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PUBLIC HEARING ON
DRAFT ENVIRONMENTAL IMPACT STUDY
FOR PROPOSED BAYPORT CONTAINER TERMINAL

Date: Wednesday, December 12, 2001
Time: 7:30 p.m. - 12:03 a.m.
Place: George R. Brown Convention Center
Houston, Texas

1 P R O C E E D I N G S

2 COL. LEONARD WATERWORTH: Good evening,
3 ladies and gentlemen. Can I have you move to your seats
4 at this time?

5 Good evening, ladies and gentlemen, and
6 welcome. Thank you for coming this evening. I am
7 Colonel Leonard Waterworth, the commander of the
8 district engineers, United States Army Corps of
9 Engineers, in Galveston.

10 For the record, let me state that this
11 hearing is being convened at 7:30 on December 12th,
12 2001, at the George R. Brown Convention Center in
13 Houston, Texas.

14 The Corps released an environmental
15 impact study on November 12th, 2001, for the project
16 proposed by the Port of Houston Authority. The Port is
17 proposing to construct a containerized cargo and cruise
18 ship facility in the Bayport Ship Channel located in the
19 City of Seabrook and the extra-territorial jurisdiction
20 of Pasadena and Harris County, Texas.

21 Before I discuss the ground rules for
22 tonight, there are a few things I'd like to say to you
23 to help you understand the purpose of tonight's
24 proceedings.

25 Tonight, we are conducting a Public

1 Hearing associated with the Draft Environmental Impact
2 Statement. The Port has applied to the Corps for a
3 permit to construct docking facilities, to dredge and
4 place fill material into the waters of the United States
5 for the construction of their proposed project. The
6 National Environmental Policy Act, as well as Section 10
7 of the Rivers and Harbors Acts and Section 404 of the
8 Clean Water Act requires the Corps to conduct a public
9 interest review to determine the potential impacts on
10 the public welfare. In addition, the National
11 Environmental Policy Act requires all federal agencies
12 undertaking any action that might significantly impact
13 the quality of the human environment to evaluate the
14 potential impacts of those proposed projects and
15 document those potential impacts in an Environmental
16 Impact Statement. While the Environmental Impact
17 Statement process is separate from the public interest
18 review process, they are both integral in making my
19 decision.

20 In addition to the Draft Environmental
21 Impact Statement, we published a public notice regarding
22 the proposed project on November 9th. We are soliciting
23 comments on both these publications and we will do that
24 until February 12th, 2002.

25 This evening, we're requesting public

1 comment regarding the Draft Environmental Impact
2 Statement, as well as the application. The Corps is
3 neither a proponent nor an opponent of this project.
4 Ultimately, we are the decision makers who have to
5 decide if this proposed project is contrary to the
6 public's best interests. As such, we are trying to
7 gather as much information as possible in a timely
8 manner to allow us to make an informed decision. The
9 purpose of tonight's hearing is to allow you, the
10 public, to provide your comments regarding the draft
11 document and the application.

12 At this point, I would like to recognize
13 some elected officials or their representatives that we
14 have in attendance tonight.

15 This evening, we have representative
16 Armando Walle from Gene Green's District Number 29.
17 Armando, are you present?

18

19 (Applause.)

20

21 Thank you very much for attending.

22 We also have Larry B. Green and James
23 McDonald representing Congresswoman Sheila Jackson Lee.

24

25 (Applause.)

1 Today from the state -- Texas State
2 Senator's office, we have Mike Jackson. Senator
3 Jackson, are you here?

4

5 (Applause.)

6

7 Texas State Representative John Davis.

8

9 (Applause.)

10

11 Now we have a series of mayors. First
12 is Jack Friday from Seabrook, the mayor of Seabrook.

13

14 (Applause.)

15

16 Natalie O'Neill from Taylor Lake
17 Village.

18

19 (Applause.)

20

21 Natalie Ong, El Lago, mayor of El Lago.

22

23 (Applause.)

24

25

Nancy Edmonson, pro tem mayor of

6

1 Shoreacres.

2

3 (Applause.)

4

5 John Manlove, mayor, City of Pasadena.

6

7 (Applause.)

8

9 And Herman Burton, mayor pro tem,
10 Seabrook.

11

12 (Applause.)

13

14 Here at the head table, on my left, is
15 Mr. Mark Lumen of my legal staff and Mr. Dolan Dunn,
16 Chief of Regulatory Branch of the Galveston District. I
17 would also like to introduce Fred Anthamatten, the Chief
18 of Policy Analysis Section in my Regulatory Branch,
19 Mr. Kerry Stanley, the Regulatory Project Manager for
20 the proposed Bayport project, wherever he may be, and,
21 finally, I'd like to introduce my PAO staff: Phyllis
22 Bledsoe, Marilyn Uhrich, Michelle Castelline.

23

24 (Applause.)

1 Now, at this point, you should have all
2 registered at the tables located near the entrance.

3 Oops. Let me back up for one second.
4 I'd also like to recognize Gerard Slayter from -- a
5 member of Keith [sic] Bentsen's office, a member of
6 Congress. Where are you today? There he is, way in the
7 corner. Thank you very much for attending.

8

9 (Applause.)

10

11 At this point, we should -- point, you
12 all should have registered at the tables located near
13 the entrance. If you haven't, please do so, so that we
14 can have an accurate count of the attendees at this
15 hearing. If you wish to speak, you should have also
16 filled out a speaker's registration card. These
17 registration cards will be used to determine the order
18 of speakers this evening. These cards are being
19 collected from the registration table periodically and
20 placed in a random order by group. As speakers continue
21 to register, these cards will be collected and then
22 placed in a random order. This way, if you register
23 early, you'll speak early. Each speaker will be given

24 three minutes to make their presentation to allow --
25 this will give the opportunity for everyone to make

8

1 their presentation this evening.

2 We have official timekeepers up front.
3 They will be monitoring the time and will let you know
4 when your time is up. Please pay attention to the
5 timers, and when your time ends, please step down and
6 allow the next person to make their comments.

7 Please let me emphasize that we are not
8 here this evening to take a vote on the merits of the
9 application. We are here to gather as much new
10 information as we possibly can. Once someone has made a
11 particular point regarding the Draft Environmental
12 Impact Statement, or the application, there's really no
13 need to repeat that. Please present any new information
14 that you may have and let's move on to the next speaker.
15 You may also submit comments this evening. If you wish
16 to submit written comments in lieu of speaking, or in
17 addition to speaking, we are accepting those comments at
18 the registration table as well as various points located
19 through the room. Finally, you can submit written
20 comments to our office.

21 Hopefully in a minute, you'll get the
22 address placed on the screen. In order for your
23 comments to be considered, they must be postmarked by

24 February 11th, 2002. The format of tonight's hearings
25 will begin with some opening remarks from Mr. Jim

9

1 Edmonds from the Port of Houston Authority representing
2 the permit applicant.

3 Then I will give Bill Fehring from URS
4 Corporation, the Corps' third-party contractor, an
5 opportunity to make a presentation on the Draft
6 Environmental Impact Statement.

7 I will then open the floor to federal,
8 state, local officials that wish to speak. After
9 elected officials, I will begin calling the names for
10 the public to make their comments. One of us at the
11 table will call a total of six people up at a time to
12 speak. Once your name is called, I'd ask you to proceed
13 to the -- to the left side of the room, near the stage,
14 between the chairs and the registration tables, where we
15 have personnel to assist you in the preparation for
16 speaking.

17 We have a microphone set up to the
18 right. We will let you know when it's your turn to
19 speak -- your turn to speak comes, and my staff will
20 direct you to the microphone. We're going to try to
21 make this process flow smoothly. As I mentioned, we
22 have official timekeepers located here in the front. At

23 this point, where you have 30 seconds left, you will
24 indicate -- we will indicate this by turning on a yellow
25 light. The timekeepers will turn on the light to red

10

1 when your time is up. Please keep your presentations to
2 three minutes or less. If you don't need the full three
3 minutes, help us move the process along by only taking
4 the time you really need.

5 As I stated earlier, there's no need to
6 repeat information once someone else has made that --
7 has presented that information. Once a point has been
8 made, it will be considered the same, whether it's one
9 person making it or a hundred people making it, whether
10 the point is made on the stage or in written comment.
11 We have a court reporter here recording the transcripts
12 of tonight's proceedings to ensure that everything
13 presented is included in the official transcript.

14 A couple of additional ground rules.
15 You may not defer your time to others. If you have
16 additional comments that you would like to submit beyond
17 what you're able to address during your time, please
18 submit those comments in writing.

19 Please understand that written comments,
20 whether received tonight or later during the process,
21 are just as valid, just as powerful, and count the same
22 as verbal comments made tonight.

23 One final ground rule. Please,
24 everybody needs to be courteous. Everyone deserves the
25 opportunity to be heard this evening and I ask for your

11

1 help in doing that.

2 At this point, I would like to introduce
3 Mr. Edmonds with the Port of Houston Authority and allow
4 him some time for some opening remarks.

5 Mr. Edmonds.

6

7 (Applause.)

8

9 MR. JIM EDMONDS: Colonel, thank you
10 very much. On behalf of the Port of Houston Authority,
11 we appreciate your opportunity to be here this evening.
12 Today is an important milestone for Harris County, for
13 our region, our state, for our country, and for the
14 world. Our mission today is to take a step, a major
15 step, into the future. Thank you for the opportunity to
16 comment on the environmental study to build a new
17 container facility. We are really building our own
18 future.

19 There is one basic thing for everyone to
20 understand about the Bayport Container and Cruise
21 Terminal. If we do not build Bayport, the ships will

22 not come.

23

24 (Crowd noise.)

25

12

1 The jobs will not come.

2

3 (Applause.)

4

5 The taxes will not come.

6

7 (Applause.)

8

9 Those are the facts. We believe -- and
10 let me say this as strongly as I can -- Bayport is the
11 right location.

12

13 (Crowd noise.)

14

15 Now, more than ever, the facility is
16 needed. Institutions like the Port need to stand up and
17 help our economy to recover. The Port is a solid asset
18 to cherish and to protect. We have been a good neighbor
19 and will continue to be.

20

21 (Crowd noise.)

22

23

And the Port is committed to set

24

standards for environmental responsibility.

25

13

1

(Applause.)

2

3

But before I go further, I would like to

4

take about 60 seconds to draw a parallel to tonight's

5

subject.

6

Let's take a moment to look at the

7

history of the Houston Ship Channel. They said it

8

couldn't be built and that it would never reach its full

9

potential. "They" called it a virtual ditch and said it

10

could never be a seaport. And "they" didn't think it

11

would deliver on the promise of spurring economic

12

development in Harris County, much less the region and

13

the state. History has shown us "they" were wrong.

14

15

(Crowd noise.)

16

17

The saying that "If you build it, they

18

will come" has never been truer than in this case.

19

Today, the Houston Ship Channel stretches 50 miles

20

inland and hosts 7,000 ships every year. Over 245,000

21 jobs are directly related to cargo moving through the
22 Houston Ship Channel. The Port contributes \$7.6 billion
23 annually to the region's economy --

24

25 (Applause.)

14

1 -- and it generates a half a billion
2 dollars annually in state and local taxes.

3

4 (Applause.)

5

6 There are similarities to the proposal
7 to build Bayport. The naysayers say it shouldn't be
8 built.

9

10 (Applause.)

11

12 They say it doesn't make sense. They
13 say progress and the environment cannot exist together.
14 I say they are wrong. And here's why.

15

16 (Crowd noise.)

17

18 The Port is out of space and cannot meet
19 the growing demand for cargo shipped in containers. Why
20 is this important? Well, touch the shirt that you have

21 on right now. It came to Houston in a container.

22

23 (Applause.)

24

25 Look at your shoes. Most of them came

15

1 to Houston in a container.

2

3 (Applause.)

4

5 Did you look up this meeting on your
6 computer? Well, there's a strong likelihood it or
7 certainly part of it came on a ship in a container.

8

9 (Applause.)

10

11 Over the past decade, shippers have
12 switched to containers because they are the safest, most
13 economical and convenient way to ship goods. Of the
14 containers handled by the Port Authority, nearly half
15 are destined for our Harris County business and nearly
16 20 percent are destined for businesses in Texas.

17 Another fact is that shipping lines will
18 take their containers where there is room and where
19 there are markets. Houston is a gateway to a growing

20 market of more than 30 million people.

21

22 (Applause.)

23

24 It's a natural for a facility like

25 Bayport. Again, it's the right location.

16

1 (Crowd noise.)

2

3 So why build Bayport? There's a lot of
4 misinformation about this project and I want to set the
5 record straight. Fact number 1: The Port is determined
6 to be a good neighbor.

7

8 (Crowd noise.)

9

10 Not just a good neighbor, but a
11 responsible neighbor.

12

13 (Crowd noise.)

14

15 We listened to citizens' concerns and
16 the Port has done everything it possibly can to ensure
17 the integrity of the neighborhood and the environment.

18

19 (Crowd noise.)

20

21 For example, neighbors were concerned
22 about lighting. Well, lighting companies scrambled to
23 develop new lighting systems for this project, and in
24 the process, set new standards for their industry. The
25 neighbors were also concerned about visual impact, so a

17

1 three-mile, 20-foot wall of earth planted with native
2 vegetation and trees will circle the project, blocking
3 industrial sight and at the same time reduce noise.

4

5 (Crowd noise.)

6

7 And while we are on the subject of
8 noise, if you stand in the middle of a street less than
9 a mile from our current Barbours Cut facility, there is
10 no more noise than your home air conditioner.

11

12 (Crowd noise.)

13

14 We will be a good neighbor. We care
15 about the same thing neighbors do. Like home values.
16 According to the findings of the Metro Study
17 Corporation, the homes near Barbours Cut Container
18 Terminal have outpaced other Houston neighborhoods in

19 home value in the past 12 years.

20

21 (Crowd noise.)

22

23 From 1988 to 2000, the homes near the
24 Barbours Cut Container Terminal have increased in value
25 by an average of 70 percent --

18

1 (Crowd noise.)

2

3 -- 70 percent, while the rest of Harris
4 County averaged an increase of 59 percent during the
5 same period.

6 We will set new standards for
7 environmental responsibility, whether it is wetlands
8 development, wildlife habitat improvement or operational
9 sensitivity.

10

11 (Crowd noise.)

12

13 COL. LEONARD WATERWORTH: Ladies and
14 gentlemen, please let Mr. Edmonds finish his comments so
15 that we can proceed on to your comments.

16

17 (Applause.)

18

19 MR. JIM EDMONDS: This facility will
20 allow Houston to be more competitive in the
21 international community, will allow for more
22 international trade, will obviously allow for new jobs.
23 At buildout, it will create 39,000 new jobs with an
24 economic impact of \$3.3 billion.

25 I want to thank those who have worked on

19

1 this project. You've been diligent. You've done a good
2 job, and I want to thank the U.S. Corps of Army
3 Engineers. The American public sees your work around
4 the world, in far away places like Afghanistan, and I'm
5 proud to be work --

6

7 (Crowd noise.)

8

9 -- proud to be a part of your commitment
10 to America. Your oversight and diligence produced a
11 sound, broad and successful Environmental Impact
12 Statement. The process is fair. The report is factual.
13 We intend to stick to the facts, because we believe the
14 facts are right.

15

16 (Crowd noise.)

17

18 So, in conclusion, Bayport is needed.
19 It's the right location. It's the right time.

20

21 (Applause.)

22

23 We will continue to listen to our
24 neighbors and we will do our part to keep our region
25 strong, secure, and moving forward.

20

1 (Crowd noise.)

2

3 COL. LEONARD WATERWORTH: Our next
4 speaker will be Dr. Bill Fehring. He works for URS and
5 helped put the Draft EIS together. He will give us an
6 update on where the EIS is right now.

7 MR. BILL FEHRING: Thank you, Colonel.
8 As the colonel indicated, what I've been asked to do is
9 to very briefly run through the -- where the EIS process
10 is, what it consists of, where we are in it today and
11 where it is going.

12 The application of the hearing tonight
13 deals with a permit application and a Draft
14 Environmental Impact Statement on the proposed Bayport
15 terminal complex. The proposed project consists of
16 seven container berths, associated backland for the
17 processing and storage of containers, intermodal

18 facilities, five cruise berths, five cruise terminals
19 and associated co-development areas.

20 The EIS process is quite structured, as
21 you go through it. It is very discrete steps and things
22 the Corps has to do as part of that process.

23 The first is to define the purpose and
24 need of the project, which I will address in just a
25 moment.

21

1 The next process -- point -- part of the
2 process is to identify the range of issues to be
3 addressed in the EIS. This is something which many of
4 you assisted us with in a scoping meeting over two years
5 ago at the Pasadena Convention Center.

6 The next step is to identify a range of
7 reasonable alternatives by which the applicant might
8 meet the purpose and need. In this case, it is largely
9 associated with alternative locations that the proposed
10 facilities might be built.

11

12 (Crowd noise.)

