Gulf Winds
INTERNATIONAL, INC.
THE INTERNATIONAL LOGISTIC SPECIALISTS

3240 South Loop East ◆ Houston, Texas 77021
(713) 747-4909 ◆ Fax (713) 747-5330
www.gulfwindsintl.com

FEB 2 1 2002

DP 10817

February 18, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

As President of Gulf Winds International, Inc., I want to let you know that my company fully supports the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority as soon as possible.

Gulf Winds International, Inc. provides integrated logistics services including warehousing, intermodal transportation, distribution, and consolidation to the shipping industry. We operate over 750,000 sq. ft. of public warehousing and distribution facilities in four Houston and Pasadena area locations. We employ over 170 employees and operate over 100 owner operator power units. In addition to providing warehousing and intermodal support to our many international warehousing and distribution customers, we are a designated "house carrier" for numerous steamship lines that call the PHA Barbours Cut terminal.

The building of the Bayport terminal is essential to the continued growth of the transportation industry in the greater Houston area in particular, and to Texas and the Southwest in general. The PHA and related industries provide thousands of jobs and billions of dollars in revenue to this area. The PHA cannot remain competitive with other regions of the country without expanding its container handling capacity. Bayport is the logical location for this expansion as your environmental, economic and social impact study documented.

1-29

It is time for the project to move forward without delay.

Sincerely,

Steve Stewart
President

CC: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

FEB 2 1 2002

10818

Expedite, Inc.
5717 Will Clayton Pkwy.
Humble, TX 77338

PHONE: 281-540-4700

FAX: 281-540-4703

February 18, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As president of Expedite, Inc., I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. Its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works in the transportation industry, we depend on the Port of Houston. 1-32

We know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. It would have a significant negative effect on our company, and others, if this facility is not built. 1-33

My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project. 29-56

Sincerely,

Richard S. Barfield

Richard S. Barfield

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

ALL POINTS
MOVING & STORAGE COMPANY, INC.

FEB 2 1 2002

10819

February 18, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth,

As president of All Points Moving & Storage, I want you to know that I support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay. 29-1

The Port of Houston is an important part of the economy in Houston area, and Texas, and it impacts my business significantly. 1-32

We know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: It would have a significant negative effect on our company, and others, if this facility were not built. 1-33

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-56 2-85

Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project. 29-56

Sincerely,

Paul N. Moore
President

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

Atlas Van Lines Agent
World-Class Moving

Houston:
7225 West Sam Houston Pkwy. North
Houston, Texas 77040-3190
Tel: 713.690.7000 Fax: 713.896.0929

Austin:
3815-A Jarrett Way, Suite 180
Austin, Texas 78728
Tel: 512.388.9004 Fax: 512.388.5404

Dallas-Ft. Worth:
2710 W. Division
Arlington, Texas 76012
Tel: 817.275.6888 Fax: 817.275.7847

Beaumont
3250 I-10 South
Beaumont, Texas 77705
Tel: 409.842.2277 Fax: 409.842.4622

DP 10820

Stanley, Kerry M SWG

From: Jo Anna Dahl [jdahl@poha.com]
Sent: Tuesday, February 19, 2002 2:20 PM
To: 'kerry.m.stanley@swg02.usace.army.mil'
Subject: DEIS for Bayport

Dear Mr. Stanley,

Count my vote as a yes. I live in Shoreacres, but I also work for the Port Authority; therefore I can see both sides of the story. Having grown up in La Porte, and lived in the area my entire life, I believe that the additional jobs and business created by the new container docks and cruise terminal outweigh any negatives. 29-62

I do, however, hope that some of the traffic issues will be addressed. An overpass is needed on Fairmont Parkway where the railroad crosses (just east of Bay Area Blvd.). And something desperately needs to be done to alleviate the daily traffic conjestion on Highway 146 in Seabrook and Kemah. It is already just horrible to drive through there, and I can't imagine how much worse it would be if only a very small percentage of truck traffic were to be added to the mix. 27-24 27-32

Sincerely,

Jo Anna Dahl
511 Baywood Avenue
Shoreacres TX 77571

FEB 25 2002

DP 10822

Duke Energy Corporation
5400 Westheimer Ct.
Houston, TX 77056-5310

Mailing Address
P. O. Box 1642
Houston, TX 77251-1642
(713) 627-4800 OFFICE
(713) 627-4805 FAX
hjpadewer@duke-energy.com

Harvey J. Padewer
President, Energy Services Group

February 20, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As President, Energy Services Group of Duke Energy, I want to let you know my full support of the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas; and its continued growth and success are vital not only to Houston and Texas, but the entire country. 1-32

Our economy depends on the Port of Houston. Many products, goods and supplies are delivered or sent through the Port, a growing amount being transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. 1-33

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-56 2-85

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-56 29-70

Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study which the Corps has completed and we enthusiastically endorse the Bayport project. 29-56

Sincerely,

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

FEB 2 1 2002

DP 10823

Greater Houston Port Bureau, Inc.

111 East Loop North,
Houston TX 77029 U.S.A.
(Tel) 713.678.4300
(Fax) 713.678.4839

February 20, 2002

Colonel Leonard D. Waterworth,
District Engineer and Commanding Officer,
U.S. Army Corps of Engineers, Galveston District,
P.O. Box 1229,
Galveston TX 77553-1229

cc: Kerry Stanley, U.S. Army Corps of Engineers.
James T. Edmonds, Chairman, Port of Houston Authority.

Dear Colonel Waterworth,

I have had the honor of addressing you in person at recent D.E.I.S. public meetings in Houston and Texas City. Thank you for your kind attention.

I am the President of the Greater Houston Port Bureau, Inc., and the Marine Exchange of the West Gulf, Inc., both private sector, member-directed, not-for-profit organizations that have their origins in the 1920s when the Port of Houston was emerging as a newcomer to Galveston's leading position as the principal U.S. Gulf seaport west of the Mississippi.

The visionaries who created Houston as a seaport 50 miles from the ocean knew then as we know now, that connection with an ocean is only half of the equation. A port to be successful also has to be effectively and efficiently connected with its hinterland as well. And as a port grows, it needs to attract the international and transportation professional people to make the port and trade work. Houston has become the Number Eight seaport in the world by working from these strengths.

The Bureau is the managing agency for the administration of the following business groups: -

- The Houston Customhouse Brokers and Freight Forwarders Association;
- The Greater Houston Coffee Association;
- The American Green Coffee Warehouse Association;
- The Animal Transportation Association;
- The Texas-Gulf Tankers and Terminals Group;
- The Houston Center for Maritime Education.

With over 1000 members, the Bureau has been charged with ensuring that you and the general populace of Houston, Harris County, and the surrounding cities, are aware that we are in favor of the building of the PHA's Bayport Container Terminal at the Bayport Channel.

My constituency is a microcosm of the 30 million Texans living within 300 miles of the Port of Houston. This region has the third greatest GDP in the whole United States. We need our port. We need our port to be successful in attracting international steamship lines to make liner calls at our port. But perhaps more importantly, we need the ships to be serviced at environmentally sound facilities that provide the shortest and most efficient landside connection with the port's hinterland. Bayport as conceived by the PHA, is both sound environmentally, and planned to be sensibly and sensitively connected to the city's, state's and nation's highway, waterway, and rail systems. 1-22 2-67

No other proposed container terminal plan in our region offers these advantages. 2-62

It is time for the Bayport project to be approved. Enough time and public money have been spent in examining the PHA's proposal. Your approval of the Bayport plan should be given with no further delay. 29-63

Yours sincerely,

Alistair M. Macnab,
President.

DP 10824 dw
Duplicate of 10823

Greater Houston Port Bureau, Inc.
111 East Loop North,
Houston TX 77029 U.S.A.
(Tel) 713.678.4300
(Fax) 713.678.4839

February 20, 2002

Colonel Leonard D. Waterworth,
District Engineer and Commanding Officer,
U.S. Army Corps of Engineers, Galveston District,
P.O. Box 1229,
Galveston TX 77553-1229

cc: Kerry Stanley, U.S. Army Corps of Engineers.
James T. Edmonds, Chairman, Port of Houston Authority.

Dear Colonel Waterworth,

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- The Houston Customhouse Brokers and Freight Forwarders Association;
- The Greater Houston Coffee Association;
- The American Green Coffee Warehouse Association;
- The Animal Transportation Association;
- The Texas-Gulf Tankers and Terminals Group;
- The Houston Center for Maritime Education.

With over 1000 members, the Bureau has been charged with ensuring that you and the general populace of Houston, Harris County, and the surrounding cities, are aware that we are in favor of the building of the PHA's Bayport Container Terminal at the Bayport Channel.

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No other proposed container terminal plan in our region offers these advantages.

It is time for the Bayport project to be approved. Enough time and public money have been spent in examining the PHA's proposal. Your approval of the Bayport plan should be given with no further delay.

Yours sincerely,

Alistair M. Macnab,
President.

DP 10825
dai

ATLANTIC MARINE SURVEYORS, LTD.

Independent Marine Consultants

8309 Wednesbury Lane
Houston, Texas 77074

Tel (713) 995-6055
Fax (713) 995-1913

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

20 February 2002

Dear Colonel Waterworth,

As president of Atlantic Marine Surveyors, Ltd., I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works directly in the maritime community, we depend on the Port of Houston. 1-32

We know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: It would have a significant negative effect on our company and others', if this facility is not built. 1-33

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound and will be successful in its' economic impact, including additional tax revenues. 29-56 2-85

Again, the Corps' Environmental Impact Statement stands on its' merits. This project stands on its' merits. It is time to move ahead. 29-56 29-70

Please do not hesitate to contact me if you would like to discuss this further. My support and the support of this company is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project. 29-56

Sincerely,

Sever N. Zagrai, MNI
President

Duke Energy®

Harvey J. Padewer
President, Energy Services Group

Duke Energy Corporation
5400 Westheimer Ct.
Houston, TX 77056-5310

Mailing Address
P. O. Box 1642
Houston, TX 77251-1642
(713) 627-4800 OFFICE
(713) 627-4805 FAX
hjpadewer@duke-energy.com

DP 10826 dai
Duplicate
of 10822

February 20, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As President, Energy Services Group of Duke Energy, I want to let you know my full support of the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay.

The Port of Houston is a major piece of the economy of Texas; and its continued growth and success are vital not only to Houston and Texas, but the entire country.

Our economy depends on the Port of Houston. Many products, goods and supplies are delivered or sent through the Port, a growing amount being transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities.

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Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead.

Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study which the Corps has completed and we enthusiastically endorse the Bayport project.

Sincerely,

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

DP 10827

EMPIRE TRUCK LINES, INC.

P.O. Box 15235
Houston, Texas 77220-5235
(713) 672-7403 • Fax: (713) 671-3325
E-MAIL: bill_overby@emtl.com

BILLY OVERBY
International Marketing Manager

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

February 20, 2002

Dear Colonel Waterworth:

As International Marketing Manger of Empire Truck Lines, Inc., I want to let you know that I fully support the building of the Bayport Cruise and Containers Terminal by the Port of Houston Authority and without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works directly/indirectly in the maritime community, we depend on the Port of Houston. 1-32

We know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: It would have a significant negative effect on our company, and others, if this facility is not built. 1-33

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-56 2-85

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Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project. 29-56

Sincerely,

Billy J. Overby

Billy J. Overby

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

FEB 2 2 2002

K AND R INVESTMENT CORP

P. O. BOX 75040 HOUSTON, TEXAS 77234

DP10828 dcw

February 21, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U. S. Army Corps of Engineers, Galveston District
P. O. Box 1229
Galveston, Texas 77553-1229

Dear Colonel Waterworth:

As Vice-President of K and R Investment Corp., I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works directly in the maritime community, we depend on the Port of Houston. 1-32

We know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: It would have a significant negative effect on our company, and others, if this facility is not built. 1-33

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Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project. 29-56

Sincerely,

O. J. Kneisler III
Vice-President

cc: Kerry Stanley, U. S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

DP 10829 Jai FEB 2 6 2002

HOUSTON FUEL OIL TERMINAL COMPANY

16642 Jacintoport Blvd., Houston, Texas 77015

C. L. Jean, Jr.
Vice President - Engineering & Construction

(281) 452-3390
Fax: (713) 378-3864

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

February 21, 2002

Dear Colonel Waterworth:

As vice-president of Houston Fuel Oil Terminal Company, I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works directly in the maritime community, we depend on the Port of Houston. 1-32

We know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge on new marketplaces and opportunities. Let me be clear: It would have a significant negative effect on our company, and others if this facility is not built. 1-33

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-56 2-85

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Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project. 29-56

Sincerely,

C.L. Jean, Jr.
Vice-President Engineering and Construction

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

FEB 2 2 2002

Yard Hustler's Co., Inc.
8841 Clinton Drive
Houston, Texas 77029
(713)671-9595 Fax: (713)671-0006

10830
Duplicate of 10833

February 21, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U. S. Army Corps of Engineers, Galveston District
P. O. Box 1229
Galveston, Texas 77553-1229

Dear Colonel Waterworth:

As Vice-President of Yard Hustler's Co. Inc., I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay.

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works directly in the maritime community, we depend on the Port of Houston.

We know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: It would have a significant negative effect on our company, and others, if this facility is not built.

The Corps, has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues.

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead.

Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project.

Sincerely,

O. J. Kneisler III
Vice-President

cc: Kerry Stanley, U. S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

DP 10831

W.S. BELLOWS CONSTRUCTION CORPORATION

Builders

713/680-2132 — FAX 713/680-2614

P.O. Box 2132
HOUSTON, TEXAS 77252-2132

February 21, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U. S. Army Corps of Engineers, Galveston District
PO Box 1229
Galveston, TX 77553-1299

Dear Colonel Waterworth:

As president of W. S. Bellows Construction Corporation, I want you to know of my full support of the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay. I9-1

The Port of Houston plays a huge role in the economies of the City of Houston, the State of Texas, and indeed, the entire Southwest. Its continued growth and vitality are of enormous importance to our entire region. This is not recent knowledge; my grandfather was a former chairman of the port authority. I-32

Our company depends on the Port of Houston both directly and indirectly. Many of our supplies are delivered through the Port. A growing amount of the port's cargo is being transported in containers. There is no question that this mode of transportation is going to increase in the future. Please help make sure that we are ready to meet the challenge of new marketplaces and opportunities. It will be of enormous, irreparable consequence to our company, to Houston, to Texas, and to the Southwest is this facility is not built. I-33

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does indeed lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. I9-56 I-85

BUILDERS OF
THE SAN JACINTO
MONUMENT

K AND R INVESTMENT CORP

P. O. BOX 75040 HOUSTON, TEXAS 77234

10832dai
Duplicate
of 10828

February 21, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U. S. Army Corps of Engineers, Galveston District
P. O. Box 1229
Galveston, Texas 77553-1229

Dear Colonel Waterworth:

As Vice-President of K and R Investment Corp., I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay.

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works directly in the maritime community, we depend on the Port of Houston.

We know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: It would have a significant negative effect on our company, and others, if this facility is not built.

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Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project.

Sincerely,

O. J. Kneisler III
Vice-President

cc: Kerry Stanley, U. S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

Yard Hustler's Co., Inc.
8841 Clinton Drive
Houston, Texas 77029
(713)671-9595 Fax: (713)671-0006

DP 10833 dai

February 21, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U. S. Army Corps of Engineers, Galveston District
P. O. Box 1229
Galveston, Texas 77553-1229

Dear Colonel Waterworth:

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The Corps, has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-56 2-85

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-56 29-70

Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project. 29-56

Sincerely,

O. J. Kneisler III
Vice-President

cc: Kerry Stanley, U. S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

FEB 2 6 2002

AVILES
ENGINEERING CORP.

DP 10834

February 21, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As President of Aviles Engineering Corporation, I want to let you know my full support of the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. 1-32

Our company depends on the Port of Houston indirectly. Many of our products, goods and supplies are delivered or sent through the Port, a growing amount being transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: It will be disastrous to our company, and others, if this facility is not built. 1-33

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Sincerely,

Dionel E. Aviles, Ph.D., P.E.
President

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

5790 Windfern, Houston Texas 77041 • (713) 895-7645 • Fax (713) 895-7943

Coastal Crating Company, Inc.

2334 Gulf Terminal Drive • Houston, Texas 77023 • (713) 926-1880 • Toll Free: (888) 926-1880 • Fax: (713) 926-1778

DP 10835 doc

February 21, 2002

Colonel Leonard D. Waterworth
District Engineering and Commanding Officer
U.S. Army Corps of engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As president of Coastal Crating Company, I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works directly/indirectly in the maritime community, we depend on the Port of Houston. 1-32

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Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project. 29-54

Sincerely,

Dick Tate
President

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

Dick Tate Management, Inc.
2334 Gulf Terminal Drive
Houston, Texas 77023
(713) 926-1880

DP 10836
dai

February 21, 2002

Colonel Leonard D. Waterworth
District Engineering and Commanding Officer
U.S. Army Corps of engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As president of Coastal Crating Company, I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay.] 29-1

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Sincerely,

Dick Tate
President

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

10837
Duplicate of 10834

AVILES
ENGINEERING CORP.

February 21, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

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Sincerely,

Dionel E. Aviles, Ph.D., P.E.
President

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

5790 Windfern, Houston Texas 77041 • (713) 895-7645 • Fax (713) 895-7943

FEB 2 5 2002

COAST ENTERPRISES, INC

P. O. Box 75040
Houston, Texas 77234

DP 10838

February 21, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U. S. Army Corps of Engineers, Galveston District
P. O. Box 1229
Galveston, Texas 77553-1229

Dear Colonel Waterworth:

As Vice-President of Coast Enterprises, Inc., I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works directly in the maritime community, we depend on the Port of Houston. 1-32

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Sincerely,

O. J. Kneisler III
Vice-President

cc: Kerry Stanley, U. S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

FEB 2 1 2002

PUBLIC HEARING COMMENT DP 10839

U.S. Army Corps of Engineers
Galveston District

DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED BAYPORT MARINE TERMINAL

This form may be used to provide your comments resulting from review of the Draft Environmental Impact Statement for the proposed Bayport Marine Terminal. Written comments may also be sent directly to:

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

All written comments should be received by ~~February~~ March 11, 2002.

Name: Kay L Snider

Address: 202 Bay Colony Drive

City, State and Zip: La Porte TX 77571

Comment:

The Corps has foreclosed its analysis of Bayport alternatives by excluding non-Bayport combinations. Sites that together would provide more economic benefit at less environmental cost, and therefore enhance the public interest, were not considered in the DEIS 2-10

The Corps should complete a Supplemental Draft Environmental Impact Statement. That Supplemental DEIS should fully analyze issues raised during the scoping process that were not analyzed in the current DEIS. The public has the right to know the impact of these issues and the Corps cannot make a legitimate decision without analyzing them and allowing the public to comment on its analysis 23-6

FEB 2 6 2002

DP 10840 dai

February 22, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

I, Rebecca White, want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay.] 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As an individual that works directly in the maritime community, I depend on the Port of Houston.] 1-32

I know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities.] 1-33

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[Again, the Corp's Environmental Impact Statement stands on its merits.] [This project stands on its merits. It is time to move ahead. 29-56 29-70

[I'm fully behind the study the Corps has completed] and I enthusiastically endorse the Bayport project. 29-56

Sincerely,

Rebecca White

Rebecca White

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

FEB 19 2002

10841

January 22, 2002

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

Dear Mr. Stanley,

I appreciate the opportunity to comment on the Draft Environmental Impact Statement on the proposed Bayport Container Facility. I will focus on my area of expertise, the treatment of facility's potential social impacts on surrounding communities. I was dismayed to see that the Corps chose not to conduct a Social Impact Assessment (SIA) (I enclose my comments of September 1999 describing the SIA process for reference). An SIA would have addressed the full range of potential social impacts arising from each stage of the proposed project – i.e. planning, construction and daily operations. As currently constructed, the DEIS ignores many important social issues. 2-98

Specifically, I would like to call your attention to the following conceptual deficiencies in the Socioeconomics Section (3.3) of the Draft EIS. The DEIS claims to analyze four types of social impacts: port related jobs and population growth; property acquisition resulting in the disruption of neighborhoods; community structure and environmental justice. Overall, much more emphasis is placed on economic analysis than on social analysis. Economic impacts are not the same as social impacts. In the document, they are conflated, thus many important potential impacts are not identified much less analyzed. (I refer you to the "Guidelines and Principles for Social Impact Analysis" prepared for the U.S. Department of commerce by SIA professionals for a thorough list of potential social impacts that should have been investigated. I will be happy to supply your contractors with a copy.) To be frank, it is this failure to identify the full array of potential social impacts that results in the conclusions reached by the DEIS' authors that there are no significant negative social impacts associated with the project. What social analysis that does exist, is shallow and incomplete. Some examples follow. 5-20 5-21

Health is not considered. For example, noise is treated primarily as a nuisance despite its well documented health effects. Noise has been associated with physiological stress such as hypertension as well as emotional stress. Community level noise has been 3-16

University of Houston-Clear Lake • 2700 Bay Area Boulevard • Box 540 Houston, Texas 77058-1098 • 281•283•3950 fax 281•283•3960

FEB 19 2002

linked to the increased use of both sleeping pills and tranquilizers. For a quick overview, I refer you to the websites of EPA, the World Health Organization and the European Union. Another potential health concern that was not adequately addressed was increased mobile and non-mobile source emissions associated with the project.

7-50

The treatment of 'community structure' is grossly inadequate and in fact reveals the contractor's lack of understanding of the sociological definition of community structure. The DEIS only looks at the potential for physical partitioning – i.e. by roads and/or the removal of homes. The term community structure refers to non-material aspects of a community such as members' roles, community cohesiveness and formal and informal networks. It is obvious that these aspects of community structure have already been impacted – note the dissension within the wider community that the project has caused.

5-22

The DEIS is inconsistent in its geographic units of analysis, leading to an uneven examination of effects. Some issues are investigated at a county or multi-county level (e.g. positive economic results) and other issues are investigated at the study area level. For example, for the purpose of demonstrating that environmental justice was not a factor, income and ethnicity in the study area was used. A case could be made, however, that there are different impact zones due to the variety of potential impacts. The sociological literature has documented increased stress associated with transportation corridors due to the perception of increased risk. Bayport will have transportation corridors that are not in the primary impact zone. Trains and trucks coming to and from the terminal will travel through minority and low income areas.

26-8

There are also large gaps within the economic analysis. First, the jobs analysis focuses only on port related jobs, not jobs that might be negatively affected by port expansion and increased ship traffic. Galveston Bay is home to some of the most important commercial fisheries in the state – 74% of the shrimp landings come from Galveston Bay and 87% of Eastern oysters are harvested in Galveston Bay. The Bay is important to nature based tourism industries such as recreational fishing, boating and birdwatching. Also missing is information about the method used to calculate the positive direct and indirect economic impact of port expansion. Was a multiplier used? If so, what was the multiplier and how was it originally calculated?

6-90

6-91

The cruise ship analysis offers another example of missing information. The DEIS fails to mention the fact that the Norwegian Line has not operated from Barbour's cut for several years due to its inability to get an adequate economic return. The economic analysis extrapolates future positive financial returns. One wonders how accurate it is to use a closed business venture to predict future revenue. If it is possible to do this accurately, more information needs to be given about the methodology used.

6-97

Given the failure to adequately address potential social impacts and the biased nature of the economic analysis, I strongly urge you to issue a supplemental draft impact study and to include a full social impact analysis conducted by a qualified SIA professional.

23-100

FEB 19 2002

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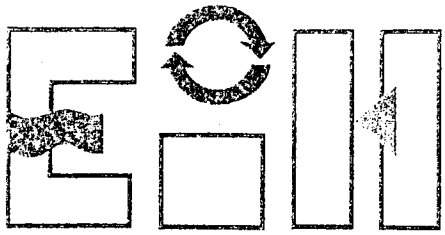

Mr. Mark King
U.S. Army Corps of Engineers, Galveston District
Attn. CESWG-CO-RB
P.O. Box 1229
Galveston, TX 77553-1229

Dear Mr. King:

I have read the description of the proposed Environmental Impact Statement (EIS) for the proposed Bayport Terminal project. In my position as a social scientist, I offer the following comments for your consideration.

I appreciate your recognition of the need to include a review of social impacts to the EIS. However, you have listed only two variables in your Social Characteristics section. Not enough information is given in this section for me to evaluate your proposed study. The terms 'local community' and 'social units' are very vague, as is the term 'social characteristics.' I strongly recommend that you carry out a full Social Impact Assessment (SIA) as part of your EIS. 5-23

According to the *Guidelines and Principles for Social Impact Assessment,* prepared by the U.S. Interorganizational Committee on Guidelines and Principles for Social Impact Assessement, an SIA assesses the social consequences that are likely to arise as a result of regulations, projects and policies. The committee defines 'social impacts' as " consequences to human populations of any public or private actions that alter the ways in which people live, work, play, relate to one another, organize to meet their needs and generally cope as members of society. The term also includes cultural impacts involving changes to the norms, values, and beliefs that guide and rationalize their cognition of themselves and their society" (ICGPSIA, 1994:1). It also states that when environmental, economic and social effects of a project are inter-related, as they are in this case, that these linkages need to be discussed in the EIS.

The committee identified the following variables to be assessed in an SIA:
Population characteristics:

- change
- ethnic and racial distribution

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FEB 19 2002

10841

Thank you for providing me the opportunity to comment.

Sincerely,

Pris Weeks, Ph.D.
Public Participation and Outreach Program Manager

cc: Sen. Mike Jackson
Rep. John Davis

- relocated populations
- influx or outflows of temporary workers
- seasonal residents

Community and institutional structures:

- voluntary associations
- interest group activity
- size and structure of local government
- historical experience with change
- employment/income characteristics
- employment equity of minority groups
- local/regional/national linkages
- industrial commercial diversity
- presence of planning and zoning activity

Political and social resources

- distribution of power and authority
- identification of stakeholders
- interested and affected publics
- leadership capability and characteristics

Individual and family changes

- perceptions of risk, health and safety
- displacement/relocation
- trust in social and political institutions
- residential stability
- density of acquaintanceship
- attitudes towards policy/project
- family and friendship networks
- concerns about social well being

Community resources

- change in community infrastructure
- land use patterns
- effects on cultural, historical and archaeological resources

As you can see from the above list, as now conceptualized, the proposed EIS for Bayport falls considerably short of what is needed. Furthermore, a full SIA identifies possible social impacts at each stage of the proposed project: planning, construction, operation and decommissioning. I doubt that the Bayport container terminal will be decommissioned anytime in the foreseeable future, so I will not address that aspect of the SIA. However, it is obvious that impacts have already begun in the planning stage. Communities are dividing over the project because of the Port's 'jobs versus environment' public relations campaign. Furthermore, if the testimony given by a realtor at the Pasadena

FEB 19 2002

meeting is correct, home values and jobs (in real estate) are already being affected. These types of issues, plus the stress people feel over the project, need to be analyzed in an SIA.

Your proposed EIS does take into consideration the ability of local infrastructure to cope with the changes the Bayport terminal will bring about. A full SIA would also consider impacts to infrastructure during the construction phase, such as potential increases to schools and demands on other facilities from the influx of construction workers. Other construction phase effects might be related to adequate housing and traffic, and the influx of temporary workers to local communities.

Most of the comments I heard at the public hearing were concerned with what will happen to the local communities when the project is fully operational - i.e. traffic, air pollution, erosion, lights, noise and the potential for accidents. Obviously, these long term, 'chronic' potential effects of the project must be given the bulk of attention in an EIS. However, in an SIA, one must consider the perception of risk to health and safety from these factors – a task that engineers and scientists are not trained to do.

To my knowledge, there is not an environmental consulting firm in the city of Houston that has the expertise to conduct a full SIA. Nor, to my knowledge, does the Corps have a social scientist experienced in SIA on staff. I urge you to contract with social scientists with experience in SIA to conduct this vital portion of the EIS. There are several firms and institutes around the country that have experience and I would be happy to help you identify them.

Thank you for your consideration.

Sincerely,

Priscilla Weeks

Priscilla Weeks, Ph.D.
Research Associate

cc: Representative Nick Lampson
Senator Mike Jackson
Representative John Davis
Mr. Jim Blackburn
Mr. Tom Kornegay

DP 10842

February 22, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

I, Kyrey Craft, want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As an individual that works directly in the maritime community, I depend on the Port of Houston. 1-32

I know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. 1-33

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-56 2-85

Again, the Corp's Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-56 29-70

I'm fully behind the study the Corps has completed and I enthusiastically endorse the Bayport project. 29-56

Sincerely,

Kyrey Craft

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

10843

February 22, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

I, Patricia A. Willis, want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As an individual that works directly in the maritime community, I depend on the Port of Houston. 1-32

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Sincerely,

Patricia Willis

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

DP 10844

February 22, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

I, Rhonda Garner, want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As an individual that works directly in the maritime community, I depend on the Port of Houston. 1-32

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I'm fully behind the study the Corps has completed and I enthusiastically endorse the Bayport project. 29-56

Sincerely,

Rhonda Garner

Rhonda Garner

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

DP 10845

February 22, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

I, Bruce Hurd, want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As an individual that works directly in the maritime community, I depend on the Port of Houston. 1-32

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Again, the Corp's Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-56 29-70

I'm fully behind the study the Corps has completed and I enthusiastically endorse the Bayport project. 29-56

Sincerely,

Bruce M. Hurd

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

FEB 2 5 2002

MICHAEL STEVENS INTERESTS, INC.

DP 10846

February 22, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As Chairman of Michael Stevens Interests, Inc., I want to let you know my full support of the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. 1-32

Our company depends on the Port of Houston indirectly. Many of our products, goods and supplies are delivered or sent through the Port, a growing amount being transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: It will be disastrous to our company, and others, if this facility is not built. 1-33

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-56 2-85

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-56 29-70

Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study which the Corps has completed and we enthusiastically endorse the Bayport project. 29-56

Sincerely,

Michael S. Stevens
Chairman

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

1160 Dairy Ashford, Suite 601, Houston, Texas 77079 281/496-4141, Fax: 281/496-2800

FEB 25 2002

Sandra K. Barron
18930 Murphy Rd.
Alvin, Texas 77511
409-927-1173

DP 10847

February 22, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. **As an individual that works directly in the maritime community, I depend on the Port of Houston.** 1-32

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Sincerely,

Sandra K. Barron

Sandra K. Barron

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

FEB 2 5 2002

DP 10848

Paul G. Brown
836 Live Oak Lane
Seabrook, Texas 77586

February 22, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

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Sincerely,

Paul G. Brown

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

FEB 2 5 2002

DP 10849

February 22, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

I, Ian Jurkiewicz, want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As an individual that works directly in the maritime community, I depend on the Port of Houston. 1-32

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Sincerely,

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

FEB 25 2002

DR 10850

February 22, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

I, R. Scott Cobb, want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As an individual that works directly in the maritime community, I depend on the Port of Houston. 1-32

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Sincerely,

R. Scott Cobb

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

FEB 2 5 2002

ROBERT R. ONSTEAD

Onstead Interests, Ltd.

February 22, 2002 DP 10851

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As a strong booster of Houston and Texas, I want to let you know my full support of the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. 1-32

The Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-56 29-70

Sincerely,

Bob Onstead

Robert R. Onstead

/es
cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman, Houston Port Authority

600 TRAVIS STREET, 6475 CHASE TOWER, HOUSTON, TEXAS 77002
(713) 227-5884 FAX (713) 227-5886

DP 10852

February 22, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

I, R. Scott Cobb, want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-1

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Sincerely,

R. Scott Cobb

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

MJM
McCONNELL JONES LANIER & MURPHY LLP
CONSULTANTS & BUSINESS ADVISORS

DP 10853

February 22, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As managing partner of McConnell Jones Lanier & Murphy LLP, I want to let you know my full support of the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. 1-32

Our company depends on the Port of Houston *indirectly*. Many of our products, goods and supplies are delivered or sent through the Port, a growing amount being transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: It will be disastrous to our company, and others, if this facility is not built. 1-33

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Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study which the Corps has completed and we enthusiastically endorse the Bayport project. 29-56

Sincerely,

Ira Wayne McConnell

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

SUMMIT TOWER · 11 GREENWAY PLAZA, SUITE 2902 · HOUSTON, TEXAS 77046 · TEL: 713.622.7666 FAX: 713.622.7879

DR 10854

ROBERT R. ONSTEAD

Onstead Interests, Ltd.

