargo's local destination (businesses or rail yards) the amount of toxic emissions produced in moving the cargo would be greater and affect many more neighborhoods and towns.

The port's new facilities at ***Bayport*** will be neither silent nor free of all grime, so it is important for the port to make every effort, as it says it is doing, to set a high standard for environmental stewardship and civic-mindedness. The Corps' report gives weight to the port's claims to environmental sensitivity.

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The Port of Houston needs new facilities, and ***Bayport*** , it turns out, is ideally suited to accommodate them.

DP 10220

Joyce Peterson
1419 Pirates Cove
Nassau Bay, Texas 77058

December 2, 2001

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P.O. Box 1229
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Joyce Peterson

Joyce Peterson

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The Hon. Kay Bailey Hutchison, TX
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10220

HOUSTON CHRONICLE ARCHIVES
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The Port of Houston needs new facilities, and ***Bayport*** , it turns out, is ideally suited to accommodate them.

DP 10221

AV DEC 3

Tinna Mc Gee
2913 Tarpon
League City, Texas
77573
281-334-4361
281-483-3263

I am opposed to locating the Bayport Facility near Seabrook or Clear Lake. 22-1
I request joint deadlines for comment on the draft Environmental Impact Statement and the public notice pertaining to the public interest determinations. 23-2 What are the names of the elected officials supporting this project. 22-36 I would like to vote (and campaign) against them. Are the Port Authority officials elected? 22-37 What are their names?

People in this area think the Houston Port Authority is synonymous with the anti-Christ and would like to see representatives publicly tarred and feathered. Would that be possible at the hearing? I for one would like to see that happen. The Bay area is the only nice area in this toxic swamp called Houston! The Bayport expansion will end up making this area unlivable. Perhaps then all of the lunatics that support this project can move in. Property values should be low enough. Since over 90% of area residents oppose the project, residents of Clear Lake are once again exposed to the horrors of being incorporated by Houston. The people voting in Houston for port expansion have no idea or care where the "Bayport" facility is. They probably assume it is in Bayport in the industrial area... This area will start to smell like Pasadena too. (What is that smell in Pasadena anyway? It smells like rancid cat urine. Surely they don't bottle that there.) Well, I have been a resident here for twenty years, but if this moves in, I am moving out. Houston ain't no fit place for man nor beast. After all, it's no coincidence that Houston has the largest cancer center in the country. 29-3