13

14 The next step in the process is to
15 identify the environmental baseline, and this is the
16 part of the process that generally takes a long time, as

17 you'll see. After you've gotten that environmental
18 baseline established, you then have to evaluate
19 potential impacts of not only the proposed project, but
20 each and every one of the reasonable alternatives that
21 you've identified, and that is the reason that the
22 document that's been produced is 1700 pages long.
23 There's a lot of topics and a lot of locations.

24 The next step in the process is to
25 prepare to release the Draft EIS. That was finally

22

1 accomplished on November 12th. We released the draft
2 EIS.

3 The next two steps, in red, are those
4 which we're in right now. Following the release, public
5 and agencies are afforded an opportunity to review the
6 document and to review comments to the Corps of
7 Engineers on that document. Also during this period,
8 the Corps conducts, quite often, a Public Hearing as
9 we're having this evening.

10 I will come back to the last two steps,
11 once I've gone over a few other aspects of the process.

12 The time line, just to give you an idea
13 of where we have been and how long it has taken, the
14 original application was submitted in October of 1998, a
15 notice of intent was issued in May of 1999, and the
16 scoping meeting I referred to was held at the Pasadena

17 Convention Center in September of 1999, over two years
18 ago.

19 It has taken two years to prepare and
20 publish the EIS, which, as I said, it was released
21 November 12th. The Public Hearing, of course, is this
22 evening, and the comment period, as the colonel
23 indicated, will end February 11th. Again, I'll come
24 back to those last two steps.

25 With regard to the purpose and need,

23

1 there are two purposes that the proposed project is to
2 meet. The primary one is to provide throughput capacity
3 for container movements to meet the projected demand for
4 container cargo through the Galveston area. The
5 secondary purpose of the project is to provide
6 facilities for the development of cruise passenger
7 service. I want to stress that in doing the
8 Environmental Impact Statement, we have focused
9 primarily on the container operations as the primary
10 driving purpose, and it's reflected in the alternatives
11 that I'll show you in just a moment.

12 Turning to the alternatives, when the
13 project was initiated, we identified 78 possible
14 locations where all or part of the proposed facilities
15 might be developed, and these were all up and down the

16 Houston Ship Channel, around Galveston Bay and at
17 Freeport, Texas. Those 78 alternatives were subjected
18 to eight criteria, and through a three-tiered process
19 were winnowed down. The materials that were used were
20 navigation flow process, requirements for dredging,
21 available backland, developable constraints on that
22 backland due to its current use, road access, rail
23 access, social impacts and potential environmental
24 impacts.

25 As a result of that evaluation, it was

24

1 winnowed down to five locations where all or most of the
2 facility might be constructed and three locations where
3 portions of it could be built and, by adding them
4 together, you would have the same number of berths, the
5 same throughput capacity.

6 The sites that we have studied include
7 Bayport, which I'm sure most of you are familiar with,
8 Spillman Island -- and for each one of these sites we
9 have developed a layout of how the facilities might be
10 developed at that location.

11 Next was Shoal Point, Cedar Point in
12 Chambers County, which includes a very long channel out
13 to the -- the main ship channel, Pelican Island down in
14 Galveston -- in Galveston, and that was all of the full
15 sites, the five full sites. We then had two combination

16 alternatives which would have -- would include -- the
17 first of which would include three berths at Shoal
18 Point, four container berths and the cruise facilities
19 at Bayport. It would split the operations.

20 The second combination alternative
21 included three berths on upper San Jacinto Bay and,
22 again, four berths and the five container -- cruise
23 terminals at Bayport.

24 These alternatives were all subjected,
25 all of them, equally, to assessment on 20 subjects that

25

1 are in the EIS, and these included land use and coastal
2 zone management, socioeconomic impacts, social impacts
3 and environmental justice, surface transportation,
4 infrastructure, navigation, which included recreational
5 navigation, noise, aesthetics and light, cultural
6 resources, parks and recreation, air quality, public
7 safety, hazardous materials, shoreline erosion,
8 hydrology and drainage, water quality, sediments, dredge
9 material management, wetlands and biotic communities,
10 and for those of you that have attended any of the three
11 workshops which have been conducted over the last
12 several weeks, including this evening, you have seen
13 presentations and boards and have had the opportunity to
14 speak to the authors of those sections.

15 we have ten elected representatives that would like to
16 make statements. At this point, Armando Walle, U.S.
17 representative of Gene Green, could you please step up
18 to the microphone to our right and make a statement,
19 please -- my right.

20 MR. ARMANDO WALLE: Good evening
21 everyone. Again, my name is Armando Walle representing
22 Congressman Gene Green's office and I'm going to make a
23 brief statement by the congressman, written by him, and
24 I will just go ahead and read it verbatim.

25 "While Congress is in session today, I

27

1 am unable to be here in person. I appreciate the
2 opportunity to express my views about the Bayport
3 terminal project of the Port of Houston and the Draft
4 Environmental Impact Statement commissioned by the U.S.
5 Army Corps of Engineers. I support this project that is
6 critical to the future of the Port of Houston and the
7 overall economic health of our community.

8

9 (Crowd noise.)

10

11 "The Port of Houston is the largest port
12 for foreign cargo and second largest port facility in
13 the United States."

14

15 (Crowd noise.)

16

17 "With shipping traffic estimated at
18 approximately 7,000 vessels per year, it generates over
19 205,000 jobs and \$7.7 billion to Houston's economy.

20 "However, in recent years, there has
21 been an increase in the containerization of cargo. It
22 is estimated by the year 2010, more than 90 percent of
23 all the cargo shipped worldwide will be in containers.
24 For Houston to continue as the largest foreign port in
25 the U.S. and the eighth largest port in the world, we

28

1 must have the capability to receive and ship these
2 containers."

3

4 (Crowd noise.)

5

6 "The benefits that this project would
7 bring to our community include an estimated 30,000 new
8 jobs that otherwise would not be created, the addition
9 of \$3.3 billion to Houston's economy and an increase in
10 tax revenue to state and local governments that will
11 grow to approximately 150 million once full operational
12 status is reached.

13 "In an effort to minimize the effect of

14 this project on the surrounding community and the
15 environment, the Port has proposed a comprehensive plan
16 that will mitigate the impact of the Bayport terminal.
17 Additionally, the construction and operation of the
18 Bayport facility has -- have been included in the
19 supplemental implementation plan that has been approved
20 by the Environmental Protection Agency.

21 "Again, I support the Draft EIS of the
22 Bayport terminal project and hope that the Corps will
23 give their final approval to this project. It offers
24 the best combination of jobs, economic growth, balance
25 with the minimal impact on our environment."

29

1 (Crowd noise.)

2

3 COL. LEONARD WATERWORTH: Next I would
4 like to have, from the Texas Senate, Mike Jackson step
5 forward to make comments.

6

7 (Applause.)

8

9 SENATOR MIKE JACKSON: Thank you,
10 Colonel Waterworth, for putting on this hearing. I
11 notice that this is a public interest review, and I
12 think you're going to get a lot of public interest

13 reviewed here, starting right now.

14

15 (Applause.)

16

17 Now, there is a great cross-section of
18 people from our community that are here tonight, and
19 that's what really this is all about, this kind of
20 meeting is all about, to let people get out and speak
21 their mind and what their -- let their wishes be
22 expressed for everyone to hear. The reason that a whole
23 lot of people are here is for economic reasons, for
24 jobs, for a healthy economy, and I don't think anybody
25 in this room is against that type of activity. We're

30

1 all for a healthy economy and more jobs, more growth.

2

3 (Applause.)

4

5 And the Port of Houston has done some
6 great things in Houston and for this area over all of
7 the years that they have been here, and they have really
8 made a lot of jobs available to people and been
9 responsible for economic growth and we're certainly not
10 knocking them for that.

11 And we know that we are growing,
12 container business is growing and it will keep growing,

13 but I do have to disagree with one thing that
14 Mr. Edmonds said. We -- I don't think anybody here
15 doesn't want to see us do more economic growth for
16 containers, but the place for it to take place is not in
17 Bayport.

18

19 (Crowd noise.)

20

21 I looked through the Draft EIS, the
22 summary that I have here, and have done a lot of work
23 with a lot of sites that are out there, and the one
24 thing that strikes me most about the pros and the cons
25 for all of these sites is Bayport is the one that says,

31

1 "Significant residential disturbances associated with
2 this project."

3

4 (Crowd noise.)

5

6 We can -- we can analyze the effects on
7 the environment, the different costs associated with
8 projects of where they go, but how do you value
9 thousands and thousands of people being totally irate
10 and upset about a project going on in a location right
11 here, when you have all these other places to put it?

12 So I think --

13

14 (Crowd noise.)

15

16 The City of Seabrook, the City of
17 Shoreacres, the City of La Porte, the City of Taylor
18 Lake Village, El Jardin, Clear Lake City, Pasadena, are
19 all affected here, major population areas, major traffic
20 additions to the areas, where you have alternative sites
21 that are on the channel right on major arteries such as
22 Beltway 8, such as I-10, that you can put these
23 facilities without all of the adverse reaction. So what
24 is it worth having 10,000 people mad at you and going to
25 fight you all the way?

32

1 (Applause.)

2

3 And, Colonel Waterworth, I certainly
4 don't envy your job in this -- in this -- in these whole
5 proceedings, but it was stated a moment ago that it took
6 two years to prepare the Draft EIS, and I think you've
7 already extended the comment period a certain amount,
8 but I want to ask you tonight to extend that for 90 more
9 days if you would, please.

10

11 (Crowd noise.)

12

13 This hearing is for public interest
14 review, and from looking out at the crowd here tonight,
15 there's a whole lot of public interest, and I think it's
16 going to get a whole lot of review, so as we go into the
17 holidays, let's have a little room on the back end to
18 work on this.

19 And thank you for having me and allowing
20 me to speak.

21

22 (Crowd noise.)

23

24 COL. LEONARD WATERWORTH: At this point
25 I'd like to have State Representative John Davis from

33

1 District 129 step forward, make his comments, please.

2

3 (Applause.)

4

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

9

10 (Applause.)

11

12

-- go on record asking Colonel

13

Waterworth and the U.S. Corps of engineers not to issue

14

the Port of Houston Authority a permit to construct the

15

Bayport container facility.

16

17

(Crowd noise.)

18

19

Colonel, please find a better site.

20

21

(Applause.)

22

23

We could do better. My constituents and

24

taxpayers demand it.

25

34

1

(Applause.)

2

3

Other sites are available in our region

4

that can accomplish the same goals as Bayport, but not

5

at the expense of the taxpayers, Galveston Bay and

6

private industry.

7

8

(Crowd noise.)

9

10

The proposed Bayport container

11 dramatically changes the landscape of the type of
12 economic growth we want to encourage for southeast
13 Harris County.

14

15 (Crowd noise.)

16

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

20

21 (Crowd noise.)

22

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

35

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

3

4 (Crowd noise.)

5

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

10 REPRESENTATIVE JOHN DAVIS: Do I get
11 three more minutes?

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

19
20 (Crowd noise.)

21
22 Additionally, the proposed container
23 facility will overcrowd the current rail system which
24 supports our chemical plants. Current steps are being
25 taken by BNSF to construct a new San Jacinto rail which

36

1 will run through the heart of Clear Lake City.

2
3 (Crowd noise.)

4
5 This is a major sign that industry fears
6 they will not be able to get their products to the
7 marketplace in a timely fashion as they, too, will be
8 crowded out by the Port of Houston Authority.

9

10 (Crowd noise.)

11

12 If the Port Authority gets its permit,
13 we will have negative economic growth. Containers,
14 pothole, windshield repair companies will be our future
15 growth industries.

16

17 (Crowd noise.)

18

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

37

1 power to be arrogant, deceitful and manipulative.

2

3 (Crowd noise.)

4

5 They are truly accountable to no one and
6 it shows.

7

8 (Applause.)

9

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

16

17 (Crowd noise.)

18

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

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

23 COL. LEONARD WATERWORTH: Okay. Thank
24 you.

25 REPRESENTATIVE JOHN DAVIS: The real

38

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

3

4 (Crowd noise.)

5

6 COL. LEONARD WATERWORTH: Excuse me.
7 Ladies and gentlemen. Please hold your remarks down so
8 the representative can finish his comments so we can get

9 on with the evening, please.

10 REPRESENTATIVE JOHN DAVIS: You're
11 hurting my feelings.

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

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

19

20 (Crowd noise.)

21

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

25 Sir, I'm going to try to keep us back on

39

1 schedule. Please limit your comments.

2 MAYOR JACK FRIDAY: Good evening. I'm
3 Jack Friday, mayor of Seabrook. The City of Seabrook --

4

5 (Applause.)

6

7 -- would like to thank the Army Corps of

8 Engineers for the opportunity to comment on the Draft
9 Environmental Impact Study distributed to the area
10 cities.

11 First and foremost, Seabrook opposes the
12 Bayport location for the container cruise facility. We
13 recommend an alternate location be found.

14

15 (Applause.)

16

17 The facility as proposed will have an
18 adverse impact on the environment and the current
19 socioeconomic base of the area. Equally important, it
20 will -- it will have an adverse impact on the local and
21 national security intent of the National Environmental
22 Policy Act. Inadequate off site planning and
23 implementation of needed facilities will result in an
24 unacceptable impact on the environment, particularly air
25 and water quality, not to mention the detrimental

40

1 deterioration in the local quality of life and property
2 values.

3

4 (Applause.)

5

6 The proposed facility will create an
7 unacceptable environmental and land use impact if

8 constructed at the Bayport location.

9

10 (Crowd noise.)

11

12 The conspicuous absence of public safety
13 assessments in light of the terrorist attacks of 9-11
14 and the well-documented vulnerability of our nation's
15 seaports and containerized shipping is incompetent and
16 contrary to the spirit and intent of the NEPA
17 regulations requiring environmental impact analysis. We
18 strongly urge the Corps to reconsider the Bayport
19 location in view of the recent terrorist attacks and
20 potential attacks on our nation.

21 The City of Seabrook will submit
22 documentation supporting our comments and written -- has
23 written comments as needed by the February -- February
24 11th, 2002, deadline. Thank you very much.

25

41

1 (Applause.)

2

3 COL. LEONARD WATERWORTH: Now I would
4 like to call forward Major -- mayor pro tem of Seabrook,
5 Herman Burton. Please step forward, make your comments.

6 MAYOR HERMAN BURTON: Good evening,

7 ladies and gentlemen. My name is Herman Burton. I'm
8 the mayor pro tem of Seabrook, Texas. I appreciate your
9 opportunity to let us speak here tonight, Colonel.

10 The comments by Senator Jackson and
11 Representative Davis were very apropos for Seabrook. We
12 only are asking that the Corps reevaluate the location.
13 We have a wonderful way of life in Seabrook and it will
14 be changed inextricably if the Bayport complex container
15 facility is built there. Terrorism is a new way of life
16 in the United States of America. George Bush --

17

18 (Crowd noise.)

19

20 George Bush --

21 COL. LEONARD WATERWORTH: Ladies and
22 gentlemen, please let --

23 MAYOR PRO TEM HERMAN BURTON: Terrorism
24 is now a way of life in America. The president of the
25 United States George W. Bush has stated this on more

42

1 than one occasion. It's going to be with us for a
2 while. If any terroristic act occurs at this location,
3 it's going to be disrupting tens of thousands of people
4 and it would be a shame to have this on the head of the
5 colonel and the Corps.

6 There is a win/win situation, and we

7 propose a win/win situation for everyone, the workers,
8 the longshoremen, the residents of Clear Lake, the
9 residents of Harris County. It only takes a relocation
10 down to a more desirable location and not at Bayport.
11 Thank you very much.

12

13 (Crowd noise.)

14

15 COL. LEONARD WATERWORTH: I would like
16 to ask the mayor of the City of Taylor Lake Village to
17 come forward, Natalie O'Neill.

18 MAYOR NATALIE O'NEILL: I even wore my
19 heels, and it's still not -- okay.

20 I wanted to start out saying, we're not
21 against jobs. We're not against the port. It's just
22 the wrong location.

23

24 (Applause.)

25

43

1 As a mayor, my primary charge is the
2 safety, health and welfare of the citizens who elected
3 me into office. At the scoping hearing two years ago,
4 citizens brought forth issues that concerned them the
5 most. I expected them to be addressed completely and

6 without bias in your DEIS document. It's unfortunate
7 that they were not.

8

9 (Applause.)

10

11 Bayport's industrial expansion will
12 forever change our residential communities, lower
13 property values, cause traffic hazards, create major
14 health and air quality issues. These issues go to the
15 heart of our community. This permit will determine the
16 health, safety and welfare of tens of thousands of
17 citizens. As property values decrease, so will our tax
18 base, as will my ability to provide city services, like
19 police and fire protection. But for the issuance of
20 this permit, our neighborhoods would continue to be
21 viable.

22 Your document -- your document shows
23 22,955 residents live within one mile of Bayport. If
24 you add -- if you add the total number of citizens
25 living within all five of the alternative sites

44

1 together, you will get half of the number of Bayport
2 alone.

3

4 (Applause.)