February 22, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

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Sincerely,

Bob Onstead

Robert R. Onstead

/es
cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman, Houston Port Authority

600 TRAVIS STREET, 6475 CHASE TOWER, HOUSTON, TEXAS 77002
(713) 227-5884 FAX (713) 227-5886

DP 10855

Paul G. Brown
836 Live Oak Lane
Seabrook, Texas 77586

February 22, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

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Sincerely,

Paul G. Brown

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

DR 10856

Sandra K. Barron
18930 Murphy Rd.
Alvin, Texas 77511
409-927-1173

February 22, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

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Sincerely,

Sandra K. Barron

Sandra K. Barron

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

MICHAEL STEVENS INTERESTS, INC.

DP 10857

February 22, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As Chairman of Michael Stevens Interests, Inc., I want to let you know my full support of the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. 1-32

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Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-56 29-70

Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study which the Corps has completed and we enthusiastically endorse the Bayport project. 29-56

Sincerely,

Michael S. Stevens
Chairman

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

1160 Dairy Ashford, Suite 601, Houston, Texas 77079 281/496-4141, Fax: 281/496-2800

FEB 26 200

C. Menger Co.

"Something to Grow About"

10858

February 25, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
PO Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As president of C. Menger Co., I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works indirectly in the maritime community, we depend on the Port of Houston. 1-32

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-56 2-85

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Sincerely,

C. MENGER CO.

Carl Menger

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

16548 Air Center Blvd - Houston, TX 77032
Ph: 281-448-4247 Fax: 281-448-4405

FEB 2 6 2002

Memorial Hermann

FOR YOUR WHOLE LIFE.

DP 10859

February 25, 2001

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P. O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As president of Memorial Hermann Healthcare System, please know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay. The Port of Houston is a major piece of the economy of Texas. Its continued growth and success are vital not only to Houston and Texas, but to the entire country. 29-1 1-32

Our organization depends on the Port of Houston. Many of our supplies are delivered through the Port, a growing amount being transported in containers. It is clear that this mode of transportation is going to increase in the future. Please help make sure we are ready to meet the challenge of new marketplaces and opportunities. Clearly, it will be disastrous to our organization, and to others, if this facility is not built. 1-33

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, leads to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-56 2-85

Again, the Corps' Environmental Impact Statement stands on its merits. This projects stands on its merits. It is time to move ahead. 29-56 29-70

My support, and the support of Memorial Hermann Healthcare System, is fully behind the project that the Corps has completed. We enthusiastically endorse the Bayport project. 29-56

Sincerely yours,

Dan S. Wilford
President

DSW:jc

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman, Houston Port Authority

Executive Offices
Memorial Hermann Healthcare System
7737 SOUTHWEST FREEWAY ■ HOUSTON, TEXAS 77074

FEB 2 6 2002

DP 10860

SMITH
GRAHAM
& COMPANY

Investment Advisors, L.P.

Gerald B. Smith
Chairman of the Board
Chief Executive Officer

February 25, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As Chairman of the Board & Chief Executive Officer of Smith Graham & Company, I want to let you know my full support of the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. 1-32

Our company depends on the Port of Houston [*directly and/or indirectly*]. Many of our products, goods and supplies are delivered or sent through the Port, a growing amount being transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: It will be disastrous to our company, and others, if this facility is not built. 1-33

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6900 Chase Tower
600 Travis Street
Houston, Texas 77002-3007
713/292-2110 Direct
713/223-0844 FAX
gbsmith@smithgraham.com

FEB 2 6 2002

10860

BACKGROUND FOR LETTER TO U.S. CORPS OF ENGINEERS

Support for Port of Houston Authority's Proposed Bayport Cruise and Container Terminal

The Project: The Port of Houston Authority is requesting a permit from the U.S. Corps of Army Engineers to build a cruise and container facility on approximately 1100 acres in the 72,0000-acre Bayport Chemical Complex. The facility, which at full build-out in 15 to 20 years would have seven container berths and five cruise ship berths, ultimately would handle an additional 26 ships a week and 1.4 million containers annually, more than doubling the number handled every year for the last three years at the Port of Houston. Over 7,000 ships and 100,000 barges with over 175 million tons of cargo move through the Port of Houston annually.

Why the Need: The Port of Houston is out of space to handle containers, which have rapidly become the preferred mode of transport for products and goods. It is estimated that by 2010, about 90 percent of shipped products will utilize containers. As with other industries, ports are aligning into a hub and spoke system two primary U.S. hubs on the East Coast, two on the West Coast and one in the Gulf of Mexico. For Houston to remain the leading port in the U.S. Gulf, this proposed facility is vital. Harris County voters overwhelmingly approved a $387 million bond proposal in 1999 for construction of the Bayport Terminal.

The Process: The U.S. Army Corps of Engineers oversees the building or expansion of all port and waterway facilities, including the current deepening and widening project on the Houston Ship Channel. The process of approving an applicant's permit requires an extensive study and review, called an Environmental Impact Study. There is a public comment opportunity and support letters are part of this process. The Corps determines if modifications to the permit application need to be made or if any issues need to be addressed. The Corps then either approves or denies the permit. The Port of Houston firmly believes that the Corps has provided a well-documented and thorough study and that no further delays should occur.

Bayport's Environmental Impact Study: The study looked at a total of 78 sites or combination of sites and focused on eight. Of the eight, Bayport was studied the most extensively. In all major areas, the Bayport facility met or exceeded current laws and regulations regarding air and water quality, traffic and socio-economic impacts. The Port of Houston Authority has proposed extensive plans to mitigate any impact on neighborhoods including the design of new lighting systems, the building of a 20-foot tall earthen berm with trees that effectively encircles the facility on the land side, and the redirection or improvement of traffic flow. The Port will utilize 25 percent of the land associated with the project for environmental conservation and the impact of the Bayport facility is included in the State Implementation Plan for air quality. The close proximity of the Port's other container facility, Barbour's Cut, ensures future synergy of railroad utilization.

DP 10861

PUBLIC HEARING COMMENT

U.S. Army Corps of Engineers
Galveston District

DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED BAYPORT MARINE TERMINAL

This form may be used to provide your comments resulting from review of the Draft Environmental Impact Statement for the proposed Bayport Marine Terminal. Written comments may also be sent directly to:

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

All written comments should be received by ~~February~~ March 11, 2002.

Name: BOYCE and FRANCES JONES

Address: 3522 MIRAMAR

City, State and Zip: 360REACRES, TX 77571

Comment:

HOW CAN YOUR REPORT BE "COMPLETE" WITHOUT CONSIDERATION OF THE IMPACT THIS PROJECT WILL HAVE ON THE CITIZENS' AND FUTURE GENERATIONS' WELFARE AND LIFESTYLES? IT APPEARS THAT THE FOCUS, TO THE EXCLUSION OF ALL OTHERS, ONLY ON ECONOMIC ISSUES DOES A DISSERVICE TO THE SOCIAL AND FAMILY NEEDS OF THE AREA COMMUNITIES.

23-97

FEB 2 6 2002

TINDALL & FOSTER, P.C.

ATTORNEYS AT LAW
600 TRAVIS STREET, SUITE 2800
HOUSTON, TEXAS 770023094
TELEPHONE: (713) 2298733
FAX: (713) 2281303
www.tindallfoster.com

HARRY L. TINDALL*
CHARLES C. FOSTER**
ROBERT F. LOUGHRAN**
ANGELA G. PENCE*
H. RICHARD SINDELAR III†
MATTHEW G. THOMPSON
ALICE M. GRUBER
LISA M. REID
KAREN KATZ FELDMAN
HEATHER M. HUGHES
LEIGH NELSON±
MAGALI S. CANDLER
KAREN HUNTER-COURRÈGES
KRISTEN T. BURKE
NICOLE LAWRENCE EZER‡
MARGARET IOANNIDES¥
DANIEL KOWALSKI¥
ANGELIQUE MONTANO

BOARD CERTIFIED TEXAS BOARD OF LEGAL SPECIALIZATION
*FAMILY LAW
** IMMIGRATION & NATIONALITY LAW
†LICENSED IN THE DISTRICT OF COLUMBIA
‡LICENSED IN THE STATE OF MASSACHUSETTS
±LICENSED IN THE STATE OF HAWAII
¥LICENSED IN THE STATE OF FLORIDA
¶LICENSED IN THE STATES OF WASHINGTON & COLORADO

DF 10862

February 25, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As President of Tindall & Foster, a law firm very dependent on the representation of large international companies involved in trade through the Port, I strongly support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. 29-5

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. Your study leads to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. The Corps' Environmental Impact Statement stands, as this project stands, on their own merits and it is time to move ahead. 23-8 23-45 23-45

Sincerely yours,

Charles C. Foster

CCF:jr

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

FEB 25 2002

PUBLIC HEARING COMMENT

DP 10863

U.S. Army Corps of Engineers
Galveston District

DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED BAYPORT MARINE TERMINAL

This form may be used to provide your comments resulting from review of the Draft Environmental Impact Statement for the proposed Bayport Marine Terminal. Written comments may also be sent directly to:

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

All written comments should be received by February 11, 2002.

Name: Carol Lee

Address: 1724 Fairview

City, State and Zip: Houston Tx 77006

Comment:

I disagree with those who want to place this terminal at Bayport. It is the wrong location. The negative impact on an already established residential area would have devastating long termeffects. These would include attracting more industry at the same time making living in the area less and less attractive. The increased truck and or train traffic will cause more traffic accidents and also increase emissions in the air. 2-3 2-75 18-13 27-6 2-27

I believe the consideration for our quality of life should have just as much priority in this decision as an economical and convenient decision for the Port of Houston. 5-5

FEB 2 6 2002

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

DP 10864

Dear Mr. Stanley,

The Houston waterfront has been a blessing to my family and me. I am a second generation longshoreman and my entire family has benefited from the Port of Houston. 29-59

I know it is essential to the continued success of the port that the Bayport project be approved and I urge your support for that project. 29-1

Very truly yours,

Claudio V Guerrero

DP 10865

PUBLIC HEARING COMMENT

U.S. Army Corps of Engineers
Galveston District

DRAFT
ENVIRONMENTAL IMPACT STATEMENT
FOR THE PROPOSED
BAYPORT MARINE TERMINAL

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Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

All written comments should be received by February 11, 2002.

Name: Mike & Stephanie Virag

Address: 2618 Vermillion

City, State and Zip: Seabrook, TX 77586

Comment:

Mike and Stephanie Virag
2618 Vermillion
Seabrook, Texas 77586

Written Comments to oppose the Bayport Marine Terminal

We are writing to you to oppose the construction of the Bayport Marine Terminal and our reasons why. We are sure that you have received many objections to the noise, traffic, and the pollution effects if the Bayport is build. We have those concerns along with others. We would like to stress concern about the adverse effect of heavy commercial traffic on the racing of dinghies/small boats in the vicinity.

Concerns include...

- Ship wakes and ship wash crashing over unsuspecting youth.
- Possible ruination of an excellent site for competitive sailing. (Which is the subject of a bid for the 2004 USA Olympic trials)
- Crossing the channel in a small boat in less-than-ideal conditions.
- Too much traffic on the radio.
- Tugboat wash churning up sediment in the bay.

As you can see we are boaters and advocates of competitive sailing.

On the other side of sailing we became first time homeowners in Seabrook in November of 2001 and we are very proud of our community, it's established status, and the potential for community growth. I am for more jobs for families, but I am not for loosing such a wonderful community to an unnecessary port when there are other options to choose from. Thank you for your time and my plea to you is a "NO" to the Bayport Marine Terminal.

29-3
32-1
32-2
32-5
31-4
10-3
21-30
5-3

DP 10866

PUBLIC HEARING COMMENT

U.S. Army Corps of Engineers
Galveston District

DRAFT
ENVIRONMENTAL IMPACT STATEMENT
FOR THE PROPOSED
BAYPORT MARINE TERMINAL

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Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

All written comments should be received by ~~February 11,~~ MARCH 15 2002.

Name: Elaine H. Stemerick

Address: 910 Shorewood Dr

City, State and Zip: Seabrook, TX 77586

Comment: I live in Taylor Lake Village on the lake, near Rt 146 Hwy — Bayport would affect hazardous water, rail, and materials. I ask you to turn down application for permit. 19-1 29-5

Elaine H. Stemerick

G•U•L•F STREAM MARINE

ISO 9002 CERTIFICATE NO. 34217

FEB 2 6 2002

DP 10867

February 26, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U. S. Army Corps of Engineers, Galveston District
P. O. Box 1229
Galveston, Tx. 77553-1229

Dear Colonel Waterworth:

As President/CEO of Gulf Stream Marine, Inc., I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas, and its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works directly in the maritime community, we depend on the Port of Houston. 22-54

We know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: it would have a significant negative effect on our company, and others, if this facility is not built. 1-3 1-13

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 23-81 23-85 23-95

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead.

Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project.

Sincerely,

Gulf Stream Marine, Inc.

Jan F. Rietdijk
President
JFR/bgm

cc: JFR, RFR, RAJ
Kerry Stanley, U. S. Army Corps of Engineers
James T. Edmonds, Chairman, Houston Port Authority

10,000 Manchester Avenue, Suite C, Houston, TX 77012
Main Office: 713 926-7611 Fax: 713 926-7750 WWW.GULFSTREAMMARINE.COM

FEB 2 6 2002

U.S. Army Corps of Engineers
Galveston District

PUBLIC HEARING COMMENT

DP 10868

DRAFT
ENVIRONMENTAL IMPACT STATEMENT
FOR THE PROPOSED
BAYPORT MARINE TERMINAL

This form may be used to provide your comments resulting from review of the Draft Environmental Impact Statement for the proposed Bayport Marine Terminal. Written comments may also be sent directly to:

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

All written comments should be received by ~~February 11~~ March 13, 2002.

Name: Mike Manering

Address:

City, State and Zip: La Porte

Comment:

See attached.

2/25/02

Mike Manering

Mike Manering FEB 26 2002
La Porte
2/25/0

Submit these Comments at the Comment Tables TONIGHT!

10868

21 Comments on the Bayport Container Terminal's
Draft Environmental Impact Statement and
Negative Effect on the Public Interest

- **The Corps of Engineers should deny the Bayport application** for Section 10 and Section 404 permits because the construction of Bayport is not in the public interest. The negative impacts of the proposed facility outweigh any benefits, particularly due to its clearly foreseeable negative impacts on health, safety, property rights, land use, wetlands, habitat, and the conservation, economic use, and enjoyment of Galveston Bay. 29-29

- **The Corps should complete a Supplemental Draft Environmental Impact Statement**. That Supplemental DEIS should fully analyze issues raised during the Scoping process that were NOT analyzed in the current DEIS. The public has a right to know the impact of these issues and the Corps cannot make a legitimate decision without analyzing them and allowing the public to comment on its analysis. 23-6

- **The Public should receive more time to comment** on the current DEIS. The Port Authority and Corps have had over 2-1/2 years to produce this inadequate DEIS. The Public should have at least 180 days to comment on it and address its deficiencies. 23-5

- **The Corps has foreclosed its analysis of Bayport alternatives** by excluding non-Bayport combinations. Sites that together would provide more economic benefit at less environmental cost, and therefore enhance the public interest, were not considered in the DEIS. 2-10

- **The amount of wetlands at Bayport is significant and exceeds 3 acres**. In an effort to avoid state review and the requirement to conduct a more extensive site-rating analysis, the Corps claimed jurisdiction over only 2.5 acres of the 116+ acres of wetlands on the site. Most of the 116+ acres of wetlands – more than nearly any other site - are adjacent to waters and therefore should be included. 14-4

- **The Corps has failed to analyze the impact of fine particle (PM 2.5) and hazardous air pollutants**. The most deadly forms of air pollution were not analyzed. Modeling needs to be completed for all pollutants for which national standards exist. 7-4

- **The Corps has failed to analyze a 50' deep ship channel** across Galveston Bay. A permit application with wharves to -56' MLT (mean low tide), that accommodates 50' draft ships, will demand a 50' channel. A 50' channel will destroy the ecological and economic productivity of Galveston Bay by introducing additional salinity. The Port Authority hopes to break any resistance to a 50' channel by putting $1.2 billion on the ground at Bayport. The Corps must stop them by analyzing a 50' channel in a DEIS now. 20-1

- **The study of future land use impacts in the DEIS is inadequate** and fails to disclose impacts contrary to the public's interest. The land use study does not account for changes in existing land use, such as the conversion of residential and recreational land to industrial sprawl that Bayport would enable. Bayport would divide and destroy communities and diminish the environmental values that support them. 4-4

- **The study of transportation and noise in the DEIS is inadequate** and fails to disclose impacts contrary to the public's interest. Both analyses assume that post-build out, the percentage of traffic that trucks comprise on area roads will not change! The Port Authority's own plans call for 5000 new trucks a day. 3-7 27-4

- **The Corps should undertake with the Surface Transportation Board a combined EIS** for the proposed BNSF/San Jacinto rail project. The law requires a combined EIS when the cumulative impacts of two proposals affect the same area. These 2 proposals are related and would cause industrial sprawl to invade residential communities. 23-10

- **An Environmental Justice analysis should extend to include the 8 daily 8000' trains** from Bayport that will pass through the East End of Houston. The DEIS fails to analyze any traffic or blockage impacts on the routes Bayport's cargo would take to numerous yards in the East End. Neighborhoods there already face chronic delays and blocked crossings that will worsen and extend south with Bayport. 26-1

- **The Port Authority has submitted a false and illegal permit application** because it does not own all the land necessary to construct the facility at Bayport. It is against the law to apply for a Corps permit without being able to acquire all the land. The Port Authority cannot acquire all the land needed for Bayport, and even if it did, it couldn't use it to build this facility. Instead, the Port Authority is trying to intimidate innocent landowners and local governments with its application. This falsification skews the impact analysis and cannot stand in a state that believes in property rights. 23-16 23-27

- **The Corps and Port Authority rely on unrealistic growth projections** to justify the need for Bayport. That need is predicated on a 10% annual growth rate, indefinitely, for containerized cargo. Even the DEIS summary refuses to agree that a 10% rate is realistic. However, the Corps uses these figures to unfairly exclude legitimate alternatives from analysis. It then spreads the economic benefits of a new port over a three county-area without analyzing ANY localized negative impacts. 1-14 2-28 6-11

- **The Corps should undertake a risk assessment** to disclose impacts from hazardous materials, safety, and potential terrorism. These issues were raised before, but the Corps has generated 30 pages of useless regulations and data rather than the risk analysis it was asked to complete. 21-6

- **The Corps should stop playing "hide the ball" with its data and analysis**. On several issues, including declining property values, the Corps promises more information in the Final EIS. For wetlands, it does not indicate the locations where it claims jurisdiction. For flooding, it fails to determine if Bayport's drainage system actually works, saying that the Port Authority will disclose that information to another agency. This is all ludicrous and contrary to the intent of a DEIS. The Corps must fully disclose all of these issues in a Supplemental DEIS that the Public can comment on. 22-9 23-6

- **No conservation measures are included** for water and power consumption or wastewater and solid waste production at any alternative. The Corps should require these measures as mitigation for any site. 24-1

- **The Corps must analyze different operational and logistical designs** in its alternatives analysis. All of the current alternative designs in the DEIS presume a single set of land requirements and operational patterns. The Corps must analyze more efficient terminal designs, including dockside rail and the reconfiguration of the existing Barbours' Cut facility. 2-11

- **The Corps must account for negative impacts on ALL public and private recreational facilities** in the DEIS' economics, land use, and recreation sections. 32-3

- **The Corps must apply the distinguishing criteria it finds equitably**. The Corps uses planning horizon years inconsistently, and fails to apply all distinguishing criteria to alternatives in the Navigation, Shoreline Erosion, Water Quality, and Hydrology sections. In addition, it must treat the NO ACTION alternative as just that – NO ACTION, not industrial development. 22-45 2-12

- **The Corps must eliminate baseless charges against alternatives.** For example, at Bayport, the recreational boating community is "voluntarily displaced" while it experiences a "potential for conflict" at other sites. This bias, along with reams of useless trivia in place of analysis – for example, a list of storms to hit Galveston Bay since 1900 in the place of storm surge modeling – requires correction in a DEIS supplement. 22-19

- **Again, a Supplemental Draft Environmental Impact Statement should be prepared** to incorporate these previously expressed concerns and omissions. The Corps cannot "hide the ball" and then place a trivial analysis of these concerns in the Final EIS, thereby preventing public comment. It must produce a Supplemental DEIS that fully discloses impacts identified during the Scoping process, and it must allow the Public to comment on the new findings. 23-6

Submit these comments TONIGHT at the Public Hearing. After the Hearing, mail them before ~~February 11~~ March 13, 2002 to:
U.S. Army Corps of Engineers, Galveston Regulatory Branch Re: Bayport Comments, P.O. Box 1229, Galveston, TX 77553-1229.

FEB 2 6 2002

10869

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

Dear Mr. Stanley,

The Houston waterfront has been a blessing to my family and me. I am a third generation longshoreman and my entire family has benefited from the Port of Houston.

I know it is essential to the continued success of the port that the Bayport project be approved and I urge your support for that project.

Very truly yours,

Emilio Valdez
7738 Sherman St.
Houston, TX 77012

FEB 2 6 2002

CRESCENT®

DR 10870

February 26, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding officer
U.S. Army Corps of Engineers, Galveston District
P. O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As Senior Vice President of Crescent Real Estate Equities, Ltd., I want to let you know my full support of the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. Its continued growth and success are vital not only to Houston and Texas, but the entire country. 29-59

Our company depends on the Port of Houston indirectly. Many of our goods and supplies are delivered through the Port, a growing amount being transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: It will be disastrous to our company, and others, if this facility is not built. 1-3, 1-13

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 23-81, 23-85, 23-95

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead.

Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study which the Corps has completed and we enthusiastically endorse the Bayport project.

Very truly yours,

Jane B. Page

Jane B. Page
Senior Vice President
Asset Management and Leasing

2000 Post Oak Blvd. Suite 1950 Houston, TX 77056 Phone: 713-840-1170 Fax: 713-840-1180

Crescent Real Estate Equities, Ltd. www.cei-crescent.com

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

FEB 2 8 2002

NOCS

Angela G. Molenaar
Director of Marketing
NOCS West Gulf

DP 10873
PG

February 15, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
Post Office Box 1229
Galveston, Texas 77553-1229

Dear Colonel Waterworth:

As Director of Marketing & Sales of NOCS West Gulf, I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-77

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works directly/indirectly in the maritime community, we depend on the Port of Houston. 1-32

We know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: It would have a significant negative effect on our company, and others, if this facility were not built. 1-37

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 2-85

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-70

9223 HWY. 225 AT
MILLER CUT OFF
LAPORTE
TEXAS 77571

PHONE: (713) 930-8002
(800) 782-2653
FAX: (713) 930-8135

10873

Please do not hesitate to contact me if you would like to discuss this further. [My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project.] 29-77

Sincerely yours,

Angela G. Molenaar

Angela G. Molenaar
Director of Marketing & Sales
NOCS West Gulf

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

9223 HWY. 225 AT
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TEXAS 77571

PHONE: (713) 930-8002
(800) 782-2653
FAX: (713) 930-8135

MAR 0 1 2002

HOUSTON FUEL OIL TERMINAL COMPANY

16642 Jacintoport Blvd., Houston, Texas 77015

C. L. Jean, Jr.
Vice President - Engineering & Construction

(281) 452-3390
Fax: (713) 378-3864

DP10874
PC

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

February 21, 2002

Dear Colonel Waterworth:

As vice-president of Houston Fuel Oil Terminal Company, I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-77

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works directly in the maritime community, we depend on the Port of Houston. 1-32

We know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge on new marketplaces and opportunities. Let me be clear: It would have a significant negative effect on our company, and others if this facility is not built. 1-37

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 2-85

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-70

Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project. 29-77

Sincerely,

C.L. Jean, Jr.
Vice-President Engineering and Construction

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

FEB 2 8 2002

DP10875

PG

February 22, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

I, Rebecca White, want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay.] 29-77

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As an individual that works directly in the maritime community, I depend on the Port of Houston.] 1-32

I know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities.] 1-37

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues.] 2-85

Again, the Corp's Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead.] 29-70

I'm fully behind the study the Corps has completed and I enthusiastically endorse the Bayport project.] 29-77

Sincerely,

Rebecca White

Rebecca White

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

P10876 MAR 0 1 2002

Maritime Endeavors Shipping Co., Ltd.

CORPORATE OFFICE
3500 N. Causeway Blvd., Suite 1500 • Metairie, Louisiana 70002-3526
TEL: (504) 837-7700 • FAX: (504) 837-8482 • TLX: 161922 MESC UT

CABLE: Effort New Orleans
E-MAIL: ops-nola@mescltd.com
acct-nola@mescltd.com
WEBPAGE: www.mescltd.com

February 22, 2001

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As Operations Manager of Maritime Endeavors Shipping Co., Ltd. (Houston Office), I would like to let you know that we fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-77

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital to Houston and to the State of Texas. As a company that works directly in the maritime industry, we depend on the Port of Houston. 1-32

Please help make sure we are ready to meet the challenge of new marketplaces and opportunities that this Terminal will create for our business and others as well. I would like to point out that it would have a significant negative effect on our company, and others, if this facility is not built. 1-37

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 2-85

Again, the Corps' Environmental Impact Statement stands on its own merits, this project stands on its merits and it is time to move ahead. 29-70

My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project. 29-77

Sincerely,

Savvas Tsoflias
Operations Manager
Maritime Endeavors Shipping Co., Ltd.
As Agents Only

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman-Houston Port Authority

HOUSTON OFFICE
8866 Gulf Freeway, Suite 300 • Houston, Texas 77017-6514
TEL: (713) 599-0300 • FAX: (713) 599-0400
TLX: 166713 MESC TEX • E-MAIL: ops-texas@mescltd.com

MAR 0 1 2002

10877

PACKWELL

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Febuary 22, 2002

Dear Colonel Waterworth:

As President of Packwell, I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-77

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works directly in the maritime community, we depend on the Port of Houston. 1-32

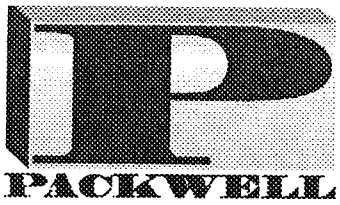
We know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: It would have a significant negative effect on our company, and others, if this facility is not built. 1-37

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 2-85

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-70

Plastics Packaging & Distribution Services
3401 Navigation Blvd. Houston, Texas 77003 Tel:713 - 223 - 1100 Fax:713 - 223 - 1133
www.packwell.com

PACKWELL



10877

Please do not hesitate to contact me if you would like to discuss this further. [My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project.] 29-77

Sincerely,

Al Duran
President

AD/km

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chariman Houston Port Authority

Plastics Packaging & Distribution Services
3401 Navigation Blvd. Houston, Texas 77003 Tel:713 - 223 - 1100 Fax:713 - 223 - 1133
www.packwell.com

MAR 0 1 2002

P10878
PC

February 22, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

I, William Chambers, want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-77

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As an individual that works directly in the maritime community, I depend on the Port of Houston. 1-32

I know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. 1-37

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 2-85

Again, the Corp's Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-70

I'm fully behind the study the Corps has completed and I enthusiastically endorse the Bayport project. 29-77

Sincerely,

William Chambers

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

DP10879 PC

MAR 0 1 2002

CENTURY Transportation Inc.

3405 Navigation Blvd., Suite 300 • Houston, Texas 77003
TEL: (713) 224-2121 • FAX: (713) 224-1177

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Febuary 22, 2002

Dear Colonel Waterworth:

As President of Century Transportation, I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-77

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works directly in the maritime community, we depend on the Port of Houston. 1-32

We know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: It would have a significant negative effect on our company, and others, if this facility is not built. 1-37

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 2-85

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-70

Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project. 29-77

Sincerely,

Al Duran
President

AD/km

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chariman Houston Port Authority

10880 MAR 0 1 2002

Transportation Policy Council

For the Houston-Galveston Transportation Management Area

3555 Timmons Lane
Houston, Texas 77027

P.O. Box 22777
Houston, Texas 77227-2777

Telephone: 713.627.3200
Fax: 713.993.4508

February 22, 2002

Mr. Kerry M. Stanley
Regulatory Branch
U.S. Army Corps of Engineers
PO Box 1229
Galveston, TX 77553-1229

Dear Mr. Stanley:

I am writing with comments of the Houston-Galveston area's Transportation Policy Council on the Draft Environmental Impact Statement (DEIS) for the Bayport Channel Container/Cruise Terminal. As the Metropolitan Planning Organization (MPO) for the Houston-Galveston region, the Transportation Policy Council is responsible for development of the area's long-range multi-modal Metropolitan Transportation Plan. In addition, the Policy Council approves the programming of the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) funds to projects in the eight-county area as part of its Transportation Improvement Program.

The Transportation Policy Council adopted the following comments at its February 22, 2002, meeting:

- Safe, efficient movement of goods is a vital component of the Houston-Galveston area's regional economy. Expansion of the region's port and airport infrastructure is essential to regional, state, and national economic competitiveness. I-41

- The preferred alternative contained in the Bayport DEIS is consistent with the region's 2022 Metropolitan Transportation Plan as revised. Specifically, the MTP anticipates the impact of increased on-road vehicular travel generated by expansion of the region's ports, including the additional expansion of the proposed Bayport Terminal. 27-75

- Reduction of air pollution is an important goal of the region's transportation plan. Though not yet a criteria pollutant, Particulate Matter 2.5 emissions may result from this project, and the DEIS should explicitly address this matter. 7-4

- The DEIS addresses traffic impacts on certain facilities immediately adjacent to the project. It does not specifically address impacts on other local thoroughfares. The Policy Council recommends that the applicant explicitly address whether the project will have an impact on other local thoroughfares in the area. 27-76

- The applicant should clarify that no formal travel demand analysis was done on combined alternatives. Travel demand analysis was done for individual sites, and combined alternatives were calculated using modeling results for individual sites. 27-77

The Transportation Policy Council appreciates the opportunity to comment on this project. Please contact me or Alan Clark, MPO Director, should you have any questions.

Sincerely,

Robert Eckels
Harris County Judge
Chairman, Transportation Policy County

cc: Mr. Thomas Kornegay, Port of Houston Authority
Mr. Alan Clark, MPO Director

MAR 0 1 2002

Duplicate
10881

February 22, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

I, William Chambers, want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay.

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As an individual that works directly in the maritime community, I depend on the Port of Houston.

I know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities.

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues.

Again, the Corp's Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead.

I'm fully behind the study the Corps has completed and I enthusiastically endorse the Bayport project.

Sincerely,

William Chambers

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

MAR 0 1 2002

Kroger Food Stores

IP 10882
A1

16770 IMPERIAL VALLEY DR. · HOUSTON, TEXAS 77060-3406

ROBERT E. ZINCKE
PRESIDENT
SOUTHWEST MARKETING AREA

MAILING ADDRESS:
P. O. BOX 1309
HOUSTON, TX 77251-1309

713-507-4802

February 22, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As president of Kroger, I want to let you know my full support of the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. Its continued growth and success are vital not only to Houston and Texas, but to the entire country. 1-30

Our company depends on the Port of Houston directly and indirectly. Many of our products, goods and supplies are delivered or sent through the Port, a growing amount being transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: It will be disastrous to our company, and others, if this facility is not built. 1-33

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-56 2-85

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-56 29-70

Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study that the Corps has completed and we enthusiastically endorse the Bayport project. 29-56

Sincerely,

BOB ZINCKE

jr

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

Telephone: 281-449-8660
Fax: 281-449-8566
Reply To: 15311 Vantage Pkwy
Suite 160
Houston, TX 77032

DP10883

MAR 0 4 2002

AV

February 25, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S.Army Corps of Engineers, Galveston District
P. O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As Branch Manager of PBB Global Logistics, I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay.

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works directly/indirectly in the maritime community, we depend on the Port of Houston. 1-32

We know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: It would have a significant negative effect on our company, and others, if this facility is not built. 1-33

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-56 2-85

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-56 29-70

Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project. 29-56

Sincerely,

Dottie Rucker

Dottie Rucker,
Branch Manager,
PBB Global Logistics

Cc: Kerry Stanley, U.S.Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

10884 FEB 2 8 2002

CAPT. TREVOR O'BRIEN & ASSOCIATES, INC.

Independent Ship and Cargo Surveyors

11821 East Freeway, Suite 510
Houston, Texas 77029

TEL: (713) 453-0906

FAX: (713) 453-0938

February 25, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps Of Engineers, Galveston District
P O Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

I wish to comment that this office fully supports the building of the Bayport Cruise and Container Terminal. As a company that works directly in the maritime industry we depend on the Port of Houston. 29-39

The Port of Houston significantly impacts the economy of Texas. To remain competitive the Port of Houston needs to continue widening and deepening the ship channel and developing modern facilities with attendant infrastructure. 31-5

We wish to take a moment to extend our thanks to the U.S. Army Corp of Engineers for it's efforts. We trust that the Corp of Engineers will lend its support to the development of the Bayport project.