5

6 It would be -- it would be impossible
7 for me to address all of the DEIS inadequacies in the
8 three minutes you've allotted me. It's a lengthy
9 document. I've only read it through quickly once.
10 You've had teams working on it 40 hours a week for three
11 years. I ask you to extend our time so we have the
12 opportunity to review it thoroughly and address our
13 concerns properly.

14

15 (Crowd noise.)

16

17 From what I have read, it's apparent the
18 Corps of Engineers started with their answer, Bayport,
19 and manipulated and omitted whatever data they could to
20 defend that solution.

21

22 (Crowd noise.)

23

24 It is -- it is evident that there is a
25 deep-seated bias in your analysis. In fact, Bayport

45

1 should have had a difficult time making it through the
2 tier 2 evaluations. Road access, rail access, potential
3 impacts to communities and the environment, if correctly
4 measured without partiality, would have shown that

5 alternatives have far less impact and offer better
6 transportation options.

7

8 (Crowd noise.)

9

10 Shoal Point or Spillman Island will
11 create an equal number of jobs to those offered at the
12 Bayport site, with fewer impacts.

13

14 (Crowd noise.)

15

16 I urge you, once again, to include the
17 50-foot dredge, small particle pollutants, loss of
18 property value, loss of tax base.

19 You, the Army, neglected to address the
20 serious issue of terrorism in our ports.

21

22 (Crowd noise.)

23

24 You are charged through a memorandum of
25 agreement with the EPA to do a full and fair EIS. I

46

1 urge you to carry out a supplemental DEIS to address
2 those impacts. If you do, I'm sure you'll find the
3 truth and you will just say no.

4

5 (Applause.)

6

7 COL. LEONARD WATERWORTH: At this time I
8 would like to have the mayor pro tem, City of Del Lago,
9 Natalie Ong, to come forward to make her comments.

10 MAYOR PRO TEM NATALIE ONG: As mayor pro
11 tem, let me state from up front that the City of El Lago
12 is adamantly opposed to a permit to build a container
13 terminal in Bayport.

14

15 (Applause.)

16

17 When complete, Bayport will be larger
18 than our entire city. It's the wrong location.

19

20 (Applause.)

21

22 Your facts are wrong. Your flawed and
23 incomplete Draft EIS says El Lago will not be impacted.
24 Not true. You say no evacuation routes will be
25 affected. Not true. 9,000 port-related vehicle trips

47

1 per day and our evacuation route will not be affected?
2 What about accidents with their trucks and trains? What
3 if they create the reason we have to evacuate?

4

5

(Crowd noise.)

6

7

COL. LEONARD WATERWORTH: Excuse me,

8

ma'am.

9

MAYOR PRO TEM NATALIE ONG: We have

10 tried working with the Port to develop alternative

11 sites. Spillman Island should be the preferred site in

12 Harris County.

13

14

(Applause.)

15

16

It was created to be used for port

17 expansion. It's on the Barbours Cut waterway, across

18 from the Port's current container terminal, and ideally

19 situated near the railhead and freeways headed in every

20 direction. Jobs for longshoremen and pilots will be

21 preserved. On-road travel time for trucks between the

22 two container terminals will be greatly reduced. The

23 air would benefit. Our roadways will benefit. Harris

24 County taxpayers would benefit most --

25

48

1

(Applause.)

2

3

-- by sharing administrative, emergency

4 and service facilities already in place at Barbours Cut,
5 ongoing costs would be reduced. No additional land need
6 be purchased. Mitigation for residential conflicts will
7 be lessened.

8 Bayport is the only alternative
9 design -- identified with significant residential
10 impacts. Your documents cite 23,000 people in the
11 Bayport study area. Spillman Island has a mere 4100.
12 More Asian Americans will be affected by a Bayport
13 facility than any other by a factor of 32. No study was
14 made of the environmental justice for Asian Americans
15 who have been historically under-represented in Port
16 operations, yet stand to have their livelihood in the
17 seafood industry and property values put in jeopardy.

18

19 (Crowd noise.)

20

21 COL. LEONARD WATERWORTH: Excuse me,
22 ladies and gentlemen. Please refrain for the speaker to
23 finish her comments.

24 MAYOR PRO TEM NATALIE ONG: What are the
25 impacts to those Bayport companies that rely on the

49

1 Bayport channel? What of potential disruptions during
2 construction or after it to the operations of Baytank,

3 PetroUnited, American Acryl, Atofina and Nova. Will
4 those operations be at risk? Our Bayport companies
5 represent real jobs for our neighbors and our local
6 economy, not the truckers nor the construction workers
7 who will be gone when this project is built.

8 What about the cruise terminals? Cruise
9 terminals should not be placed amid a busy container
10 port. Let's --

11 COL. LEONARD WATERWORTH: Ma'am --

12 MAYOR PRO TEM NATALIE ONG: Let's
13 seek --

14 COL. LEONARD WATERWORTH: -- please
15 finish up your comments.

16 MAYOR PRO TEM NATALIE ONG: Let's think
17 regionally and have a first class cruise terminal where
18 the bay meets the gulf in Galveston. We don't want jobs
19 to be on the line. There will be plenty of work in
20 developing Spillman Island. The ships will come. Maybe
21 it's not the new house envisioned by the Port of
22 Houston, but the ships will come. We will still have
23 the jobs, the benefit -- it will benefit the economy and
24 handle the proposed traffic that the Port of Houston
25 expects.

50

1 A supplemental EIS to address the issues
2 not yet adequately resolved should be done. Why the

3 rush? Let's do it right. There's too much at stake.

4 Bear in mind --

5 COL. LEONARD WATERWORTH: Excuse me,

6 ma'am.

7 MAYOR PRO TEM NATALIE ONG: -- the Port

8 of -- the Port of Houston Authority has alternatives.

9 COL. LEONARD WATERWORTH: Excuse me.

10 Ma'am. Your time is up, ma'am.

11

12 (Crowd noise.)

13

14 Ladies and gentlemen. Ladies and

15 gentlemen.

16 MAYOR PRO TEM NATALIE ONG: Their pride

17 may be on the line, but we have even more at stake than

18 they do. It's our homes, our health, our safety, our

19 families that we ask you to protect. That is your

20 charge. Please do your job so we don't have to resort

21 to the courts.

22 COL. LEONARD WATERWORTH: Okay.

23

24 (Crowd noise.)

25

1 At this point, I'd like to call forward

2 mayor pro tem, City of Shoreacres, Nancy Edmonson.

3

4 (Applause.)

5

6 MAYOR PRO TEM NANCY EDMONSON: I may be
7 the only one to have three minutes.

8 My name is Nancy Edmonson. I'm mayor
9 pro tem of the City of Shoreacres. My children are
10 Austin and Vivian. They didn't figure they'd have three
11 minutes' worth to say, but they wanted to be here to
12 express their opinion.

13 I think I'm probably a rare person in
14 this room. I have, in fact, read the entire DEIS. It
15 wasn't fun. I found innumerable problems with the DEIS,
16 including omitted topics, flawed analyses,
17 unsubstantiated conclusions, and even incorrect basic
18 data. On my first pass through, I found 87 separate
19 problems with the DEIS. However, I only have three
20 minutes, so I want to touch on two of those topics that
21 are particularly relevant to my city, City of
22 Shoreacres. The rest of the comments will be submitted
23 in writing.

24 A couple of examples of problems with
25 the transportation analysis. I have a couple of

1 technical remarks to make, but the idea to give you a

2 feel for the flaws in the analysis.

3 The DEIS, as some of you know, concludes
4 that Bayport has no real effect on traffic because it
5 uses a measure of traffic impacts that can't distinguish
6 between bad and awful traffic, while other measures,
7 such as total delay time, can.

8 The DEIS includes no analysis of the
9 effects of the trains on the roadway system. There is
10 no calculation of delay time at crossings from the
11 trains. I find this to be a major omission.

12

13 (Applause.)

14

15 The traffic -- the traffic analysis
16 assumes the benefits of roadway improvements such as
17 Port Road fly-arounds and an overpass on State Highway
18 146 for trains that are not in place, do not exist, and
19 are not in the Port's jurisdiction to either build or
20 approve. In fact, these projects are not approved by
21 TXDOT.

22 Some similar ideas to -- similar
23 problems I've seen with the noise analysis. As bad as I
24 thought the traffic analysis was, I thought the noise
25 was worse. The DEIS concluded that there would be no

1 adverse impacts from truck traffic along State Highway
2 146. But why? Because there were no sites along State
3 Highway 146 modeled. Noise impacts from trucks in
4 Shoreacres that are approximately a hundred yards from
5 State Highway 146 must be examined. The DEIS also
6 include -- also concluded there were no adverse noise
7 impacts from trucks because it assumed, if you can
8 imagine, that the percentage of trucks on State Highway
9 146 with Bayport would be the same as the percentage of
10 trucks without Bayport.

11

12 (Crowd noise.)

13

14 So, therefore, no impact.

15

16 Further, even though the traffic
17 analysis takes credit for the roadway improvements I
18 mentioned, such as the Port Road fly-arounds as well as
19 the grade separation on State Highway 146 which would
20 both be elevated roadways, the noise impact does not
21 take into account the noise effects of elevating
22 roadways, particularly roadways that would have
23 18-wheelers accelerating up and down them.

24

25 Finally, I can't help it. I have to
talk about Jim Edmond's berm. He keeps talking about a
20-foot berm. First of all, I don't think it's going to

1 do a whole lot with the folks over in El Jardin and
2 Seabrook, but, in addition, that berm is not proposed on
3 the north side. Those of us who live on the north side
4 have no mitigation from noise and there is no room for
5 mitigation.

6

7 (Applause.)

8

9 COL. LEONARD WATERWORTH: Mayor, if
10 you'd try to conclude your remarks? Can you wind up
11 your remarks, please? You've gone over your time.

12 MAYOR PRO TEM NANCY EDMONSON: I'm
13 sorry.

14 COL. LEONARD WATERWORTH: Can you wind
15 up your remarks?

16 MAYOR PRO TEM NANCY EDMONSON: Yes, I
17 am. Despite the incomplete and often flawed analyses, I
18 was struck by one major point after reading the DEIS,
19 however. If you read the DEIS, you will find that
20 Bayport is not the optimal facility for the -- optimal
21 site for the facility. At least two other alternatives,
22 Spillman Island and Shoal Point, offer the same
23 benefits, and, yes, fellows, the same jobs, without the
24 negative impacts on our communities.

25

1 (Applause.)

2

3 I believe the Corps should deny the
4 permit at the Bayport location. If the Port -- if the
5 Corps doesn't feel like denying the application at the
6 moment, the next step should be to extend the review
7 period. I know how long that document takes to get
8 through. The public deserves the opportunity to review
9 it itself.

10 And, finally, the omissions and the
11 problems in the analysis are significant enough that I
12 think we must have supplemental DEIS to address them.
13 If we go straight to final EIS at this point, the public
14 will not have a chance to see the new and, I'm hoping,
15 an improved analysis. Thank you.

16 COL. LEONARD WATERWORTH: Thank you very
17 much.

18

19 (Applause.)

20

21 I would like to have our last elected
22 official come forward, the mayor of the City of
23 Pasadena, John Manlove.

24

25 (Applause.)

1 MAYOR JOHN MANLOVE: My name is John
2 Manlove. I'm the mayor of the City of Pasadena. It is
3 in my city in which the Bayport terminal would be
4 located. The City of Pasadena recognizes the Port of
5 Houston Authority's importance in the region's economic
6 success and appreciates the need for expanded container
7 terminal facilities in the Houston-Galveston area.
8 However, we strongly disagree with the EIS conclusion
9 that Bayport is the best location.

10

11 (Applause.)

12

13 Viable alternatives, particularly the
14 Spillman Island site, did not receive adequate
15 consideration, especially given that the EIS deems the
16 effects of construction to be virtually identical for
17 all seven location options. The arguments for the
18 expansion cite a variety of economic benefits for the
19 region, but in many cases, understate or ignore the
20 negative impact on Pasadena and surrounding communities.

21

22 (Applause.)

23

24 The EIS fails to address the project's
25 potential to overload the transportation system of

1 southeast Harris County. The estimate of 9,000 trucks
2 per day traveling to and from the proposed complex is an
3 increase of 28.6 percent above the initial projections.
4 This only worsens the potential impact on area traffic.

5 Despite an estimated 16,000 daily trips
6 to be generated by the Bayport project, EIS traffic
7 impact maps show no effect on major thoroughfares other
8 than Red Bluff Road, from Bay Area Boulevard to Fairmont
9 Parkway. We know the effects will be more far-reaching
10 than that. The impact of 9,000 trucks cannot be
11 ignored.

12

13 (Applause.)

14

15 If even a small percentage of these
16 trucks travel through Pasadena, the resulting gridlock
17 would threaten to paralyze growth around one of the
18 area's most thriving and promising residential and
19 retail hubs.

20 The Bayport expansion's effect on
21 recreation does not receive appropriate weight. Aside
22 from allowing for potential conflict between commercial
23 and recreational use, the EIS offers no clear indication
24 of negative impacts on recreational activities,
25 including fishing and sailing.

1 (Applause.)

2

3 The success of a community is measured
4 in more than just dollars and cents. The EIS --

5

6 (Applause.)

7

8 -- process recognizes this with its
9 stated goal of identifying an option that would avoid or
10 minimize adverse effects upon the quality of the human
11 environment. The Bayport location may be less costly
12 from a financial standpoint, but the social impact of
13 constructing a container facility at Bayport must be
14 given even weight, particularly when the Corps of
15 engineers has identified acceptable alternatives.

16 The Bayport proposal --

17

18 (Applause.)

19

20 -- the Bayport proposal suggests that we
21 can afford to sacrifice communities for a stronger
22 regional economy, but the economy is important only in
23 the context of the communities it serves.

24

25 (Applause.)

1 A strong economy and quality of life can
2 co-exist, and we encourage the Port to continue its
3 search for a location that achieves this balance. Thank
4 you very much.

5

6 (Crowd noise.)

7

8 COL. LEONARD WATERWORTH: Ladies and
9 gentlemen, at this point, I'd like to reiterate the
10 purpose of tonight's proceedings. We're here to gather
11 information regarding your comments concerning the Draft
12 Environmental Impact Statement and the Port's
13 application. We will use this information in developing
14 the final EIS and making a final decision on the
15 applicant's proposal. We are not here for a question
16 and answer session nor a vote. We're here to gather
17 information.

18 Now I would like to have Mr. Dunn call
19 forward the six speakers as we start this evening's
20 proceedings of public comments.

21 CHIEF DOLAN DUNN: If you would --
22 excuse me. If you would, we're going to bring six folks
23 up, and if you would, come to the speaker area. We have
24 some staff members that will align you for your order of
25 speaking.

1 The first six public presentations will
2 be by Ms. Darlene Ruiz, Richard Lord, E. Dale Worthan,
3 Beau McDaniel, Meredith Pickett and Derryl Wood. Please
4 come forward.

5 And the first speaker will be
6 Ms. Darlene Ruiz.

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

24

25 (Applause.)

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

7

8 (Crowd noise.)

9

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

16

17 (Applause.)

18

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

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

6

7 (Applause.)

8

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

11

12 (Crowd noise.)

13

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

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

25

Now we're getting into a situation of

63

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

8

9

(Crowd noise.)

10

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

14

15

(Crowd noise.)

16

17

COL. LEONARD WATERWORTH: E. Dale

18 Worthan.

19

MR. E. DALE WORTHAN: I'm Dale Worthan,

20 and I represent working folks.

21

22

(Applause.)

23

24

All the working folks, stand up. Let me

25 tell you what. This is about jobs for our children, our

64

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

16

17 (Crowd noise.)

18

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

21 MR. BEAU McDANIEL: Thank you for this
22 opportunity. In keeping with your request to not add
23 comments that have already been made, I would just like

24 to state that the comments of my mayor of Seabrook and
25 of our surrounding cities speak for themselves and I

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1 have nothing else to add or take up your time.

2

3 (Applause.)

4

5 CHIEF DOLAN DUNN: Thank you. Meredith
6 Pickett.

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

19 But most importantly, girls have the
20 opportunity to just be themselves. We gain a true
21 identity and individuality through trials and
22 interactions with our fellow Americans. We also gain
23 confidence which is so often lacking in people my age,

24 confidence in our actions and confidence in ourselves.
25 We learn how to work with people and how to effectively

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

4 What I value the most about Casa Mare
5 are the friendships that I've formed over the years. I
6 have met girls from all over the Houston area. We go to
7 different schools, have different backgrounds and
8 different families, but the thing that ties us together
9 is our love of sailing. When I first started sailing, I
10 looked up to the older girls that were my friends. And
11 now, four years later, I have become one of the older
12 girls and there are younger girls that look up to me.
13 Because of camp, I have the opportunity to be a role
14 model and a big sister to the younger girls. The
15 friends we make at Casa Mare are friends we will keep
16 forever. We all look forward to coming down to camp
17 Friday night and seeing our friends. Staying up all
18 night talking with our friends, feeling the cool ocean
19 breeze on your face and watching the waves in the bay
20 may not seem like much, but I assure you, it is. Camp
21 is so different from the city, so peaceful. It really
22 is a place to get away. We truly do grow every weekend,

23 whether it's by teaching a class, learning more
24 information or just goofing off and having fun. Camp
25 Casa Mare really has become more than just a camp and

67

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

3

4 (Applause.)

5

6 CHIEF DOLAN DUNN: Thank you,
7 Ms. Pickett. Next speaker is Derryl Wood.

8

9 MR. DERRYL WOOD: My name is Derryl
10 Wood, a resident of Seabrook, Texas. I've heard state
11 representatives and mayors speak of traffic and

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

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

23 The people that live south of the Bayport area --

24

25 (Applause.)

68

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

3 I do not think it's in the best
4 interests to delay the process. I think it's in the
5 best interests of the community, the workers, and all
6 involved that you make the decision as soon as possible
7 so that Houston can continue to grow with the container
8 terminal that will meet the 21st century. Thank you.

9

10 (Crowd noise.)

11

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

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

19 The first speaker will be Captain
20 MacNab.

21 COL. LEONARD WATERWORTH: I would ask

22 all speakers that if you would speak clearly and talk
23 into the microphone so that everybody can hear you,
24 please.

25 CAPTAIN ALISTAIR M. MacNAB: Well, good

69

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.

25 The other thing, too, is that people

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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
24 trucks is a good alternative to the Port of Bayport.

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

71

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

6

7 (Crowd noise.)

8

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

15

16 (Crowd noise.)

17

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

20

MR. MARK LUMEN: We have Mike Laible,

21 Seabrook city council.

22 MIKE LAIBLE: Thank you. I think -- I
23 don't think I -- I can't add to anything that's been
24 said already tonight. I'll be really brief. I am
25 definitely for jobs, I am definitely for port expansion,

72

1 but I think it's in the wrong place. I think it needs
2 to be at Spillman Island. I think if you look at the
3 summary of the tables, E4 and E5, you can go through the
4 list of noise, aesthetics and the like, ecology, and our
5 land, it has no impact on the Spillman Island section,
6 but there's impacts under Bayport, so if everybody would
7 build Bayport, I agree with you, but move it to Spillman
8 Island.

9

10 (Crowd noise.)

11

12 MR. MARK LUMEN: Thank you. Next we
13 have Richard Shaw.

14 COL. LEONARD WATERWORTH: I would ask
15 the speakers that as you present your -- make your
16 remarks, move closer to the microphones so that everyone
17 can hear you, please.

18 MR. RICHARD SHAW: Ladies and gentlemen,
19 brothers and sisters, I'm with the Harris County AFL/CIO

20 representing 72 units in Harris County. We support the
21 Bayport terminal complex expansion, and our reasons are
22 quite simple.

23 Number one, it means jobs, and good
24 jobs. We're talking about 12,000 new jobs that will be
25 created in ten years. These jobs are what we'll refer

73

1 to as high road jobs. They will -- they will boost our
2 local economy, they will support businesses, and they
3 will lift up families in liveable wages, decent
4 benefits, and they will spread the wealth.

5 Secondly, the Bayport expansion will
6 boost business. One billion dollars in business and
7 after ten years.

8 Third, new tax revenue. State and local
9 governments will benefit. \$41 million after ten years.

10 And, finally, and most importantly in
11 today's economy, it means diversification for Houston.
12 Diverse -- diversification in our economy is needed
13 right now. It will help protect us from the effects of
14 recession.

15

16 (Applause.)

17

18 We urge you to approve the Bayport
19 terminal complex. Thank you.

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21 (Crowd noise.)

22

23 MR. MARK LUMEN: We have Rey Gonzales.

24 MR. REY GONZALES: We know the

25 history -- economic history of the Port of Houston. We

74

1 know the economic history of its future. What I want to
2 call your attention to is the importance that the Port
3 of Houston has had for women and for minorities in
4 creating a solid middle class.

5

6 (Applause.)

7

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

17 When I see a truck or when somebody sees
18 a truck on the highway, what I see is that Afro-American

19 student at Stephen F. Austin or the Hispanic student at
20 U of H or the women business owners. When I see the
21 longshoreman unloading containers, I see the joy in
22 those parents as their first generation graduates from
23 college.

24 The Port of Houston --
25

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1 (Applause.)

2

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

11

12 (Applause.)

13

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

17

18 (Crowd noise.)

19

20

MR. MARK LUMEN: Thank you,

21

Mr. Gonzales. Now we have Juan Parras. Juan Parras.

22

23

(Applause.)

24

25

MR. JUAN PARRAS: My name is Juan

76

1

Parras, and I'm with Unidas for Environmental Racism,

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and I would like to remind the Corps that under

3

Executive Order 12989 on environmental justice, all

4

federal agencies are mandated -- it says, "mandated to

5

take into consideration how federal projects will impact

6

communities of color and low income who are already

7

overburdened with pollution." East end Harris County

8

will be greatly impacted by Bayport, yet the Draft

9

Environmental Impact Statement did not extend its study

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to include us. Perhaps the Corps needs to review and

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read the Executive Order 12989, and it also needs to

12

look up the definition of mandate. We in east end

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Harris County demand that we be included on the

14

Environmental Impact Statement and, therefore, because

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we were not included, we demand that the permit be

16

denied. Thank you.

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18

(Applause.)

19

20

MR. MARK LUMEN: Okay. Next we have

21

Stan Krauhs, who is council member, City of Shoreacres.

22

MR. STAN KRAUHS: Thank you, Colonel.

23

I'm Stan Krauhs. I'm an alderman in the City of

24

Shoreacres, and I wanted to first of all say that I

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completely agree with all the words that Natalie O'Neill

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spoke earlier generally speaking on the project for

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Taylor Lake Village and also the specific things that

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Nancy Edmonson mentioned. It really bothers me that

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someone like Nancy Edmonson, who's not a paid person on

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anyone's staff as far as the city or the Port or the

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Corps or the URS folks, can find so many holes in a

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document that the Corps has obviously spent -- has spent

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millions of dollars in producing.

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(Applause.)

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It just seems to me that the quality --

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the air quality and noise and some of these other things

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are not things that actually can be mitigated. They

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can't be -- they can be mitigated for some people at

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some places, but they cannot be mitigated for all of the

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23,000 people that it would be affecting. If Spillman

18 Island is a better location and it affects fewer people,
19 then I say, that's where it should go.

20

21 (Applause.)

22

23 CHIEF DOLAN DUNN: Thank you. Our next
24 six speakers: Cynthia Sarthou, Jim Blackburn, Dennis --
25 Dennis Brown, Benny Holland, Bernard -- I'm sorry, but

78

1 Maristany, M A R I S T A N Y, and Laurence Tobin.

2 And the first speaker of those will be
3 Cynthia Sarthou.

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

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18

(Applause.)

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(Applause.)

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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

17 foreseeable and --

18

19 (Applause.)

20

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

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

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

7 I am at a loss to see how the number of
8 acres that were originally cited by the Corps in its
9 analysis of this project have been eliminated or at
10 least developed to 2.5, and I can only suppose that you
11 are interpreting the SWANCC decision in its most limited
12 and focused method or way. And I would like to say that
13 I cannot see that any interpretation of SWANCC would, in
14 fact, bring about the finding that you have made.
15 Hydrological connection, not merely adjacent location,

16 is all that is required for jurisdictional authority of
17 the Corps over wetlands, and in this instance, there is
18 hydrologic connection, and I would venture to say that
19 even the ditches that somebody nicely built on this
20 property create an even greater hydrologic connection
21 than previously.

22

23 (Applause.)

24

25 So I would submit my -- I will submit my

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1 comments, but I will say that there are serious problems
2 with this DEIS and I would request that the Corps
3 revisit it and reissue a new DEIS in the future. Thank
4 you.

5

6 (Applause.)

7

8 CHIEF DOLAN DUNN: Mr. Jim Blackburn.

9

10 (Crowd noise.)

11

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

16

17 (Crowd noise.)

18

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

24

25 (Applause.)

82

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

10 We held a scoping meeting. We
11 participated in a scoping meeting that the Corps of
12 Engineers held well over two years ago. At that time,
13 GBCPA asked that a number of issues be analyzed. We
14 asked that fine particle air pollution, PM 2.5, be

15 analyzed. That has not been analyzed in this Draft
16 Environmental Impact Statement. We asked that hazardous
17 air pollutants be analyzed. They have not been analyzed
18 in this Environmental Impact Statement.

19

20 (Applause.)

21

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

83

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

5 The same thing's true about train
6 traffic; the same thing's true about truck traffic. We
7 do not have the truth in this document. It means you
8 don't have the truth.

9 Now, a Draft Environmental Impact
10 Statement is to give the public a chance to comment. We
11 haven't had a chance to comment on those issues, because
12 you didn't address them initially. A supplemental Draft
13 Environmental Impact Statement must be prepared to
14 address these issues and tell the truth. Otherwise, the

15 purpose of the document and the purpose of the National
16 Environmental Policy Act will be circumvented and
17 ultimately the policy of Congress will fail.

18

19 (Applause.)

20

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

84

1 (Applause.)

2

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

7

8 (Crowd noise.)

9

10 CHIEF DOLAN DUNN: Next speaker is
11 Mr. Dennis Brown.

12 MR. DENNIS BROWN: Hello, Colonel. My
13 name is Benny Holland. I'm the president of South

14 Atlantic Gulf Coast District of International
15 Longshoremen's Association.

16

17 (Applause.)

18

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

85

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

10 It hasn't been brought out, but it's
11 very important that you understand that Houston is
12 successful today, but if we're not able to handle all of
13 the traffic that's necessary to house the maritime

14 industry in the next five or ten years, that business
15 can go to New Orleans or some other area, and some
16 10,000 longshoremen and retirees can lose their pensions
17 and their jobs because we put ourselves ahead of jobs
18 for some working people.

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

23

24 (Crowd noise.)

25

86

1 CHIEF DOLAN DUNN: Is Mr. Dennis Brown
2 here?

3 Okay. Bernard Maristany? My apologies.

4 MR. BERNARD MARISTANY: I'm Bernard
5 Maristany. I'm a resident of the Gulf Coast. First
6 speaker tonight was supposed to address the DEIS and he
7 did not. I was disappointed at that. Instead, he used
8 the time to make a political speech to defend his views
9 and to create a division among us. He talked a lot
10 about "they," "they," "they," and the implication of us.
11 It's not us, but it's they. We (inaudible). There's no
12 need to think that if the terminal is not built in

13 Bayport, there will not be jobs. There will be jobs
14 this way. What I see here is an attempt to get the \$1.2
15 billion crown, to use the longshoremen and the workers
16 as forces against us, who are weak. We are just people
17 who save money and own a home and don't want to have
18 that taken from us.

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

22 And with regards to the analysis, it's
23 clear that the ships are going to be much larger than
24 they are, and it's clear from the others that occur that
25 we're going to need a 50-foot channel to serve that

87

1 terminal, wherever it is built, and I think the Corps
2 ought to include that alternative and consider what
3 would happen with a 50-foot channel. Thank you.

4

5 (Applause.)

6

7 CHIEF DOLAN DUNN: Thank you.

8 Mr. Laurence Tobin.

9 LAURENCE W. TOBIN: I'm Laurence W.

10 Tobin, council member from Taylor Lake Village.

11

12 (Applause.)

13

14 Much like Enron, we now realize the

15 POHA -- POHA --

16 COL. LEONARD WATERWORTH: Excuse me,

17 Mr. Tobin.

18 LAURENCE W. TOBIN: -- believes in using

19 smoke and mirrors to present economic and employment

20 potential. Back in '99, remember, 200,000 jobs? Now,

21 what is it? 36,000? And of those, you can only account

22 for a few, and the rest must be flipping hamburgers.

23

24 (Applause.)

25

88

1 The PO -- POHA also -- the POHA also

2 uses misrepresentation. They think they can do anything

3 they wish. In fact, Mr. Ted Walters signed the

4 application that is a government document saying that

5 the Port owned and controlled land under which it was

6 making its application. Well, lo and behold, they did

7 not own much of the land and much of that land was

8 actually not available to them. They could not -- they

9 could not take that land by eminent domain. They would

10 have to obtain the permission of the City of Pasadena

11 and the City of Seabrook to do that taking. Therefore,

12 the application was fraudulent on its face and should be
13 withdrawn immediately.

14

15 (Applause.)

16

17 In fact, under the water code, the POHA
18 cannot take these steps and the sovereignty of these
19 cities are supreme.

20 The POHA claims in its latest notice to
21 the public -- in the Public Hearing that it meets the
22 requirements of the Texas Coastal Zone Consistency
23 Certification. However, the Texas General Land Office
24 gave notice to the applicant, POHA, that the Bayport
25 application was premature and administratively

89

1 incomplete.

2

3 (Applause.)

4

5 Again, the POHA misrepresented material
6 information within its application.

7

8 Overall, the whole DEIS is so
9 administratively incomplete that it calls for immediate
10 withdrawal and we really should be looking further at a
11 combined EIS, if this thing were even to consider at a
further step, for it appears that the rail services

12 going into the same location, same vicinity, and these
13 problems and impacts are not being studied.

14

15 (Applause.)

16

17 And, again -- against all others, we
18 should be looking for -- if none of these others things
19 are stepped into, we need to look for at least an
20 administrative and a supplemental DEIS to deal with the
21 many deficiencies currently evident. Excuse me.

22

COL. LEONARD WATERWORTH: Excuse me.

23 The timekeeper shows that your time's up. Please
24 conclude your remarks.

25

LAURENCE W. TOBIN: Okay. I'm going to

90

1 close real quickly.

2

3

(Applause.)

4

5 The citizens of this region must
6 understand that the primary objective of the Bayport
7 boondoggle is not good business. It is control of a
8 vast amount of public monies to bargain as plums to
9 extract contributions from the E & C contractors. This
10 is what the POHA is all about.

11

12 (Crowd noise.)

13

14 MR. MARK LUMEN: Okay. We're going to
15 call six more people to come up to the front, please:
16 Jim Morrison, Diane Domenech, Mary Vitek, or Vitek, B.
17 R. Williams, Dean Corgey, and Cora Ann Blytas, or
18 Blytas. Please come up to the front.

19 The first speaker is Jim Morrison. Jim
20 Morrison.

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

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

9 Concerning the Draft Environmental
10 Impact Statement, we have reviewed the facts and heard

11 arguments from those for and against. Many of our
12 neighbors in Clear Lake area have spoken out against the
13 project. However, the study shows we can have Bayport
14 and clean air, too. The Corps' report models conclude
15 that air emissions and the traffic control systems
16 planned for the Bayport terminal will significantly
17 lower the level of emissions previously assumed for the
18 state implementation plan.

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

21

22 (Crowd noise.)

23

24 On the issue of wetlands and water
25 quality, opponents to the plan -- specifically the

92

1 cities of Seabrook, Taylor Lake Village -- purport the
2 project will damage the bay. They oppose the Port
3 project while approving million dollar housing
4 developments that are destroying wetlands and creating
5 tremendous nonpoint source pollution problems for the
6 bay.

7

8 (Applause.)

9

10 The Seabrook Island development
11 bulkheading destroyed wetlands and its discharges run
12 off directly into the bay ecosystem. The same is true
13 for Taylor Lake Shores development. And how about The
14 Park at Armand Bayou? Luxury apartment living? The
15 Draft EIS addresses storm water issues with retention
16 and detention ponds and treatment facilities for the
17 Bayport project. The Port plan allows for environmental
18 protection and economic growth. The Port has also
19 committed to being a good neighbor during the building
20 and the operation of the Bayport terminal complex.

21 Build it, Colonel.

22

23 (Crowd noise.)

24

25 MR. MARK LUMEN: Diane Domenech.

93

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

7

8 (Crowd noise.)

9

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

15

16 (Applause.)

17

18 Houston is facing economic decline and
19 the Port of Houston Authority is proposing a facility
20 that will create an economic boost. We need the Port of
21 Houston and the Bayport container facility. Change is
22 the forerunner of progress, and we need progress.

23

24 (Applause.)

25

95

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

7 The East End Area Chamber of Commerce is
8 proud of the Port of Houston Authority and the extent it

9 has gone to to protect the environment in its planning
10 for the facility. We are proud that they are protecting
11 the economic impact of the Port by meeting industry's
12 needs. We applaud and support the plans to keep
13 progress alive by constructing the Bayport container
14 facility. Thank you.

15

16 (Applause.)

17

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

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

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

6 With respect to noise, over 10,500 Girl
7 Scouts participated in activities at Camp Casa Mare last

8 year. During the construction phase, dredging and pile
9 construction will result in adverse noise, particularly
10 during nighttime hours.

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

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

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

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

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

17 In closing, we request that a plan be
18 required that addresses the additional mitigation
19 measures that will take place, should the impact of this
20 project exceed the expectation outlined in the
21 Environmental Impact Statement. Thank you.

22

23 (Applause.)

24

25 MR. MARK LUMEN: Thank you.

98

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

3 Okay. Then we have Dean Corgey.

4

5 (Applause.)