Regards,

David Harmon
President
Ship and Cargo Surveyor

cc: US Army Corps of Engineers
Kerry Stanley

Houston Port Authority
James T. Edmonds, Chairman

DP 10885

C. Menger Co.

"Something to Grow About"

FEB 2 8 2002

AV

February 25. 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
PO Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As president of C. Menger Co., I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works indirectly in the maritime community, we depend on the Port of Houston. 1-32

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-56 2-85

The Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-56 29-10

Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project. 29-56

Sincerely,

C. MENGER CO.

Carl Menger

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

16548 Air Center Blvd - Houston, TX 77032
Ph: 281-443-4247 Fax: 281-443-4405

DP 10886

FEB 2 8 2002

AV

Memorial Hermann

FOR YOUR WHOLE LIFE.

February 25, 2001

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P. O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

[As president of Memorial Hermann Healthcare System, please know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay.][The Port of Houston is a major piece of the economy of Texas. Its continued growth and success are vital not only to Houston and Texas, but to the entire country.] 29-1 1-32

Our organization depends on the Port of Houston. Many of our supplies are delivered through the Port, a growing amount being transported in containers. It is clear that this mode of transportation is going to increase in the future. Please help make sure we are ready to meet the challenge of new marketplaces and opportunities. Clearly, it will be disastrous to our organization, and to others, if this facility is not built. 1-33

[The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region.][I believe your study, which was thorough and well-documented, leads to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues.] 29-56 2-35

[Again, the Corps' Environmental Impact Statement stands on its merits.][This projects stands on its merits. It is time to move ahead.] 29-56 29-70

My support, and the support of Memorial Hermann Healthcare System, is fully behind the project that the Corps has completed. We enthusiastically endorse the Bayport project. 29-56

Sincerely yours,

Dan S. Wilford
President

DSW:jc

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman, Houston Port Authority

Executive Offices
Memorial Hermann Healthcare System
7737 SOUTHWEST FREEWAY ■ HOUSTON, TEXAS 77074

LP10887

FEB 2 8 2002

AW

TINDALL & FOSTER, P.C.

ATTORNEYS AT LAW
600 TRAVIS STREET, SUITE 2800
HOUSTON, TEXAS 770023094
TELEPHONE: (713) 2298733
FAX: (713) 2281303
www.tindallfoster.com

HARRY L. TINDALL*
CHARLES C. FOSTER**
ROBERT F. LOUGHRAN**
ANGELA G. PENCE*
H. RICHARD SINDELAR III†
MATTHEW G. THOMPSON
ALICE M. GRUBER
LISA M. REID
KAREN KATZ FELDMAN
HEATHER M. HUGHES
LEIGH NELSON±
MAGALI S. CANDLER
KAREN HUNTER-COURRÈGES
KRISTEN T. BURKE
NICOLE LAWRENCE EZER‡
MARGARET IOANNIDES[Ψ]
DANIEL KOWALSKI[Ψ]
ANGELIQUE MONTANO

BOARD CERTIFIED-TEXAS BOARD OF LEGAL SPECIALIZATION
*FAMILY LAW
** IMMIGRATION & NATIONALITY LAW
†LICENSED IN THE DISTRICT OF COLUMBIA
‡LICENSED IN THE STATE OF MASSACHUSETTS
±LICENSED IN THE STATE OF HAWAII
ΨLICENSED IN THE STATE OF FLORIDA
[Ψ]LICENSED IN THE STATES OF WASHINGTON & COLORADO

February 25, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As President of Tindall & Foster, a law firm very dependent on the representation of large international companies involved in trade through the Port, I strongly support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay.] 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country.] 1-32

[The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region.][Your study leads to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues.][The Corps' Environmental Impact Statement stands, as this project stands, on their own merits and it is time to move ahead.] 29-56 2-85 29-70

Sincerely yours,

Charles C. Foster

CCF:jr

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

FEB 2 8 2002

DP 10888

SMITH
GRAHAM
& COMPANY

Investment Advisors, L.P.

Gerald B. Smith
Chairman of the Board
Chief Executive Officer

February 25, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As Chairman of the Board & Chief Executive Officer of Smith Graham & Company, I want to let you know my full support of the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. 1-32

Our company depends on the Port of Houston [*directly and/or indirectly*]. Many of our products, goods and supplies are delivered or sent through the Port, a growing amount being transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: It will be disastrous to our company, and others, if this facility is not built. 1-33

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-56 2-85

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-56 29-70

6900 Chase Tower
600 Travis Street
Houston, Texas 77002-3007
713/292-2110 Direct
713/223-0844 FAX
gbsmith@smithgraham.com

DP10888

AV

Letter to Colonel Leonard D. Waterworth
February 22, 2002

Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study that the Corps has completed and we enthusiastically endorse the Bayport project.

Sincerely,

Gerald B. Smith
Chairman of the Board and Chief Executive Officer

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

BACKGROUND FOR LETTER TO U.S. CORPS OF ENGINEERS

Support for Port of Houston Authority's Proposed Bayport Cruise and Container Terminal

The Project: The Port of Houston Authority is requesting a permit from the U.S. Corps of Army Engineers to build a cruise and container facility on approximately 1100 acres in the 72,0000-acre Bayport Chemical Complex. The facility, which at full build-out in 15 to 20 years would have seven container berths and five cruise ship berths, ultimately would handle an additional 26 ships a week and 1.4 million containers annually, more than doubling the number handled every year for the last three years at the Port of Houston. Over 7,000 ships and 100,000 barges with over 175 million tons of cargo move through the Port of Houston annually.

Why the Need: The Port of Houston is out of space to handle containers, which have rapidly become the preferred mode of transport for products and goods. It is estimated that by 2010, about 90 percent of shipped products will utilize containers. As with other industries, ports are aligning into a hub and spoke system two primary U.S. hubs on the East Coast, two on the West Coast and one in the Gulf of Mexico. For Houston to remain the leading port in the U.S. Gulf, this proposed facility is vital. Harris County voters overwhelmingly approved a $387 million bond proposal in 1999 for construction of the Bayport Terminal.

The Process: The U.S. Army Corps of Engineers oversees the building or expansion of all port and waterway facilities, including the current deepening and widening project on the Houston Ship Channel. The process of approving an applicant's permit requires an extensive study and review, called an Environmental Impact Study. There is a public comment opportunity and support letters are part of this process. The Corps determines if modifications to the permit application need to be made or if any issues need to be addressed. The Corps then either approves or denies the permit. The Port of Houston firmly believes that the Corps has provided a well-documented and thorough study and that no further delays should occur.

Bayport's Environmental Impact Study: The study looked at a total of 78 sites or combination of sites and focused on eight. Of the eight, Bayport was studied the most extensively. In all major areas, the Bayport facility met or exceeded current laws and regulations regarding air and water quality, traffic and socio-economic impacts. The Port of Houston Authority has proposed extensive plans to mitigate any impact on neighborhoods including the design of new lighting systems, the building of a 20-foot tall earthen berm with trees that effectively encircles the facility on the land side, and the redirection or improvement of traffic flow. The Port will utilize 25 percent of the land associated with the project for environmental conservation and the impact of the Bayport facility is included in the State Implementation Plan for air quality. The close proximity of the Port's other container facility, Barbour's Cut, ensures future synergy of railroad utilization.

Economic Impact of the Port of Houston and the Bayport Facility: Currently, the Port of Houston—the eighth largest port in the world and the top U.S. port in foreign tonnage and the second largest in total cargo tonnage--generates $7.7 billion in economic impact annually to the Texas economy and provides more than 200,000 jobs statewide. Additionally, the Port of Houston generates over $500 million each year in state and local taxes. Bayport will increase significantly this economic impact with the creation of 12,000 new jobs in its first decade and at full build-out, 39,000 new jobs. After ten years, the Bayport Terminal will have an economic impact of $1 billion, expanding to $3.3 billion when fully developed over the next 15 to 30 years. The economic activity stimulated by this new facility will generate $41 million annually in new tax revenue to local and state governments and over $150 million at full build-out.

Development of Markets: Over 30 million people live within a 500-miles radius of Houston. **I. Containerization:** If this facility is not built, shipping lines will take new business where there is space. And, as history has shown, the Port's current business base would begin to erode as these companies look for operating and marketing synergies. More than 60 percent of the products shipped into the Port of Houston are utilized by southeast Texans. Opening additional trade lanes gives Texas consumers a wider choice of products and maintains a higher quality of life at a lower cost. **II. Cruise:** Houston is a proven cruise port, handling over 230,000 cruise passengers since 1997. Beginning this February, Barbours Cut will be the new homeport for the *Olympia Voyager*—the world's fastest cruise ship. In light of recent tragic world events, travel industry experts predict significant growth for the cruise industry particularly in the Caribbean.

CRESCENT®

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February 26, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding officer
U.S. Army Corps of Engineers, Galveston District
P. O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As Senior Vice President of Crescent Real Estate Equities, Ltd., I want to let you know my full support of the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay. 2-1

The Port of Houston is a major piece of the economy of Texas. Its continued growth and success are vital not only to Houston and Texas, but the entire country. 1-39

Our company depends on the Port of Houston indirectly. Many of our goods and supplies are delivered through the Port, a growing amount being transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: It will be disastrous to our company, and others, if this facility is not built. 1-53

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 2-56 2-85

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 2-56 2-70

Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study which the Corps has completed and we enthusiastically endorse the Bayport project. 2-5

Very truly yours,

Jane B. Page
Senior Vice President
Asset Management and Leasing

2000 Post Oak Blvd. Suite 1950 Houston, TX 77056 Phone: 713-840-1170 Fax: 713-840-1180

Crescent Real Estate Equities, Ltd. www.crescent.com

Chantal®
— Cookware Corp.

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HEIDA L. THURLOW
president/owner

February 26, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As President of Chantal Corp., I want to let you know my full support of the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. 1-32

Our company's success depends on the Port of Houston indirectly. Many of our products, goods and supplies are delivered or sent through the Port, a growing amount being transported in containers. It is clear that this mode of transportation is going to increase in the future. We need to make sure that we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: It will be disastrous to our company, and others, if this facility is not built. 1-33

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-16 2-85

2030 W. Sam Houston Parkway • Houston, Texas 77043

[Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits.] [It is time to move ahead.]

Please do not hesitate to contact me if you would like to discuss this further. [My support, and the support of this company, is fully behind the study which the Corps has completed] and we enthusiastically endorse the Bayport project.

Sincerely,

Heida Thurlow

HT:jgh

cc: ✓Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

LP 10891 MAR 0 1 2002

AV

February 26, 2002

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553

Dear Mr. Stanley:

I am writing to express my concerns over the proposed building of Bayport and the debauchery labeled as a DEIS performed by the U.S. Army Corps of Engineers.

In reviewing the documents, as a resident who may suffer the results of an improperly planed venture, I am amazed at the number of important issues that were over looked or simply ignored. Further, it is incomprehensible that your agency could produce, and take credit for, a report with so many omissions, critical errors, and flaws. Please take a moment and review just a few issues of concern I have listed here. It is beyond my comprehension, how these specific issues could be addressed in such a vague manner.

- In review, I could not find any discussion of fine particle matter (the most deadly form) air pollution. With the additional vehicle traffic proposed, especially diesel, which emit copious amounts of fine particle pollution, there will be additional air pollution of this nature. 7-4
- The effects of the proposed deepening of the ship channel to 50 feet and the effect on aquatic structure, to accommodate the larger ships intended to use the port were overlooked. 20-1
- Further assessment of wetland destruction, using facts, not assumptions. Original estimates of wetlands involved at the site of Bayport, ranged in the 200+ acre amount. Three studies done through the 1990's, concentrating on a total of 1,112 acres of land determined that 209 of those acres (20%) were designated as wetlands. At a 1999 scoping meeting the Corps cut the amount to just over 100 acres, and now in the current DEIS the wetland 3-0

designation has fallen to 2.5 acres while the port's original 1,000 acre plan has grown to 1200 acres. Where did our wetlands go? I travel this area daily and to my knowledge, viewing from both land and air, the land is still there! What's going on here?

- The anticipated, or study related, proven impact on human health due to additional pollution created by the port.
- The accounting for negative impacts on all public and private recreational facilities in the DEIS economics, land use, and recreation sections.
- The effects on property values, due to the construction of the port with the impending effect on the general ambiance of this recreational, residential area.
- Traffic studies that are complete and accurate, instead of those found in the report which were lacking in study, accuracy, and foundation, for the effects supposed, including noise factors from the proposed 8 trains and 8,000 diesel trucks daily.
- Risk assessment related to the impacts from hazardous materials, safety, and potential terrorism. Risk analysis for these concerns has been ignored.
- Considerations for the increase in traffic accidents which in inevitable due to the increase of traffic.
- Sound and light pollution issues are not addressed fairly. The remedies proposed by the port will not be effective.

The list could go on and on, but I'm sure you have heard each of these concerns repeatedly, therefore I will not go further.

There is an alternative, another location, such as Texas City. I do not want my tax dollars to be spent for one square inch of this port. Texas City is available at no taxpayer expense. Why is the City, and apparently the Army Corps of Engineers, so hell bent on putting this port in the least likely location? Our area is a recreational and residential area. Granted we are bounded by a significant amount of manufacturing, but none that pose the potential effect and ruin of the "new port".

The Corps of Engineers should deny the Bayport application for Section 10 and Section 404 permits because the construction of Bayport is not in the public interest. The negative impact of the proposed facility outweigh any benefits, particularly due to its clearly foreseeable negative impacts on health, safety, property rights, land use, wetlands, habitant, and the conservation, economic use, and enjoyment of Galveston Bay.

I request that further study be done to evaluate this location, as well as further evaluation of the Texas City and Barbour's Cut locations. Further, provide a fair and impartial study conducted by qualified, competent, personnel.

LP10891 N/

Bayport is the wrong location. With further study, I'm sure you will find this to 7.2.20
be true.

Thank you,

Sandra Lochner
3512 Bayou Forest Dr. S.
Shoreacres, Tx 77571

DP10892 FEB 2 8 2002

BILL D. CASE

President

WORLD MARINE ASSOCIATES, INC.

Telephone (713) 453-3131
Fax (713) 453-0788
e-mail wmai@swbell.net

GENERAL MARINE SURVEYING & CONSULTANTS

HULL-CARGO-SALVAGE
Woodforest National Bank Bldg.
13301 East Freeway Suite 201
Houston, Texas 77015

February 26, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As president of World Marine Associates, Inc., I want to let you know that I fully support the building of Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works directly/indirectly in the maritime community, we depend on the Port of Houston. 1-32

We know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: It would have a significant negative effect on our company, and other, it this facility is not built. 1-33

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-56 2-85

DP10892
AV

Again, the Corps' Environmental Impact Statement stands on its merits. The project stands on its merits. It is time to move ahead. 29-20

With the local economy the way it is, it is difficult for me to understand any opposition to this project.

Please no not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, if fully behind the study of Corps has completed and we enthusiastically endorse the Bayport Project. 29-50

Sincerely,

Bill D. Case

BDC:nja
cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

10896 Duplicate

MAR 0 1 2002

BILL D. CASE

President

WORLD MARINE ASSOCIATES, INC.

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Sincerely,

Bill D. Case

BDC:nja
cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

MAR 0 1 2002

LP 10893

MAERSK SEALAND

AV

February 26, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As General Manager of Maersk-Sealand, I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works directly in the maritime community, we depend on the Port of Houston. 1-32

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Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-76

Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project. 29-56

Sincerely,

William J. Messina

William J. Messina
General Manager

WJM:lb

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

MAERSK INC.
919 E. Barbours Cut Boulevard, La Porte, TX 77571
P.O. Box 4426, Houston, TX 77210
Telephone: 281-470-8500.
Internet: http://www.maersksealand.dk

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

DP 12894

MAR 0 1 2002

AV

February 26, 2002

Dear mr. Stanley:

Following are my comments on the Bayport Container Port project:

The increased motor vehicle and ship traffic will add a great deal of air pollution to this area which currently does not have acceptable air quality. I don't see how the Houston area can meet air quality standards if the Bayport project is built. 7-10

The increased ship traffic will increase the risk of ship accidents. Also the land traffic will pollute by emissions and spills, much of which will end up in Galveston Bay. Can the Galveston ecosystem absorb this increased pollution load without an environment collapse? 3-8

The increased population generated by the project will have a negative impact on quality of life in the area. The increased human population will add stress to already overburdened public amenities such as schools. 5-2

The project will greatly increase the property and lives at risk when a major hurricane hits this area. 27-19

The effects on the bay from a 50 foot deep ship channel should be analyzed now because it is reasonable to assume that if the port is built there will come a desire to deepen the ship channel. 12-2

Sincerely,

Leo A. Ralen
511 Williamsburg Cir.
Friendswood, Tx 77546

DP 10895 MAR 0 1 2002

Lou Lawler Seafarers' Center

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AV

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Port Authority
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Pat Parrish
Maersk-Sealand
Linda Robertson
Patrick J. Studdert
Buffalo Marine

February 26, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As Manager of the Lou Lawler Seafarers' Center, I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works directly in the maritime community, we depend on the Port of Houston. 1-32

We know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: It would have a significant negative effect on our company, and others, if this facility is not built. 1-33

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Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-70

LP10895

Lou Lawler Seafarers' Center

AV

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Southwest Bank of Texas
John Horan
Port Authority
Jimmy Jamison
Port Authority
Norman Malone
Mayor - La Porte
Pat Parrish
Maersk-Sealand
Linda Robertson
Patrick J. Studdert
Buffalo Marine

Please do not hesitate to contact me if you would like to discuss this further. [My support, and the support of this company, is fully behind thestudy the Corps has completed and we enthusiastically endorse the Bayport project.]

29-516

Sincerely,

Stephanie Ashlock
Manager, LLSC

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

G•U•L•F STREAM MARINE

ISO 9002 CERTIFICATE NO. 34217

MAR 0 1 2002

DP 10897

AV

February 26, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U. S. Army Corps of Engineers, Galveston District
P. O. Box 1229
Galveston, Tx. 77553-1229

Dear Colonel Waterworth:

As President/CEO of Gulf Stream Marine, Inc., I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay.] 29-1

The Port of Houston is a major piece of the economy of Texas, and its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works directly in the maritime community, we depend on the Port of Houston.] 1-32

We know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: it would have a significant negative effect on our company, and others, if this facility is not built.] 1-33

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[Again, the Corps' Environmental Impact Statement stands on its merits.] [This project stands on its merits. It is time to move ahead.] 2-10 29-56

Please do not hesitate to contact me if you would like to discuss this further. [My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project.]

29-56

Sincerely,

Gulf Stream Marine, Inc.

Jan F. Rietdijk
President
JFR/bgm

cc: JFR, RFR, RAJ
Kerry Stanley, U. S. Army Corps of Engineers
James T. Edmonds, Chairman, Houston Port Authority

10,000 Manchester Avenue, Suite C, Houston, TX 77012
Main Office: 713 926-7611 Fax: 713 926-7750 WWW.GULFSTREAMMARINE.COM

MAR 0 5 2002

LP 10898

CENTRAL TRANSPORTATION SYSTEMS

Agents for UNITED Van Lines

AV

February 26, 2002
P. O. Box 20817
Waco, Texas 76702

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U. S. Army Corps of Engineers, Galveston District
P. O. Box 1229
Galveston, Texas 77553-1229

Dear Colonel Waterworth:

As president of Central Transportation Systems, I want to advise you that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority. 29-1

As you know, the Port of Houston is extremely important to the future economic success and vitality of the city of Houston as well as the state of Texas. As a business participant in the maritime community, our company depends on the well being of the Port of Houston. 1-32

Since a more and more goods will be transported in containers in the future, we must endeavor to take advantage of new markets and new opportunities. A strong Port of Houston including the proposed Bayport Cruise and Container Terminal is paramount if our company is going to achieve its long-term economic goals. 1-33

The U. S. Army Corps of Engineers has done an exceptional job in completing the environmental impact study. Without a doubt, the conclusions reached strongly support the Bayport project as it is currently planned. 29-56 2-85

In conclusion, on behalf of Central Transportation Systems I whole-heartedly endorse the Bayport Cruise and Container Terminal project, and I hope that it will proceed without delay. 29-56

Sincerely,

CENTRAL TRANSPORTATION SYSTEMS, INC.

Jim Alexander
President

cc: Mr. Kerry Stanley
Mr. James T. Edmonds

Linda R. Whelan, P.E.
514 Crestwood, El Lago, Texas 77586
281.326.2792 LindaRWhelan@aol.com

MAR 0 5 2002

CP10899

February 26, 2002

AV

Mr. Kerry Stanley
US Army Corps of Engineers
Galveston District Regulatory Branch
PO Box 1229
Galveston, TX 77553-1229

RE: Port of Houston / Bayport Draft Environmental Impact Statement

Dear Mr. Stanley:

I appreciate the opportunity to respond to the US Army COE's request for public input regarding the DEIS for the Port of Houston's Bayport Regional Container Port application.

The COE should deny the PHA application to construct a Regional Container Port (RCP) at the Bayport location due to (1) the numerous and significant adverse effects on the human environment, and (2) the existence of viable and reasonable alternative locations with minimal effects:

29-18
29-27

1. Land Use issues.
   East Houston and the Ship Channel area in general has a local and national reputation as being an area overcome with industrial growth to the detriment of the air, land, and water and the citizens who live there. The Port of Houston already has several facilities in the heart of this area. Now the PHA says it needs to expand into a location that is relatively unspoiled, especially when compared to the Ship Channel area. PHA wants to build the Bayport RCP in one of the few areas on the southeast side of Houston not already overburdened with industry. In fact, this area is not only unspoiled, but is one of the rare remaining locations in the entire Houston MSA that maintains a strong ecological emphasis, with obviously extensive and successful efforts of preservation of natural woodlands, wetlands, and water habitats in the adjacent Clear Lake and Galveston Bay Estuary land and water areas. To authorize the permit and construction and operation of a RCP in this area would undeniably reverse the unspoiled nature of the area and would cause significant adverse effects on the human environment as well as threaten rare environmental resources.

   4-1
   4-4

   When Friendswood Development developed its master plan for the area, a confined industrial district northeast of the location currently considered for siting the Bayport RCP, of mostly light industry was specified. The plan sited intent to preserve residential home values, to prevent industrial traffic from becoming a safety or lifestyle issue. Brochures to the community were disseminated which made these statements. In purchasing the property, PHA contracted with Friendswood Development to honor the commitments that Friendswood Development had made to the community. Now, the second largest water

   4-35

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recreational area in the nation on the water front communities of El Jardin, Seabrook, El Lago, and Taylor Lake Village in Clear Lake, these communities and the associated outdoor recreational and tourist opportunities currently existing in harmony with the local environmental resources are all threatened under a Bayport RCP build-out scenario.

The DEIS fails to appropriately and adequately address the change in lifestyles and residential home values that will result due to a Bayport RCP. Consider the historical impact Barbours Cut had upon its surrounding locale: In the 1800's Sylvan Beach in La Porte was a thriving and desirable vacation destination. Waterfront and other property in the area were highly desired by the most elite residents, and thus mansion home were constructed along the beaches adjacent to Sylvan Beach. The coming of the PHA's Barbours Cut brought other industry to the area and an end to the quality of life in the area. Its compounded effect has driven away the tourists that used to come to that area. The mansion homes are no longer constructed in the area and those that still exist have substantially lower value than similar properties to the south and not adjacent to this area. Indeed, even the current value of water front property in El Jardin, very near this PHA facility, is reflective of the impact on real estate: the land and home values along Galveston Bay at El Jardin are nowhere near what they are along Toddville road and further south. The existing container port at Barbours Cut contributed significantly to the elimination of tourism as a viable industry in the La Porte area and to the substantial decline in real estate values for residential purposes. It is clear that a Bayport RCP will have the same, only more far reaching effect, on El Jardin (again and further), Seabrook, El Lago, Taylor Lake Village, and beyond into the Clear Lake area..

6-105

Everything from quality of life, quality of environment to the value of residential residences will be adversely impacted – again, significant adverse effects on the human environment will result by placing a RCP in the midst of this area.

18-19

2. Road Traffic issues.
The additional cost to taxpayers for road improvements to support a Bayport RCP is unjustified. TXDOT has discussed changes planned for Highway 146 with the local community. PHA is counting on additional roadway improvements on top of what TXDOT would otherwise have envisioned without the RCP – direct connects and over passes specifically benefiting only a PHA facility – at millions of dollars of additional taxpayer expense. Alternative sites do not require the same high dollar upgrades and *the upgrades required at alternate sites have private sector funding.*

2-105

The PHA and the DEIS assume partial build out of these changes by 2005, in time to minimize the negative effects the Bayport RCP traffic will have on local traffic. As verified by TXDOT, the dates assumed by the DEIS for road build out progress are not attainable, nor is the vision of having 'no stopped or backed-up

2-9
2-37

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trucks' by 2005. This is true in assuming best case TXDOT schedule implementation and certainly when a realistic schedule is considered.

Finally, the DEIS should perform intersection analyses, not just roadway link analyses to obtain a true picture of traffic impacts to our community. Model studies by GBCPA indicate unacceptable routine travel delays of 45 seconds/vehicle along intersections of Highway 146 in 2005. Even at full build out, queue delays are anticipated. 2752

The additional expense of a Bayport RCP for roadway improvements to taxpayers is not warranted when noting that the alternative sites will not require roadway improvements anywhere near this order of magnitude. In addition, as evidenced by the unreasonable intersection delays, the significant adverse impact on local transportation and the local human environment of a Bayport RCP are not acceptable. 2-105 2-52

3. Air Quality issues.
Trucks, trains, and ships all represent significant new sources of air pollution, largely uncontrolled, to the local community. The current air quality status, a result of industrial sources in the area of the Ship Channel and the extensive mobile sources in the area, including an exceptionally high volume of diesel trucks, already exceeds the ozone NAAQS, the PM-10 NAAQS, is borderline with respect to the PM-2.5 NAAQS, and has not been quantified with respect to hazardous air pollutants. It seems unconscionable that many existing industries are required to install extensive controls and to obtain offsets for any new sources, and local residents must subscribe to emissions testing and emission-based speed limit restrictions, BUT the COE indicates they find no problem with air quality due to a RPC at Bayport, including extensive new sources of air pollution: 14,000 truck trips/day, 48 train trips/day, and accommodations for as many as 30 container ships, tugs, and barges – or more—at any one time!!! The Bayport RCP will clearly result in local air quality being made significantly worse. In a Texas City location, the emissions from a RCP will be more diffuse and also lower, when noting the significantly shortened ship travel required into Galveston Bay at the Texas City site as compared to the Bayport site. The EIS needs to consider, and fully consider, the emissions from these new truck, train, and ship sources to the area in order to correctly consider the impact to the environment of building a RCP. If correctly considered, there is no doubt that the significant adverse impact on the local human environment resulting from a Bayport RCP will be recognized as unacceptable. 7-12 7-73 7-23 7-10 7-54 7-13

Ozone. The DEIS has mistakenly assessed the ozone impacts to the area due to a Bayport RCP. With respect to the status of the HGA compliance with the ozone NAAQS, the DEIS states that both ozone maximum concentration and the number of exceedances have declined in the HGA over the last 15 years: for the DEIS to make such a statement is to defy reality. The facts are as follows: 7-74

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EP1C899
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- "Houston has had more days with dangerously high levels of ground-level ozone than any other city in the United States." (Houston Chronicle, October 1999).
- According to the Sierra Club, Texas ranked first in 1999 for the worst air pollution, with 7 out of 10 of the worst recorded air pollution days.
- "Compared with the rest of the United States, the Houston-Galveston area had the highest number of days when the ambient air violated the federal standard for ozone from 1999 to 2001 and the Houston area had the highest individual peak reading for ozone in the United States in the last three years." (Jane Elioseff, GHASP, versus USEPA, Petition for Review, US Court of Appeals for the Fifth Circuit, January 11, 2002).
- "Thanks to the new plan and its predecessors over the past four decades, smog fighters at the South Coast AQMD were happy to report in November 2000 that for the second straight year, the Los Angeles area was no longer the nation's smoggiest (Houston was again #1)." EPA Region 9 Annual Report 2000.

7-74

For the COE to rely solely on select, out-of-date literature and data in preparing a DEIS/EIS in 2001/2002 is false and misleading: there is clearly abundant information available which states the current and true status of ozone non-attainment in Houston. Conformity with the HGA SIP also needs to be addressed: PHA states that Bayport emissions are included in the current SIP—but the approval of this SIP by EPA is commonly known to be highly contested--specifically for the reason of allowing future growth from the PHA when the SIP does not provide for all emission reductions necessary to demonstrate attainment.

7-65

Mobile source emissions are a recognized significant contributor to the ozone non-attainment status of Houston. The EIS needs to recognize that significant addition of all mobile sources to the local area due to a Bayport RCP will correspondingly significantly worsen the local air quality, including with respect to ozone.

7-69

PM-2.5. Noting the continual exposure over time, the annual NAAQS for PM2.5 of 15 is very likely to be exceeded due to construction and operation of a RCP at Bayport. Background levels are already at 13 micrograms/cubic meter for PM2.5 on an annual basis. Preliminary studies of only emissions due to operations -- not including emissions from trains or ships coming and leaving the RCP, set the floor for increased exposure to PM-2.5 to be 1 to 13 (not including background) on a 24-hour basis and an increase even as far as Nasa One of PM-2.5 emissions of 0.5! An annual increase of 2 micrograms/cubic meter for PM-2.5 is clearly anticipated as result of the Bayport RCP. Proper modeling with correct assumptions will demonstrate this.

7-77

Emissions from diesel trucks, trains, and ships are all emissions of diesel engines. As you are aware, the particulate emissions from diesel engines are <2.5 micron (92%) – primarily from formaldehyde and benzene (VOC sources which contribute to ozone – see above). As you are also aware, fine particulate are deposited into a human's lower lung. Once in the lower lung, these particulate are never removed. Continual exposure over time

7-80

7-18

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only compounds the effects of these particulate matter. Excess mortality WILL result: a definite correlation has been proven between excess mortality and high fine particulate concentration (Harvard, et al). Long term exposure is the issue. And the citizens in the neighboring communities to Bayport would clearly be in for long term exposure. Also, there is a disproportionate effect anticipated upon younger individuals as a result of a Bayport RCP – those most active and attracted to the recreational amenities of the area. 7-17

Diesel Trucks. The DEIS has not adequately addressed the emissions from trucks to the local area, a direct result of building a RCP in the local area, since the impacts to PM-2.5 and HAPs have not been addressed. As noted by the PHA, the number of trucks to the area (i.e., Bayport – noting that not as many trucks are anticipated at alternative locations) is 7000 trucks per day coming and 7000 trucks per day going or 14,000 truck trips per day. The DEIS has failed to analyze the impact of the most deadly form of air pollutants to the area, those of fine particulate (PM2.5) and those of hazardous air pollutants, or the impacts to the ozone NAAQS. 7-61

Trains. The DEIS has only addressed the potential impact of emissions from trains within the intermodal area and only with respect to operations – not at all with respect to PH-2.5 and HAPs. The DEIS must also recognize the impact on air quality all along the Bay Area rail routes to and fro the intermodal area, for all appropriate pollutants including PM-2.5. ozone, and HAPs. As noted by the PHA, 24 trains per day coming and 24 trains per day going or 48 train trips per day are expected. Again, as diesel engines, the impact of these trains need to be considered for their impact on PM-10, PM-2.5, ozone, and HAPs. 7-61

Ships. The DEIS has not addressed the emissions from container ships and associated transport vessels *coming to and leaving Bayport, back and forth through Galveston Bay* – in any manner or with respect to any pollutants. PHA has planned for accommodations for 30 or more container ships at any one time. Tugboats, bunker barges, and push boat would also be widely used vessels in maneuvering container ships to their destination. Noting that the coming and going of these vessels is recognized, but not regulated, by the TNRCC or EPA (EPA has decided to leave this regulation to the International Maritime Organization to address international standards and competitive issues), does not mean that these emission sources will not exist and will not pollute the local environment. "A single container ship belches more pollution that 2000 diesel trucks" (Russell Long, Executive Director of Bluewater Network). To not recognize and consider the impact of these emission sources (container ships and associated transport vessels) is at a minimum irresponsible and threatening to the quality of air and life for citizens living near the proposed Bayport RCP. *The EIS needs to address all emissions, including PM-2.5, HAPS, and emissions of VOC/NOx which impact ozone formation, from container ships, associated transport vessel, and all ship traffic –and* 7-61

10899 A1

it needs to account for this emissions across the entire trip route back and forth through Galveston Bay, not just from ship emissions expected from onsite/offsite operations. 7-61

Transport vessel emissions. The DEIS claims that to specify and assess a specific number of bunker barges, bunkering, and push boat trips to the facility [offsite sources due to operations] and thus the resulting emissions "would be speculative" and thus "have not been evaluated." The COE recognizes these as valid emission sources, but decides to include the resulting emissions at the ZERO level: this is a false and misleading approach. Uncertainly does not mean zero, it means the COE should recognize various potential levels based on existing operations (all significantly above zero) and study each of these levels.