6

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

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

14

15 (Applause.)

16

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

24

25 (Applause.)

99

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

7 Port of Houston and our local economy.

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

14

15 (Applause.)

16

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

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

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

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

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

13 And I strongly encourage you to support
14 this project. Let's create jobs. Let's bring
15 containers in Bayport.

16

17 (Crowd noise.)

18

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

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

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

3 As part of the contemporary, innovative
4 and fun programs that we offer for girls, we own and
5 maintain eight camps within our jurisdiction. One of

6 those camps is Casa Mare. It is located on Toddville
7 Road in Seabrook and has been there for several decades.

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

14 As the board of this nonprofit -- as the
15 board of this nonprofit, we are charged with the
16 responsibility of providing program and facilities that
17 maintain a high level of safety, a responsibility that
18 we take very seriously. We have concerns about noise,
19 light, air quality, water purity and the vessel traffic.
20 We have concerns for the period of construction and,
21 more importantly, we as a board are worried about 20 or
22 30 years out, when that generation will say: Why didn't
23 the board of directors of Girl Scouts of San Jacinto
24 Council do something about it in 2001?

25 We would hope, when this project gets

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1 underway, that you could all say that you are also
2 thinking of the health and safety of the thousands of
3 girls that use our facility. We would also hope that
4 you could say to yourself that you would allow your own

5 daughter or granddaughter to enjoy two weeks of summer
6 camp and feel perfectly sure that the air, noise, light
7 and water quality would not detract from her fun at Girl
8 Scout camp. Thank you.

9

10 (Applause.)

11

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

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

24

25 (Crowd noise.)

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

4 This is important. It's important to

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

10

11 (Crowd noise.)

12

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

15 We -- one of the concerns, they talked
16 about the steps of air quality. I like the idea of
17 having the two -- the electric trains on these things,
18 being electric. I like the NOx reduction on the diesel
19 engines, which we need to do on our other Port
20 facilities on the Ship Channel. But I would also go
21 back and look at what happened if we didn't have the
22 Ship Channel, if we didn't have the Intercoastal Canal,
23 where would we be? And I think those are well-directed
24 projects and I think we still prosper from them.

25 And all these jobs, and we're talking

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1 about representing the construction industry, is, you
2 know, might not be union jobs, but it might be to the
3 point that it does let union workers do these jobs.

4 Construction workers and our contract can compete, but
5 also we'd like the opportunity for this to happen in
6 Bayport. We support the EIS study for Bayport as the
7 terminal for the members and families that we represent.

8

9 (Applause.)

10

11 CHIEF DOLAN DUNN: Thank you. Buddy
12 Hammond.

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

18

19 (Crowd noise.)

20

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

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1 cost the City of New York over 36,000 jobs and \$83
2 billion. If an attack of similar magnitude was suffered
3 that was suffered by the World Trade Center, directed at

4 the Port of Houston, what impact would it have in terms
5 of loss of human life in the immediate area and the
6 financial loss to Houston in the greater Houston
7 community. Containers have long been used by those
8 engaged in the smuggling of contraband, and now the
9 containers will be an obvious choice for the concealment
10 of terrorist weapons. On Friday, December the 7th,
11 2001, ABC News reported the United States Navy is in
12 search of 23 ships that the Norwegian and U.S.
13 intelligence agencies have identified as being under the
14 control of Osama bin Laden and his terrorist
15 organization. Senator Joseph Lieberman is quoted as
16 saying, "The ease with which the terrorists could
17 smuggle chemical, biological or even nuclear weapons in
18 a container without detection is, in a word, hair
19 raising." We still do not know the whereabouts of these
20 ships or their containers.

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

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1 flammable and separated only by a chain link fence.
2 Approval of a Bayport location will in no doubt place in

3 harm the second largest petrochemical manufacturing
4 complex in the world. It will place in jeopardy the
5 economic foundation of the City of Houston, America's
6 fourth largest city. Are we willing to unnecessarily
7 place in harm's way the fourth largest city in America
8 for less than 5 percent of the business of the Port?

9 And in a three-page letter dated
10 September the 7th from James Edmonds, the Port chairman,
11 Mr. Edmonds addresses five areas of concern at the
12 Bayport and the Port Authority's remedy for each of
13 these concerns. However, as in all the Port's previous
14 addresses, there was no mention of security to protect
15 the surrounding communities, Galveston Bay, or the rest
16 of the Port of Houston. Mr. Edmonds goes on in his
17 letter to say that without additional capacity, our
18 existing containers -- excuse me -- quote, "Without
19 additional capacity, our existing customers who want to
20 expand their operations will take their entire business
21 to another port, and all the jobs associated with them
22 will go. Most likely, they will go to the Millennium
23 container terminal in New Orleans."

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

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1 continue to flourish. Standing further upon
2 Mr. Edmonds' own arguments, it would seem that the

3 location -- any location within six hours of Bayport
4 would be acceptable as New Orleans is a
5 six-and-a-half-hour truck drive from Houston.

6

7 (Crowd noise.)

8

9 CHIEF DOLAN DUNN: Thank you. Russ
10 Kimble.

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

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

16 MR. RUSS KIMBLE: Yes. My name is Mike
17 Kimble and I'm an environmental scientist. I have over
18 27 years of experience as a research scientist, an
19 environmental regulator and an environmental consultant.
20 I'm co-author of the ENVIRONMENTAL GEOLOGIC ATLAS of
21 Texas, which was published by the University of Texas
22 Press during the 1970s and 1980s and was the first
23 comprehensive look at the state of Texas and the
24 identification of wetlands, endangered species and
25 environmental impact for our state.

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1 I believe in protection of the

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

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

24

25 (Applause.)

2 Charlotte Cherry.

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

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

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

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(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?

(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

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

13 My husband is going to speak tonight
14 about this.

15

16 (Applause.)

17

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

23 COL. LEONARD WATERWORTH: Ma'am,
24 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.

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

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

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

5 We currently are not able to accept new
6 customers and their cargoes at the bay -- Barbours Cut
7 terminal because of limited space. The container
8 industry is expected to grow ten percent annually and
9 will soon embrace 90 percent of all cargo shipped by
10 water.

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

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

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

3 The Port of Houston has set for
4 environment -- set new standards for environmental
5 planning and construction. They have addressed
6 residential concerns, as well as air and water quality,
7 traffic and protection of wetlands. The Port is
8 committed to being a good neighbor, and we, as
9 representatives of labor, are committed to supporting
10 them in the Bayport expansion.

11 To Representative Jackson, Bayport is
12 the right site.

13 Thank you very much.

14 CHIEF DOLAN DUNN: Thank you. Emily
15 Connor.

16

17 (Applause.)

18

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

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

4 Every weekend in the month of April
5 through October, the sailing season is active. On the
6 weekends in the spring and fall, and all week long in
7 the summer mornings, Girl Scouts go down in the mornings
8 to flip Sunfish. The only way to flip these
9 14-foot-long boats is to use teamwork. Not only is
10 flipping the boat the only part of teamwork. If you
11 want to race a sailboat with more than one sail, you
12 need someone else on the boat. To be able to work with
13 someone else, to win that race, you need to work
14 together. The sailing program encourages these skills
15 every morning when we rig the boats and every afternoon
16 when we derig them. To be able to go and flip 20 boats,
17 we need to rely on each other's physical strength and
18 endurance, but our strength in our knowledge. Our
19 physical strength goes hand in hand with our knowledge
20 of weather, sailing patterns and boat equipment.

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

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

2 Thank you.

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

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

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

23 UNIDENTIFIED VOICE: It's not over.

24 MR. LOUIS VEST: The alternative is more
25 petrochemical docks in this area. As the petro -- as

1 the local resident whose house is less than two miles
2 from Bayport and as a marine professional who has worked
3 around docks all over the world, I'd like to see Bayport
4 built as a container terminal. If the opposition to
5 this project is successful, they'll simply guarantee
6 that whatever eventually gets built out there will be
7 far worse than the Port of -- what the Port of Houston
8 proposes.

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

16 UNIDENTIFIED VOICE: You're an idiot.

17

18 (Crowd noise.)

19

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

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

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

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

16 It's real interesting on the Girl
17 Scouts. Those girls are sailing in shallow water.
18 Those ship wakes come rolling in. I taught at Casa Mare
19 back in the '60s and '70s. I know what those wakes do
20 to them. In my written submission, I will be sending
21 photographs of what the ship wakes do in Pine Gully. I
22 have sat in a home on Kipp Avenue in Kemah where the
23 roar of the ship wake coming in from the channel, which
24 is miles and miles away, and that roar is greater than
25 any ocean swell at any of the great beaches in this

1 world.

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

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

7

8 (Applause.)

9

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

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

19 The DEIS is biased. For example, in the
20 land use and coastal zone management figures for Bayport
21 and for five alternative sites, only the Bayport figures
22 shows no wetlands. So why does the Port Citizens
23 Advisory Group have a wetlands subgroup? Why is the
24 Port prepared to do extensive wetlands mitigation for

25 the Bayport alternative? Where did those disappearing

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1 wetlands go?

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

7 Why, then, did the Port need to modify
8 its original permit application? Why has the Port
9 supported a Citizens Advisory Group to learn how to be a
10 better neighbor and why has the Port never installed
11 berms, shielded lights and landscaping at Barbours Cut
12 to protect the community of Morgan's Point?

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

20

21 (Applause.)

22

23 Isn't Spillman Island directly on the
24 Ship Channel and at the intersection of Highways 146 and

25 225, thus requiring minimal dredging and highway

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

6 In the last three years, the Port has
7 spent millions of dollars to convince the community and
8 the Corps that the Bayport alternative is the best
9 choice. It remains the worst choice. As a participant
10 in this Port's Citizens Advisory Group, I know that
11 dozens of good and sincere people have spent thousands
12 of hours and dollars trying to make lemonade out of this
13 lemon, and it can't be done. Several years ago, I
14 argued that the Port proposal, the Bayport proposal,
15 shows inadequate regard for the residential,
16 recreational, fishery and ecotourism interests that
17 share Galveston Bay. It still does. Please protect
18 Galveston Bay and our communities by denying a permit
19 for the Bayport location. Thank you.

20

21 (Applause.)

22

23 MR. MARK LUMEN: Thank you, Ms. Roof.

24 Next we have Craig Holland.

25 MR. CRAIG HOLLAND: Good evening,

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

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

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

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

24 Morgan's Point.

25 I think that we really do need this

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

6

7 (Applause.)

8

9 MR. MARK LUMEN: Thank you, Mr. Holland.
10 Ned Winders. Ned Winders?

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

14 The first speaker would be Craig Feazel.

15 Is Mr. Feazel still here?

16 Terri Morgan?

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

21 We oppose the construction of the
22 Bayport container facility based upon the following four

23 compelling issues:

24 The first is the permanent loss of
25 habitat and species, combined with severe land and water

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1 degradation.

2 The second is the lack of consideration
3 for the losses to local homes, schools, businesses and
4 churches.

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

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

17

18 (Applause.)

19

20 CHIEF DOLAN DUNN: Arnold Collins,

21 C-O-L-L-I-N-S.

22 Arthur Allen?

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

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1 Houston, the International Seafarers.

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

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

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

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

22 and I think those problems can be addressed creatively.

23 Thank you. I admire your patience. I

24 appreciate you being here and we're grateful for your

25 work.

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1

2

(Applause.)

3

4 CHIEF DOLAN DUNN: Thank you.

5

Mr. Bill Oliver?

6

MR. BILL OLIVER: Thank you, Colonel.

7 My name is Bill Oliver from Austin.

8

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

12 My lovely assistant from El Jardin,
13 please.

14 What a room. Okay.

15

16 (Playing guitar and singing the
17 following song.)

18

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

22 out of place?

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

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

3 Lights and noise and traffic will be
4 Seabrook's affair, but all of Harris County will be
5 sharing the air pollution from the thousands of new
6 trucks every day and saltwater intrusion as you screw up
7 the Bay.

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

12 No Bayport in Seabrook. No Bayport in
13 Seabrook.

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

19 They just might build a terminal where
20 no ships will come. Their PR folks think peons here are

21 terminally dumb. It's a sacrifice zone that they're
22 ready to pave. The PHA is the bully of Galveston Bay.
23 They're in cahoots with contracts, with
24 political peers. They'll dig a deeper channel when the
25 coast is clear. They're lying about the wetlands that

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

3 No Bayport in Seabrook. No Bayport in
4 Seabrook.

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

7

8 (Applause.)

9

10 CHIEF DOLAN DUNN: Thank you.

11 Dr. David Nickeson?

12 DR. DAVID NICKESON: Good evening,

13 Colonel Waterworth, ladies and gentlemen. I am David
14 Nixon. I'm a specialist in pulmonary disease. I live
15 in Taylor Lake Village and practice in the area, caring
16 for patients with lung disease.

17 The proposed Bayport container Port is a
18 very large operation. From what I understand, there
19 will be over 7,000 trucks moving in and out of the
20 container Port daily. There may be six or seven large

21 container ships, several cruise ships at the Port at any
22 one time. There will be frequent rail traffic. Cargo
23 movers such as forklifts would be a nearly continuous
24 operation, moving containers continuously 24 hours a
25 day.

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1 The ships, trucks, cranes, cargo movers
2 would all be powered by diesel engines. Compared with
3 emissions from gasoline engines with catalytic
4 converters, diesel engine particle emissions are 30 to
5 100 times greater. Most of the particles formed by
6 combustion in a diesel engine are from small particles
7 with diameters of less than 2.5 micrometers.

8 I'm informed that the DEIS analysis
9 looked only at larger particulate matter and materials
10 in the vapor phase of diesel exhaust. Since small
11 particles are more readily inhaled into the air sacs of
12 the lung, they are more capable of causing lung damage.
13 The International Agency for Research on Cancer has
14 concluded that diesel exhaust is probably carcinogenic
15 to humans.

16 There can be irritation of mucous
17 membranes such as the nose, mouth and eyes that can
18 occur after short-term exposure to diesel exhaust, and
19 cases of asthma appear to be caused by it. There's

20 information that dock workers have reductions in
21 breathing capacity after working a shift during which
22 they were exposed to diesel exhaust.

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

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

8 I believe the health of the citizens of
9 Clear Lake, Pasadena and Seabrook would be best served
10 by locating a large container Port on Spillman Island or
11 in the Galveston or Texas City area. I believe the
12 final EIS must contain information and analysis related
13 to small particle air pollution to get a true picture of
14 the health effects and I urge the Corps to do its duty
15 and consider health impacts in an even-handed fashion.

16

17 (Applause.)

18

19 MR. MARK LUMEN: Thank you very much.

20 We're going to call six more. Mike
21 DeCourcy, Carl Reister, Charlotte Wells, Frank Blake,
22 Bob Webbon and Brandt Mannchen.
23 Mike DeCourcy will be the first speaker.
24 MR. MICHAEL DeCOURCY: Hello. Just
25 checking.

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1 It's a hard act to follow with the
2 guitar, but I'll try and be brief.
3 My name is Mike DeCourcy. I'm a
4 Registered Professional Engineer and a resident of the
5 Clear Lake area. Although I work as a process engineer
6 for the chemical companies on the Ship Channel, I'm
7 speaking to you today not as a representative of
8 industry, but as a concerned Pasadena citizen.
9 I don't live adjacent to the Bayport
10 terminal site; however, I can certainly empathize with
11 those in the community that do. I believe that they are
12 the best representatives of their concerns and issues,
13 and so I'll focus my comments on a few technical
14 concerns I have with the EIS itself.
15 The draft EIS is a substantial document,
16 as we've heard, and it is clear that the Corps of
17 Engineers and URS have put a significant effort into its
18 preparation. While I've read the documents myself, I

19 know that many individuals will not have the available
20 time nor the stamina to wade through it in its entirety.
21 The average reader is most likely going to focus on the
22 32-page executive summary section at the beginning of
23 the report. Because of this, I'm especially concerned
24 that the text of the executive summary section fairly
25 represent the technical content of the report itself.

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

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

15 This is in sharp contrast to the
16 description of adverse consequences where the Bayport
17 alternative is compared on a relative basis, effectively
18 minimizing its negative impact. For example, with

19 respect to navigation, the no action basis represents,
20 quote, "...industrial facilities that would most likely
21 develop," rather than an undeveloped site as used in the
22 benefits. This basis is then carried forward in the
23 analysis to the seemingly counter-intuitive conclusion
24 that 20 percent more marine transits would occur if an
25 alternative industrial facility were built instead of

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

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

13 In order for such an assumption to be
14 true, however, the economic justification for building
15 the proposed \$1 billion container terminal would be
16 undermined. In essence, if cargo still arrives in the
17 Houston area even when there's no terminal, then the

18 majority of the economic benefits could be had for free.

19

20 (Applause.)

21

22 In conclusion, I believe the draft EIS
23 needs to be improved such that it more fairly and
24 consistently represents the no action case, especially
25 in the executive summary section. These improvements

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

4 Thanks for your time.

5 MR. MARK LUMEN: Thank you.

6 Carl Reister?

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

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

14 If we're speaking about a megaPort or a
15 mega container ship coming into Port, megaships today
16 carry in the area of 8,000 containers. If we have three
17 ships a day come in, that's 24,000 containers. What

17 Charlotte Wells?

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

25 If the Port of Houston is really a good

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

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

17 changing the geography of the land?

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

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

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

3

4 (Applause.)

5

6 MR. MARK LUMEN: Thank you.

7 Frank Blake.

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

12 Galveston Bay is one of our region's
13 most important economic, environmental and recreational
14 resources. Considering the future pressures from
15 increased economic and population growth, it is

16 Port's Citizen Advisory Group on Bayport since its
17 inception. We are more convinced than ever that Bayport
18 is the wrong location for a large container facility and
19 that there are, indeed, alternative sites and approaches
20 that would cause far fewer environmental and community
21 impacts.

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

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

4 Thank you.

5

6 (Applause.)

7

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

9 Bob Webbon? Bob Webbon?

10 Brandt Mannchen?

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

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

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

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

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

10 This document also states that there
11 will be an additional 53,200 people that will move to
12 this location or nearby area, but it does not give the
13 specific impacts of serving 53,200 more people in that
14 particular area as far as environmental impacts and

15 resources.

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

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

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

6 Finally, I'd like to complain about
7 having to spend \$190.86 for a hard copy of this. I
8 believe I've participated for 25 years in looking at
9 Corps of Engineers documents. I've gotten the Houston
10 Ship Channel widening and deepening document, the
11 Buffalo Bayou tributaries document, the Trinity River
12 barge canal document, the Wallisville Dam document, and
13 all those documents were as big as this one and I got

14 them for free. I don't see why I need to spend \$190.86
15 to buy this document.

16

17 (Applause.)

18

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

23 Thank you very much.

24

25 (Applause.)

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1

2 CHIEF DOLAN DUNN: Next six speakers.

3 Steve Gilliland, Gary Poulson, Sharron Stewart, Bill

4 Davis, Debra Gallington, Henry Horne, Jr.

5 And the first speaker would be Steve

6 Gilliland. No Steve Gilliland?

7 Gary Poulson?

8 MR. GARY POULSON: Hello, everybody.

9 Thank you for staying this late. My name is Gary

10 Poulson and I'm a pharmacist here in Houston.

11 Colonel, thank you for allowing me to

12 speak this evening.

13 The Environmental Protection Agency has

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

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

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

4 Thank you.

5

6 (Applause.)

7

8 CHIEF DOLAN DUNN: Thank you.

9 Sharron Stewart?

10 MS. SHARRON STEWART: I'm Sharron

11 Stewart from Lake Jackson, Texas. Thank you, Colonel,

12 gentlemen.

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

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

25

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1 (Applause.)

2

3 Cynthia Sarthou from the Gulf
4 Restoration Network made an important point about the
5 SWANCC decision and the interpretation by the Galveston
6 office of that decision. There are more regulatory
7 wetlands on the site than 2.5 acres. That triggers the
8 more rigorous alternatives analysis. If you actually
9 did that analysis and you really looked at the Port of
10 Freeport, you could see that if Houston really wanted to
11 build a Port and build it quickly, they could put five
12 docks at Freeport today, all mitigated for.

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

19

20 (Applause.)

21

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

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

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

8 Freeport is willing. Houston needs to
9 look at that alternative. The environmental community
10 has always supported deep draft for Freeport because it
11 doesn't do harm to any bay system and it's safer.

12

13

(Applause.)

14

15

CHIEF DOLAN DUNN: Thank you.

16

Bill Davis. Mr. Davis?

17

Debra Gallington?

18

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.

23

24

25

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

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

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11

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.

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

15 And I understand that much has been made
16 of the enhancements to make this more palatable, such as
17 berms and fancy lighting, but that will accomplish a
18 whole lot of nothing. It's just like putting perfume on
19 a pig. It annoys the pig and it does nothing to cover
20 the stench of this monstrosity that must be stopped.

21

22 (Applause.)

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

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

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

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

9 Item number one. Item 18 in our
10 original filing, which was September 15th, 1999, reads,

11 Defense strategy/terrorists." Now, we don't claim to be
12 clairvoyant, but this has been our concern from day one.
13 This topic was not addressed in the DEIS.

14 Number two. The 2012 Olympic Games.
15 HYC will be the host for the sailboat racing. That will
16 not be possible should this port be built. Again, that
17 topic was not addressed in the DEIS.

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

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

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

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

10 Historical significance. HYC is a

11 national historic landmark. Its very existence is at
12 stake. This topic was not addressed.

13 We share the concern with others about
14 traffic congestion, air pollution and property values.

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

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

20 Thank you.

21

22 (Applause.)

23 CHIEF DOLAN DUNN: Thank you.

24 Henry Horne, Jr.?

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

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

4 Frank Smith will be the first speaker.

5 Laurence Vantries?

6 Evangeline Whorton?

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

10 Galveston.

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

19

20 (Applause.)

21

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

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

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

10 Number one. The DEIS did not analyze
11 the impacts of Bayport's 50-foot wharf design and future
12 50-foot deep channel across Galveston Bay.

13 Number two. The DEIS is deficient on
14 Bayport's real impacts on wetlands. What happened to
15 the 100 or so additional acres of wetlands that were
16 present before the PHA acquired the site?

17 The Corps determined that only 2.5 acres
18 of the remaining 100 plus acres of site wetlands are
19 adjacent and therefore jurisdictional. Scenic Galveston
20 finds that the 2.5 acre figure to be most curious. The
21 level of regulatory scrutiny regarding wetlands is
22 vastly more stringent if three or more acres are
23 affected.

24 Number three. The DEIS does not address
25 the possible cumulative effects of several proposed Port

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1 expansions in the pipeline. Scenic Galveston's 900-acre
2 habitat conservation wetlands preserve is in the
3 epicenter of not one nor two, but three Port expansion
4 projects -- Bayport, Shoal Point and soon to be
5 Galveston Pelican Island. We are most concerned that
6 these proposals are being analyzed piecemeal rather than
7 in concert. The thought that all of these projects
8 might receive permits is frightening, indeed, for our

9 bay area quality of life and environmental health.
10 It is time for the Corps to take the
11 lead, to slow the process down, to arrive at a
12 responsible and least environmentally harmful
13 alternative solution to the undeniable need for shipping
14 expansion in the mid Gulf Coast area. That alternative
15 Port might well be determined to be Freeport.

16 Thank you.

17

18 (Applause.)

19

20 MR. MARK LUMEN: Thank you.

21 Biet McCracken?

22 MS. BIET McCRACKEN: Good evening.

23 Thank you for having me. I was like one of the first
24 people here though. It's kind of interesting that I'm
25 going at the end.

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1 But I am an environmental artist and my
2 name is Biet McCracken. I paint for the environment to
3 educate and speak for what cannot speak for itself.

4 I am here tonight to speak for the
5 multitude of species that will be affected by the
6 Bayport terminal. This project will displace and kill
7 many species that know this area to be home. They find
8 their land suffocating with cement while their air and

9 water becomes that much more contaminated.

10 Seabrook is one of the largest migratory
11 routes in the nation. Birds summer and winter
12 throughout the area or just rest while traveling north
13 or south. After flying thousands of miles, wherever
14 these birds go -- where will these birds go, being
15 displaced time and time again. What will they all eat
16 if there is not open land to support the food that they
17 eat?

18 We cannot rationally think that by
19 taking so much land to house a container Port that it
20 will suffice to appropriate a small portion elsewhere.

21 Please note for future reference that
22 birds are also indicators of species, meaning that what
23 is not good for the birds is not good for humans.

24 Countless species of plants and animals
25 have called this area home for generations, yet they

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1 were forced to struggle to survive.

2 I have been working with the children of
3 Ed White Elementary over the past year painting an
4 educational mural regarding the remaining species of our
5 local water sheds. These species as seen on this
6 representative drawing are labeled for educational
7 purposes so that they may be identified in the wild.

8 Some are very rare, while others are endangered or even
9 thought to be extinct, like the red-tailed mink.

10 The container Port would destroy vital
11 habitat to further upset the vital balance of nature.
12 If we continue to allow such environmental destruction,
13 will the only idea children have of nature be that scene
14 of paintings and photographs hanging on the walls in
15 buildings or shall we know when to say enough is enough?

16 Please reconsider Bayport.

17

18 (Applause.)

19

20 MR. MARK LUMEN: Thank you.

21 Lance Miller. Lance Miller?

22 Allen Jamail?

23 CHIEF DOLAN DUNN: The next six
24 speakers. Jim Delane, Kirk Dunham, Floyd Reb, Linda
25 Shead, Nancy Dietrich, Victor Whitehead.

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1 Jim Delane would be the first speaker.

2 Or Delaney.

3 Mr. Delane? No?

4 Kirk Dunham?

5 MR. KIRK DUNHAM: I'd like to thank the
6 Corps of Engineers for its patience being here so late.

7 I would suggest a way to prevent this in the future and

8 that's deny the Port its permit and you don't have to
9 sit through any more of these.

10

11 (Applause.)

12

13 I live in Seabrook. I've been in the
14 marine industry since 1973. I'm a licensed mariner,
15 merchant marine. I've sailed as chief mate and master
16 on container vessels. I've seen containers on the East
17 Coast, West Coast, Mexico, north Europe. I've never
18 ever seen a container terminal that benefited a
19 residential area, ever.

20

21 (Applause.)

22

23 I've heard a lot of talk here tonight
24 about jobs. Most of those people went home. I have a
25 job tomorrow, too. I had to stay late to talk.

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1 But the "E" in EIS stands for
2 environmental, not the economy, and I believe that the
3 environment should weigh heavier than the economy.

4

5 (Applause.)

6

7 There are other ways to stimulate the
8 economy and Houston has been bit before by concentrating
9 on one industry only.

10 You've asked for citizen input. The
11 voters of Pasadena, La Porte, Deer Park, Seabrook and
12 all the Clear Lake area cities voted against the Bayport
13 project. That's citizen input.

14 I won't belabor some of the other points
15 that have already been made.

16 They talked about the diesel emissions.
17 I think you have enough evidence already to deny the
18 permit without continually studying it. Even though the
19 Port's paying for it, we're paying for the Port, so it's
20 still the taxpayers' money.

21

22 (Applause.)

23 I don't really know what a
24 jurisdictional wetland is. It's been quite a magic
25 trick to go from over 200 acres down to 2.5 at the

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1 stroke of a pen.

2

3 (Applause.)

4

5 I hope that when you considered the
6 effect to the environment that you considered that the

7 migratory fowl can't tell the difference between a
8 wetland and a jurisdictional wetland.

9

10 (Applause.)

11

12 I'd like to realistically look at the
13 need. I work at Barbours Cut quite often. They only
14 stack containers there four or five high. They can
15 stack them higher than that. There's land to the south,
16 west, north for expansion.

17 They don't stack trailers. They could
18 be stacking those. It's really an inefficient
19 operation. There's three dock areas that are not used
20 for containers at all and could be used for containers.

21

22 (Applause.)

23 Barbours Cut could be made more
24 efficient. I don't think you should take the Port's
25 word for it that it's maxed out.

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1 Overbuilding in the seventies -- when I
2 was getting out of the maritime academy, they were
3 talking about the supertankers. There's going to be a
4 hub on the East Coast, a hub on the West Coast and a hub
5 on the Gulf Coast. It didn't happen that way. They

6 overbuilt, they had some problems with the economics and
7 they're not there.

8 COL. LEONARD WATERWORTH: Please wrap up
9 your comments, please.

10 MR. KIRK DUNHAM: The Port has gone
11 through great lengths to make their efforts look good on
12 paper, but the truth is our air quality will get worse,
13 our wetlands will become diminished and this area will
14 become less and less desirable for those who live here.
15 Please reject the permit.

16 Thank you.

17

18 (Applause.)

19

20 CHIEF DOLAN DUNN: Thank you.

21 Floyd Reb?

22 MR. FLOYD REB: Hello. My name is Floyd
23 Reb. I'm a native Houstonian. I'm a resident of
24 Pasadena. My father's a retired longshoreman in
25 Houston. I'm a member of Pipefitters Local 211 in

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1 Houston.

2 I'm here to support the Bayport plant,
3 the Bayport facility.

4 Colonel Waterworth, I want to go on
5 record and ask that you move forward and get this thing

6 done. The voters -- the way I understood it, the voters
7 in Harris County spoke. 60 percent, we asked to move
8 forward with this.

9 We know it's not a painless proposition,
10 we know that there's a lot of concerns, but Houston is
11 here because we have Port facilities. We need you to
12 move forward with this.

13 I've listened for hours to everyone's
14 concerns tonight. I'm a fisherman. I enjoy the bays.
15 I've spent a lot of money on a center-console fishing
16 boat. I've seen these facilities. My father took me to
17 these when I was a kid.

18 I know that these concerns that people
19 have about their homes, the wakes, those are real
20 concerns. We can -- in my opinion, those concerns can
21 be addressed and we can still have the Bayport facility
22 available.

23 So, Colonel, please move forward and get
24 this thing built.

25 Thank you.

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1 CHIEF DOLAN DUNN: Thank you.

2 Linda Shead?

3 MS. LINDA SHEAD: My name is Linda

4 Shead. I'm executive director of the Galveston Bay

5 Foundation.

6 Thank you, Colonel Waterworth, for the
7 opportunity to be here to give everyone a chance to have
8 their say and to hear some of it more than once.

9 The Galveston Bay Foundation's mission
10 is to preserve, protect and enhance the Bay. We have
11 trustees and members that have been on all sides of this
12 issue. Fundamentally, however, we believe in the
13 concept of sustainable development, economic development
14 that protects the Bay and the surrounding environment.

15 As of September of this year, the
16 Galveston Bay Foundation concluded that the project as
17 it had been proposed would tip the balance too far to
18 one side. Still we have participated in the community
19 advisory board and we have awaited the draft
20 environmental impact statement to see a thorough
21 analysis of the impacts. We have been sorely
22 disappointed in the document.

23 The DEIS appears a superficial and
24 flawed report with little analysis, and failure to cover
25 the topics that were presented during the scoping. And

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1 consequently, it cannot be used to draw the conclusions
2 it reports.

3 I would reiterate two main concerns. To
4 claim that wetlands within a few thousand feet of bay

5 waters, the last downstream destination of all the
6 streams in the area and overland flows, to claim that
7 those wetlands are not adjacent begs a question of
8 distinction between adjacent and isolated.

9 Second, a proposal for a 50-foot project
10 should require either an analysis of the impacts of a
11 50-foot channel or a prohibition against building into
12 50 feet.

13 Regarding the draft EIS process, we need
14 a longer review period. While 90 days is more than
15 you're required to give, it is not enough, especially
16 over the winter holiday season.

17 Furthermore, the review period needs to
18 be concurrent with that for the Shoal Point DEIS,
19 especially so the cumulative impacts of the projects can
20 be evaluated.

21 We don't need multiple permits. We do
22 need a regional approach to Port development. We need
23 to consider the best solution, to find the best site.
24 The DEIS is not convincing for Bayport.

25 Thank you.

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1

2

(Applause.)

3

4 CHIEF DOLAN DUNN: Thank you.

5 Nancy Deitrich?

6 MS. NANCY DEITRICH: Hi. I'm Nancy
7 Deitrich and I'm a former council member for the City of
8 Seabrook.

9 Earlier tonight we heard Mr. Edmonds say
10 those who oppose Bayport do not want the Port to be
11 built. That simply is not true. The people who oppose
12 this project are opposed to the fact that Bayport is
13 going to be built in its current location. There are
14 obviously better alternatives available and that is
15 where this Port should go.

16 To make an analogy, we do not allow
17 sexually-oriented businesses to be constructed near our
18 schools. We shouldn't allow a mega container port of
19 this size to be built near residential areas. The Port
20 should be built elsewhere where it is more appropriate
21 and better suited for the roads and areas around it.

22 The DEIS has not adequately addressed
23 the following issues: Small or fine particle pollution;
24 the transportation system, including the San Jacinto
25 railroad impacts and other foreseeable issues along

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1 these lines; the dredging of the Bayport channel to 50
2 feet, although the Port has promised us that they would
3 not be asking for that.

4 The reality is, once you build the Port
5 and they need it five, ten years down the line, are you
6 going to deny it?

7 And many other issues that many people
8 have already mentioned tonight that I won't go into in
9 order to spare you some time.

10 I encourage the Corps to address these
11 issues and to take these citizens seriously.

12 Obviously, this project is opposed by
13 those people who live around it. If you look at the
14 voting statistics, you'll find that over 70 percent of
15 the people who live in the Clear Lake area voted against
16 this project. If the people in the other part of Harris
17 County want to have it, move the project closer to them.
18 But the people that live there are saying no, we do not
19 want this project.

20 I encourage you to address these issues,
21 flesh out all the details and facts in a supplemental
22 document. I also encourage you to extend the comment
23 period for this DEIS. Obviously, this is a seven-volume
24 book to read. You can't expect people to be able to do
25 that over the Christmas holidays in the 90-day comment

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1 period. Obviously, there are many people who are
2 interested in this issue that want to make comments, but

3 they all had to go home early tonight.