The extremely significant adverse impacts on local air quality and the local human environment of a Bayport RCP are not acceptable. The RCP will result in local air quality being made significantly worse. *The EIS needs to consider and fully consider the emissions from these sources, as detailed above, to correctly consider the impact to the environment of building a RCP in the area. This is a non-discretionary responsibility of the COE under NEPA.* If correctly considered, there is no doubt that the significant adverse impact on the local human environment resulting from a Bayport RCP will be recognized as unacceptable by the COE, as currently recognized by the majority of citizens in the area. 7-61

4. Noise issues.
The DEIS has included the effects of a noise barrier dilution at 10 dba. A noise barrier is not effective if the activity is more that a few hundred feet away. In the case of Bayport, the activity is over 1000 feet away, thus no benefit will result. The barrier is thus only effective as a partial aesthetic (visual) barrier and should not be considered in an analysis on noise in the local area. 3-25

In addition, the noise impact to residences along and beyond 146 and Red Bluff, due to the additional truck and train traffic to the area, need to be considered IN COMBINATION WITH the sum of noise from all major project components: the projected cumulative sound level from operations, rail, and the intermodal yard activities. The DEIS addresses the existence of vehicular and rail traffic, but does not state (or appear to analyse) inclusion of these noise impacts in a cumulative way, in summation with the operational and intermodal yard activities. 3-1

Finally, the approach of the analysis cited in the DEIS, based on averaging considerations as opposed to quantification of dba levels at evening peak periods at sensitive receptors, is a flaw of the DEIS which needs to be addressed. 3-21

Linda R. Whelan, P.E.
514 Crestwood, El Lago, Texas 77586
281.326.2792 LindaRWhelan@aol.com

DP 10899 p1

The noise impact of these combined noise concerns will be significant. The significant adverse impact on noise and the local human environment of a Bayport RCP are not acceptable.

5. Wetlands issues.
The land mass which includes wetlands at Bayport has been severely underestimated by the DEIS. In addition, noting that over 70% of a Bayport RCP site runoff runs thru wetlands on its way to Pine Gully or Galveston Bay, the significant impacts on water quality and habitat have not been appropriately considered in the DEIS. 14-5 9-12

The air photo analysis done for all alternative sites to equalize the review process unjustly undercounts Bayport wetlands. In addition, in considering what wetlands are jurisdictional, the DEIS must consider all wetlands tied to Pine Gully or Galveston Bay at Bayport. The analysis cited in the DEIS incorrectly used the 1988 USGS topographical map to support its findings, a map which fails to show ditches built in the early 1990's. These ditches are clearly labeled on the1995 USGS topo map as hydrological connects. Use of an out of date map, when more recent (and revealing) maps are available, is very unprofessional on the part of the COE. Use of the appropriate map will show at least 14 acres of wetlands, and 30-50 acres are indicated – far more than the 2.5 acres found by the COE in the DEIS and far more than the Shoal Point and Spillman Island alternatives. The significant adverse impact on wetlands, water quality, and the local human environment of a Bayport RCP are not acceptable, especially noting that alternative sites have far less wetland impacts that the Bayport site. 14-4

6. Issues related to impacts due to non-indigenous species.
While the maximum potential impact is difficult to quantify, the EIS needs to consider the quantity and potential variants of new species that will be introduced to the Galveston Bay Area as a result of the significant ballast water from ships dumped into the Bay. In San Francisco, over 200 new species have been identified as resulting from the container port there. The new RCP planned by the PHA for Galveston Bay is anticipated to be much larger that the one is San Francisco – the impacts can only be interpolated accordingly. Viral pathogens are of particular concern. The impact resulting from new species introduced into Galveston Bay cannot be a positive one. The definite, though perhaps unquantifiable, maximum impacts of exotic species to the local human environment, local fisheries, and human health of a Bayport RCP are not acceptable. 9-11

7. Consideration of Alternatives to Bayport.
In its analysis of alternative site, the DEIS appears to have gamed its analysis – as if to obtain a certain desired outcome: the DEIS has insisted on splitting sites, not assuming the container port in one (or more) location and the cruise port in another location, as rationality and common sense dictates. Instead, the DEIS only looks at splitting the alternative sites so that a cruise component is part of 2-94

LP10899 AV

each and every container location! Including a cruise terminal with a container terminal makes a site excessively large, which automatically eliminates many sites. This gamed analysis approach needs to be eliminated from the EIS and a fair and logical analysis presented.

2-94

In addition, more gaming is indicated when the Bayport wetlands alternatives analysis is compared with the Shoal Point wetlands alternatives analysis. These should be identical, yet the comparison in the Bayport DEIS specifies significantly different total wetlands that indicated in the Shoal Point DEIS.

2-97

NEPA argues that the Bayport EIS needs to provide a full and fair assessment of the impacts of such a facility to the community. There is no doubt that, when honestly and correctly assessed, the significant adverse impact to the local environment and the devastation to the rare local environmental resources will deem the building of such a facility in the Bayport location as unacceptable.

23-159
2-59

Full and fair consideration of other viable alternative, especially the Shoal Point and Spillman Island locations, need to be provided. The following should be obvious findings in a full and fair analysis of alternative sites as compared to Bayport:

- Neither Shoal Point nor Spillman Island have the land use issues, the tourism, the extent of residential home value impacts, the devastation of unspoiled lands, that will result at Bayport.
- Neither Shoal Point nor Spillman Island will have the extent of negative impacts on traffic, not the cost to tax payers of addressing, in time, these negative impacts as seen as Bayport.
- Neither Shoal Point nor Spillman Island have has high a human population, as high an impact on human lives due to significantly reduced air quality as at Bayport.
- Neither Shoal Point nor Spillman Island are expected to have the extent of negative air quality impacts as will be case at Bayport, due to the effects of diffusion, the reduced number of trucks, and the shorter ship trip up and back through Galveston Bay.
- Neither Shoal Point nor Spillman Island will experience the extent of negative impact resulting from noise from the RCP as a Bayport, due to the reduced number of sensitive receptors(i.e., homes) near the alternative sites.
- Neither Shoal Point nor Spillman Island have nearly the wetlands area that will be negatively impacted as at Bayport.
- There is plenty of room at both Shoal Point and Spillman Island for the RCP – if the COE cannot make them fit there, other experts have and will be glad to assist the COE.

2-93

By the COE's own statement, the PHA Bayport application is to be reviewed in accordance with 33 CFR 320-330, the Regulatory Programs of the COE, and other pertinent laws, regulations and executive orders. The COE further indicates that the decision whether to issue a pemit is to be based on a evaluation of the probable impacts,

23-151

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IP10899 AV

including cumulative impacts, of a Bayport RCP on the public interest. If indeed, as the COE claims, the decision will reflect the national concern for both protection and utilization of important resources, the COE will find that Bayport is not the right place for a Regional Container Port.

23-13

Thank you for the opportunity to comment and for your full consideration of these comments.

Sincerely,

Linda R. Whelan

MAR 0 4 2002

HARRY GEE, JR. AND ASSOCIATES

Attorneys at Law

A Professional Corporation

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Of Counsel
Simon Tang

DP 10960

AV

February 27, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

Dear Colonel Waterworth:

The Port of Houston is a major piece of the economy of Texas and its continued growth and success are vital not only to Houston but the entire country. Accordingly, I want to let you know my full support of the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay. 29-1

Many products, goods and supplied are delivered or sent through the Port, a growing amount being transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. 1-33

The Corp has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-56 2-XX

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. I fully support the study which the Corps has completed and we enthusiastically endorse the Bayport project. 29-56 29-70 29-56

Sincerely,

Harry Gee, Jr.

HG/mm
cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman, Houston Port Authority
W:\home\hgee\ghp\bayport cruise

MAR 0 1 2002

HARRY GEE, JR. AND ASSOCIATES

Attorneys at Law

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Of Counsel
Simon Tang

10903

Duplicate

February 27, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

Dear Colonel Waterworth:

The Port of Houston is a major piece of the economy of Texas and its continued growth and success are vital not only to Houston but the entire country. Accordingly, I want to let you know my full support of the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay.

Many products, goods and supplied are delivered or sent through the Port, a growing amount being transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities.

The Corp has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues.

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. I fully support the study which the Corps has completed and we enthusiastically endorse the Bayport project.

Sincerely,

COPY FOR YOUR INFORMATION

Harry Gee, Jr.

HG/mm
cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman, Houston Port Authority
W:\home\hgee\ghp\bayport cruise

DP 10901 MAR 0 1 2002

Scc

February 27, 2002

Mr. Kerry Stanley, USACE
Galveston Dist., Regulatory Branch
P.O. Box 1229
Galveston, Texas 77553-1229

Dear Mr. Stanley:

I protest the building of the port in the location known as Bayport for the following reasons:

It will increase polution to air, water, and land that will affect people, plants and wildlife resulting in mutations of such in the future.] 2-21

Increased noise will result in emotional, nervous disorders, and physical problems.] 3-16

Air quality is poor now a decrease in quality will hamper recreation,with people living with their doors and windows closed at all times.] 7-21

An alarming rate of childhood asthma, ear, throat, and sinus infections, with adult emphysema are developing.] 7-2

Reduction of life due to disease and unacceptable living would decrease existing population.] 4-3

Traffic problems, accidents have already increased involving 18 wheelers who transport dangerous chemicals on the same roads as citizens.] 21-2] 8-4

Consistant dammage to roadways will result in increased costs to citizens to maintain.] 27-27

Land subsidence will escalate due to dredging of the channel. An increase in depth would be distructive to land.] 15-6

Foundations of homes are being affected by the vibration of ships in the channel. An increase would be distructive to real estate.] 20-23

Increased potential for flooding due to increased storm surges in the channel.] 20-33

DP 10901

My fear is that many men and women who are driven by greed and mega thinking are making decisions about the future without thinking about the consequences.

Please consider the fact that "it is unwise to put all your eggs in one basket" especially after the Sept. 11 tragedy. We are already in danger as the situation stands.

To increase the size of the port in this particular area to such a magnitude as proposed would be unsafe and unwise in my opinion.

29-75

Sincerely,

Gloria Richardson

Gloria Richardson

Tom Richardson

Tom Richardson

201 Forest
La Porte, Texas 77571

DP 10902

MAR 0 4 2002

SCL

TCB INC.

James R. Royer, P.E.
Chairman and CEO

P.O. Box 130089
Houston, Texas 77219-0089
5757 Woodway 77057-1599
Tel: (713) 267-2901
Fax: (713) 267-2911
james.royer@tcb.aecom.com

February 27, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P. O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As Chairman of TCB INC., parent company of Turner Collie & Braden Inc., I want to let you know my full support of the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. Its continued growth and success are vital not only to Houston and Texas, but the entire country. 1-32

Our company depends on the Port of Houston. Many of our products, goods and supplies are delivered or sent through the Port, a growing amount being transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear – it will be disastrous to our company, and others, if this facility is not built. 1-33

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-56 2-85

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-56 29-70

Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study that the Corps has completed and we enthusiastically endorse the Bayport project. 29-56

Sincerely,

James R. Royer, P.E.

JRR/lsw

cc: Kerry Stanley. U.S. Army Corps of Engineers
James T. Edmonds, Chairman-Houston Port Authority

MAR 0 4 2002

GENERAL STEVEDORES, INCORPORATED

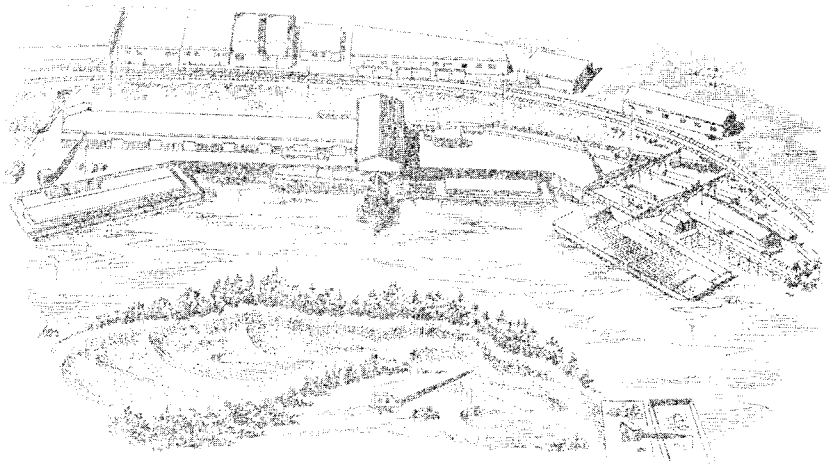
DP 10904

SCC

GUY D. GRAVES
PRESIDENT

MICHAEL D. GRAVES
VICE PRESIDENT

JAMES V. RATH
VICE PRESIDENT



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February 28,2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O.Box 1229
Galveston, Texas 77553-1229

Dear Colonel Waterworth:

As president of General Stevedores, Inc., I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay.] 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. We know a growing amount of goods is transported in containers. Help make sure we are ready to meet the challenge of new marketplaces and opportunities.] 1-32] 1-33

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues.] 29-56] 2-85

Again, the Corps' Environmental Impact Statement stands on its merits. It is time to move ahead.] 29-70

Sincerely,

Guy D. Graves

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

CYPRESS CREEK FLOOD CONTROL COALITION

12526 Texas Army Trail
Cypress, Texas 77429
Tel: 281-469-5161
Fax: 281-469-5468
e-mail: floodalliance@ccfcc.org
www.ccfcc.org

MAR 0 4 2002

DP 10905

SCC

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

Date: February 28, 2002

Re: **COMMENTS & OBJECTIONS**
PERMIT APPLICATION NO. 21520
Proposed Container Port
Bayport Ship Channel Area

Gentlemen:

The purpose of this letter is to document and provide you the comments and objections on behalf of our membership to the containerized port facility proposed to be located in the proximity of Bayport as described in Permit Application No. 21520.

It is requested the permit be denied on the basis the project will have both immediate and long-term adverse financial ramifications affecting the welfare of the residents of Harris County, Texas. This will occur because - - - as documented in public records - - - the applicant, the Port of Houston Authority, is unable to financially operate its existing facilities (and the additional facilities if this permit is approved) within the income revenue generated by its operations thereby in the past and continuing in the future to rely on its cost for capital expansion and operation expenses being financially subsidized by seeking and receiving Harris County tax funds. This use of public tax money is unquestionably inappropriate when private funds are known to be available to build facilities to serve these vessels at the Texas City Shoal Point site located only 15 miles away. We therefore also ask that your approval be granted to allow the alternate Shoal Point facility to be constructed as evidenced by Permit Application No 21979 submitted by the City of Texas City.

6-77

23-123

It is a well known matter of public record that the general welfare of Harris County residents has been significantly harmed by recurring stormwater flooding; the 22 deaths and seventy-three thousand (73,000) homes flooded from Tropical Storm Allison being the latest tragic event. And 2 of every 3 homes flooded were not insured leaving their owners to pay for it out of their own pockets. It is also well known throughout the Harris County communities that numerous requests made in the last 5 or more years to the Harris County Flood Control District for flood protection measures have been denied

with the reply, *"We don't have the money"*. Furthermore the public record shows that urgently needed flood relief has and is continuing to be seriously impaired by (1) the insufficiency in federal funds and (2) unconscionable decreases in funding from property taxes made by the Harris County Commissioners Court in the last 2 years in order to accommodate ever-increasing budget requests by the Port of Houston Authority; budget requests, which are not, a public welfare issue as is the case with ever-worsening flooding of our homes, schools, churches and other components of the public sector throughout our communities.

Why should Harris County homeowners be forced to shoulder expenditures by the Port of Houston Authority - - - $1.2 billion of hard earned tax money - - - (and likely another $100 million or more for the Port Authority to lower pipelines buried in the Houston Ship Channel as recently ruled liable by U.S. District Judge Lynn Hughes) - - - when they are faced with repeated presidential-declared flood disasters while their taxes allocated to Harris County Flood Control District by Commissioners Court have been cut by 50% since September 2000? Your decision to approve this permit application would be patently **not in the best interests and welfare of the public** when private capital exists for the same purpose. New business and increased jobs generated in the local economy by the containerized port dock facilities would surely be no less if such facilities are located at the proposed Texas City Shoals Point due to its close proximity to Harris County. The benefits at this latter location would be even greater because the site is owned by the City of Texas City thereby (1) generating positive property tax revenue paid by the private sector owners - - - not taxable expenses as would be the case with the Bayport site and (2) it would avoid being a financial drain on the Harris County tax payers as it would not be government subsidized as is the case with the Port of Houston Authority.

19-11
6-97
6-72
2-112
6-72

Another consideration to be taken into account is the Corps of Engineers cost / benefit criteria when applied to deepening of the Galveston Bay ship channels to accommodate the large vessels utilizing these port facilities. It is our understanding the Corps of Engineers cost benefit analysis concluded in a Port of Houston ship channel ratio of 2 to 1 versus 6 to 1 for the Texas City requirements.

2-113

Summary: We request on behalf of the 75,600 residents represented by our sixty (60) Harris County community members (see enclosed membership list) that (1) the U.S. Corps of Engineers evaluate each of the two permit applications on their individual merits, and, (2) Permit Application No. 21520 for the Bayport facility be denied for reasons of avoidable adverse effect to the welfare of the citizens of Harris County.

6-72

DP 10905

As neighborhood communities working together with the belief that our united efforts should determine the priorities our government officials accept and support in spending our tax monies, we thank you in advance for processing this request on this basis.

We will also advise the Harris County Commissioners that use of our property taxes for subsidizing Port of Houston requirements which compete with the private sector is not acceptable and that we want such funds placed into the Harris County Flood Control District budget and spent to acquire right-of-way for and construction of flood mitigation infrastruture, updating of design criteria governing stormwater detention ponds and stormwater drainage, increasing the home buy-out rate and payment for other directly related flood management measures.

Submitted as unanimously approved by the Board of Directors, Cypress Creek Flood Control Coalition.

Richard D. Smith, President
Cypress Creek Flood Control Coalition

Encl

Microsoft coe bayport ontainer port

membership

If you are interested in becoming a member or would like more information on the Coalition, please complete and submit the membership form and a representative will contact you.

As of January 1, 2002 the following municipal utility districts, homeowners organizations, and supporting members are active members of the Cypress Creek Flood Control Coalition. Subdivisions served by Municipal Utility District members are listed under the MUD's member name.

Municipal Utility Districts

Cypress Creek Utility District
- Mills Walk
- Norchester

Faulky Gulley MUD
- Lakewood Glen
- Lakewood Glen Trails
- Lakewood Hills
- Park at Glen Arbor
- Lakewood Park
- Lakewood Park Estates
- Windcrest Falls
- Lakewood Forest Sections 10, 14, 15, 17, and 18

Harris County MUD #18
- Hunterwood Forest, Sections 1, 2, and 3
- Heatherwood Village, Sections 1 and 3
- Western Estates
- Lakewood Forest, Sections 9 and 12

Harris County MUD #114
- Memorial Northwest
- Memorial Northwest Estates

Harris County MUD #316
- Wimbledon Champions
- Wimbledon Champions Estate
- Wimbledon Champions Parks
- Wimbledon Champions Gardens

Harris County WCID #91
- Ponderosa Forest - East

Harris County WCID #99
- North Hill Estates
- Lynwood Estates

Harris County WCID #132
- Cypresswood

Klinewood MUD
- Klinewood
- Memorial Northwest Section 19

Lake Forest Utility District
- Lakewood Forest West
- Lakewood Forest Sections 1, 3, 5, 6, 7 8, 9, 11, and 12
- Patio Homes

Malcomson Road Utility District
- Lakewood Forest Section 2
- Lakewood Forest North

Homeowner/Property Owner Associations, Civic Clubs, and other Community Organizations

Albury Manor Home Association
Canterbury Forest Civic Association
Cutten Green Home Owner's Association
Cypress Creek Estates Civic Association
Cypress Crossing Community Improvement Association
Cypress Fields Civic Association
Cypress Mills Homeowners Association
Cypress Point Community Improvement Association
Cypresswood Homeowner's Improvement Association
Cypresswood Property Owners Association
Enchanted Valley Estates Homeowners Association
Enchanted Valley Homeowners Association
Grantwood Civic Club
Heatherwood Village Community Association
Kleinwood Maintenance Fund Inc.
Lake Cypress Estates Civic Club
Lakewood Forest Fund Inc.
Lakewood Glen Property Owners Associations
Longwood Residents Council
Majestic Oaks Home Owners Association
Millridge North Section 1
Mossy Oaks Estates Home Owners Association
Norchester Maintenance Fund Inc.
Ponderosa Forest Civic Association
Ponderosa Forest Community Improvement Association
Ponderosa Forest Maintenance Association
Prestonwood Forest Maintenance Association
Ravensway/Saracen Park Home Association
Terranova West Property Owners Association
Timberlake Estates Property Owners Association
Tower Oaks Civic Club Inc.
Tower Oak Bend Homeowners Association
Tower Oak Plaza Homeowners Association
Westador Community Association
Wimbledon Champions Flood Committee

Supporting Members

- Jean Kuecher, Wimbledon Champions newsletter editor
- Houston Exterminating
- State Farm Insurance, Agent Gary Brister

- Lakewood Grove
- Canterbury Forest
- Gettysberg
- Villagio
- Lakewood Forest Estates
- Lakewood Village

Northwest Harris County MUD #9

- Mill Ridge Forest
- Millridge North, Sections 1 and 2
- Marwood Village
- Vintage Woods
- Anderson Woods
- Regency Forest
- Marwood Estates and Marwood Village Section 1
- Oak Hollow Estates

Postwood MUD

- Postwood
- Sunbury Estates

Timberlake Improvement District

- Ravensway & Ravensway South
- Saracen Park

Westador MUD

- Westador Subdivision

DP 10906
SCC

Stanley, Kerry M SWG

From: GRUNSFELD, JOHN M., PHD (JSC-CB) (NASA) [john.m.grunsfeld1@jsc.nasa.gov]
Sent: Thursday, February 28, 2002 11:27 PM
To: 'kerry.m.stanley@swg02.usace.army.mil'
Subject: Draft EIS for the proposed Bayport Marine Terminal

Mr. Stanley:

I am writing to provide input to the draft einvironmental impact statement for the proposed bayport terminal.

First and foremost I believe that the economic model is incomplete and incorrect for the value of the bayport terminal. It does not take into account the loss of value due to displacement of aerospace jobs (the number one in the clear lake area) over lower economic value shipping related jobs that WILL occur due to changes in the character of the clear lake area. The models the consultants used also use a best case economy for the need to have a "super-port", which is not the case at the current time. 6-22, 6-39, 6-101

The port of houston has not demonstrated good management of the current Barbour's Cut terminal nor demonstrated that a rennovation of the current facility won't meet needs for the next 10-20 years and beyond. 1-25

It is not clear at all that this port expansion at bayport is in the public interest, but rather a small community of contractors and shipping related business interests. 29-11

If the port does get approval and goes ahead with the bayport plan, the EIS does not take into account the certainty that a 50 foot channel will be required. All of the major shipping companies are planning ships which require a 50 foot channel. The application should be denied until such a time as the plan is accurately presented on this point. 11-9

The DEIS does not fully account for all of the particulate, noise, light, and other sources of pollution. Harris Co. has a mandate to clean up its air, and this expansion is clearly in the wrong direction. 18-21, 19-1

Alternative uses of the land have not been considered against the use of the land for heavy industry (in an area already over-burdened by industrial uses). A viable alternative is to reserve the land for use more broadly in line with the residential nature of the area. An example is to turn the land into a large-scale marina, and aquatic center, with support business, in support of the Houston bid for the 2012 Olympics. This is the only land available for this purpose, and would support housing, hotels, marinas, boat business development, and possibly cruise terminals. Over the next 20 years this would generate more jobs, more capital investment, and use more in line with the residential and recreational charater of the Clear Lake Area. It would also provide additional attraction for new business in the high tech and aerospace industry. 2-114

Above all there is no requirement or urgency to approve the DEIS or the Bayport application. Current economic conditions do not support the expansion. An additional year or more should be spent studying alternatives and updating the modeling, including assessments of public support for this plan. Particular attention should be placed on alternative locations and land use. 6-101

Sincerly,

John Mace Grunsfeld Ph.D.
P.O. Box 58462
Houston, TX 77258
281-474-9408

DP 10906

Thanks for your attention.

HIBAH CORPORATION
14110 Telge Road • Cypress, Texas 77429

MAR 0 5 2002

DP 10907
SCC

February 28, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S.Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston , Tx. 77553-1229

Dear Colonel Waterworth:

As Director of Hibah Corporation , I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay . 29-1

The Port of Houston is a major piece of the economy of Texas , And its coninued growth and success are vital not only to Houston and Texas , but the entire country . As a company that works directly /indirectly in the maritime community, We depend on the Port of Houston . 1-32

We know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in future , Help make sure we are ready to meet the challange of new marketplaces and opportunities . let me be clear : It would have a significant negative effect on our company, and others, if this facility is not built. 1-33

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region . I believe your study, which was thorough and well documented , does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revnues. 29-56, 2-25

Again , the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead . 29-56, 29-70

Please do not hesitate to contact me if you would like to discuss this further . My support , and the support of this company , is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport Project. 29-56

Sincerely,

Capt. Muhammed A Ahmed
Member : The Council of American Master Mariners , Inc.

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

Tel.:(281)-373-1117, (281)-856-8622,:Fax.(281)-856-9713

DP 10908 MAR 0 5 2002

Aquarian Marine Consultants SEC

712 Spencer Highway, Suite 102/103 * South Houston, Texas 77587-3655
Phone: [713] 944-5026 * Fax: [713] 944-7833 * E-Mail Address: aquarianmft@juno.com

Michael F. Telschow, Marine Surveyor / Consultant — Independent Marine Surveyors / Consultants

Repenting the Flags of: USA - Panama - St. Vincent - Honduras and Cambodia
Corporations: Panama & Nevis
Member: Society of Naval Architects & Marine Engineers * Council of American Master Mariners
Representing: Panama Bureau of Shipping, Inc. * International Shipping Bureau, Inc.
International Register of Shipping

February 28, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P. O. Box 1229
Galveston, Texas 77553-1229

Dear Colonel Waterworth:

As Owner of Aquarian Marine Consultants, want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without any further delay. 29-

The Port of Houston is a major piece of the economy of Texas. It's continued growth and success are vital, not only to Houston and Texas, but the entire country. As a company that works directly in the maritime community, we depend on the Port of Houston. 1-32

We know a growing amount of goods is transported in containers. It is clear that the mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear, if word have a significant negative effect on our company, and others, if this facility is not built 1-33

The Corps has done and outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong concision that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-5 2-8

Again. the Corps Environmental Impact Statement stands on its merits. This project stands on it merits also. It is time to move ahead. 29-56

Please do not hesitate to contact me if you would like to discuss this further. My support and support of this company, is fully behind the study of the Corps has completed and we enthusiastically endorse the Bayport project. 29-7 29-56

Kindest regards,

M.F. Telschow

Michael F. Telschow,
Marine Surveyor / Consultant

cc: Kerry Stanley, US Army Corps of Engineers
James T. Demonds, Chairman Houston Port Authority

DI 10909

SCC

REALTY DYNAMICS
1303 Nasa Road One, Suite E
Houston, Texas 77058

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. 1229
Galveston, Texas 77553-1229

Dear Mr. Stanley:

This letter is being written in regard to the giant container port projected to be built at Bayport. My husband and I are strongly opposed to this development. It would add significantly to already unacceptable and unlawful air pollution loads. As I write this letter, the "speed limit" signs are being lowered to reduce pollution. How can authorities justify adding thousands of trucks which would significantly increase pollution and traffic conjestion to some 23,000 people living in the immediate area and thousands more in the surrounding areas. Why not build the port at San Jacinto Bay where only 23 people would be directly affected? 7-23 2-115

There are two important omissions from the Draft Environmental Impact Statement that we think should be addressed. One is the Fine particle air pollution, known as PM 2.5. The other is the effects of a 50-foot deep channel on Galveston Bay ecology. 23-55

Thank you for your time and consideration of these most important matters.

Sincerely,

Janelle Wray

Janelle Wray
316 Blue Point Road
Kemah, Texas 77565
(281) 334-9029

MAR 0 5 2002

DP 10910

SCC

Unimar, Inc.

1720 Federal Road
Houston, Texas 77015
Tel: (713) 451-6000
Telefax: (713) 451-6100
E-mail: unimarinc@worldnet.att.net

March 1, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth,

As President of Unimar, Inc., I would like to express to you my strong support for proceeding with construction of the Bayport Cruise and Container Terminal. 29-1

The Corps' thorough investigation of the Bayport area leads to the conclusion that this is by far the most suitable area for such a facility, which will ensure the economic growth of not only Houston, but of Texas and the country as a whole. 2-85

As an inspection company that is involved directly in the marine industry, we feel it is extremely important that we continue to expand the growth of the Port of Houston in all ways possible. Therefore, we are hopeful that you will move forward with this project without delay. 1-32 29-70

Regards,

John Vassiliades
President

JV/ec

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

MAR 0 4 2002

DP 1911

March 1, 2002 SCC

Mr. Kerry Stanley
U.S. Army Corps of Engineers
Galveston District Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Dear Mr. Stanley,

I am disappointed in the quality of the Bayport Draft EIS. I recognize that you are trying to put together a project quickly, with much influence from the Port Authority. But, please understand that you are spending taxpayer money and affecting everyday citizens lives and health. You must do an accurate job in assessing the environmental impact to properly compare alternatives. You owe that to us. I owe that to citizens when I work in my yard, on my car, or on projects at work. 23-35

The negative impacts of Bayport expansion outweigh the benefits. There are so many better options if you would look at them objectively and use available technology. 29-29 2-89

The flaws in the Bayport expansion draft EIS include an inaccurate count of wetlands, lack of land use impacts, accurate traffic analyses, fair assessment of the recreational boating impact, unrealistic growth predictions. 23-55

The impact of the trains and the new rail line should be included. You don't even own all the land – can you just bully your way to get it? 18-24

Why do taxpayers have to fund this expansion – a private company is funding an expansion in Texas City? 23-123

What about hazardous materials transport? 8-1

What about property values? The Port says it needs this expansion to stay competitive. At what expense? Competitive companies have sustainable projects – this means reducing the footprint left by industry. I see little attempt to reduce the footprint in the Bayport expansion. 20-15

Please improve the quality of your Draft Environmental Impact Statement. There is usually a way to merge a viable project within a community for the benefit of both – you have not presented such an option yet. 23-132

Sincerely,

Martha Kivlovitz
4820 Palm St.
Seabrook, TX 77586

DP 10912
SCC

MAR 0 4 2002

Dixie Cullen Interests, Inc.

4300 Dixie Drive
Houston, TX 77021
Telephone (713) 747-1101
Telefax (713) 747-1422
E-Mail: dcii@swbell.net

Warehouse w/overhead Cranes
Crating\Skidding\Containerizing
Machinery & Plant Dismantling
Storage \ Distribution
Website: www.dixiecullen.com

March 1, 2002

Kerry Stanley
Project Manager
U. S. Army Corps of Engineers, Galveston District
P. O. Box 1229
Galveston, TX 77553-1229

Dear Kerry,

As a business here in Houston that is heavily dependant on the Port of Houston, we have forwarded a letter to Colonel Leonard D. Waterworth express the importance of moving forward with the Bayport Container Facility.] 29-1

For your reference we are enclosing a copy of this letter for your information.

Please do not hesitate to contact me if you would like to discuss this matter further, or even visit our site to see how much our continued growth depends on cargo moving in and out through the Port of Houston. My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project.] 29-56

Sincerely,
Dixie Cullen Interests Inc

Catherine M. James
President

DP 10912

Dixie Cullen Interests, Inc.