4 In conclusion, Bayport should not be
5 built on the proposed location. Viable alternatives do
6 exist and have less impact on the residential areas and
7 the environment. And the jobs are preserved. We can
8 still keep the unions happy, we can still have the jobs,
9 we can still have Houston's future.

10 The permit should be denied on these
11 bases.

12 MR. MARK LUMEN: Thank you.

13 Victor Whitehead?

14 DR. VICTOR WHITEHEAD: Thanks for an
15 opportunity to speak. My credentials are 25 years as a
16 NASA scientist with the Johnson Space Center working on
17 environmental problems, three years as a military
18 detailee at the Pasadena office of civil defense, 31
19 years as a resident of El Jardin.

20 There are two issues involved in the
21 draft that concern me most, one of which has been
22 covered by several people, that being the small particle
23 problem. The second is a very important environmental
24 problem, that being the potential damage caused by
25 terrorist activity. This morning I mailed duplicate

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1 letters addressed to Mr. Tom Ridge, Director of Homeland
2 Security, and Mr. Izzo, Deputy Assistant Secretary of

3 the U.S. Army in charge of public works, expressing this
4 concern. I will read excerpts from these two identical
5 letters.

6 Our president has taken great pains to
7 inform all Americans that the events of 11 September
8 have changed our way of doing things. I would like to
9 point out an exception that poses considerable potential
10 danger to some national resources as well as the safety
11 of citizens. I believe the responsibility to correct
12 this exception may fall within the responsibilities of
13 the Office of Homeland Security and the Corps of
14 Engineers.

15 The Port of Houston Authority plans to
16 develop a major marine container terminal complex on the
17 approximately 1,090 acres along the south side of the
18 Bayport ship channel. With the planned location, this
19 development is a terrorist's dream site. The site is
20 completely surrounded by private property and public
21 access roads, transportation arteries, providing ample
22 opportunity for lobbing explosives into the facilities.

23 The greatest potential threat, however,
24 lies in the traffic by trucks, rail cars and ships, all
25 carrying containers, which will provide at least 5,000

1 opportunities a day to sneak a nuclear device or

2 the Office of Homeland Security and the Department of
3 the Army to use the power of your offices to see that an
4 assessment of the vulnerability to terror activity and
5 the potential consequences of terror activity for this
6 and the other reasonable sites be a requirement and be
7 performed prior to the final site selection.

8 Thank you.

9

10 (Applause.)

11

12 MR. MARK LUMEN: Okay. We're going to
13 call six more. Harvill Weller, Mary Beth Maher, Paul
14 Pop, Dave Marrow, Laureen Marrow and Cindy Evans. If
15 you'll come up in front. And Harvill Weller will speak
16 first.

17 Harvill Weller?

18 MR. HARVILL WELLER: Thank you, Colonel.

19 My name is Harvill Weller. I'm a
20 resident of Taylor Lake Village. I've lived there since
21 1980. I have worked in the Clear Lake area as an
22 attorney since 1972.

23 I want to speak today about the process,
24 the process under which the DEIS is being conducted. As
25 an attorney and a concerned citizen, I've been trying to

1 get records first from the Port of Houston Authority
2 through an open records request going on a couple of
3 years. I received some records, but then when we got
4 close to the studies that supported the work being done
5 as part of the DEIS, we were shut down by the Port of
6 Houston Authority. They claimed privilege. It was
7 supported by the Attorney General's office.

8 We spoke to Mark King during the process
9 of the DEIS. Mr. King told us that as soon as the DEIS
10 was produced, that we would receive the entire record
11 supporting their DEIS. That has not happened.

12 I have requested an FOIA request, Army
13 Corps of Engineers. It was in late October. I have
14 offered to pay for all the costs of that request for all
15 the supporting information, for all the communications
16 that preceded the DEIS. I have been told by Mr. Lumen
17 that that information will not be available until the
18 EIS is published and the permit is granted.

19 Now, from a legal standpoint, we must
20 make our comments, our evaluation, our public review
21 during the process. This apparent ruling by the local
22 office, the Galveston district office, will deny to the
23 public the fundamental process of public review. We
24 don't think that's fair or right.

25 This is all heightened by the fact that

1 we have made several requests the public be allowed to
2 meet at some of these interagency meetings with the Army
3 Corps, the Port Authority, URS, the contractor, and some
4 of the other cooperating agencies. That request has
5 been denied.

6 We also requested that minutes be taken
7 of the actual discourse that's going on at the meetings.
8 That has also been denied. Now we can't even get the
9 backup information on that.

10 We think that's fundamentally unfair and
11 inconsistent with the procedure that should be followed.

12 Finally, there's been a lot of talk
13 today -- tonight, rather, about the Port of Houston and
14 all the jobs that it has brought. This was the same
15 fallacy, the same misinformation that was produced
16 during the bond election. The Port of Houston is not
17 the Port of Houston Authority. Exxon, Shell are not the
18 Port of Houston Authority. And to use those jobs as the
19 basis for the economic growth of this development is
20 misinformation, unfactual, untrue, and should not be a
21 part of this process.

22 Thank you.

23 (Applause.)

24

25 MR. MARK LUMEN: Thank you, Mr. Weller.

1 Mary Beth Maher?

2 MS. MARY BETH MAHER: My name is Mary
3 Beth Maher and I'm going to -- most of my comments are
4 the same ones that I made at the scoping meeting. I do
5 not feel like they have been addressed adequately.

6 I'm here because of my concerns the
7 effects of this proposed facility will have on the air
8 quality of Harris County residents, as well as the
9 effect it will have on property values within several
10 miles. You see, I live in a small town called
11 Shoreacres. There are probably about 1800 or so
12 residents. We are just north of the Bayport channel.

13 Over and over I hear, "I can understand
14 why you're affected by this. You're so close to
15 Bayport."

16 However, what people don't realize is
17 that we are in the backyard of Houston and what happens
18 in Bayport is going to go all over Harris County.

19 The problem I really have is that we --
20 the City of Shoreacres, all of the City of Shoreacres
21 and part of La Porte, a very major part of La Porte will
22 now be blocked in. To the north is Barbours Cut. To
23 the west is highway 146 and approximately 66 or so
24 chemical plants. And now to the south is the proposed
25 Bayport terminal.

1 Now, in this area there -- and to the
2 east is Galveston Bay. In this area is our only high
3 school, 1800 students or so, a junior high, two
4 elementary schools, two retirement homes, Boys and Girls
5 Harbor. Every day they are going to be subjected to
6 diesel trucks traveling 146, idling their motors. This
7 is not fair. It is not -- it is not right to do this to
8 us.

9 When I told Mr. Kornegay at a meeting in
10 Clear Lake that my home value would be dropped, his
11 comment was, "Don't worry. There's plenty of people
12 from the Port that will buy your house."

13 I don't appreciate that. I moved to
14 that area for a quality of life and I pay taxes like
15 everybody else and I think I have a say so.

16 I did go and protest my taxes this year
17 because they were raised and I had no reason to protest
18 them except for the fact of Bayport. I took my folder
19 of Bayport in front of three people. My taxes were
20 brought back down to what they were last year.

21 Shoreacres cannot survive. It has no
22 industry. It needs the residential income that it gets
23 from tax -- its tax base.

24 As a Harris County taxpayer, citizen, I
25 ask the Corps to go back and do a supplemental DEIS on

1 the project and address the inadequate air analysis and
2 the effects on the land values.

3 Thank you.

4

5 (Applause.)

6

7 MR. MARK LUMEN: Thank you.

8 Paul Pop? Paul Pop.

9 Dave Marrow?

10 Laureen Marrow?

11 Cindy Evans?

12 The next six speakers. Robert

13 McFarlane, Karl Silverman, Robert O'Sullivan, Peggy

14 Brannigan, Doug Peterson, Gwynne Pierce. And Robert

15 McFarlane will be the first speaker.

16 Mr. McFarlane?

17 DR. ROBERT MCFARLANE: I am Robert

18 McFarlane and I'm a consulting ecologist with expertise

19 in environmental impact assessment.

20 While your draft EIS has the appearance

21 of being adequate, I am here to tell you that once you

22 scratch the surface, you will find that it is woefully

23 deficient.

24 I am particularly interested in the

25 subject of the introduction of non-indigenous species

1 through the mechanism of ballast water. Your study has
2 said that -- has acknowledged that as a problem, says
3 that it's going to be a minor problem, and it failed to
4 acknowledge or even mention a study by the Gulf of
5 Mexico Program that indicates that in 1996, one billion
6 gallons of ballast water were discharged into the Port
7 of Houston. It also says that ballast water is not
8 going to be a problem because container ships have so
9 little ballast water in them. It doesn't tell you how
10 much. I had to search and find yet another document
11 that indicated that each new container vessel that
12 enters the Port is going to add up to three million
13 gallons of ballast water on each visit.

14 There is no data in the report on the
15 ballast capacity of existing vessels, on the number of
16 vessels that are using it, and on the present and future
17 discharge of ballast water.

18 The report did point out that we have no
19 information regarding the current status of
20 non-indigenous species in Galveston Bay. Now, if we
21 don't know where we are, then there is absolutely no way
22 we can tell where we are going. Therefore, it behooves
23 the Port and the Corps to rapidly commission a rapid
24 assessment survey to determine the number of
25 non-indigenous species which are currently present in

1 the Galveston Bay ecosystem.

2 On another topic regarding the potential
3 for a 50-foot channel, the report incredulously has come
4 to the conclusion that salinity in Galveston Bay is
5 highly variable. Hello! Galveston Bay is an estuary.
6 Any third grade student around Galveston Bay can tell
7 you that the salinity is highly variable and changes
8 from one to another.

9 A few years ago while I was chairman of
10 the Scientific Technical Advisory Committee of the
11 Galveston Bay National Estuary Program and participating
12 in the interagency coordination team of the Corps of
13 Engineers for the enlargement of the Houston/Galveston
14 navigation channel, we spent several million dollars
15 doing a three-dimensional hydrodynamic study of
16 Galveston Bay. The draft EIS for Bayport makes
17 absolutely no mention of this document which did, in
18 fact, consider a 50-foot channel coming into the
19 Galveston Bay.

20 COL. LEONARD WATERWORTH: Sir, will you
21 wrap up your comments?

22 DR. ROBERT McFARLANE: I suggest that we
23 desperately need a supplemental draft environmental
24 impact study.

25 Thank you.

1

2

(Applause.)

3

4

CHIEF DOLAN DUNN: Thank you.

5

Karl Silverman? Mr. Silverman?

6

Robert O'Sullivan?

7

Peggy Brannigan?

8

Doug Peterson?

9

Gwynne Pierce?

10

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

11

call the next six. Tagore Somers, Koral Pior, Charles

12

Stebbins, Peter O'Connor, Ted McCollon and John

13

Grunsfeld. Tagore Somers first.

14

MR. TAGORE SOMERS: My name is Tagore

15

Somers. Up till about ten days ago, I worked for Enron,

16

so I'm here to personally bear witness to the fact that

17

what you don't know can hurt you.

18

I think part of how we got to where we

19

are now at Enron was by systemically burying things that

20

we didn't want to know about and concentrating on the

21

things we did want to know about. And as an engineer, I

22

can sympathize with your situation having to do this

23

report, looking at all these problems, and I just would

24

like to bring out one aspect of this that I see in my

25

life in Clear Lake, which is that this community,

1 whether we really want to recognize it or not, has
2 conducted a massive chemical experiment on our families,
3 our children and ourselves through the -- our proximity
4 to Pasadena, our proximity to the Bayport chemical
5 complex.

6 At this time, we are not measuring the
7 pollutants in our air. We measure ozone. We measure
8 some particulate. We don't measure airborne
9 hydrocarbons in our community. And as many of you know,
10 there are on certain days airborne hydrocarbons in our
11 schools, in our streets.

12 And I'm not talking just El Jardin,
13 Shoreacres. I'm talking all the way as far as Nassau
14 Bay, certainly Clear Lake, the northern part of Clear
15 Lake City all the way out to I-45 and Friendswood.

16 Part of, I think, the concern that you
17 see from the citizens here over the air issue is that
18 this area is very highly stressed from the air quality
19 point of view. And I think Houston as a whole is highly
20 stressed. We are in danger of losing our federal
21 highway funding if the Clean Air Act ever comes back
22 into effect over the air issue.

23 So we are sitting on a house of cards
24 that could have ramifications beyond anything that's
25 even being discussed here today. I sat in meetings at

1 Enron where we sat around and said, you know, I can't
2 figure out how we could possibly make money this way,
3 but none of us in those meetings really considered the
4 fact that we were not making money, that there were
5 underlying problems that were -- that the whole thing
6 was a charade.

7 So I would just urge that if at all
8 possible, if we are going to build a large container
9 Port in this area, that we pay some attention to
10 actually beginning to monitor the quality of the air in
11 the area where we plan to put this facility.

12

13 (Applause.)

14

15 If we were in southern California trying
16 to site this facility, we'd be in an environment where
17 there were perimeter monitoring on each one of those
18 chemical plants and we would know when there's a
19 release, exactly how much is released and, you know, who
20 did it and why, and there would be explanations to the
21 Environmental Protection Agency and the little cars with
22 the inspectors would be out there. That's not going on
23 in this community and I think that the Corps of
24 Engineers needs to be aware of the fact that we are

25 essentially not regulating the air in this community the

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1 way that it should be. And if we layer a Port on top of
2 this, we could have -- we really could reach a situation
3 where it would not -- would no longer be acceptable to
4 professional people to live in this community and
5 continue.

6 COL. LEONARD WATERWORTH: Thank you.

7 MR. MARK LUMEN: Thank you.

8 MR. TAGORE SOMERS: Thank you.

9 MR. MARK LUMEN: Koral Pior?

10 Charles Stebbins?

11 Peter O'Connor?

12 Ted McCollon?

13 John Grunsfeld?

14 CHIEF DOLAN DUNN: The next six
15 speakers. Leonard Charles Pylant, Jr., John Ralston,
16 Diane Cheadle.

17

18 (Crowd noise.)

19

20 CHIEF DOLAN DUNN: Must be here, huh?

21 Marvin Madison, Guy Cherry, Vincent

22 Ward.

23 The first speaker would be Leonard

24 Charles Pylant, Jr.

1 Diane Cheadle?

2 MS. DIANE CHEADLE: Hi. My name's Diane
3 Cheadle. My husband Chuck and I have lived in Seabrook
4 for 13 years and raised our daughter here. We remodeled
5 our home and refinanced it several years ago so it would
6 be paid off when we retire. We plan to stay here.

7 My husband Chuck has served two terms on
8 City Council in Seabrook. I presently serve on the
9 Parks Board. I'm a veterinary technician and state
10 permitted wildlife rehabilitator. I devote much of my
11 time 365 days a year to rescue and rehabilitating
12 injured and orphaned wildlife in my home from all of the
13 greater communities in the Clear Lake area, Pasadena and
14 beyond.

15 We are citizens who give back,
16 contribute to our community. If you build your Port
17 facility here, we will leave, if we can even sell our
18 home with the depressed market value you will create.
19 We know many other citizens in our community who feel
20 the same.

21 Many, perhaps most of you tonight
22 speaking for the Port have never even been through
23 Seabrook. This is a beautiful bayside area with a

24 wonderful park system, heavily wooded acreages,
25 wetlands, habitats, hiking trails, a native wildlife

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1 park where we have released many rehabilitated animals
2 back into the wild. We are on the Great Texas Coastal
3 Birding Trail and are working hard to promote
4 ecotourism.

5 Red Bluff Road east of 146 is a
6 two-lane, 35-mile-per-hour meandering road through
7 heavily wooded areas, past parks with soccer fields for
8 the children in our communities, past two residential
9 neighborhoods, our wildlife habitat park and Robinson
10 Park. Early every morning I drive Red Bluff to work. I
11 frequently, many times a week have to stop to let deer
12 cross. We are all very careful on this road, as in the
13 summer when the does cross we stop and wait, knowing
14 that their fawns will be scampering out not far behind.

15 If you come into our community you will
16 be running semi-trucks up and down this road. Will they
17 obey the 35-mile-an-hour speed limit, stop for deer,
18 wait for the fawns? Actually, you have plans to turn
19 this into a four-lane highway barreling more semis
20 through here belching out diesel fumes, mowing down our
21 wildlife just a few blocks from my home.

22 Twenty-four-hour-a-day bright lights
23 from your facility will adversely affect our wildlife.

24 Most are nocturnal night hunters in this area. Coyotes,
25 bobcats, foxes, raccoons and possums, just to cite a

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1 few.

2 We cannot comprehend how a group of
3 unelected officials have the right to come into our
4 community and destroy our way of life and sacrifice --

5

6 (Applause.)

7

8 -- sacrifice our city and the five surrounding
9 communities, which is what you intend to do, sacrifice
10 us.

11 It is not morally right when you have
12 alternatives where you would be welcome. You need to
13 acknowledge this. We don't want you here to destroy our
14 way of life.