4300 Dixie Drive
Houston, TX 77021
Telephone (713) 747-1101
Telefax (713) 747-1422
E-Mail: dcii@swbell.net

Warehouse w/overhead Cranes
Crating\Skidding\Containerizing
Machinery & Plant Dismantling
Storage \ Distribution
Website: www.dixiecullen.com

March 1, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U. S. Army Corps of Engineers, Galveston District
P. O. Box 1229
Galveston, TX 77553-1229

COPY

Dear Colonel Waterworth,

I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-55

The Port of Houston is a major piece of the economy of Texas, and fits very heavily into the growth plans of our Company. Every piece of marketing material that we mail out, or our advertisements on the Internet includes comments about our wonderful Port Facility. It's continued growth and success are vital not only to our Company, our Customers, the Houston Area, the State of Texas and the Entire United States. Our customers that import into the United States distribute their product not only in our area but also to the entire United States, while maintaining an inventory here in our warehouse facility. So you see we directly/indirectly in the maritime community, we depend on the Port of Houston. 1-32

We know a growing number of our customers are transporting their goods in containers. Several are increasing their numbers on a monthly basis as they become more established. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new market places and opportunities. Please understand that I believe that if we do not build this new facility here, it will have significant negative effect on our company, our customers and all the support industry that depend on these containers moving in and out through our Port. That's an awful lot of jobs. 1-33

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I do believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-56 2-85

DP 10912

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead.] 29-56] 29-70

Please do not hesitate to contact me if you would like to discuss this matter further, or even visit our site to see how much our continued growth depends on cargo moving in and out through the Port of Houston. My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project.] 29-56

Sincerely,
Dixie Cullen Interests Inc

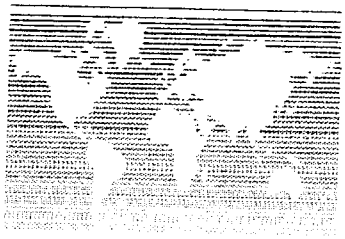
Catherine M. James
President

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

1?912 MAR 0 5 2002

Dixie Cullen Interests, Inc.

4300 Dixie Drive
Houston, TX 77021
Telephone (713) 747-1101
Telefax (713) 747-1422
E-Mail: dcii@swbell.net



Warehouse w/overhead Cranes
Crating\Skidding\Containerizing
Machinery & Plant Dismantling
Storage \ Distribution
Website: www.dixiecullen.com

March 1, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U. S. Army Corps of Engineers, Galveston District
P. O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth,

I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay.

The Port of Houston is a major piece of the economy of Texas, and fits very heavily into the growth plans of our Company. Every piece of marketing material that we mail out, or our advertisements on the Internet includes comments about our wonderful Port Facility. It's continued growth and success are vital not only to our Company, our Customers, the Houston Area, the State of Texas and the Entire United States. Our customers that import into the United States distribute their product not only in our area but also to the entire United States, while maintaining an inventory here in our warehouse facility. So you see we directly/indirectly in the maritime community, we depend on the Port of Houston.

We know a growing number of our customers are transporting their goods in containers. Several are increasing their numbers on a monthly basis as they become more established. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new market places and opportunities. Please understand that I believe that if we do not build this new facility here, it will have significant negative effect on our company, our customers and all the support industry that depend on these containers moving in and out through our Port. That's an awful lot of jobs.

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I do believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues.

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead.

Please do not hesitate to contact me if you would like to discuss this matter further, or even visit our site to see how much our continued growth depends on cargo moving in and out through the Port of Houston. My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project.

Sincerely,
Dixie Cullen Interests Inc

Catherine M. James
President

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

MAR 0 5 2002

HALLIBURTON

10200 Bellaire Blvd., Suite 2NW, Houston, Texas 77072
Phone: 281-575-3333 Fax: 281-575-5453

DP 10913
SCC

Edgar Ortiz
President & CEO
Energy Services Group

March 1, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As President and CEO of the Halliburton Energy Services Group, I want to let you know my full support of the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. 1-32

Our company depends on the Port of Houston for our export and import activities for both our energy services and engineering and construction business units. Many of our products, goods and supplies are delivered or sent through the Port, a growing amount being transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities 1-33

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-56 2-85

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-56 29-70

My support, and the support of this company, is fully behind the study which the Corps has completed and we enthusiastically endorse the Bayport project. 29-56

Sincerely,

Edgar Ortiz

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

MAR 0 4 2002

Eunice Cherry
4703 Hawthorne St
Seabrook TX 77586-2029

DP 10914
SCC

March 1, 2002

U.S Army Corps of Engineers
Attn: Kerry Stanley
P.O. Box 1229
Galveston, Texas 77553

Dispute of Bayport DEIS:

After a thorough research of the planned land-use of the property that the Port of Houston now includes in their project plans for Bayport, none of which included any plans for industrial use, in 1963, we purchased property and built a home adjacent to that property in El Jardin. I would like to dispute the stated amount of 2.5 acres of wetlands stated in the Bayport DEIS] 14-21

Until the recent few years of drought, the more than 22 acres, in the land next to my property, has had 8-10 inches of water during the winter months of November through April every year.

Because the Prime Land of Red Bluff Point, the highest point of elevation along Galveston Bay, El Jardin, which is located on Red Bluff Point, has never had a flooding problem. If the Bayport project is permitted, I feel sure that our homes in El Jardin will be subjected to the possibility of flooding every time we receive our frequent torrential rains. Massive acres of concrete do not absorb very much water, even if holding ponds are constructed.] 25-10] 14-21

I would like to request that an 'expert' on wetlands be consulted to assess the acreage of wetlands to be destroyed by the Bayport Project.] 14-29

Respectfully,
Eunice Cherry

DP 10915
Scc

MAR 0 8 2002

March 1, 2002

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

Subject: Bayport Container Terminal
Draft Environmental Impact Statement (DEIS)

Dear Mr. Stanley;

Rather than presenting an objective, unbiased assessment of the application submitted by the Port of Houston Authority (PHA), the DEIS is a blatant proposal to accommodate the applicant. I am listing several instances where the DEIS errs on the side of the applicant. 23-25

(1) Alternate Petrochemical Bayport Expansion

In many instances in the DEIS the assumption is made that the Bayport Terminal will be expanded with facilities similar to those existing presently at the west end of the channel (paragraphs 3.9.3.2 & 3.9.3.10) should this application not be approved. In keeping with the objectivity mandate, the USACE should not construct a hypothetical growth scenario from which relative comparisons are made with the adverse characteristics of the proposed project. Such alternate growth potential of Bayport petrochemical terminal facilities will depend upon future growth of the underlying petrochemical industrial base. The need for such growth will depend upon free market economics – not by some political body with tax funds. In addition, such growth of the petrochemical industrial complex will be subjected to various regulatory authorities before development. Further, should the Bayport petrochemical port facilities actually be expanded as the DEIS hypothesizes, the environmental impacts on surrounding areas will be far less severe than a container port with its elevated acoustic and lighting characteristics. 2-118

The present environmental situations at Bayport must be used as the baseline for projections of the impact of the proposed container port.

(2) Placement of Dredged Materials

According to Section 3.18.3.3, dredged material from the initial phase would be used to raise the present site elevation and to construct a noise reduction berm. Priority will obviously be given to site elevation with the berm construction deferred until all other site needs are fulfilled. There is no assurance or guaranty that the berm would be constructed early in the development phase, or for that matter ever be constructed. 22-51

DP 10915

(3) Dredging Operations and Requirements

In comparing dredging requirements for Bayport versus Spillmans Island (Table E-3), the DEIS identifies a need to dredge 291 acres of material at Spillmans island. This amounts to 100 acres greater than required at Bayport but only 44 acres of the "dredge" amount at Spillmans Island are under water. The other 247 acres are "upland excavation", thus the actual requirement for submerged dredging and filling is four times greater at Bayport. Use of the terminology "dredging" for upland excavation is grossly misleading and this anomaly is compounded in Table E-4 where the DEIS states "substantial dredging would be required for the terminal basin" for Spillmans Island. Table E-5 states dredging requirements in terms of cubic yards rather acreage but I assume much of the 22 mcy required at Spillmans Island is upland excavation rather than dredging. 11-38

(4) Noise Levels in Surrounding Residential Areas

As noted in Table 3.8-3, El Jardin is presently being subjected to sound levels up to and beyond acceptable limits by the standard the DEIS follows (Ldn of 65dB). Yet the DEIS (Table 3.8-15) predicts that sound levels will decrease by as much as 17dB (98% reduction) after building the container port at Bayport. It is certainly not logical and no explanation is offered in the DEIS. If the berm was constructed and attained your theoretical decrease in sound by 17dB (the DEIS assumes 10dB), the sound levels would be as predicted but without the container port build. That the container port would not contribute towards increasing the sound level above the predicted level is left unexplained. 3-33

Under "Cumulative Project Sound Levels – (Bayport)" (page 3.8-26), the second paragraph states that project sound levels would be 57 dBA Ldn at the closest receptors. Further, no residences would be exposed to sound levels that exceed 65 dBA Ldn. In the same paragraph, the DEIS states that - - - "no significant impacts would result from this alternative". Yet the very next two paragraphs contradict these statements. "Cumulative project sound levels would be as high as 73 dBA at locations across the Bayport Ship Channel". Also "Cumulative project sound levels at the residences in the vicinity of Surf Oaks would be approximately 62 dBA Ldn". In both of these residential areas the DEIS concludes, "These residences would be significantly impacted by this (Bayport) alternative". Because of the "net reduction" in noise level with the project, El Jardin is not listed as an impacted area. These gross inconstancies remain unexplained. 3-34

On page 3.8-1, the DEIS states that if sound intensity is doubled, the sound level only increases by 3 dB regardless of the initial sound level. While this statement is technically correct, it could only be inserted to mislead the readers. 3-35

DP 10915

The incremental increase in decibels is 10 times the log of the ratio of the final intensity to the initial intensity. Ten times the log of 2 is 3. This does not alter the fact that the noise intensity is doubled. 3-35

(5) Mitigation Measures

The DEIS uses this technique throughout to attempt to soften potential impacts. They are presented as possible steps that could be taken; however, there are no indications that these would be mandatory if this application were approved by the USACE. If they are not mandatory, such items have no place in the DEIS. The fundamental reason for producing the final EIS is its use in determining the acceptability of the planned project. If the USACE identifies shortcomings in the planned project then it should make such requirements mandatory. The EIS is not the place for suggestions or unenforceable post-build requirements. Some of these examples are listed as follows:

-Extend the existing berm which is north of the existing port facilities eastward. 22-51

-Equipment that has the lowest possible noise emissions and acoustic heights - - should be selected. (Even if this is made mandatory, who would be the determining authority?)

-The PHA could select quieter straddle cranes, electric powered dredges and drilling equipment.

-Other items, such as early replacement of equipment, would remain unenforceable even if the USACE made this kind of requirement mandatory. 3-36

SUMMARY

No other final site candidate comes close to the major environmental impacts that Bayport would impose. More nearby residents will be impacted at Bayport than would be impacted by all other final candidate sites combined. While PHA claims that it would be less costly for them, no consideration is afforded the vast number of homeowner's financial losses as a result of these adverse environmental impacts. 2-4 6-7

The present DEIS falls far short of being an unbiased, objective assessment of the potential environmental impacts of Bayport. I urge you to critically review this preliminary assessment before the USACE makes a decision on this application. 29-22

Sincerely yours,

Richard B. Ferguson

Richard B. Ferguson
419 Cedar Lane
Seabrook, Texas 77586

MAR 0 8 2002

DP 10916

March 4, 2002

SCC

MORRIS
EXPORT SERVICES

Colonel Leonard D. Waterworth
District Engineering and Commanding Officer
U.S. Army Corp of Engineers, Galveston District
P.O. Box 1229
Galveston, Tx 77553-1229

Dear Colonel Waterworth:

As President of Morris Export Services, I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority. 29-1

The Port of Houston is a major part of the economy of Texas, and its continued growth and success are vital not only to Houston, and Texas, but the entire country. As a company that works directly in the maritime community, we depend on the Port of Houston. 1-32

An increasing amount of goods is packed by Morris Export in containers each year. It is clear that this mode of transportation will continue to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. It would have a negative effect on our company, and others, if a larger container facility is not built. 1-33

The Corps have done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-56 2-85

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-56 29-70

The support of this company is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project. 29-56

Sincerely,

Kenneth P. Morris
President

Cc: Kerry Stanley, U.S. Army Corps of Engineers
James E. Edmonds, Chairman Houston Port Authority

1225 McCarty Drive
Houston, Texas 77029
P.O. Box 3003
Houston, Texas 77253

Tel: 713.675.9101
Fax: 713.675.1920

DP 10917 MAR 0 7 2002

SCC

Sally E. Antrobus

526 Surf Oaks Drive
Seabrook, TX 77586-1822
(281) 474-9220

March 4, 2002

Mr. Kerry Stanley
U.S. Army Corps of Engineers
Galveston Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Dear Mr. Stanley,

Bayport DEIS Comments

RE: Port of Houston Authority's Proposed Bayport Container Terminal, Department of the Army Application Number 21520

I urge the Corps of Engineers to deny the application by the Port of Houston Authority for section 10 and Section 404 permits to build a container port at Bayport, for two reasons. 29-29

(1) The Port of Houston Authority has shown amazing arrogance, manipulation, and most recently fraud in the course of trying to get this proposed project permitted. 23-32

The Port has submitted an illegal permit application because it does not own all the land shown in plans accompanying the application (most recently revised in October 2001), and it cannot reasonably expect to acquire this land. 23-16

The Corps' own rules indicate--right on the application!--that the applicant's signature affirms possession or pending acquisition of the property involved, and that penalties for misrepresentation are a fine of up to $10,000, five years' imprisonment, or both. The Bayport permit application involves several tracts of land not owned by the Port of Houston Authority. One belongs to American Acryl, which has told the Port they will not sell it. Other land lies in the City of Seabrook, where the Port cannot condemn land without the consent of the City. The City of Seabrook has not granted the Port authorization to condemn land within the city. 23-16

The signature of a port official on such an application is illegal, and it is presumptuous in the extreme. Apparently this agency believes itself to be above the law. The only reasonable course of action by the Corps of Engineers is to deny such a permit application. 23-16

(2) Construction of a container terminal at Bayport is very, very clearly not in the public interest.

You will have noted the impressive chorus of vocal opposition to it by citizens and by a full suite of elected officials, including the school boards of the La Porte and Clear Creek Independent School Districts; the mayors of Pasadena, Seabrook, Shoreacres, Taylor Lake Village and other nearby cities; and state legislators including Representative John Davis and Senator Mike Jackson. 29-8

DP 12917

This kind of wide-ranging opposition to a project is precisely what the public comments component of the Environmental Impact Statement process is designed to capture. When such unprecedented numbers as 2,500 angry people come to the scoping meeting for a project, and more than 3,000 come the public hearing on the draft EIS, it should be blindingly clear to the Corps that the public opposes the plan for many reasons. 29-9

Better alternative sites are available to serve the needs of the container industry, yet the analysis of these alternative sites in the DEIS is distinguished by omissions and flaws. There is a clear bias toward Bayport in the document. 2-91

Some of the specific shortfalls in the DEIS are:

- Misrepresentation of the extent of wetlands on the site 14-5
- Total absence of analysis of fine particle air pollution that would result from this port 7-4
- Total absence of evaluation of the effects of a 50-foot-deep ship channel, despite planned wharves engineered to 56 feet 11-9
- Inadequate traffic assessments 27-2
- Failure to disclose land use impacts contrary to the public interest, including property value declines 6-71
- Total absence of analysis of the cumulative effects of adjoining Bayport and San Jacinto Rail proposed projects 18-23

When assessed honestly, a whole series of aspects of this project are open to challenge under federal law--law regarding wetlands, air pollution, cumulative impacts, environmental justice, and even the execution of the permit process itself. 23-115

Knowing all this, to grant this permit would be to open the Corps itself to charges of abuse of public trust. Citizens are concerned about the ethics of government. By turning a blind eye to the problems in the Bayport permit application and DEIS, the Corps would be committing the same sin as the Enron executives who seem to have carefully avoided knowing too much about how their corporation worked. 29-75 23-4

Yours faithfully,

Sally Antrobus

Sally E. Antrobus
Ecotourism Committee
City of Seabrook

cc:
Lt. Gen. Robert B. Flowers, HQ US Army Corps of Engineers
Colonel Leonard D. Waterworth, Galveston District Engineer and Commanding Officer
Rep. Nick Lampson, U.S. House of Representatives
Sen. Kay Bailey Hutchison, U.S. Senate
Sen. Phil Gramm, U.S. Senate
Rep. Sheila Jackson Lee, U.S. House of Representatives
Rep. Kenneth E. Bentsen, Jr., U.S. House of Representatives
Rep. John Culberson, U.S. House of Representatives
Rep. Tom DeLay, U.S. House of Representatives
Rep. Gene Green, U.S. House of Representatives
Mayor Lee P. Brown, Houston
Shelley Sekula-Rodriguez, Houston City Council

MAR 0 6 2002

DP 10918

SCC

Mark Trusty
215 Bay Colony Circle
La Porte, Texas 77571
Phone: 281-470-0365
markt1967@aol.com

March 4, 2002

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

Dear Mr. Stanley:

First I would like to thank-you for giving us the extra time to respond to the to the DEIS done for the Bayport Project that the Port of Houston has proposed for it container terminal. With the holidays, etc. I feel that it gave us the time to read and reread the DEIS before making comments.

I have read and reread this document and have some serious concerns on what the findings are and some serious concerns of what the DEIS did not investigate that should have been.

I live on the north shore of the Bayport Channel and have a concern with the noise and light that will be in my back yard. In the document 3.8.3.3 you have said that the increase in the noise level is unacceptable to the Bay Colony Subdivision and the houses on the north shore. Also in the document 3.9.3.3 on lighting it is suggested that the vegetation and large trees would eliminate any light problems. Well the picture in Figure 3.9-3 you can plainly see that this is not going to work.

I know that the Port has suggested putting different types of sound barrier wall and/or dirt berm along the north shore of the channel to eliminate these problems. I know that these walls are used in area along highways for noise elimination but I purchased this house to have a view of the Bay not to have a view of a concrete wall. We also should have learned from Tropical Storm Allison that in this area you have to be very careful as these walls would hold the water behind them during a storm with no way for it to

28-9

25-11

DP 10918

run off as the storm recedes. Just do not believe that this is the way to go so close to a major body of water in an area that has seen and will see again storms of this nature. 5-11

Two areas that I did not see that were addressed that I feel should be is the dredging of the channel to 50 feet and what that does to the near by properties as it relates to subsiding of these properties? Also what the vibration factor for all of this equipment both during the construction and the operation will have on the near by residences. 15-27, 20-23

I know that the last time the channel was dredged that the noise, light and the vibration from the equipment running 24 hours a day was unbelievable. I also know that calls to our GOOD NEIGHBORS the Port of Houston was to deaf ears as it was not their problem it was the contractors. Good neighbors? 4-12

I just wanted to voice my concerns on this proposed project but am sure that after reading your own report that you will agree with me that Bayport is on the proper place for this project. If you are not in agreement that Bayport is not the place I would hope at least that the concerns that I have mentioned will be looked at again or for some looked at for the first time before any permit is issued. 2-3, 23-55

Sincerely,

Mark Trusty

MAR 0 8 2002

DP 10919
SCC

SERVITRANS Incorporated

International Transportation and Logistics Services

March 04, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

As President of Servitrans Inc., I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-1

The port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works directly/indirectly in the maritime community, we depend on the Port of Houston. 1-32

We know a growing amount of goods is transported in containers. It is clear that the mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear; it would have significant negative effect on our company, and others, if this facility is not built. 1-33

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-56 2-85

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-56 29-70

Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project. 29-56

Sincerely,

Rafael Struve
President
ServitranS Inc.
.cc Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

MAR 0 4 2002

DP10921

M&L Truck Leasing, Inc.
P.O. Box 2565
Houston, TX 77252
Ph#: (713) 224-7150 Fax#: (713) 224-5824

Kerry Stanley
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Kerry Stanley,

As President of M&L Truck Leasing, Inc., I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas, and its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works directly in the maritime community, we depend on the Port of Houston. 29-59

We know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: It would have a significant negative effect on our company, and others, if this facility were not built. 6-82

The Corps has done an outstanding job in studying the environmental, economic, and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-13

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-56

Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of the company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project. 29-59

Sincerely,

John P. Lazure
President
M&L Truck Leasing, Inc.

J.A.

cc: Colonel Leonard D. Waterworth, District Engineer and Commanding Officer, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

Duplicate 10924 MAR 0 5 2002

M&L Truck Leasing, Inc.
P.O. Box 2565
Houston, TX 77252
Ph#: (713) 224-7150 Fax#: (713) 224-5824

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth,

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Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of the company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project.

Sincerely,

John P. Lazure
President
M&L Truck Leasing, Inc.

J.A.

cc: Kerry Stanley, U.S. Army Cops of Engineers
James T. Edmonds, Chairman Houston Port Authority

10922 MAR 0 4 2002

Duplicate

REALTY DYNAMICS
1303 Nasa Road One, Suite E
Houston, Texas 77058

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. 1229
Galveston, Texas 77553-1229

Dear Mr. Stanley:

This letter is being written in regard to the giant container port projected to be built at Bayport. My husband and I are strongly opposed to this development. It would add significantly to already unacceptable and unlawful air pollution loads. As I write this letter, the "speed limit" signs are being lowered to reduce pollution. How can authorities justify adding thousands of trucks which would significantly increase pollution and traffic conjestion to some 23,000 people living in the immediate area and thousands more in the surrounding areas. Why not build the port at San Jacinto Bay where only 23 people would be directly affected?

There are two important omissions from the Draft Environmental Impact Statement that we think should be addressed. One is the Fine particle air pollution, known as PM 2.5. The other is the effects of a 50-foot deep channel on Galveston Bay ecology.

Thank you for your time and consideration of these most important matters.

Sincerely,

Janelle Wray

Janelle Wray
316 Blue Point Road
Kemah, Texas 77565
(281) 334-9029

MAR 0 5 2002

DP 10923

SCC

March 4, 2002
410 Woodvine Drive
Seabrook, TX 77586

Mr. Kerry M. Stanley
U. S. Army Corps of Engineers
Galveston District/Regulatory Branch
PO Box 1229
Galveston, TX 77553-1229

Dear Mr. Kerry,

I have read the voluminous Draft Environmental Impact Statement pertaining to the Bayport project and feel it should be rejected and a Supplemental Draft Environmental Impact Statement should be prepared to correct the deficiencies that others (and I) have cited. Enclosed are my most pertinent comments. Please read them and place this correspondence in the file for this project.

Very truly yours,

Richard J. Gillen

Richard J. Gillen

This write-up pertains to the Bayport Draft Environmental Impact Statement submitted by the US Army Corps of Engineers. These comments were prepared by Richard J. Gillen. I have a BS in Mechanical Engineering and an MS in Aeronautical Engineering and nearly 40 years of engineering experience in private industry and with the Federal Government (as a civilian on U.S. Air Force projects and at NASA).

****

It is my firm belief that the documents submitted by the US Army Corps of Engineers (USACE) that are supposed to be a Draft Environmental Impact Statement (DEIS) of the proposed Bayport containerized facility are without merit. These should not be allowed to stand as a legitimate DEIS; these are nothing more than sales brochures, obviously written to support a premise that the Bayport containerized project should be built. A Supplemental DEIS should be prepared and submitted that honestly recognizes and honestly evaluates all the omissions and unfounded claims that I point out. If the USACE prepares a new report that makes all the corrections and honestly tells how dangerous this facility would be, that would be satisfactory. If this is honestly done, then the USACE should issue a ruling that the permit should be denied. If, however, the USACE doesn't properly recognize and evaluate the serious deficiencies, then the public would be prevented from having an effective review and approval authority or input. We are entitled to a review and evaluation of a legitimate, honest DEIS.

22-100

23-6

The study dismisses all potential problems and makes many claims without proof or basis. They "assume" and "expect" and "anticipate" many wonderful things will magically happen to prevent problems. Many examples are cited below.

Page ES-16 (ES=Executive Summary) regarding future roadways and accommodations for 16,000 more truck trips per day (more than 11 trips per minute in my neighborhood), the report glibly says, "The majority of the roadway improvements would be needed with or without the project". This has to be an untrue statement. Is someone planning all these road improvements without regard to traffic needs and projections? This is a common type of baseless claim that is used throughout the report. Isn't this supposed to be an engineering report?

27-4

Page ES-19 regarding public safety and increased traffic. The study "anticipates" that public safety will not be affected by Bayport. This has to be a lie and a faulty anticipation. Please tell us <u>how many more accidents</u> will occur because of the 16,000 more truck trips per day. Honestly, how many of these

27-6

will be school bus accidents? How many injuries and fatalities do you project for the increase of up to 16,000 more semis per day? How many do you plan to allow? This increased truck traffic will seriously affect my family's safety, so honestly address this enormous problem. If a project causes an increase in traffic then the engineering study and the projected effects of the traffic must recognize and report this situation for public enlightenment and evaluation. 27-6

Page ES-19 regarding transportation of hazardous materials. The statement is made, "The potential of a hazardous material spill occurring during truck transport would increase proportionally. Area public services are adequate to address this increase". This is another wild, unsubstantiated claim and is an insult to the reader. Exactly who regulates what hazardous materials that can be shipped into and out of the facility?" Who are these people who will address these problems? What provisions will the Bayport project provide to us, the neighbors, for hazardous materials spills? List and detail what hazardous materials were "assumed" in the study? The assumption that less than five percent of the throughput will be hazardous is spurious, at best. Who regulates this? Please honestly address this problem. 8-6 8-2

Page A3.12.1-6 Admits our area is "a severe nonattainment area for 03". Please explain to us neighbors how adding the emissions from the 16,000 truck trips per day (plus all onsite emissions) can help this terrible situation. Be very specific and enlighten us about all your assumptions including new diesel engines and new fuels. Also explain how reducing VMT (vehicle miles traveled) in our area will be accomplished and enforced. This is another vague claim without data or substantiation. Exactly how did the engineers calculate the increase in 03 amount due to all sources, especially the diesel exhaust? How much will the 03 increase in terms of PPM? It is important to recognize current news reports that 03 has been clearly proven to cause asthma, and not just be an influencing factor. It is very troubling that the small 2.5-micron particles can be overlooked-how underhanded! These are known to be more dangerous to the human body than the 10-micron size particles. Please honestly tell us how much this facility and truck traffic will increase the concentration of these small particles? 7-10 7-14 7-51 7-2

Page A3.12.1-8, para 2.5 makes a vague statement excusing the Applicant from EPA regulations. Exactly which regulations are excused and why? Please provide a clear, complete explanation. Who regulates these exclusions?

App A.3.12-1 Table 2, ES, p21 hints at things that will improve air quality but gives no supporting data. My questions follow:

*Voluntary mobile emissions-Who enforces? How exactly was this applied to Bayport? Reduces 23 tons of what? How? What change would that make in our pollution?

*Tier 2/3 purchase-early replacement, etc.- When is this required? Who enforces? What change is calculated for our environment?

*Calif. off-highway- When is this required? Who enforces? What change will this make to our pollution?

*Limit on heavy-duty, on-road trucks idling to 5 minutes- Who enforces? Is this per mile, per day, per what? Exactly what change will this make?

*Transportation control measures-What is this all about? Is this law? When required? What change will this make?

App A.3.12-1, Table 5, ES,p24. This table is out of date and should be updated.

*SB5 enrolled, etc- explain this in clear English.

*EPA must approve SIP, etc- Did they? Update.

Table 10 Entitled "Bayport Project EIS Bayport Container Facility Onsite Emissions from Vehicles" shows increasing emissions as the years go by, which is consistent with an increase in traffic. However, Table 3 in this same general area shows a decrease in emissions, which is inconsistent and can't possibly make sense. This is another example of faulty data which must be explained in a supplemental DEIS.

Table 12, footnote e: "assumed" that engine idle time will be 15 minutes for cruise and containerized trucks, HDDV trucks, off-site. What idle time was assumed for containerized facility trucks, on site? What does Barbours Cut data show about idle times at that facility for on-site idle times over the past several years?

The USACE is supposed to take into account various economic effects of proposed projects, (page A1.3-7) but the study is seriously deficient in this area. The study only seems to assume jobs, real estate values, etc, but a huge economic distinction exists between Shoal Point and Bayport, for example. That difference is the cost to taxpayers. The cost at Bayport

6-72

is forecast at $1.2 billion of public money, while at Shoal Point there is no public money required. This economic impact must be honestly considered and evaluated in the study. How could you overlook $1.2 billion? What about all the road and bridge costs?

Over the past 3 years how much money has the Port Authority paid to the companies that did these DEIS studies? Please report these values. 23-101

Respectively submitted,

Richard J. Gillen

Richard J. Gillen

MAR 0 4 2002

DP10921

M&L Truck Leasing, Inc.
P.O. Box 2565
Houston, TX 77252
Ph#: (713) 224-7150 Fax#: (713) 224-5824

Kerry Stanley
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Dear Kerry Stanley,

As President of M&L Truck Leasing, Inc., I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-1

The Port of Houston is a major piece of the economy of Texas, and its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works directly in the maritime community, we depend on the Port of Houston. 29-59

We know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: It would have a significant negative effect on our company, and others, if this facility were not built. 6-82

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Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-56

Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of the company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project. 29-59

Sincerely,

John P. Lazure
President
M&L Truck Leasing, Inc.

J.A.

cc: Colonel Leonard D. Waterworth, District Engineer and Commanding Officer, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

Duplicate 10924 MAR 0 5 2002

M&L Truck Leasing, Inc.
P.O. Box 2565
Houston, TX 77252
Ph#: (713) 224-7150 Fax#: (713) 224-5824

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

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Sincerely,

John P. Lazure
President
M&L Truck Leasing, Inc.

J.A.

cc: Kerry Stanley, U.S. Army Cops of Engineers
James T. Edmonds, Chairman Houston Port Authority

DP 10925

Stanley, Kerry M SWG

From: Waligora, Lisa [WaligoraL@laporte.isd.esc4.net]
Sent: Tuesday, March 05, 2002 4:46 PM
To: 'kerry.m.stanley@swgo2.usace.army.mil'
Subject: Re: Bayport Expansion

I was at the La Porte CAC meeting in January when you spoke to us about the proposed Bayport site. I wanted to know if you had any follow-up information regarding property value. If I remember correctly, your information was inconclusive. 6-13

I also wanted to, for the record, express my concerns regarding the Bayport terminal expansion.

1. The Harris County clean air plan will never be fully realized if the port and the trucks involved are not held to stricter guidelines as are the plants and residents of this county. Are there any plans to increase funding for more inspectors and weigh stations that are actually open and operable? Who will the port report their emissions and accidents to? What about water emissions? 7-54 9-10

2. Traffic is an issue that I believe has not been adequately dealt with by the Houston Port Authority, Texas Railroad Commission, and Texas Department of Transportation. How will the traffic flows be managed? When will improvements be made? Under whose jurisdiction? Are all of the entities communicating with each other regarding these issues? 27-33

3. Noise and light pollution - what can I say hear - what plans has the Port Authority made to lessen these 2 types of pollution for all of the neighborhoods and is that good enough? Are these modifications the best they can do? 3-4

4. Estuaries, marine wildlife, fowl, natural habitat and the impact the port expansion construction, operation and all types of pollution will have on these things. 12-4

5. Property values - to say that they may be negatively or positively affected is a unacceptable. There must be some measurable standard you can related to the public before a final recommendation is made about the expansion. It is as if I tell you that your child may or may not pass a test. You would certainly question me about that comment and your child to gain an understanding of the test, what it measures, how it measures it, and what we have all done to prepare for it. 6-13

Thank you for your presentation and your hard work on this report.

Sincerely,

Lisa Waligora
La Porte High School teacher and resident

DP10926 MAR 0 7 2002

March 5, 2002

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project.] 29-1

I am employed in the maritime industry in this area and know of the critical need for new facilities to properly handle current and future containerized cargoes in the Port of Houston. Additional modern container space is needed if the Port of Houston is to compete and meet our region's needs.] 1-23, 29-59

I feel that the DEIS fully covers all of the important issues and that the Bayport Terminal Project will meet the Port of Houston's current and future needs while adequately addressing all of the environmental concerns.] 23-62

Permitting of the Proposed Bayport Marine Terminal is vital in order to assure that those in the region receive the full benefits of expanded containerized growth, which will result in a higher quality of life for all. I wish to request that the Corps of Engineers maintain the current timeframes and complete the required Environmental Impact Statement as soon as possible.] 29-19

Sincerely,

Mark King
4305 Spoonbill Dr.
Seabrook, TX 77586

DP 10927

MAR 0 7 2002

March 5, 2002

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

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Sincerely,

Laurie Potter
11705 Fieldcrest
LaPorte, Tx 77571

DP 10928

MAR 0 7 2002

March 5, 2002

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

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Sincerely,

NAME TIFFANY GIFFORD
ADDRESS 2701 W. BAY AREA #2413
CITY, STATE ZIP WEBSTER, TX 77598

MAR 0 7 2002

DP 10929

March 5, 2002

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

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Sincerely, Sterling Quaethem

NAME Sterling Quaethem
ADDRESS 5 Rockingham Place
CITY, STATE ZIP Conroe Texas 77304

DP 10930

MAR 0 7 2002

March 6, 2002

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

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Sincerely,

Stephanie Zemanek

Stephanie Zemanek
1022 Forest Avenue
La Porte, TX 77571

MMAR 0 7 2002

DP 10931

March 5, 2002

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project. 29-1

I am employed in the maritime industry in this area and know of the critical need for new facilities to properly handle current and future containerized cargoes in the Port of Houston. Additional modern container space is needed if the Port of Houston is to compete and meet our region's needs. 1-23, 29-59

I feel that the DEIS fully covers all of the important issues and that the Bayport Terminal Project will meet the Port of Houston's current and future needs while adequately addressing all of the environmental concerns. 23-62

Permitting of the Proposed Bayport Marine Terminal is vital in order to assure that those in the region receive the full benefits of expanded containerized growth, which will result in a higher quality of life for all. I wish to request that the Corps of Engineers maintain the current timeframes and complete the required Environmental Impact Statement as soon as possible. 29-19

Sincerely,

Laura Bussey

Laura Bussey
9413 Rustic Gate
La Porte, Texas 77571

DP 10932

MAR 0 6 2002

3/5/02

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

Dear Mr. Stanley

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal Project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport Project.

6-50

Very truly yours,
Lucius Frank

DP 10933

MAR 0 7 2002

March 5, 2002

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

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Sincerely,

Rhonda L. Salter

Rhonda L. Salter
919 E. Barbours Cut Blvd
La Porte, Texas 77571

MAR 0 7 2002

DP 10934

March 5, 2002

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

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Sincerely,

Gloria Palacios

Gloria Palacios
1014 Forest Ave
Shoreacres, Tx 77571

DP10935

MAR 0 7 2002

March 5, 2002

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

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Sincerely,

Miyuki M. Cleary

Miyuki M. Cleary
919 E. Barbours Cut Boulevard
La Porte, TX 77571

DP 10936 MAR 0 8 2002

March 5, 2002

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

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Sincerely,

Betty Powers

Betty Powers
451 Maxey Road - No. 5114
Houston, Texas 77013

SEATRAN INC.

Hull & Cargo Surveyors
Marine Consultants

2309 Dorrington
Houston, Texas 77030

E-mail: seatran@flash.net

Telephone: (713) 660-6662
Fax: (713) 660-6668

MAR 0 8 2002
DP10937

March 5, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

Dear Colonel Water worth:

As president of Seatran Inc., I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay.

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works directly in the maritime community, we depend on the Port of Houston. 29-1

We know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear, it would have a significant negative effect on our company, and others, if this facility is not built. 29-48

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-13

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-55

MAR 0 8 2002

10937

Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project.

Sincerely,

Capt. Hemant Vyas
President

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

DP 10938 MAR 0 6 2002

Dr. M. Justin Wilkinson

526 Surk Oaks Drive
Seabrook, Texas 77586
281-474-9220

Mr. Kerry Stanley
U.S. Army Corps of Engineers
Galveston Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Dear Mr. Stanley,

RE: Port of Houston Authority's Proposed Bayport Container Terminal, Department of the Army Application No. 21520

COMMENTS ON LAND USE IMPACTS IN BAYPORT DEIS

As a geographer working at NASA and teaching at the University of Houston at Clear Lake, I feel bound to draw to your attention the serious problems in the land use impacts evaluation contained in draft Environmental Impact Statement for the proposed Bayport project. This important topic is handled in a shallow, incomplete, and entirely inadequate manner.

Assuming that this inadequate work has been completed in good faith, the only reasonable course of action now is to produce a **supplemental DEIS** so as to address the shortfalls. If, on the other hand, the omissions reflect manipulation of data to minimize apparent impacts, a more appropriate course of action would be to deny the permit application. 23-6

(1) Ignoring industrial sprawl

The DEIS study of future land uses altogether fails to disclose impacts contrary to the public interest--impacts that would divide and destroy communities and would diminish the environmental values supporting those communities. The changes I mean consist of expanding industrial land use as a result of the intrusion of a very large facility incompatible with existing land uses. Construction of the Bayport container port would inevitably mean conversion of 4-4

well-established residential and recreational land to industrial sprawl.

There is no discussion of degradation of land use from desirable, higher-value residential uses to less desirable, lower-value use. Such degradation is not even considered an impact. From the standpoint of homeowners and of taxing entities, such loss of land value certainly does constitute an adverse impact. 4-4

(2) Vacant vs. developed land

A key weakness in the study is that it analyzes only changes on currently vacant lands. There is no analysis of land use changes that would be induced on already developed land. It is of course false, and beside that it is very misleading indeed, to assume that no changes can occur on already developed land.

The presumption that no land use changes can occur on already developed land leads to an astonishingly counterintiutive conclusion: if no land uses changes can occur on already developed land, then the more fully developed the land around the site for a new container terminal, the less the impact of the new terminal will be! 4-25

Clearly, the greater the existing development around a potential port site, the *greater* its impacts will be for land values and for thousands of people.

(3) Cumulative impacts

There is no acknowledgment in the DEIS of a second major project proposed for the same area--the Burlington Northern and Santa Fe's San Jacinto Rail. Federal law requires a combined EIS when the cumulative impacts of two projects affect the same area, as is certainly the case in this instance. Thus in addition to the Bayport DEIS land use evaluation being inadequate in itself, it also falls utterly short in failing to address the San Jacinto Rail at all. 23-10

Any one of the above problems constitutes reason enough to call for a supplemental DEIS on Bayport, at the very least. Any of the three, if properly addressed, would likely result in a clear imperative to deny the Port of Houston Authority's permit application.

Yours faithully,

Justin Wilkinson

M. Justin Wilkinson, Ph.D.

cc:
Lt. Gen. Robert B. Flowers, HQ US Army Corps of Engineers
Colonel Leonard D. Waterworth, Galveston District Engineer and Commanding Officer
Rep. Nick Lampson, U.S. House of Representatives
Sen. Kay Bailey Hutchison, U.S. Senate
Sen. Phil Gramm, U.S. Senate
Rep. Sheila Jackson Lee, U.S. House of Representatives
Rep. Kenneth E. Bentsen, Jr., U.S. House of Representatives
Rep. John Culberson, U.S. House of Representatives
Rep. Tom DeLay, U.S. House of Representatives
Rep. Gene Green, U.S. House of Representatives
Mayor Lee P. Brown, Houston
Shelley Sekula-Rodriguez, Houston City Council

Duplicate
MAR 0 8 2002

Dr. M. Justin Wilkinson

526 Surk Oaks Drive
Seabrook, Texas 77586
281-474-9220

Mr. Kerry Stanley
U.S. Army Corps of Engineers
Galveston Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Dear Mr. Stanley,

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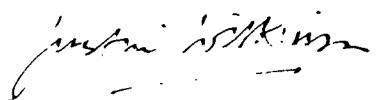
Any one of the above problems constitutes reason enough to call for a supplemental DEIS on Bayport, at the very least. Any of the three, if properly addressed, would likely result in a clear imperative to deny the Port of Houston Authority's permit application.

Yours faithully,



M. Justin Wilkinson, Ph.D.

cc:
Lt. Gen. Robert B. Flowers, HQ US Army Corps of Engineers
Colonel Leonard D. Waterworth, Galveston District Engineer and Commanding Officer
Rep. Nick Lampson, U.S. House of Representatives
Sen. Kay Bailey Hutchison, U.S. Senate
Sen. Phil Gramm, U.S. Senate
Rep. Sheila Jackson Lee, U.S. House of Representatives
Rep. Kenneth E. Bentsen, Jr., U.S. House of Representatives
Rep. John Culberson, U.S. House of Representatives
Rep. Tom DeLay, U.S. House of Representatives
Rep. Gene Green, U.S. House of Representatives
Mayor Lee P. Brown, Houston
Shelley Sekula-Rodriguez, Houston City Council

DP10939

Eunice M Cherry
4703 Hawthorne St
Seabrook TX 77586-2029

MAR 0 7 2002

March 6, 2002

U..S Army Corps of Engineers
Attn: Kerry Stanley
P.O. Box 1229
Galveston, Texas 77553

I am disputing the statement by the U.S..Army Corps of Engineers in their DEIS report on the Port of Houston Bayport Project of only 2.5 acres of wetlands.

As a resident next to the property that the Port of Houston,s pepposedBayport container port would deatroy,since 1964, I know there are more than 2.5 acres of wetlands. When I heard the report by one of the five most respected geologists in the U.S., Dr. John Jacobs, at the Galveston Bay Conservation & Preservation Association (GBCPA), Febreary 21, 2002, my doubts were confirmed. I understand it is unlawful to destroy such unique wetlands of more than 300 acres which are essential to the ecology of Galveston Bay. 14-2

Because of Dr. Jacobs analysis of the land included in the proposed Bayport project, I am calling your attention to this discrepancy in the Corps of Engineers Bayport DEIS and request that an expert in analysis of wetlands be hired to resolve the wetlands issue.

Reppectfully,
Eunice Cherry
Einice Cherry

DP10940
SCC

MAR 0 8 2002

CLEAR CREEK
INDEPENDENT SCHOOL DISTRICT
Committed to Educational Excellence

John E. Wilson, Ph.D.
Superintendent

2425 East Main Street
League City, Texas 77573
Phone: (281) 338-5806
Fax: (281) 338-5801

March 6, 2002

Mr. Kerry Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, Texas 77553-1229

Dear Mr. Stanley:

Enclosed is a Resolution signed by officers of the Clear Creek ISD Board of Trustees, which expresses our opposition to the proposed Bayport Expansion. Please share this Resolution with the appropriate people. Thank you.

Sincerely,

John E. Wilson

Enclosure

10940 MAR 0 8 2002

Clear Creek Independent School District
2425 East Main Street
League City, Texas 77573

BOARD OF TRUSTEES
RESOLUTION

WHEREAS, the Port of Houston authority has failed to provide adequate impact studies indicating the effect of emissions from increased numbers of vehicles due to proposed the Port of Houston Bayport expansion; and 7-7

WHEREAS, emissions from additional traffic in the Port of Houston Bayport expansion area could have a detrimental effect on the health, welfare, and well-being of school children, faculty, staff, and residents of the Clear Creek Independent School District; and 7-10

WHEREAS, without adequate information regarding the impact on personal health and safety and the total environmental impact of the proposed Port of Houston Bayport expansion, 21-33

BE IT RESOLVED, that the Board of Trustees of the Clear Creek Independent School District cannot support the Port of Houston Bayport expansion as proposed. 29-3

Passed and Approved on the 26th day of February 2002.

Paula Tomasi, President
Board of Trustees

Paula Thomas, Secretary
Board of Trustees

MAR 0 8 2002

DP 10941

National Cargo Bureau, Inc.

MARINE CARGO SURVEYS ■ CERTIFICATION

11811 East Freeway
Suite 420
Houston, TX 77029
Tel: (713) 451-4303
Fax: (713) 450-3330

March 7, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U. S. Army Corps of Engineers, Galveston District
P. O. Box 1229
Galveston, TX. 77553-1229

Dear Colonel Waterworth:

As Senior Surveyor of the National Cargo Bureau, Inc. in Houston, I want to let you know that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority and without further delay. 29-55

The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works directly in the maritime community, we depend on the Port of Houston. 29-1

We know a growing amount of goods is transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities. Let me be clear: It would have a significant negative effect on our company, and others, if this facility is not built. 1-1 6-28

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-13

Again, the Corp's Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 33-22

Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project. 29-25

Sincerely,

Captain Michael Camm
Senior Surveyor, Houston

DP 10941

cc: Kerry Stanley, U. S. Army Corps of Engineers
James T. Edmonds, Chairman Houston Port Authority

DP 10942 dai MAR 0 7 2002

Ross Boudreau
538 Surf Oaks Drive
Seabrook, TX 77586

Mr. Kerry Stanley
U.S. Army Corps of Engineers
Galveston Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Dear Mr. Stanley,

BAYPORT COMMENTS
RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES
DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

I wish to bring to your attention two significant failures in the draft Environmental Impact Statement for the proposed Bayport project referenced above.

(1) The Bayport DEIS entirely fails to address the effects that a **50-foot-deep channel** would have on the environmental integrity of Galveston Bay. The Port of Houston Authority's permit application for Bayport requests permission to construct wharves engineered to a depth of 56 feet. The Houston Ship Channel is approved for a depth of only 45 feet, as you are well aware. Citizens have rejected 50-foot depth at the ballot box because of the harm this would cause to commerical fisheries and to nursery stocks vital to commercial fisheries by means of saltwater intrusion into the estuary. 12-2

If the Port of Houston Authority is allowed to construct a $1.2 billion facility with wharves designed for 50 feet, it is blindingly clear that they will subsequently determine that 50-foot depth is needed to support this huge investment of public funds, and they will attempt to force this upon us. Yet the Corps did not analyze this. We need to know what the impacts would be *before* a $1.2 billion facility is built.

(2) A second glaring mission from the Bayport DEIS is discussion of **fine particle air pollution**. This also is entirely missing from the analysis, despite tha fact that an effective national standard for fine particle pollution or PM 2.5 does exist. A number of citizens specifically requested at the Scoping meeting on this project that the fine particle pollution inevitably going to be generated by a large container port served by thousands of trucks each day should be carefully assessed. In view of the high public profile of hearings on the State Implementation Plan for air pollution--during the very same period that the Bayport DEIS was being prepared--it is mystfying in the extreme that this kind of air pollution received no evaluation at all in the DEIS. 7-4 7-52

DP 17942 fax

A study by Sonoma Technology, commissioned by the City of Houston, has indicated that we already have 435 premature deaths a year in Harris County as a result of fine particle pollution, and that thousands more people are made sick each year by this form of air pollution. Diesel fuel is an especially signficant producer of fine particle contaminants, and ships, trains and port equipment would all contribute an additional load besides that of the exhaust of thousands of aditional trucks per day. It is irresponsible and improper for the Corps of Engineers simply to ignore these documented health effects. 7-31

In light of these serious failings in the Bayprt DEIS, I respectfully request that at the very least, a SUPPLEMENTAL DRAFT EIS be required on this project. The only other acceptable alternative would be to deny the permit application altogether. 23-19 29-5

Yours sincerely,

Ross Boudreau

cc:
Lt. Gen. Robert B. Flowers, HQ US Army Corps of Engineers
Colonel Leonard D. Waterworth, Galveston District Engineer and Commanding Officer
Rep. Nick Lampson, U.S. House of Representatives
Sen. Kay Bailey Hutchison, U.S. Senate
Sen. Phil Gramm, U.S. Senate
Rep. Sheila Jackson Lee, U.S. House of Representatives
Rep. Kenneth E. Bentsen, Jr., U.S. House of Representatives
Rep. John Culberson, U.S. House of Representatives
Rep. Tom DeLay, U.S. House of Representatives
Rep. Gene Green, U.S. House of Representatives
Mayor Lee P. Brown, Houston
Shelley Sekula-Rodriguez, Houston City Council

MAR 0 7 2002

DP 10943

DRUSILLA DICKSON
502 Pine Gully Road
Seabrook, TX 77586
281-474-2494

Mr. Kerry Stanley
U.S. Army Corps of Engineers
Galveston Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Dear Mr. Stanley,

BAYPORT COMMENTS

RE: Port of Houston Authority's Proposed Bayport Container Terminal
Department of the Army Application Number 21520

As a long-time resident adjacent to Pine Gully creek, and a former Park Board member for the City of Seabrook--(which recently received an award from the Texas General Land Office for its wetlands conservation plan)--I am especially conscious of the importance of conserving wetlands.

I am therefore dismayed at the claim in the draft Environmental Impact Statement for the proposed Bayport project that only 2.5 acres of wetlands on the site are considered "jurisdictional" by the Corps of Engineers. With respect, this is a claim readily open to challenge.

There are **extensive seasonal wetlands** on this site. Prairie potholes are a characteristic wetland type there, and nearly all of these wetlands are within a mile or less of the Galveston Bay shore. Portions of the land drain into Pine Gully. Downstream of the site on Pine Gully is the flagship park in the Seabrook park system, Pine Gully Park.

As you must be well aware, a number of studies of the site's hydrology have been commissioned by the Port of Houston Authority since it purchased the land several years ago. All of these studies have been by reputable environmental firms, and they have identified wetland acreage ranging up to and above 100 acres--in one case even above 200 acres. In an area of close to 1,000 acres on the Texas Coastal Plain, like the Bayport site, it is no surprise to find that kind of proportion of the acreage displaying wetlands characteristics. 14-20

What *is* surprising is to find the Corps of Engineers claiming only 2.5 jurisdictional acres in the Bayport DEIS, in view of the much larger acreages identified in all earlier studies. When the level of regulatory scrutiny of a project by the state is much greater if over 3 acres of wetlands are affected--that is, when the TNRCC cut-off for **tier II review** is impacts of 3 acres or more--it is difficult to escape the feeling that a claim of only 2.5 "jurisdictional" acres may be an attempt to ensure that the permit applicant is subject only to the much less stringent tier I review. 14-4

This does not bespeak the Corps taking environmental responsibility for wetlands seriously. It looks dangerously like a cop-out.

Further, you will also doubtless be aware that more than six miles of ditches were dug on portions of this property close to the time of its acquisition by the Port of Houston Authority. The purpose of that ditching appears to have been to drain the site. Regardless of who dug those ditches, or why, examination of recent aerial photography of the site shows that the ditches have had the effect of connecting at least some of the wetland acreage on the site to Pine Gully. 14-4

In the event that a legal determination has to be made, these wetlands are higly likely to be considered to have the "adjacency" to waters of the United States that is needed for them to be considered "jurisdictional," and there is little question that the acreage concerned amounts to substantially more than 2.5 acres.

There are other faults in the DEIS analysis of wetlands impacts too. Likely wetland losses at sites considered as alternatives to Bayport are called a **"long-term adverse impact."** But the loss of similar wetlands at Bayport ("jurisdictional" or otherwise) is not called a long-term adverse impact. Why not? This appears to indicate bias toward Bayport in the evaluation. 14-28

The assessment of **flooding potential** again contains weaknesses. Several of the alternative sites are on islands, but Bayport is an upland site, which means that runoff from extensive impermeable development will potentially affect downstream and adjacent properties, whereas the runoff from most alternative sites would go directly into the bay. But there is no comparative assessment of this in the DEIS. The detention plans offered in the DEIS are merely suggestions and have not been modeled to see if they will work. Flooding is a potentially major concern when more 1,000 acres of hard surface are to replace a natural sponge. 33-4

Proper handling of wetland conservation is a make-or-break proposition for to the Bayport permit application. The analysis needs to be complete, and the DEIS must do justice to the mandate of the Corps of Engineers to safeguard wetlands against damage and loss. I respectfully submit that a supplemental DEIS is needed to bring the Corps into a position of dignity as regards its mandates under federal law. 14-29

Yours sincerely,

Drusilla Dickson

cc: Lt. Gen. Robert B. Flowers, HQ US Army Corps of Engineers
Colonel Leonard D. Waterworth, Galveston District Engineer and Commanding Officer
Rep. Nick Lampson, U.S. House of Representatives
Sen. Kay Bailey Hutchison, U.S. Senate
Sen. Phil Gramm, U.S. Senate
Rep. Sheila Jackson Lee, U.S. House of Representatives
Rep. Kenneth E. Bentsen, Jr., U.S. House of Representatives
Rep. John Culberson, U.S. House of Representatives
Rep. Tom DeLay, U.S. House of Representatives
Rep. Gene Green, U.S. House of Representatives
Mayor Lee P. Brown, Houston
Shelley Sekula-Rodriguez, Houston City Council

MAR 0 7 2002

PUBLIC HEARING COMMENT

DP **10944**

U.S. Army Corps of Engineers
Galveston District

DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED BAYPORT MARINE TERMINAL

This form may be used to provide your comments resulting from review of the Draft Environmental Impact Statement for the proposed Bayport Marine Terminal. Written comments may also be sent directly to:

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

All written comments should be received by ~~February 11~~ 2002.

Name: Myra K. Guarino

Address: 214 Garfield

City, State and Zip: La Porte, Tx. 77571

Comment:

I am greatly appalled that the politicial city of Houston would want to build this port (Bayport) in the midst of a bay recreational area consisting basically of homes, schools, and churches.

The Corps of Engineers should not approve of this location (Bay Port) because of the impact it should have on the citizen's health, welfare and environment. 29-78

The trucks + rail alone would make our air unbreathable not to mention the the traffic problems that would occur. We do not want any more negative impacts on our health, safety, habitat and the enjoyment of Galveston Bay. 27-28 29-82

Texas City wants this port — Build it there! The Corps of Engineers should deny the Bay Port application 2-3 29-39

Myra K. Guarino

MAR 0 7 2002

PUBLIC HEARING COMMENT

10945

U.S. Army Corps of Engineers
Galveston District

DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED BAYPORT MARINE TERMINAL

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Regulatory Branch
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Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

All written comments should be received by [redacted], 2002.

Name: PETER J. GUARINO

Address: 217 GARFIELD

City, State and Zip: LA PORTE, TX - 77571-6423

Comment:

My primary concern is that the "Quality of Life" will be destroyed or greatly decreased by the implementation of the plans for the building of "BAYPORT" by the Port of Houston LEADERS. 22-91

They admit to 5000-6000 trucks daily will be added to the traffic in this area. We already have most of the Chemical Companies in the Houston area here polluting our air + the trucks will greatly add to this problem, in addition to the deadly accidents that will result. 7-83

Bayport will also kill the recreation benefits that Galveston Bay offers. 32-4

I understand that an excellent Alternative site is available in Texas City. 2-3

Peter J. Guarino

MAR 0 7 2002

SP 10946

Weda Scholes
538 Surf Oaks Drive
Seabrook, TX 77586

Mr. Kerry Stanley
U.S. Army Corps of Engineers
Galveston Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Dear Mr. Stanley,

COMMENTS
RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

I write to urge you to prepare a supplemental draft Environmental Impact Statement on the Bayport permit application because the Alternatives Analysis in the existing DEIS is so weak and biased in so many respects as to be essentially useless. It is a failure on the part of the applicant and the Corps of Engineers, and it must be remedied. 2-91

First, none of the of the **"combination alternatives"** avoids Bayport, with the result that three of the seven final so-called "alternatives" are Bayport-based--not really alternatives at all. Spillman's Island near Barbour's Cut and Shoal Point in Texas City are sufficiently large enough to have been combined with some of the smaller sites to create genuinely *alternative* options, but there is no analysis of these possibilities. Rather, the combination alternatives in the DEIS appear to be ways to enhance the likelihood of the Port of Houston Authority getting a permit to begin work at Bayport. 2-92 2-93

Second, the basis for the alternatives analysis in the DEIS involves extensive space being devoted to a cruise terminal. Some alternative sites are eliminated because of lack of space for a cruise terminal. This is an absurd basis for rejecting alternative possible container port sites. The **cruise market in Houston is exceedingly tentative** in nature. We already *have* a cruise terminal at Barbours Cut, and for most of the time it has existed, cruise lines have not been regular callers. Those lines that have used it have made short-term contracts and/or have failed to show that the market is viable. 2-94 32-17

Further, There is no need for container and cruise facilities to be at the same location--quite the contrary: there are many advantages to having cruise facilities at a *different* location from all the container yards and truck traffic that inevitably surround a container port. 2-102

Third, honest evaluation of the suitability of sites would exclude Bayport anyway. After the tier 1 evaluation shown in the DEIS identified 78 potential container terminal sites, the tier 2 analysis that reduced this number to 11 should have excluded Bayport. Had the tier 2 criteria been fairly applied, **Bayport would be excluded.** Criteria for tier 2 evaluation include navigational access, dredging requirements, available backland, land use constraints, road and rail access, and social and environmental impacts. The impacts of a port at Bayport on surrounding communities would be far greater than that of any of the other alternative sites because of the very much larger numbers of people living within a four- or five-mile radius of this site--some 23,000 people, as opposed to 5,000 people or fewer at other locations. 2-95 2-96

Given these grave shortfalls in the alternatives analysis presented in the Bayport draft Environmental Impact Statement, the only honorable course of action for the Corps of Engineers in exercising its federally mandated environmental responsibilities is to prepare a supplemental DEIS to address these matters. 2-101

Yours faithfully,

Weda Scholes

cc:
Lt. Gen. Robert B. Flowers, HQ US Army Corps of Engineers
Colonel Leonard D. Waterworth, Galveston District Engineer and Commanding Officer
Rep. Nick Lampson, U.S. House of Representatives
Sen. Kay Bailey Hutchison, U.S. Senate
Sen. Phil Gramm, U.S. Senate
Rep. Sheila Jackson Lee, U.S. House of Representatives
Rep. Kenneth E. Bentsen, Jr., U.S. House of Representatives
Rep. John Culberson, U.S. House of Representatives
Rep. Tom DeLay, U.S. House of Representatives
Rep. Gene Green, U.S. House of Representatives
Mayor Lee P. Brown, Houston
Shelley Sekula-Rodriguez, Houston City Council

MAR 0 8 2002

DP 10947

March 7, 2002

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

Dear Colonel Waterworth:

As Chairman and Chief Executive Officer of Parkway Investments/Texas, I want to let you know of my full support for the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay.

The Port of Houston is a major factor in the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but the entire country. 1-32

The Corps has done and outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, leads to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound and will be successful in its economic impact, including additional tax revenues. 2-85

The Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-70

Please do not hesitate to contact me if you would like to discuss this further. My support, and the support of this company, is fully behind the study which the Corps has completed and we enthusiastically endorse the Bayport project. 29-77

Sincerely,

Ned S. Holmes
Chairman and Chief Executive Officer

cc: Kerry Stanley, U.S. Army Corps of Engineers
James T. Edmonds, Chairman, Houston Port Authority

A P&O Company 55 Waugh Drive, Suite 1111 Houston, Texas 77007 713/621-1880 Fax 713/864-8886

PARKWAY INVESTMENTS/TEXAS

TP 10948 y

PUBLIC HEARING COMMENT

U.S. Army Corps of Engineers
Galveston District

DRAFT
ENVIRONMENTAL IMPACT STATEMENT
FOR THE PROPOSED
BAYPORT MARINE TERMINAL

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U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

All written comments should be received by ~~February 11~~ March 13, 2002.

Name: VIRGINIA W. GARRETT

Address: 203 BAY COLONY CIRCLE

City, State and Zip: LA PORTE, TX 77571

Comment: BEFORE the Corps can issue a permit to build a Bayport container facility it must examine the mediation "solutions" the Port is offering to nearby home owners - for example the multimillion dollar sound abatement wall/berm to be erected along the north shore will not lessen noise - but indeed increase it for homes a slight distance (2-3 blocks) away. Also it will completely ruin our view and breeze + ruin our home's value. The "cure" is worse than disease ?! 3-17 28-9

DP 10949

U.S. Army Corps of Engineers
Galveston District

PUBLIC HEARING COMMENT

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Regulatory Branch
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Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

All written comments should be received by ~~February~~ March 13 11, 2002.

Name: VIRGINIA W. GARRETT

Address: 203 BAY COLONY CIRCLE

City, State and Zip: LA PORTE, TX 77571

Comment:

As our Congressman said, "Is it worth it to have thousands of people furiously angry with the Corps"? If you grant this permit when there are obvious much better sites than Bayport the Corps will have grown itself the pawn of political influence and "good old boy" crony-ism. Please listen to huge swell of opposition from the citizens of the area & deny the permit to build a container port at Bayport

2-29

29-39

DP 10950

U.S. Army Corps of Engineers
Galveston District

PUBLIC HEARING COMMENT

DRAFT
ENVIRONMENTAL IMPACT STATEMENT
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BAYPORT MARINE TERMINAL

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Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

All written comments should be received by ~~February 11~~ March 13, 2002.

Name: VIRGINIA W. GARRETT
Address: 203 BAY COLONY CIRCLE
City, State and Zip: LA PORTE, TX 77571

Comment: I believe the PHA is deliberately sabotaging an alternate site for Bayport. Stillman's Island could be treated for soil improvement making it adequate for the Port's "reported need" for expansion* Instead watering down is happening there to the newly dredged HSC deposits going in at Stillman's Island. They could put a large portion of the dredge material ~~in~~ at Stillman's Island and make it a very good alternative. 2-22 2-124

* Never have I seen all the cranes at Barbour's Cut in use at the same time —

DP 10951

U.S. Army Corps of Engineers
Galveston District

PUBLIC HEARING COMMENT

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Regulatory Branch
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Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

All written comments should be received by ~~February 11~~ March 13, 2002.

Name: VIRGINIA W. GARRETT

Address: 203 BAY COLONY CIRCLE

City, State and Zip: LA PORTE, TX 77571

Comment:

The Port of Houston Authority is not a good civic neighbor. Our Bay is already cut in half with a poorly marked channel. They have never fulfilled promises made to Morgan's Point residents made years ago until they wanted support for Bayport (this was a tree-planting promise). And they failed to maintain the 300 foot green belt on the Bayport north shore promised at the time the Bayport canal was cut. It is now less than 50'. And they never bulkheaded it, as promised, until 2001 when they wanted support for the container terminal. What they have done now is inadequate. How can the Corps believe anything promised by the PHA? 5-24

DP 10952

U.S. Army Corps of Engineers
Galveston District

PUBLIC HEARING COMMENT

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U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
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Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

All written comments should be received by ~~February 11~~ March 13, 2002.

Name: VIRGINIA W. GARRETT

Address: 203 BAY COLONY CIRCLE

City, State and Zip: LA PORTE, TX 77571

Comment: Since the dreadful events of September 11, the entire American nation has been made aware of the dangers of terrorism. Yet the PHA wants to directly endanger 1000's of homes where people live by letting 100's of unexamined containers come into their neighborhoods. How can the Corps - a branch of the U.S. Army be so irresponsible as to put civilians in harm's way by granting this permit? 21-20

DP 10953

U.S. Army Corps of Engineers
Galveston District

PUBLIC HEARING COMMENT

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Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

All written comments should be received by ~~February 1~~ March 13, 2002.

Name: VIRGINIA W. GARRETT
Address: 203 BAY COLONY CIRCLE
City, State and Zip: LA PORTE, TX 77571

Comment:

I live on the north shore of the Bayport Channel - it is less than 50' from my back door. Last fall I was diagnosed with adult-onset asthma (rare). The pollution generated by a container port in my back yard is an unthinkable catastrophic event for me. I would be forced to sell our home (my husband and I are both retired) If the PHA has bought the Corps through political influence - don't you at least still have a conscience and pity for my situation. 21-4 6-8

PUBLIC HEARING COMMENT

U.S. Army Corps of Engineers
Galveston District

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U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

All written comments should be received by ~~February 11~~ March 13, 2002.

Name: VIRGINIA W. GARRETT

Address: 203 BAY COLONY DRIVE

City, State and Zip: LA PORTE, TX 77571

Comment:

I attended the Public Hearing in December. I was dumbfounded that the DEIS failed to answer many many questions & issues that had been raised as concerns following the Scoping Meeting in 1999. Houston Yacht Club (to which I belong) alone, sent in a document with 30 many points that we were told would be addressed. None were. Please issue a Supplemental DEIS and respond to the specific items previously posed. Because this process is a sham — 23-9 23-6

MAR 0 8 2002

U.S. Army Corps of Engineers
Galveston District

PUBLIC HEARING COMMENT

DP 10955

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Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

All written comments should be received by February 11, 2002.

Name: Diane Atherton

Address: 102 Garfield

City, State and Zip: La Porte, TX. 77571

Comment:

For Starters my husband and I plus quite a few neighbors were at the hearing at the Thomas R Brown convension center- I feel that it was truly a waste of time since the Port Authority ramrodded and mislead people, especially the comment mentioned several times that we didn't want the Port expanding and all the jobs it would provide- WE SIMPLY DON'T WANT IT IN OUR NEIGHBORHOOD!!! It is quiet where we are. We have all kinds of birds. The kids can ride their bicycles and adults can walk. We moved here 4½yrs ago for all of this. IS IT GOING TO BE TAKEN AWAY?? DOES CORPORATE ENTITY WIN AT THE SAKE OF ALL THE PEOPLE IN MY CITY AND ALL THE OTHER CITIES THAT DO NOT WANT IT HERE?? IF so, something is terribly wrong with our government, which is suppose to be for the people and about the people which is represents.