15 Thank you.

16

17 (Applause.)

18

19 CHIEF DOLAN DUNN: Thank you.

20 Marvin Madison?

21 Guy Cherry?

22 Vincent Ward?

23 MR. MARK LUMEN: Okay. We're going to
24 call some more. Just raise your hand and come on up,
25 please.

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1 Susan Rector, Gerry Guerrieri, P. J.
2 Mack, Jr., John Cobarruvias, Byrlan Shively and Henry
3 Swallows.

4 It looks like we've got one. Come on
5 up.

6 MR. GERRY GUERRIERI: Thank you for
7 including me even at this late date, Colonel. My name
8 is Gerry Guerrieri. I'm president of El Jardin, a
9 subdivision that is the most impacted residential area
10 by the Port.

11 I dearly hope that maybe you'll come
12 down and see El Jardin. It's one of the last of the
13 pristine areas right on the Bay. Give me a call and
14 I'll escort you around.

15 You saw somebody from the Port say, "All
16 you working people, stand up," and all of those people
17 stood up. And they stood up, Colonel, because they're
18 worried about getting a paycheck. All the people here
19 from the residential areas around Bayport, if they stood
20 up, they would be standing up to guard a way of life.

21 That's what bothers me the most about
22 the DEIS. I read it. I contacted your office. You

23 were good enough to send me a CD. I read the whole
24 thing and I was disappointed, and the reason I was
25 disappointed is because it doesn't take into

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1 consideration the people.

2 I know how blue sky that sounds, but
3 you've heard from environmental experts and some guy on
4 birds and chemists and all that, but what we're really
5 concerned with here is the 5,000 people that live within
6 one mile of this proposed site. That should be a
7 primary factor in this whole thing.

8 In El Jardin, we have 365 homes, over a
9 thousand residents, that are going to be living a little
10 over a quarter of a mile from what they call their
11 mobile -- the railroad thing. It's going to change our
12 way of life. But what really knocks me out is when the
13 Port brought in all these guys to talk about jobs, their
14 conning them, they're just plain duping them, and I feel
15 sorry for those guys.

16 I thank you, but let's start thinking
17 about the people. That's the most important part.

18

19 (Applause.)

20

21 CHIEF DOLAN DUNN: The next six. Jerry

22 Rhame, John McCorquodule, Jonathan Powell, Shawn
23 McCracken, Vaness Hamilton, Cathy Emrick.
24 Go ahead and come on up and identify
25 yourself, please.

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1 MR. SHAWN McCracken: Hi. My name's
2 Shawn McCracken. I'm a resident of Kemah.

3 Pretty much everyone's hit on my points
4 that I had, primarily air pollution. I just want to
5 give everyone some statistics that I found. If the
6 Corps wants to check them out too, it's pretty scary, go
7 to scorecard.org.

8 Harris County is ranked third in the
9 nation for releases of known carcinogens into the air.
10 Harris and Galveston Counties rank in the top 10 percent
11 of U.S. counties for added cancer risk from hazardous
12 air pollutants, non-cancer risks from hazardous air
13 pollutants, number of people living in areas where
14 cancer risk from hazardous air pollutants exceeds one in
15 1,000.

16 The people of Harris and Galveston
17 Counties face a cancer risk more than 100 times greater
18 than the goal set by the Clean Air Act. 90 percent of
19 that cancer risk is from hazardous air pollutants which
20 originate from mobile sources such as ships, trucks,
21 trains, heavy equipment.

22 Gee. That's all going to be at
23 Bayport.

24 The hazardous air pollutant with the
25 highest contribution to cancer risk in Harris and

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1 Galveston County is diesel emissions. The greatest
2 source of pollutant from Bayport, I'm sure, too. The
3 Bayport terminal will add a minimum of 4500 to 9,000
4 trucks -- I've seen all kinds of numbers -- a day to our
5 roadways. The Bayport terminal will add 26 vessels a
6 week to the current traffic of 31 vessels, and nine
7 barges per week used by the 50 plus chemical plants in
8 the Bayport area.

9 Think about how many tons of hazardous
10 air pollutants this will add to our already heavily
11 polluted air.

12 I would like to see in the DEIS a
13 tonnage of diesel emissions.

14 That's it. I'm sorry. Everything else
15 everyone has touched on.

16 I just want to say I really don't want
17 to see a Port anywhere, but if we do have to have a Port
18 somewhere and we're going to use -- I've heard the talk
19 of electric cranes and such, why can't we check into
20 other things such as solar power and possibly wind power

21 to cut down on emissions as well?

22 Thank you.

23 (Applause.)

24

25 CHIEF DOLAN DUNN: Thank you.

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1 Was Jerry Rhame here? Or John

2 McCorquodule?

3 Jonathan Powell?

4 Vanessa Hamilton?

5 Cathy Emrick?

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

7 go to six more. Robin Riley, Wade Webster, Alice

8 Bissel, Francisco Sanchez, Karen Laake.

9 And if you're here, come on up.

10 Is Robin Riley here?

11 Wade Webster?

12 There you go.

13 MR. WADE WEBSTER: I'm Wade Webster.

14 I'm a retired engineer after a long career supporting

15 NASA and other aerospace activities. I've lived in the

16 Clear Lake area for 37 years.

17 I live far enough away from this I'm not

18 terribly affected. I'm retired. I can move away if I

19 want to. It doesn't bother me much.

20 What does bother my is the injustice of

21 this thing. It's terrible. We heard a lot of talk
22 about a 60/40 vote. I know a lot about politics and
23 environmental -- more than I know about environmental
24 studies and maritime industry and that. Let me tell you
25 something. That 60/40 vote has no validity. That has

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1 about the same amount of validity as a vote that might
2 take place on a desert island where you have six
3 callous and drunken sailors and four women and they're
4 voting whether to make rape legal or not. That's about
5 how much validity it has and about how much justice it
6 has.

7 As you heard earlier, everyone out in
8 the area anywhere near this thing is against it, or the
9 huge majority is.

10 Another thing about a straight up and
11 down vote like that is just a plain old one-time vote
12 does not really take into account intensity. You can
13 see something about intensity just by looking at this
14 tonight. I think it was about 60/40 earlier for the
15 Port. What is it now? I think it's about 40 to one
16 against the Port. That's against it. The people who
17 are against it are still here.

18 As I said, I'm not that much affected
19 directly, but I kind of have an axe to grind with the

20 powers that be in the City of Houston. Ben Ashby about
21 30 years ago, for one thing. For another, I think the
22 City Fathers of Houston are really perpetrating a
23 terrible injustice here.

24 Here's another injustice they've done.
25 This is, I believe, the most gerrymandered, horrible

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1 district in the whole United States. It's District E in
2 the City of Houston. It stretches about 45 miles. It
3 looks like five different districts connected by a
4 little tiny string. I'll bring it closer here in a
5 minute.

6 This is their method of putting all of
7 the recently annexed residents of a suburban area into
8 one district so that they have only one councilman.
9 They dilute the votes. If we were a majority, they
10 wouldn't allow it. The constitution shouldn't allow
11 this. This is the kind of people that you're dealing
12 with.

13 Now, I don't know a whole lot about your
14 DEIS. I'm not going to attack you. I think other
15 people here have done a pretty good job of that tonight.
16 I just want to tell you that if you allow the Corps of
17 Engineers to be used by the same people that do this,
18 you're going to disgrace the Corps of Engineers.

19

20 (Applause.)

21

22 Thank you.

23 MR. MARK LUMEN: Thank you, Mr. Webster.

24 Alice Bissel?

25 MS. ALICE BISSEL: Hello. All right. I

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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

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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
24 terminals here in this area -- and I know my time is
25 almost up -- but what I say to you, in 1998 when they

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1 were saying, Mr. Kornegay and Mr. Holmes was standing on
2 the podium saying there's going to be a fantastic, a
3 phenomenal increase in cruise ships, they had one ship
4 then, they have one ship now. They have had ships hit
5 by tugboats along the Ship Channel, they have had
6 repossessed ships, and they're still in the same
7 position. So that prediction has not come true.

8 And I would just like for you to take a
9 closer look at actually the need and the efficiency of
10 the Port facilities that they have now.

11 COL. LEONARD WATERWORTH: Thank you very
12 much.

13

14 (Applause.)

15

16 MR. MARK LUMEN: Thank you.

17 Francisco Sanchez?

18 Karen Laake?

19 MS. KAREN LAAKE: Good evening. I think
20 I may be last. Not quite.

21 I have many problems and the reason why
22 I stayed late to talk at this time is because I
23 submitted my comments written last time and the comments
24 that I made I was asked not to repeat what others had
25 submitted. And so one of the concerns that myself and

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1 my neighbors have were introduced species. But we
2 weren't speaking of just introduced species into the
3 water. We were speaking of introduced species that can
4 come into this country in containers and invade our
5 trees and our soil like it happened in Chicago or how we
6 got fire ants.

7 And I don't believe, unless I missed it
8 somewhere, that they've addressed any kind of land
9 species or bacteria that could be brought here in a
10 container. I don't even know if it's impossible for any
11 kind of medical bacteria, like ebola, things like that,
12 to come here in a container and be put out to the
13 public.

14 It also concerns me because of terrorism
15 because I don't know what things -- other than a bomb
16 coming in a container, what could they put as far as
17 diseases inside one of their containers and pack it and

18 have somebody open it and here we go. And our homes are
19 so close. They shouldn't be putting this where the
20 homes are this close to all of these dangers.

21 And with any conscience at all, if they
22 must build Bayport and they have to have the entire Bay,
23 then they should have to purchase the entire Bay because
24 what they're doing is too dangerous for us.

25

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1 (Appause.)

2

3 I sat here tonight and I listened to
4 people applaud and boo us when we talked about
5 terrorism. This is real. Did these people who are
6 running this Port Authority, did they not understand
7 that this is real? We had 5,000 people die in New York
8 City. Do 5,000 have to die here for the people in
9 Houston, Texas to understand that this is real?

10

11 (Appause.)

12

13 The other problem that I had with the
14 draft EIS study was that I live in the City of Pasadena.
15 The City of Pasadena is saying that they are going to
16 provide several services to the Port of Houston

17 Authority for them to build their Port in the city of
18 Pasadena. Pasadena has not released to us what those
19 services are nor have they released to us as citizens of
20 Pasadena what that cost would be to us. None of those
21 things were either addressed in the draft EIS.

22 It could be water treatment. It could
23 be -- who knows? We have no idea. I would like to see
24 those things itemized and I would like to know the cost
25 to me as a citizen of Pasadena so that I can decide if I

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1 would like to continue living there, if I can even
2 afford it after this Port comes in.

3 Do I still have time?

4 COL. LEONARD WATERWORTH: You're out of
5 time. Thank you very much.

6 MS. KAREN LAAKE: I will submit the rest
7 in writing.

8 COL. LEONARD WATERWORTH: Thank you.

9 MS. KAREN LAAKE: Thank you.

10

11 (Applause.)

12

13 CHIEF DOLAN DUNN: We're down to the
14 last group. David Marrack, Jim Travlas, Jay Meyers and
15 Patrick Stanton.

16 Please come -- I guess you're the only

17 one. Please come on up and identify yourself.

18 MR. PATRICK STANTON: Thank you for
19 allowing me to address this body concerning two areas
20 which I'm concerned about.

21 CHIEF DOLAN DUNN: Could you -- I'm
22 sorry. Could you identify yourself, please?

23 MR. PATRICK STANTON: My name is Patrick
24 Stanton.

25 CHIEF DOLAN DUNN: Thank you very much.

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1 MR. PATRICK STANTON: I live at 128
2 Shady Lawn in the City of Shoreacres. I've lived in the
3 area since 1965, prior to there being a Bayport ship
4 channel. In fact, when I lived in Bay Colony, one
5 morning I looked out and there was a ship in the middle
6 of the prairie.

7 I commuted from Bay Colony to the
8 Monsanto plant in Texas City. At the entrance of the
9 plant in south Texas City there was a monument, this
10 monument that depicts the names of nearly 600 people who
11 died in the Texas City disaster in 1947. This disaster
12 was caused by a ship called the GRAND CAM and the HIGH
13 FLIER who was hauling ammonium nitrate which exploded in
14 the Texas City dock. It subsequently caught the
15 Monsanto Chemical Company on fire, resulting in

16 approximately 600 deaths. The blast was so powerful
17 that I saw a book published by the Corps of Engineers
18 that a plane was flying over taking movie pictures of
19 this and the second explosion blew the plane out of the
20 sky.

21 Yesterday Don Young, who is the
22 Chairman of the U.S. House of Representatives
23 Transportation and Infrastructure Committee, was in
24 Houston. He and his committee have been working on
25 transportation homeland security throughout the United

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1 States. He explained that this not only includes air
2 transportation, but also includes trains, buses, ships,
3 etcetera.

4 He mentioned that at this juncture that
5 they have no foolproof way of inspecting containers to
6 ensure that explosive devices are not inside the
7 containers. He felt that the technology to do this
8 would probably be available sometime in the future, but
9 it is not available now. He mentioned that even today
10 human beings have been smuggled into the United States
11 utilizing containers.

12 So why do I mention this? I think
13 there's a very parallel situation to what happened in
14 Texas City in 1947. It is a bad idea to place a
15 container Port so near the chemical industry now located

16 in the Bayport Harbor complex.

17

18 (Applause.)

19

20 Should a terrorist manage to place
21 explosives in a container, import it from foreign
22 countries or even within the United States, these
23 containers are sealed, they can go in and inspect them,
24 but they have no device to inspect them, we could have
25 another disaster. It wouldn't have to be a nuclear

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1 bomb. I mean, we've seen what they did in Oklahoma
2 City, but it would be very easy.

3 Has the Corps of Engineers truly
4 considered the potential for a horrendous loss of life
5 and property? Has the Port of Houston Authority planned
6 any barriers that would prevent a disaster from
7 occurring?

8 Secondly, I would like to address the
9 problem of vibration and noise pollution. The widow of
10 our former family doctor, Dr. Yoder, lives on the street
11 Shady Lane. This street is immediately next to the
12 Bayport channel. Whenever a ship enters Bayport, her
13 whole house vibrates. A 77-year-old woman wakes up in
14 the middle of the night because of the vibration caused

15 by ships entering or leaving the Bayport channel.

16 Now, she was here first, before Bayport
17 was ever built. And this has gotten worse. Why has it
18 gotten worse? Because the Port has allowed the north
19 shore of the channel to erode, widening the Bayport
20 channel.

21 COL. LEONARD WATERWORTH: Sir, could you
22 wrap up your remarks?

23 MR. PATRICK STANTON: This disregard for
24 our environment has also increased noise and vibration
25 throughout the area. Has adequate testing been done to

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1 consider the effect on housing foundations, the general
2 health of those people who live in the area and barriers
3 to prevent vibration and ships from waking seasoned
4 citizens up in the middle of the night?

5 The Port of Houston Authority has
6 promised much over the years, but delivered little. We
7 were promised a green belt with trees, etcetera, would
8 be on the north side to protect us from the noise, light
9 and vibration resulting from facilities to receive and
10 ship chemicals. Instead we now have a massive tank
11 farm, eroded banks and no green belt.

12 Thirty years of being a bad neighbor.
13 In my opinion, an organization that has run amuck,
14 arrogant and is accountable to political appointees to

15 provide no oversight, an organization who constantly
16 bends the truth, pays no taxes and seems to be
17 interested only in more power. This application should
18 be denied.

19

20 (Applause.)

21

22 COL. LEONARD WATERWORTH: That was our
23 last registered speaker. Is there anyone else out there
24 that we have missed?

25 Well, for the folks that are here, the

198

1 hard core, thank you very much for staying till the very
2 end.

3 In closing, I would like to reiterate
4 that you can still leave written comments at the
5 registration table this evening. You can also submit
6 written comments to our office until February 11th.
7 We'll be happy to receive them.

8 And I'd like to thank everyone for
9 attending this hearing.

10 I would like the record to show that
11 this hearing was adjourned at three minutes after
12 midnight on the 13th of December, 2001.

13 Thank you very much for attending.

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(Meeting adjourned at 12:03 a.m.)

199

1 STATE OF TEXAS :

2 COUNTY OF HARRIS :

3

4 We, Peggy Ann Antone and Susan R.
5 Goldstein Henley, Certified Shorthand Reporters in and
6 for the State of Texas, do hereby certify that the
7 preceding proceedings were reported by us at the time
8 and date stated on page 1 hereof;

9 We further certify that said proceedings
10 were reported by us in machine shorthand, later reduced
11 to typewritten form under our personal supervision, and
12 the above and foregoing 198 pages constitute a true and
13 correct transcript thereof.

14 GIVEN UNDER OUR OFFICIAL hands and seals
15 of office, on this the 2nd day of January, 2002.

16

17

18 Peggy Ann Antone, CSR, RMR, CRR
19 Texas CSR Number 755, Expires 12/31/2002

20

21 Susan R. Goldstein Henley, CSR, RMR, CRR
22 Texas CSR Number 704, Expires 12/31/2002

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