29-37

29-15

THANK you - Diane Atherton

MAR 0 8 2002

DP 10956

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

Re: Bayport Terminal Project

Dear Mr. Stanley,

I am currently employed as a longshoreman and have made my living working on the docks in Houston for the last 35 years. My job has allowed me to provide a decent living for my family with the security of medical insurance and pension benefits for my retirement.

My family and I urge you to give your approval to the Bayport project so others and I will be able to continue to enjoy these benefits.] 29-56

Very truly yours,

Robert C. Deisch
1310 Brookhollow
DEER PARK 77536

MAR 0 8 2002

TO: The Army Corps of Engineers

DP 10957

Attn: Kerry Stanley
P.O. Box 1229
Galveston, TX 77553

The Corp's DEIS report on the proposed new Houston Port location in the Bay Port area raises more questions than it provides in answers. Independent studies conducted by creditable authorities in the various technical areas conflict with several of the Corp's technical conclusions. See report published by the GBCPA which reflects these independent findings.

The perception given, when comparing the different conclusions of the two reports, is that The Corps's report is deficient in both depth and accuracy in its findings. Since taxpayers funded the Corp's report, it is hoped that the conclusions reached were based on limited funding rather than some other reason. If there had been inadequate funding for the Study, it seems the prudent approach would have been to acknowledge the fact in the report.

23-58

It would appear that President Bush is of the opinion that The Corps can operate with an even tighter budget. Perhaps you can, but before beginning new projects more effort should be given by revisiting the DEIS in greater detail before publishing your final version. You owe it to all of the taxpayers that funded the effort.

Sincerely,

Brawley and Dotsy Marze
2010 Ocean View Drive
Seabrook, TX 77586

MAR 0 8 2002

PUBLIC HEARING COMMENT

DP 10958

U.S. Army Corps of Engineers
Galveston District

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Galveston District
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P.O. Box 1229
Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

All written comments should be received by February 11, 2002.

Name: Allison West

Address: 330 Biscayne

City, State and Zip: El Lago, TX 77586

Comment:

[The Corps of Engineers should deny the Bayport application because the construction of Bayport is not in the public interest.] A Supplemental Draft Environmental Impact Statement should be prepared to incorporate concerns and omissions such as: 29-39

① The DEIS failed to analyze the impact of Bayport's additional train traffic on transportation patterns

② The Corps of Engineers used improper noise criterion for evaluating the noise impacts from Bayport 23-55

③ The Corps of Engineers analysis used the wrong traffic projection

④ The Corps of Engineers did inadequate analysis of air pollution impacts

⑤ Inadequate analysis of marine + wetlands impacts

I am opposed to the Bayport container port. It will NOT be good for my town or neighborhood. 2-3

DP 10959

Stanley, Kerry M SWG

From: Dale Riggs [ke4hty@worldnet.att.net]

Sent: Friday, March 08, 2002 7:26 PM

To: Stanley, Kerry M

Subject: New shipping port

I am writing in response to the desire of some (very Few) individuals who wish to install a new cargo container shipping port in the La Porte area. I am a resident in Bay Colony. At 3802 Bonita lane. It may not be exactly next to the proposed site however, it is close enough to hear all the noise that goes on during current shipping traffic. How much noise do you think I'll receive once the facility becomes a major 24 hour facility? I think quite a bit! How much do you think my property value will decline? I think more then what I have invested so far! Why the determination to build on this specific location? What is wrong with utilizing land that will never be used for anything else but industry such as the property immediately South West of the Fred Hartman Bridge? It is adjacent to the current port in La Porte? It bothers me that public opinion though it has been asked for has not been heard or acted upon. It seems apparent that individuals who have deep pockets are the only ones that agree to this scam and are the only ones to gain from this endeavor. All individuals who commute on Route 146 have enough trouble getting too and from work between Kemah and Choate Road, what effect do you think adding 5000 semi trucks in that same vicinity will do? In the military, each year a study is made on military bases world wide concerning "Health and Comfort", of those that serve and have to reside on ships, foreign military bases, domestic bases and so on. What thought has gone into the health and comfort of those individuals, such as myself, as to the way of life I have presently and what I will have have if this port becomes a reality? This is not the first time I have attempted to respond, nor will it be the last. I personally do not feel that any of the complaints are read and if they are then considered. I write because it allows me the oppertunity to express my frustrations about this whole matter. It would be nice to learn that we the people are being thought of in the issue.

3-1
18-2
2-4
23-50
27-1
22-7

Stanley, Kerry M SWG 10960

From: Ira Chorush [ichorush@houston.rr.com]
Sent: Saturday, March 09, 2002 4:39 PM
To: Stanley, Kerry M
Subject: bayport

March 9, 2002

Mr. Kerry Stanley
U.S. Army Engineer Corps of Engineers
Galveston District Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Dear Mr. Stanley:

Thank you for this opportunity to comment on the Draft Environmental Impact Statement (EIS) for the proposed Port of Houston's Bayport container facility. Mothers for Clean Air is concerned about the added air pollution that development of this facility will bring to an area already out of compliance for ground-level ozone and likely to be out of compliance for the new PM2.5 standard. We are concerned for the nearly 100,000 children who live in Harris County whose health and future development are affected by the air they breathe on a daily basis. 7-83

As one of 800 members of Mothers for Clean Air and the children we represent, we offer the following comments on the air quality section of the Draft EIS:

1. The impact of emissions from the proposed Bayport facility must be evaluated over the short and long term. Emissions estimates indicate, for example, that nitrogen oxide (NOx) emissions will increase from 163 tons per year in 2004 to 4954 tons per year in 2025. The current State Implementation Plan is focused on reducing NOx emissions to bring this area into compliance with the federal ozone standard by 2007. NOx emissions that are continuously increasing will threaten this area's compliance once the ozone standard has been achieved. 7-59

2. The draft EIS evaluates particulate matter 10 microns in diameter and smaller (PM10) but does not address fine particulate matter (PM2.5). PM2.5 is air borne pollution created from combustion that is small enough to be inhaled deep into the lungs where it cannot be exhaled and can cause serious health problems. Just this week, a 16-year study of 500,000 people concluded that breathing levels of PM2.5 above the health standard is comparable to the health effects of living with a smoker and breathing second-hand smoke. Although at the time the draft EIS was prepared, the PM2.5 standard had been challenged by the trucking industry, it has been upheld by the Supreme Court and will be enforced in a matter of time. Therefore, the final EIS must contain a separate evaluation of the PM2.5 contribution by the proposed Bayport facility. 7-97

3. The sources of particulate air pollution identified in the draft EIS are numerous:
- Over 1000 additional daily vehicle trips in 2005 increasing to 16,000 by 2025 and more than half will be trips by trucks.
- Off-road mobile construction equipment such as cranes, bulldozers, and front-loaders and on-road construction vehicles, like dump trucks that are typically diesel-powered, the highest emitter of PM2.5 of all liquid fuels.
- Off-road equipment for cargo handling and transport such as fork lifts and yard tractors and on-road heavy duty diesel vehicles.
- Other off-road mobile sources including diesel-powered locomotives, ships and tugs.

The PM2.5 evaluation must include all the sources listed in the draft. Ideally, an analysis of the health effects of the more than 35 hazardous substances associated with diesel emissions would also be conducted. 7-61

4. In addition to evaluating the effects of Bayport emissions on the airshed, impacts to individuals in the surrounding area need to be evaluated. Receptors such as homes, schools, churches, and other places where individuals may be impacted by the proposed facility have been identified for noise levels. These same receptors need to be used for monitoring or modeling air pollution levels. 7-110

10960

5. TNRCC's Deer Park Monitor (C35) and HRM site 8 were used for the draft DEIS. A new TNRCC monitor measuring PM2.5 has been located at Seabrook Friendship Park (C45) and should be used for the reanalysis that includes PM2.5.

7-63

6. The environmental justice issues of increasing air pollutants and increasing diesel traffic, both truck and locomotive, in the low-income and minority areas of East and Southeast Houston must be evaluated.

We recommend that these effects be analyzed separately for children because they are at increased risk of suffering from air pollution due to their unique behavior and small, developing bodies. In 1996, approximately 100,000 children in Harris County had asthma. These are the children who will suffer the most from the added air pollution burden imposed by construction of a marine terminal complex on the Bayport Ship Channel

26-7

Sincerely yours,

Evelyn M. Chorush

DP 10961

Stanley, Kerry M SWG

From: alfordgary@netscape.net
Sent: Saturday, March 09, 2002 9:13 AM
To: Stanley, Kerry M
Subject: Bayport Marine Terminal Support

Mr. Stanley,
Please use this E-mail as a vote of support for our areas much needed Container Terminal. As a long time resident (9 yrs) of Shoreacres, I truly believe that this Terminal Complex will help the Houston/Baytown area. Our quality of life will be enhanced and we will be ensuring a strong economic future for our children.

Although our neighborhood will not be directly effected, I believe there will be little effect on the two adjacent neighborhoods. Proof of this is the very low impact that the container facility next to Morgan's Point has on that community. I know that there is a small fraction of people who have been voicing their opposition but, when they see the great benefits of this project, they too will see that their "knee jerk" reactions were an unwarranted over-reaction.

Thank you,

Gary Alford
Shoreacres, TX

--

Your favorite stores, helpful shopping tools and great gift ideas. Experience the convenience of buying online with Shop@Netscape! http://shopnow.netscape.com/

Get your own FREE, personal Netscape Mail account today at http://webmail.netscape.com/

DP 10962

Stanley, Kerry M SWG

From: Stan and Jane Krauhs [krauhs@wt.net]

Sent: Monday, March 11, 2002 6:19 AM

To: Stanley, Kerry M

Subject: Comments to DEIS on proposed Bayport Marine Terminal

Dear Mr. Stanley,

We are citizens of Shoreacres and are opposed to the proposed Bayport Marine Terminal. There are many areas of the DEIS where the analysis is woefully incomplete or faulty to the point where a supplemental DEIS is required and we hereby request that one be done. If one steps back and reviews the logic used in the various sections and the comparisons to the "no build" alternative, one will see many inconsistencies and a clear bias toward the Bayport site rather than a true analysis. We suggest that the best test that you can use on any part of the DEIS is to ask yourself if that analysis will hold up to a judge, because most likely it ultimately will have to pass that test. 29-39 23-20 23-34

Traffic
The traffic studies don't take into account the money that TxDOT would spend to provide the infrastructure needed for the project. These improvements are not even proposed yet by H-GAC and their assurance is not controlled by the Port of Houston should a permit be issued. I suggest that this situation may not be legal under NEPA without firm assurances from the appropriate authorities of such infrastructure improvement and their timing, prior to application for a permit. 27-25

Air Quality
Living so close to the project, we are not so interested in its effect on the overall state of the greater Houston SIP area but the effect on us, only a mile away. The DEIS does not address the local air pollution and does not address the small-particle (PM2.5u) pollution, which is the most hazardous to one's health. This project will produce many tons of these small particles that over time will degrade the overall health of the citizens of the area. 9-4

Noise Impact
We found this portion of the DEIS confusing and most incomplete. There was no modeling, no wind effects analysis, and no spike noise analysis, and the chart we were reading did not even include ship's horns, which are already a problem. The comparable acceptable level should have been that of the present surrounding area (quiet neighborhoods) and not some government level that does not apply. As for the mitigation proposed, it will be inadequate and is not actually part of the DEIS for the north shore. 3-4 3-7

Land Use Impact
All of the above and more will have a definite and negative impact on land values. This will in turn impact the local communities and the schools. One only needs to look at other ports, the Port of Houston for example, to see the long-term effects of such an industry on the use of surrounding land. To brush this topic off in the DEIS to the FEIS is just not being fair in applying the NEPA process. We deserve to know the estimated impact now, not later. 4-4

Wetlands
All we can say about this part of the DEIS is that it was enjoyable reading compared with the Shoal Point DEIS on the same piece of land. We realize that there are several definitions here, but two different contractors doing the same high-quality work should come up with comparable results. They do not. When the magic number is 3 acres of wetlands and the analysis comes up with 2.5 out of a 1000-acre plot, someone is looking at the result and making the analysis fit. 14-4

Alternatives
We do not know to what extent the contractor is expected to look for innovative designs or even state-of-the-art designs, but there are better ones for container ports elsewhere in the world than we are seeing here. Those better designs would make some of the alternatives that were reviewed much more feasible and less costly. In many respects the contractor or the Port has placed what seem to be arbitrary constraints on the project that bias it towards Bayport. This again is not the spirit of the NEPA process. 2-11 2-73 2-84

In conclusion, we did not know what to expect from this DEIS, but quite frankly we are disappointed after all the

10962

time and money spent on it. And we might add that it was our money, as the PHA is a tax-supported entity. So now that we see what we have and we see where it has come up short, let's complete it so that there is the least possibility that anyone can say that "politics" was involved. Even those who disagree then should be able to say that the final decision was the best decision after all the factors were properly evaluated. We are not yet at that point. A supplemental DEIS is required. 23-35 23-19

Respectfully submitted,

Stan and Jane Krauhs
1103 Shoreacres Blvd.
Shoreacres, TX 77571

P10963

TO: Mr. Kerry M. Stanley
U.S. Army Corp. of Engineers
Galveston District, Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229
FAX 409-766-6301

March 11, 2002

FROM: Richard & Linda Warrington and concerned citizens of Nassau Bay

RE: Proposed Bayport Container Port

Dear Mr. Stanley:

We are faxing you our comments voicing opposition to the Bayport Marine Terminal as proposed in its Bayport location. We highly recommend another location for it, which has less impact on homeowners and their quality of life. These comments have been signed by **43 other Nassau Bay homeowners** in the form of a petition to you to revise your stand. Please reconsider this location.

29-32
18-2

Sincerely,

Richard & Warrington Linda Warrington

Richard and Linda Warrington and residents of Nassau Bay
E-mail: warringtewt.net

P 2 of 4

BAYPORT MARINE TERMINAL

We, the undersigned, are opposed to the Bayport Marine Terminal as proposed due to the negative impact on pollution, traffic congestion and safety issues, and home values. We suggest another location which has less impact on homeowners and their quality of life.

	NAME	ADDRESS	TEL. NO.
1.	[illegible]	18706 Capetown Dr Nassau Bay TX	281-333-18[illegible]
2.	Donald L Short	18703 Capetown Dr Nassau Bay	281 333-5705
3.	Dorothy A. Short	18703 Capetown Dr Nassau Bay	281-333-5705
4.	Terry M Emmert	18619 Capetown Dr Nassau Bay	281-333-4864
5.	Janie Emmert	18619 Capetown Dr Nassau Bay	281-333-48[illegible]
6.	[illegible] Gold	18611 Capetown Dr. Nassau Bay	281 333 3125
7.	CHUCK JAKOB	18611 CAPETOWN DR. NASSAU BAY	281-333-3105
8.	Sinh Nguyen	18607 CAPETOWN Dr Nassau Bay	281 333 1186
9.	Angel Romero-Maldonado	18603 Capetown, Nassau Bay	
10.	[illegible]		
11.	[illegible]	Nassau Bay	281-333-308
12.	[illegible]	1426 Private Cove Houston, Tx	281-333-2[illegible]
13.	Holly Williamson	1442 Private Cove Houston	2813334[illegible] 77058
14.	ALI Y. ALJEE	1443 Kingston Ln Houston	2813337779
15.	[illegible]	18618 PT LOOKOUT DR	281 333 9412
16.	Mike Barrett	18706 Point lookout Dr	281 333 0131
17.	[illegible]	18714 Point Lookout Dr	281-333-1746
18.	Marianne Sturgis	18723 Point Lookout	281-333-019[illegible]
19.	[illegible]	18719 Point Lookout Dr	281-333-4340
20.	Cynthia Martin	18719 Point Lookout Dr	281-333-4340
21.	Betty Lehon	18707 Point Lookout Dr	281-333-7890
22.	Monica Ruth	18639 Point Lookout Dr	281-333-74[illegible]
23.			

10963

P 3 of 4

BAYPORT MARINE TERMINAL

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	NAME	ADDRESS	TEL. NO.
1.	Rose Minor	1602 Saxony Ln, Nassau Bay Tx	281-333-1520
2.	D. R. TURLEY	1606 SAXONY LN	281-333-1789
3.	Christine Carl	1620 Saxony Lane	281 333 125
4.	Daniel C. Presott	1622 Saxony Lane	281-333-467
5.	Ellen Kleinitop	1624 Saxony Lane	281-333-0120
6.	Ken Provine	18209 Vinland	281 333-58
7.	A. ALVAREZ	18234 VINLAND	281 333 5056
8.	Lorella G. Duc	18232 Vinland	281 333-4371
9.	Elaine Vauthier	18217 Vinland	281-333-5917
10.	Faye & Tom Comeaux	18215 Vinland Dr.	281 333-19
11.	Helen L. Embry		281-333-33
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P 4 of 4

BAYPORT MARINE TERMINAL

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	NAME	ADDRESS	TEL. NO.
1.	Richard E Warrington	18606 Captown Dr.	281 333 1843
2.	H. [illegible]	18622 Capetown Dr	281-338-3369
3.	[illegible]	18614 Capetown Dr	281-338-3004
4.	[illegible] T. Bugg	18606 CAPETOWN	281 333-4170
5.	Janice C. Hughes	18514 Capetown	281-333-228
6.	David [illegible]	18506 Capetown	281 333 4663
7.	Sam Stephens	18502 Capetown	281-333-3527
8.	Don Kirchoff	1419 PIRATES	281-335-0561
9.	Bill Fedderson	1435 Pirates Cove	281-333-3411
10.	K Zazac	18510 Point Lookout	281.333.1992
11.	Thomas H. Fanty	18506 POINT LOOKOUT DR.	281-333-2160
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Duplicate of 10963

MAR 1 2 2002

TO: Mr. Kerry M. Stanley
U.S. Army Corp. of Engineers
Galveston District, Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229
FAX 409-766-6301

March 11, 2002

FROM: Richard & Linda Warrington and concerned citizens of Nassau Bay

RE: Proposed Bayport Container Port

Dear Mr. Stanley:

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Sincerely,

Richard & Warrington Linda Warrington

Richard and Linda Warrington and residents of Nassau Bay
Email: warringtewt.net

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5.	Janie Emmert	18619 Capetown Dr. Nassau Bay	281-333-486
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8.	Sinh Nguyen	18607 CAPETOWN Dr Nassau Bay	281 333 1186
9.	Angie Romero-Malandruccolo	18603 Capetown. Nassau Bay	
10.		Nassau Bay	281-333-308
11.	Daresa Al Hartin	[illegible] Nassau Bay	281 333-39[illegible]
12.	Gene Thice	1426 Pirates Cove Houston, Tx	281-333-[illegible]
13.	Holly Williamson	1442 [illegible] Houston	281333[illegible] 77058
14.	ALI Y. ALDER	1443 Kingstree Ln. Houston	281 333 2779
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7.	A. ALVAREZ	18234 VINLAND	281 333 5056
8.	Lovella G. Duncan	18232 Vinland	281 333-4371
9.	Elaine Vauthier	18217 Vinland	281-333-5917
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5.	Janice C. Hughes	18514 Capetown	281-333-228
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7.	Sam Stephens	18502 Capetown	281-333-3527
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DP 10964 MAR 0 7 2002

March 11, 2002

Mr. Kerry Stanley
U. S. Army Corps of Engineers
Galveston District
Regulatory Branch
P. O. Box 1229
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Project

Dear Mr. Stanley,

I wish to notify you of my strong support of the DEIS produced by the Corps of engineers covering the proposed Bayport Terminal Project. 29-1

I'm currently employed in the marine cargo handling industry, which includes working on both container and passenger operations. Currently there is a critical need for new facilities to efficiently handle both current and projected work in the maritime industry in Houston and Harris County. Additional modern space is needed as soon as possible if current maritime companies are to make the needed investments in this region in order to retain current work and meet our regions future needs. 1-1 1-3

The DEIS fully covers all issues of concern and it is clear that the Bayport Project will meet our regions maritime needs while at the same time not having a significant negative impact on the area. I also believe concerns involving environmental issues such as air quality, storm water runoff, water quality, noise, lighting, traffic and wetlands have been properly addressed and resolved. 23-60

The Bayport site is excellent in that it is properly located in a commercial/ industrial area which will meet the needs of both vessels and shippers. No residential areas will have to be bought out. The DEIS shows that alternative sites have been properly considered and are not feasible. 2-14 2-44

It is clear that the Proposed Bayport Project is needed to protect both current and future middle-class jobs in the maritime industry as well as other middle-class jobs in industries throughout the Houston-Galveston region. It is also clear that the Proposed Bayport Project will generate needed middle-class jobs for new workers and help provide for the regions growth and a better quality of life. 1-22 6-67

I wish to request that the Corps of Engineers complete the Final Environmental Impact Statement as quickly as possible since all essential matters have been properly addressed and permit construction on the Proposed Bayport Project to begin based on the current Corps of Engineers timeframe. 23-41

Sincerely,

RC Valencia

2305 Bayou Dr

League City TX

77573

MAR 0 4 2002

March 11, 2002

DP 10965

Mr. Kerry Stanley
U. S. Army Corps of Engineers
Galveston District
Regulatory Branch
P. O. Box 1229
Galveston, Texas 77553-1229

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Sincerely,

16035 Lindstrom Rd.
Crosby, TX 77532

MAR 0 8 2002

DP 10968

Paul Estachy
11821 East Freeway
Suite 310
Houston, Texas 77029

March 11, 2002

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

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project. 29-56

I am employed in the maritime industry in this area and know of the critical need for new facilities to properly handle current and future containerized cargoes in the Port of Houston. Additional modern container space is needed if the Port of Houston is to compete and meet our region's needs. 1-28 1-30

I feel that the DEIS fully covers all of the important issues and that the Bayport Terminal Project will meet the Port of Houston's current and future needs while adequately addressing all of the environmental concerns. 20-5 29-69

Permitting of the Proposed Bayport Marine Terminal is vital in order to assure that those in the region receive the full benefits of expanded containerized growth which will result in a higher quality of life for all. I wish to request that the Corps of Engineers maintain the current timeframes and complete the required Environmental Impact Statement as soon as possible. 1-31 23-102

Sincerely,

Paul Estachy

Stevedore Holdings Inc. DBA
Southern Stevedoring Co., Inc.
Contracting Stevedores
(Established 1920)
11821 East Freeway, Suite 310
Houston, Texas 77029
Phone 713-453-3388 Fax 713-453-3458
Email charles@southernstevedoring.com

DP MAR 0 8 2002

10967

March 11, 2002

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

Re: USACE Draft Environmental Impact Statement for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

We have reviewed the Executive Summary concerning the above project and wish to express our company's support for the U. S. Army Corps of Engineers Draft Environmental Impact Statement for the Bayport Project. We believe that the DEIS has properly addressed all of the important aspects of the Bayport Project and that an additional study is not needed. 29-1

In order for this region to enjoy the benefits of containerized commerce now and in the future additional container space is needed as soon as possible in the Gulf of Mexico. Expansion and modernization of the Port of Houston's container handling capacity is essential if it is going to compete and remain as the leading container load center for the U.S. Gulf of Mexico. Currently the Port of Houston has run out of the space needed to handle container growth and encourage trade. Containerized products such as cloths, food, oil equipment, computers, engines, books, paper, steel, tires and other everyday items for consumer or business use are most efficiently handled if shipped by sea. Movement of freight in containers is the most efficient and least polluting method of transportation currently available but additional modern container handling space is needed now if the region is to benefit from its full potential. 1-23, 1-1, 1-26

We believe that the plans also properly address environmental issues. The modernized gate system and facility design should significantly reduce truck idle time. The proposed modern lighting system should also improve efficiency, security and safety while reducing ambient light. Dedication of land for conservation easement areas, constructing of marsh habitat from dredged material and implementing an Environmental Management System based on ISO 14001, selection of "state of the art" equipment, and full compliance with both State and Federal requirements will set a new higher standard for maritime terminals in the United States. 23-81

We wish to thank the U.S. Army Corps of Engineers for producing the DEIS covering all of the items of importance and to request that the Final Environmental Impact Statement be completed within the current timeframe schedule so that the Port of Houston's permit can be finally approved and construction on this vitally needed space can begin as soon as possible. 23-62

Sincerely,

Paul Estachy
Vice President

Cc: Port of Houston Authority
Attn: Charlie Jenkins P.O. Box 2562 Houston, Tx. 77252-2562

MAR 0 8 2002

DP 10968

John W. Lewis
11821 East Freeway
Suite 310
Houston, Texas 77029

March 11, 2002

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

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Sincerely,

John W. Lewis

DP 10969

MAR 0 4 2002

March 11, 2002

Mr. Kerry Stanley
U. S. Army Corps of Engineers
Galveston District
Regulatory Branch
P. O. Box 1229
Galveston, Texas 77553-1229

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I wish to request that the Corps of Engineers complete the Final Environmental Impact Statement as quickly as possible since all essential matters have been properly addressed and permit construction on the Proposed Bayport Project to begin based on the current Corps of Engineers timeframe. 23-41

Sincerely,

William R. Jeu, Jr
204 Sylvan
La Porte, Tx. 77571

PH. 281 470 7859

MAR 1 2 2002

DP10974

BOATMEN, I.L.A. LOCAL #1438

P.O. Box 1675
Pasadena, Texas 77501
(713) 473-4592

Affiliated with the A.F.L.-C.I.O.

February 26, 2002

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

Re: USACE Draft Environmental Impact Statement for the Proposed Bayport Marine Terminal

Dear Mr. Stanley,

I am writing to you on behalf of the 65 workers and their dependents that I represent, and wish to express my full support for the U. S. Army Corps of Engineers' Draft Environmental Impact Statement for the Proposed Bayport Marine Terminal. I strongly feel that the DEIS is comprehensive and addresses the Proposed Bayport Project from all angles. The Port of Houston has also solicited comments and suggestions from the community and has improved the original plan by including additional environmental protections. Plans call for the use of the best available modern equipment and other products to reduce diesel and particulate emissions from port equipment and cranes. Modern electric dockside container cranes will be used instead of diesel. Labors' input has also been considered by the Port of Houston resulting in a compact design making the best usage of the area while improving safety and reducing air pollution. Special lighting is being used throughout the complex to improve operations and to reduce ambient light while at the same time providing for better safety and security.

29-77
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17-11

To maintain and expand Houston's position as a competitive international city the Proposed Bayport Project must be built as soon as possible to serve the 30 million people who live within 500 miles of the Port of Houston and the thousands of businesses that rely on the Port of Houston to meet their requirements. With the current economic uncertainties the economic activity of the Bayport Terminal Complex during its first 10 years of operation and its creation of 12,000 jobs is critically important.

1-13
1-38

At full build-out the Bayport Terminal Complex will have generated 39,000 new jobs, many of which will be the middle class jobs performed by those we represent. We also feel that the Bayport Terminal Complex will attract new businesses throughout the region which will in turn create additional middle class type jobs.

6-107

The economic activity created by the Bayport Terminal Complex will also generate tax revenue to state and local governments of approximately $41 million per year after 10 years of operation and over $150 million at full build-out.

6-108

DP 10974

Since most of the products moved through the Bayport Terminal Complex will be used in Texas. Consumers will have a wider choice of products while maintaining a higher quality of life at a lower cost. The Proposed Bayport Terminal complex will allow the expansion of both container and cruise business and will allow for the Port of Houston to meet both the current and future needs of the region thereby contributing to the growth of local economy as well as the Southeast Texas economy in general. 1-27

We believe that the Bayport Terminal Complex location has clearly been shown to be better than any alternative sites and will be consistent with the commercial/industrial land use of the area. 2-62

On behalf of myself and those we represent, we wish to request that the Final Environmental Impact Statement be completed within the original timeframe and that Port of Houston's permit for the Proposed Bayport Marine Terminal be approved in order to allow for construction to begin as soon as possible. 29-63

We wish to thank the U. S. Army Corps of Engineers for their work which resulted in the Draft Environmental Impact Statement which so completely addressed all of the important issues of concern. 23-134

Sincerely,

Don K. Gibson

Don K. Gibson, President
ILA Local #1438

dkg/alg

DR10975

MAR 14 2002

CENTRAL TRANSPORTATION SYSTEMS

Agents for UNITED Van Lines

February 26, 2002
P. O. Box 20817
Waco, Texas 76702

Colonel Leonard D. Waterworth
District Engineer and Commanding Officer
U. S. Army Corps of Engineers, Galveston District
P. O. Box 1229
Galveston, Texas 77553-1229

Dear Colonel Waterworth:

As president of Central Transportation Systems, I want to advise you that I fully support the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority.] 29-77

As you know, the Port of Houston is extremely important to the future economic success and vitality of the city of Houston as well as the state of Texas. As a business participant in the maritime community, our company depends on the well being of the Port of Houston.] 1-33

Since a more and more goods will be transported in containers in the future, we must endeavor to take advantage of new markets and new opportunities. A strong Port of Houston including the proposed Bayport Cruise and Container Terminal is paramount if our company is going to achieve its long-term economic goals.] 1-37

The U. S. Army Corps of Engineers has done an exceptional job in completing the environmental impact study. Without a doubt, the conclusions reached strongly support the Bayport project as it is currently planned.] 2-62

In conclusion, on behalf of Central Transportation Systems I whole-heartedly endorse the Bayport Cruise and Container Terminal project, and I hope that it will proceed without delay.] 29-77

Sincerely,

CENTRAL TRANSPORTATION SYSTEMS, INC.

Jim Alexander

Jim Alexander
President

cc: Mr. Kerry Stanley
Mr. James T. Edmonds

MAR 1 4 2002

10978

Terrier Transportation, Inc.

March 11, 2002

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

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

We are providing this letter to notify you of our company's strong support of the DEIS for the Bayport Marine Terminal. 29-77

Our company is directly involved in providing trucking services as a part of the intermodal system in the Houston-Galveston region. It is absolutely clear that additional container terminal space is needed if the Port of Houston is going to compete and retain it's position as the leading container load center in the Gulf of Mexico. The Port of Houston has run out of available space to efficiently handle today's business and the Bayport Marine Terminal is vitally important if the intermodal system is to continue to provide for both our regions business and community needs and continue as a major contributor to economic growth. 1-29

Bayport is already the location of many of the largest petrochemical complexes in the United States and the Bayport Marine Terminal will complement these facilities while at the same time being consistent with the commercial/industrial land use in this area. 4-37

The DEIS accurately show that traffic from Bayport will not be a concern to the Clear Lake and Kemah areas. Road improvements on State Highway 146 north of Bayport will be needed whether or not Bayport Terminal is built. 27-63

The DEIS also clearly shows that the Bayport Marine Terminal will not negatively effect the environment but can in many cases actually improve it. It is clear that the Port of Houston has mitigated environmental concerns including storm water runoff, water quality, ecological, aesthetic, noise and lighting. 18-16

The DEIS's evaluation of alternative sites to Bayport and has correctly concluded that they are inferior in deep water access, space to build an adequate container terminal, intermodal infrastructure and traffic congestion concerns. Many of the alternative sites are unfeasible due to costs and environmental concerns. We believe the Bayport site is also clearly the most desirable site since it allows the best and quickest access to the marketplace in the region and will allow for the most efficient delivery of cargo within the region. This is critical if the region is to continue to provide jobs and an excellent quality of life. 2-72, 2-6

We appreciate the efforts of the U.S. Army Corps of Engineers in producing this complete and detailed report and wish to request that you complete your Final Environmental Impact Statement and permit the Port of Houston to construct the Bayport Terminal as soon as possible. 23-83

Sincerely,

Juan Vargas

cc: Port of Houston Authority

4708 Fidelity ▫ Houston Texas 77029 ▫ 713/671.0204 ▫ 713/671.2070 FAX
14213 Transportation Ave ▫ Laredo Texas 78045 ▫ 956/728.7237 ▫ 956/729.0452 FAX

DP 10980 MAR 1 4 2002

March 11, 2002

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

Re: Bayport Terminal DEIS

Dear Mr. Stanley:

I am writing you to express my strong support of the Corps of Engineers DEIS involving the Proposed Bayport Terminal. 29-77

I am currently working in the intermodal trucking industry in the Houston/Galveston area. It is very clear that there is a critical need for new modern container facilities in order to efficiently handle current container volumes and to attract our regions fair share of the projected growth in container trade in the Gulf of Mexico. 1-30

The Bayport site is an excellent location for a modern container facility since it is in a commercial/industrial area which is also conveniently located near the areas that use containerization to handle their inbound and outbound cargoes. 2-117

The DEIS correctly concludes that the Bayport Terminal will meet the region's intermodal needs while not having a significant negative effect on the environment. 27-64

I wish to ask that the Corps of Engineers complete it's Final Environmental Impact Statement within the current timeframes since the DEIS properly addresses all of the important issues and further study is not warranted. I also wish to request that the Port of Houston receive their permit as soon as possible so construction can begin. 29-63

Sincerely,

Name: Debbie Morgan

Address: 2914 Blueberry
Pasadena, Texas
77502

LOCATION:7136729877 RX TIME 03/07 '02 14:12

MAR 14 2002

DP 10981

Terrier Transportation, Inc.

March 11, 2002

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

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

We are providing this letter to notify you of our company's strong support of the DEIS for the Bayport Marine Terminal. 29-77

Our company is directly involved in providing trucking services as a part of the intermodal system in the Houston-Galveston region. It is absolutely clear that additional container terminal space is needed if the Port of Houston is going to compete and retain it's position as the leading container load center in the Gulf of Mexico. The Port of Houston has run out of available space to efficiently handle today's business and the Bayport Marine Terminal is vitally important if the intermodal system is to continue to provide for both our regions business and community needs and continue as a major contributor to economic growth. 1-29

Bayport is already the location of many of the largest petrochemical complexes in the United States and the Bayport Marine Terminal will complement these facilities while at the same time being consistent with the commercial/industrial land use in this area. 4-37

The DEIS accurately show that traffic from Bayport will not be a concern to the Clear Lake and Kemah areas. Road improvements on State Highway 146 north of Bayport will be needed whether or not Bayport Terminal is built. 27-63

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We appreciate the efforts of the U.S. Army Corps of Engineers in producing this complete and detailed report and wish to request that you complete your Final Environmental Impact Statement and permit the Port of Houston to construct the Bayport Terminal as soon as possible. 23-83

Sincerely,

Martin Cavazos

cc: Port of Houston Authority

4708 Fidelity ▫ Houston Texas 77029 ▫ 713/671.0204 ▫ 713/671.2070 FAX
14213 Transportation Ave ▫ Laredo Texas 78045 ▫ 956/728.7237 ▫ 956/729.0452 FAX

LOCATION:7136729877 PS TIME 03/07 '02 14:12

MAR 1 4 2002

D-19982

Terrier Transportation, Inc.

March 11, 2002

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

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

We are providing this letter to notify you of our company's strong support of the DEIS for the Bayport Marine Terminal. 25-77

Our company is directly involved in providing trucking services as a part of the intermodal system in the Houston-Galveston region. It is absolutely clear that additional container terminal space is needed if the Port of Houston is going to compete and retain it's position as the leading container load center in the Gulf of Mexico. The Port of Houston has run out of available space to efficiently handle today's business and the Bayport Marine Terminal is vitally important if the intermodal system is to continue to provide for both our regions business and community needs and continue as a major contributor to economic growth. 1-29

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We appreciate the efforts of the U.S. Army Corps of Engineers in producing this complete and detailed report and wish to request that you complete your Final Environmental Impact Statement and permit the Port of Houston to construct the Bayport Terminal as soon as possible. 23-83

Sincerely,

cc: Port of Houston Authority

4708 Fidelity ▫ Houston Texas 77029 ▫ 713/671.0204 ▫ 713/671.2070 FAX
14213 Transportation Ave ▫ Laredo Texas 78045 ▫ 956/728.7237 ▫ 956/729.0452 FAX

MAR 1 4 2002

DP 10983

Terrier Transportation, Inc.

March 11, 2002

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

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

We are providing this letter to notify you of our company's strong support of the DEIS for the Bayport Marine Terminal. 29-77

Our company is directly involved in providing trucking services as a part of the intermodal system in the Houston-Galveston region. It is absolutely clear that additional container terminal space is needed if the Port of Houston is going to compete and retain it's position as the leading container load center in the Gulf of Mexico. The Port of Houston has run out of available space to efficiently handle today's business and the Bayport Marine Terminal is vitally important if the intermodal system is to continue to provide for both our regions business and community needs and continue as a major contributor to economic growth. 1-29

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We appreciate the efforts of the U.S. Army Corps of Engineers in producing this complete and detailed report and wish to request that you complete your Final Environmental Impact Statement and permit the Port of Houston to construct the Bayport Terminal as soon as possible. 23-83

Sincerely,

cc: Port of Houston Authority

4708 Fidelity ▫ Houston Texas 77029 ▫ 713/671.0204 ▫ 713/671.2070 FAX
14213 Transportation Ave ▫ Laredo Texas 78045 ▫ 956/728.7237 ▫ 956/729.0452 FAX

DR 10984

MAR 14 2002

Terrier Transportation, Inc.

March 11, 2002

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

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

We are providing this letter to notify you of our company's strong support of the DEIS for the Bayport Marine Terminal. 29-77

Our company is directly involved in providing trucking services as a part of the intermodal system in the Houston-Galveston region. It is absolutely clear that additional container terminal space is needed if the Port of Houston is going to compete and retain it's position as the leading container load center in the Gulf of Mexico. The Port of Houston has run out of available space to efficiently handle today's business and the Bayport Marine Terminal is vitally important if the intermodal system is to continue to provide for both our regions business and community needs and continue as a major contributor to economic growth. 1-29

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We appreciate the efforts of the U.S. Army Corps of Engineers in producing this complete and detailed report and wish to request that you complete your Final Environmental Impact Statement and permit the Port of Houston to construct the Bayport Terminal as soon as possible. 23-83

Sincerely,

David M. Dorsey

cc: Port of Houston Authority

4708 Fidelity ▫ Houston Texas 77029 ▫ 713/671.0204 ▫ 713/671.2070 FAX
14213 Transportation Ave ▫ Laredo Texas 78045 ▫ 956/728.7237 ▫ 956/729.0452 FAX

MAR 1 4 2002

DD10985

NSCSA (America) Inc.
5200 Hollister
Houston, Texas 77040
Tel. 713 542 2203

March 11, 2002

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

Re: **DEIS for the Proposed Bayport Marine Terminal**

Dear Mr. Stanley:

I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project. 29-77

I represent The National Shipping Company of Saudi Arabia, we have service to the Port of Houston Barbours Cut Terminal every three weeks I know of the critical need for new facilities to properly handle current and future RoRo and containerized cargoes. Additional modern container space is needed if the Port of Houston is to compete and meet our region's needs. 1-30 6-115

I feel that the DEIS fully covers all of the important issues and that the Bayport Terminal Project will meet the Port of Houston's current and future needs while adequately addressing all of the environmental concerns. 29-69

Permitting of the Proposed Bayport Marine Terminal is vital in order to assure that those in the region receive the full benefits of expanded containerized growth which will result in a higher quality of life for all. I wish to request that the Corps of Engineers maintain the current timeframes and complete the required Environmental Impact Statement as soon as possible. 1-31 23-102

Sincerely,

Captain Eigil Th. Trondsen
U.S. Gulf Regional Manager

MAR 1 4 2002

DP 10986
SCC

Team Transport, Inc.

P.O. Box 96014 * Houston, Texas 77213 (713) 672-9800 * Fax: (713) 672-9877

March 11, 2002

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

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

We are providing this letter to notify you of our company's strong support of the DEIS for the Bayport Marine Terminal. 29-56

Our company is directly involved in providing trucking services as a part of the intermodal system in the Houston-Galveston region. It is absolutely clear that additional container terminal space is needed if the Port of Houston is going to compete and retain it's position as the leading container load center in the Gulf of Mexico. The Port of Houston has run out of available space to efficiently handle today's business and the Bayport Marine Terminal is vitally important if the intermodal system is to continue to provide for both our regions business and community needs and continue as a major contributor to economic growth. 29-1

Bayport is already the location of many of the largest petrochemical complexes in the United States and the Bayport Marine Terminal will complement these facilities while at the same time being consistent with the commercial/industrial land use in this area. 4-10

The DEIS accurately show that traffic from Bayport will not be a concern to the Clear Lake and Kemah areas. Road improvements on State Highway 146 north of Bayport will be needed whether or not Bayport Terminal is built. 27-15

The DEIS also clearly shows that the Bayport Marine Terminal will not negatively effect the environment but can in many cases actually improve it. It is clear that the Port of Houston has mitigated environmental concerns including storm water runoff, water quality, ecological, aesthetic, noise and lighting. 18-16

MAR 1 4 2002

The DEIS's evaluation of alternative sites to Bayport and has correctly concluded that they are inferior in deep water access, space to build an adequate container terminal, intermodal infrastructure and traffic congestion concerns. Many of the alternative sites are unfeasible due to costs and environmental concerns. We believe the Bayport site is also clearly the most desirable site since it allows the best and quickest access to the marketplace in the region and will allow for the most efficient delivery of cargo within the region. This is critical if the region is to continue to provide jobs and an excellent quality of life. 2-44

We appreciate the efforts of the U.S. Army Corps of Engineers in producing this complete and detailed report and wish to request that you complete your Final Environmental Impact Statement and permit the Port of Houston to construct the Bayport Terminal as soon as possible. 29-55

Sincerely,

cc: Port of Houston Authority

D 10987 MAR 1 2 2002

March 11, 2002

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

Re: USACE Draft Environmental Impact Statement for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

We are writing you on behalf of the over 10,000 workers and their dependents that we represent and wish to express our full support for the U. S. Army Corps of Engineers' Draft Environmental Impact Statement for the Proposed Bayport Marine Terminal. We strongly feel that the DEIS is comprehensive and addresses the Proposed Bayport Project from all angles. The Port of Houston has also solicited comments and suggestions from the community and has improved the original plan by including additional environmental protections. Plans call for the use of the best available modern equipment and other products to reduce diesel and particular emissions from port equipment and cranes. Modern electric dockside container cranes will be used instead of diesel. Labor's input has also been considered by the Port of Houston resulting in a compact design making the best usage of the area while improving safety and reducing air pollution. Special lighting is being used throughout the complex to improve operations and to reduce ambient light while at the same time providing for better safety and security.

To maintain and expand Houston's position as a competitive international city the Proposed Bayport Project must be built as soon as possible to serve the 30 million people who live within 500 miles of the Port of Houston and the thousands of businesses that rely on the Port of Houston to meet their requirements. With the current economic uncertainties the economic activity of the Bayport Terminal Complex during the first 10 years of operation and its creation of 12,000 jobs is critically important.

At full build-out the Bayport Terminal Complex will have generated 39,000 new jobs, many of which will be the middle class jobs performed by those we represent. We also feel that the Bayport Terminal Complex will attract new businesses throughout the region, which will in turn create additional middle class type jobs. 6-107

The economic activity created by the Bayport Terminal Complex will also generate tax revenue to state and local governments of approximately $41 million per year after 10 years of operation and over $150 million at full build-out. 6-101

Since most of the products moved through the Bayport Terminal Complex will be used in Texas, consumers will have a wider choice of products while maintaining a higher quality of life at a lower cost. The Proposed Bayport Terminal complex will allow the expansion of both container and cruise business and will allow for the Port of Houston to meet both the current and future needs of the region thereby contributing to the growth of local economy as well as the Southeast Texas economy in general. 1-25

We believe that the Bayport Terminal Complex location has clearly been shown to be better that any alternative sites and will be consistent with the commercial/industrial land use of the areas. 2-62

On behalf of myself and those we represent we wish to request that the final environmental Impact statement be completed within the original timeframe and that Port of Houston's permit for the Proposed Bayport Terminal be approved in order to allow for construction to begin as soon as possible. 29-63

We wish to thank the U. S. Army Corps of Engineers for their work which resulted in the Draft Environmental Impact Statement which so completely addressed all of the important issues of concern. 23-134

Sincerely, Billie Risher

cc: Port of Houston Authority

BIEHL & CO., INC.

MAR 19 2002

DP 10988

March 11, 2002

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

Re: USACE Draft Environmental Impact Statement for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

We are writing this letter on behalf of the United States Maritime Alliance, Limited (USMX) and its thirty-seven (37) member companies. USMX is a maritime industry association which represents Container and Ro/Ro Carriers, Stevedores, Terminal Operators and Local Port Associations operating on the Gulf and East Coasts of the United States. Our organization represents the vast majority of maritime companies with container operations that service the Houston/Galveston region. USMX Carrier members transport over 80% of the containerized cargo handled in the United States.

Please be advised that after a review of the above subject we wish to express our strong support for the U.S. Army Corps of Engineers Draft Environmental Impact Statement (DEIS) for the Proposed Bayport Marine Terminal. 29-1

Creation of additional modern container space is badly needed across the entire Gulf of Mexico in order to handle projected container volumes over the next twenty-five (25) years. Barbours Cut Container Terminal currently handles more than half of the containerized cargo in the Gulf of Mexico but even though it is now being upgraded and improved it cannot efficiently handle projected container traffic because of lack of space. Modern design container space is clearly a requirement if the Port of Houston is to continue as a major player in containerized cargo handling into the 21st Century. 1-1, 2-116, 1-30

Interest in the Proposed Bayport Marine Terminal has continued at a high level since the Port of Houston's original application was submitted on October 8, 1998. The Proposed Bayport Marine Terminal will include 7,000 feet of new wharves and berths for container operations which can accommodate up to seven (7) vessels at a time. It will have the ability to efficiently handle annual throughput of 2.3 million (TEUs). It's approval and rapid construction will be vital in order to allow for the Port of Houston to keep pace with anticipated container growth patterns in the region, which will be essential to the economic health and vitality of the region as a whole. 6-106

We believe that the DEIS accurately reflects that the Proposed Bayport Terminal Project will not have a significant impact on the air quality in the region. 7-38

5200 Hollister • Houston, Texas 77040 • (713) 690-7200 • Telex 149192 • FAX: (713) 895-3090
e-mail: biehlship@biehlco.com

A Member of Multiport Ship Agency Network

The current federally mandated State Implementation Plan on air quality already includes the Proposed Bayport Marine Terminal. Furthermore, the issues relating to particulate matter, both PM10 and PM2.5, have been adequately addressed. The best available modern equipment and other products to reduce diesel and particulate emissions will be used by the port. The usage plan will also make best use of the available operations areas thus reducing idle times and improving overall efficiency. 7-44

We also believe that the Proposed Bayport Marine Terminal plan has properly mitigated environmental storm water runoff, water quality, ecological, aesthetic, noise, and lighting concerns with several measures including a three (3) mile berm constructed around the south and east sides of the facility, by the use of 121 acres of buffer zone, by including a retention/detention system that exceeds current Texas law, by including a modern lighting system that will improve productivity, safety and security while reducing ambient light, and by creating a 163 acre conservation easement containing over 12 acres of new jurisdictional wetlands - a 5:1 ratio and 200 acres of estuarine marsh habitat in Galveston Bay. Potential concerns regarding ballast water and invasive species will be minimized by the fact that container vessels use very little ballast water and do not have to exchange while in port. These measures will protect and in some cases improve the environment. 33-8, 3-32, 7-14, 17-11, 14-37

18-16

Both traffic and roadway improvements and rail crossing grade separations have been considered and have been satisfactorily addressed. It is unnecessary for the USACE to study the BNSF San Jacinto Rail to the Bayport Chemical Loop in relation to the Proposed Bayport Marine Terminal since container operators do not plan to use this rail project service to move containers. This project is separate and apart from the Proposed Bayport Marine Terminal Project. 27-62

Our review clearly shows that an additional study by the U.S. Army Corps of Engineers is not needed and any further extension of the current timeframe would simply result in unnecessary delays for the Proposed Bayport Marine Terminal Project without any beneficial recommendations resulting. 23-133

We wish to thank the U.S. Army Corps of Engineers for their detailed work and to request that the Final Environmental Impact Statement be completed as quickly as possible so that the permit to construct the Proposed Bayport Marine Terminal will be provided as soon as possible. 23-83

Yours truly,

ED SEPULVEDA
Vice President Liner Services

MAR 1 2 2002

FRED SAUNDERS
515 HUNTERWOOD
HOUSTON, TX 77024
713-467-0515

DP 10989
SCC

March 11, 2002

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District, Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Re: Proposed Bayport Marine Terminal DEIS

Dear Mr. Stanley:

I can't understand why anyone in the Houston area would be opposed to the Proposed Bayport Marine Terminal DEIS. These facilities are going to be built somewhere by someone because the services are needed; therefore, we should build it here now so the Port of Houston will continue to be the pre-eminent port in the Gulf Coast.] 29-1

Sincerely,

Fred Saunders/mw

Fred Saunders

Cc: Mr. Charlie Jenkins
Port of Houston Authority
P.O. Box 2562
Houston, TX 77252-2562

MAR 1 2 2002

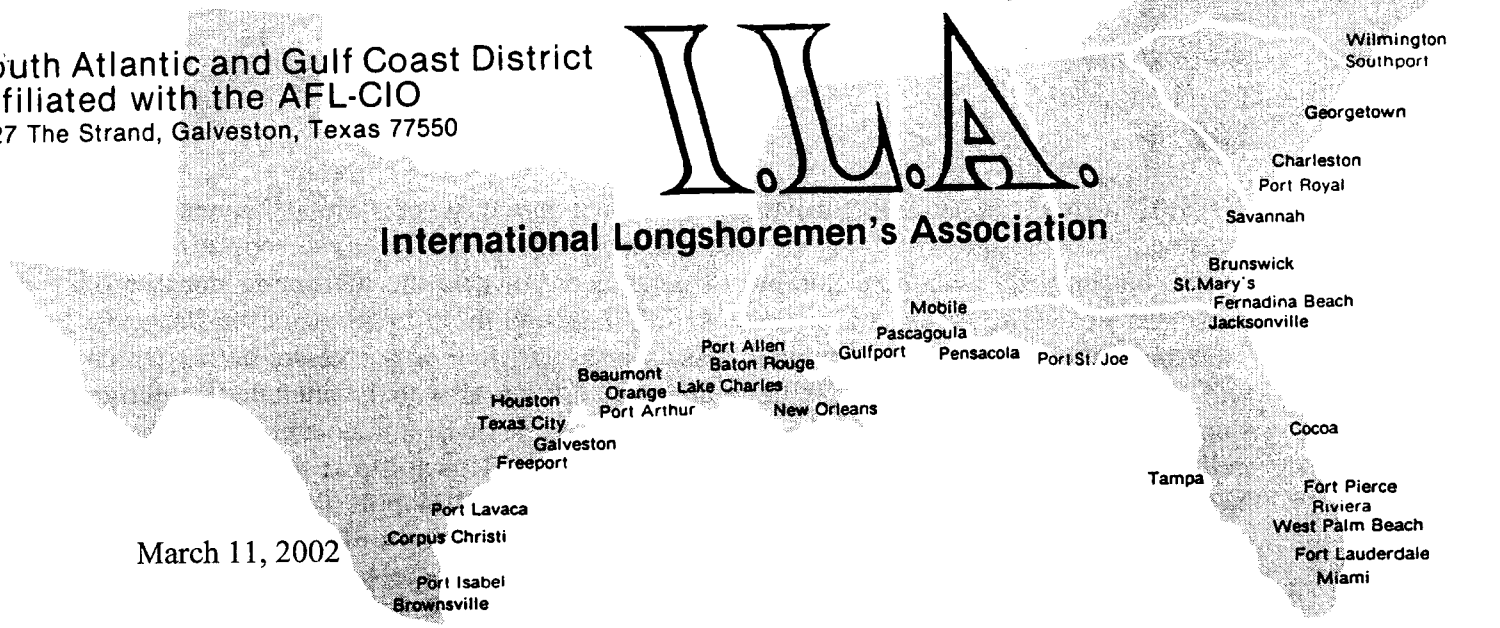
DP 10990

SCC

South Atlantic and Gulf Coast District
Affiliated with the AFL-CIO
1827 The Strand, Galveston, Texas 77550

I.L.A.

International Longshoremen's Association



March 11, 2002

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

Re: USACE Draft Environmental Impact Statement for the Proposed Bayport Marine Terminal

Dear Mr. Stanley,

On behalf of the South Atlantic and Gulf Coast District's International Longshoremen's Association and the workers and families that we represent we wish to follow-up on our prior comments and again express our strong support for the U.S. Army Corps of Engineers' Draft Environmental Impact Statement (DEIS), which covers and resolves all of the major concerns involving the project and its environmental, social and economic impacts. 29-13

The global trend for shipping is containerization. It is estimated that by 2010, 90% of all cargo throughout the world will be in containers. Currently less than half of the cargo in the Gulf of Mexico is containerized, but that percentage is projected to grow rapidly. Current projections show that the containerized cargo trade in the Gulf of Mexico between the United States and Latin America alone will grow from 2.5 million TEU's to more than 16 million TEU's by 2040. The creation of additional modern container space is needed immediately across the entire Gulf of Mexico region to handle this unprecedented growth. Further development at Barbours Cut Terminal is restricted due to lack of space and the proposed Bayport Container Terminal is needed for the Port of Houston to retain current customers and remain competitive. 1-7 6-68

BENNY HOLLAND, JR.
PRESIDENT
South Atlantic and Gulf Coast District
General Vice President
International Longshoremen's Association
(409) 762-2341 (281) 480-5172
FAX (409) 762-0354

The 1,091 acre container and cruise terminal located on the Bayport Ship Channel will be a needed "hub" location and will provide those we represent with a vital opportunity to handle not only the increased number of containers but also the increasing number of passenger vessels servicing this region. At full build-out in 15 to 30 years the Baypport Terminal will provide seven container vessel berths and five cruise vessel berths which will be badly needed. These facilities are vital for the area to be included in future shipping trends. The proposed Bayport Terminal Complex will immediately serve the 30 million people that live within 500 miles of the Port of Houston and the thousands of businesses that rely on the Port of Houston. The proposed Bayport Terminal Complex will supply 12,000 new middle class jobs during its first 10 years of operation and will have generated 39,000 new jobs upon completion. Middle class jobs, with retirement and welfare benefits, are vital to those we represent as well as other workers cut loose due to the recession and the job cuts at Enron, Compaq, NASA and Continental in recent months.

1-11
6-98
6-15
6-32

The proposed Bayport Terminal Complex will establish a new higher standard for modern maritime facilities through the use of the best available modern equipment to reduce diesel and particulate emissions and by making the best usage of the area. The DEIS accurately reflects that the proposed Bayport Terminal Complex will not have a significant negative impact on air quality in the Houston region. Both PM10 and PM2.5 have been adequately addressed. It is clear that the Port of Houston has mitigated environmental, storm water runoff, water quality, ecological, aesthetic, noise and lighting concerns. The creative measures included in the proposed Bayport Terminal Complex will clearly protect, and in many cases improve, the environment.

7-11
7-44
18-16

In November 1999 Harris County voters approved by a 60 percent to 40 percent margin a $387 million bond issue to fund construction of the proposed Bayport Terminal Complex and the master plan will result in a true intermodal facility with "state of the art" access for vessels as well as for vehicles and trains. The proposed Bayport Terminal Complex will be an efficient, safe and environmentally sound maritime facility which will be a showpiece in the maritime industry both today and tomorrow.

29-7

We wish to thank you and your staff for having provided a draft Environmental Impact Statement which covers all the important issues of concern. I can well imagine the countless hours of research and study that has gone into this project and am confident that

the Final Environmental Impact Statement will be completed within the original timeframe and that the permit for the proposed Bayport Terminal Complex will be provided as soon as possible. 29-55

Sincerely,

Benny Holland, President
South Atlantic & Gulf Coast District, ILA

cc: Port of Houston Authority

MAR 1 2 2002

ROBERT L. GILLETTE
ATTORNEY AT LAW
124 NORTH BURNETT DR.
BAYTOWN, TEXAS 77520
713-424-4064 FAX: 424-1981

DP 10991

See

March 11, 2002

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

Re: The USACE Draft Environmental Impact Statement for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

After practicing law in Baytown, Texas for 50 years I was elected to the Port of Houston Authority's Board by 26 cities constituting the Harris County Mayors and Councils' Association, which tenure lasted for 12 interesting and informative years.

My fellow commissioners were outstanding individuals with only the best interests for the Port and the protection of the environment. The magnificent staff of the Port encouraged these goals, as well as the full cooperation with the Corps of Engineers.

I was fortunate to have been selected many times to speak before the Appropriations Subcommittee in Washington, D.C. requesting funds for the deepening and widening of the Houston Ship Channel and for funds for the Corps of Engineers to maintain the channel.

I want to express my support for the U.S. Army Corps of Engineers' Draft Environmental Impact Statement for the Proposed Bayport Marine Terminal. The merits of locating the facility on the Bayport Ship Channel are apparent in the Draft Environmental Impact Statement (DEIS) and I believe all issues of concern have been addressed in the document.

29-56

2-62

I know that this facility must be built - and built soon - to accommodate existing customers and attract new ones to the Port. In my opinion, Bayport is the best location for this facility. 1-24

The DEIS accurately reflects that the Bayport Project will not have significant impact on air quality in the Houston region. Additional study in this area is not needed. The fact that the Bayport project is already included in the federally mandated State Implementation Plan on air quality has allowed the Houston-Galveston area to include Bayport in its plans for addressing air quality issues. 7-44

I believe the Port's plans on the Bayport Terminal adequately addresses - and in many cases exceeds - issues of environmental impact, socioeconomic, land use, noise, lighting and surface transportation. 23-53

I encourage the USACE to quickly complete its Final Environmental Impact Statement and permit the Port of Houston Authority to construct the container and cruise terminal on the Bayport property. 29-55 One in three jobs in Houston are tied to international trade in some fashion. 6-76 With heavy job cuts at Enron, Continental and Compaq, Houston cannot afford to lose more jobs or pass on the chance to create more employment opportunities for citizens of Harris County. 6-32

Sincerely,

Robert L. Gillette

RLG:ec
cc: Port of Houston Authority
Via Facsimile: 713/670-2425

GALVESTON
BAY
FOUNDATION

DP 10999
SCC

RECEIVED MAR 18 2002

March 13, 2002

Colonel Leonard D. Waterworth
U.S. Army Corps of Engineers
Galveston
CESWG-OC
P.O. Box 1229
Galveston, Texas 77551 VIA certified mail rrr

Re: Comments on the Bayport Container Terminal

Dear Colonel Waterworth:

On behalf of the Galveston Bay Foundation, please find the enclosed comments offered by the Galveston Bay Foundation with regard to the Draft Environmental Impact Statement for the Bayport Container Terminal. Thank you for your attention to this matter. We appreciate your courtesy and cooperation and look forward to working with you on this matter.

Sincerely yours,

Mike Martin

10999

COMMENTS OF THE GALVESTON BAY FOUNDATION ON THE PROPOSED CONTAINER TERMINAL AT BAYPORT

COMMENTS OF THE GALVESTON BAY FOUNDATION ON THE PROPOSED CONTAINER TERMINAL AT BAYPORT

The Galveston Bay Foundation hereby submits the following comments regarding the Draft Environmental Impact Statement for the Port of Houston Authority proposed Bayport container project. With regard to these comments, the Galveston Bay Foundation would note that the legal standard applicable to the Bayport environmental impact statement requires full disclosure of the environmental impacts. Furthermore, the statement must fully and fairly evaluate alternative courses of action, in this case, alternative-siting considerations, with an emphasis on whether there is a less intrusive alternative to the proposed facility.

Upon review of the draft DEIS, the Foundation has concerns that the DEIS does not fulfill the fundamental legal requirements required by law. The Foundation is critical of the following areas of deficiency with regard to the DEIS:

I. Wetland Impacts

The Foundation has steadfastly advocated the preservation of wetlands in this and other projects. In this permit, the wetland analysis is the Bayport DEIS incorrectly analyzes the extent of jurisdictional wetlands.[1] The DEIS identifies that only 2.5 acres of jurisdictional wetlands are impacted by this permit application. The Foundation disagrees with this determination.

The Foundation has considered the new interpretation of jurisdictional wetlands declared by the United States Supreme Court in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, 121 S.Ct. 675 (2001)(SWNCC).* The *SWNCC* decision declared that isolated ponds utilized by migratory birds did not constitute jurisdictional wetlands for purposes of a § 404 definitions of *"navigable waters." Id. at 682.* However, with reference to the definition of jurisdictional wetlands, the Supreme Court refused to overrule the opinion of *United States v. Riverside Bayview Homes, Inc., 106 S.Ct. 455 (1985)* which held that a Section 404 analysis must include adjacent wetlands that form the border or are in reasonable proximity to other waters. *Id. at 462.* In clarifying the nature of this adjacency requirement, the Supreme Court explained in the *Riverside* decision:

14-30

> *This holds true even for wetlands that are not the result of flooding or permeation by water having its source in*

[1] The Foundation has received informal communications from the Corps of Engineers Galveston District that it is reconsidering the delineation of jurisdictional wetlands. Since the Foundation has not been provided a revised analysis of jurisdictional acreage, the Foundation is proceeding with comments based upon the current analysis in the DEIS.

> *adjacent bodies of open water . . . . wetlands may affect the water quality of adjacent lakes, rivers, and streams even when the waters of those bodies do not actually inundate the wetlands. For example,* ***wetlands that are not flooded by adjacent waters may still tend to drain into those waters.*** *In such circumstances, the Corps has concluded that* ***wetlands may serve to filter and purify water draining*** *into adjacent bodies of water . . . to slow the flow of surface runoff into lakes, rivers and streams and thus* ***prevent flooding and erosion.*** *In addition, adjacent wetlands may* ***"serve significant natural biological functions,*** *including food chain production, general habitat and nesting, spawning, rearing and resting sites for aquatic species."*

14-30

Id. at 463(emphasis added). Consequently, the Supreme Court agreed with the Corps of Engineers determination that wetlands in proximity to lakes, rivers or bays *"may function as integral parts of the aquatic environment"* on the basis of drainage into adjacent waters. Such water may be filtered and purified by these adjacent lands before finding its way into a bay or lake system. Such drainage patters will also help prevent erosion and protect acquatic species.

A. Disregard of United States Geological Survey Maps

Based upon the legal standard in *Riverside*, the Foundation agrees with the Corps of Engineers general definition in the DEIS indicating wetlands located in the 100-year flood plain are considered jurisdictional. (DEIS p3, 19-2). At the very least, these lands will result in drainage into Galveston Bay in the context of the *Riverside* opinion. Likewise, the Foundation agrees with the Corps general definition that land connected to adjacent waters *"by surface water tributary or by ditch"* is considered jurisdictional wetland. (DEIS p. 3, 19-3). Again, such a definition is consistent with *Riverside.*

However, while the Corps has correctly stated general definitions, it has ignored the geographical characteristics of the Bayport site which indicate that much of this property must be defined as jurisdictional wetlands under the Corps own definitions. The affected property subject to the Bayport project is laced with a network of ditches and trenches, which are interconnecting at two locations from Pine Gully traversing the entire acreage upward to the Bayport Channel. *See Exhibit 1, United States Geological Survey, 1983, League City.* The Corps of Engineers cannot ignore the evidence of this network of ditches because these conclusions are the result of the survey work performed by another governmental agency – the United States Geological Survey Maps. It was incumbent upon the Corps to consider this information in making a wetland determination. It did not.

14-30

The DEIS fails to consider the USGS survey maps which, based on the face of the maps themselves, could arguably establish all of the acreage from Pine Gully to the Bayport Ship Channel as jurisdictional wetlands. Failure to consider the information of

the USGS maps in determining the scope of jurisdictional wetlands is both arbitrary and capricious and requires this DEIS to be reconsidered. Furthermore, the USGS surveys illustrate that the jurisdictional wetlands at issue for Bayport may be more in line with the wetlands initially identified by consultants hired by the Port of Houston, such as the Berg-Oliver field survey which found approximately 100 acres of wetlands. Likewise, the National Wetlands Inventory identifies over 160 acres on the site. 14-31

Consideration of drainage canals and ditches as factors identifying the presence of jurisdictional wetlands has legal precedent. Drainage canals, which impact adjacent waters because of floodwater, have been determined as sufficient to create jurisdictional wetlands for purposes of a 404 analysis. *Quivira Mining Co. v. United States EPA. 765 F. 2d 126, 130 (10th Cir. 1985).* Furthermore, the fact that drainage canals were originally man made is insignificant for purposes of establishing jurisdictional wetlands. *Leslie Salt Co. v. U.S., 896 F. 2d 354 (9th Cir. 1990).* 14-30

Based on the long-standing and well-established precedent that drainage canals and ditches should be considered in the determination of jurisdictional wetlands, the Foundation strongly asserts that the DEIS has incorrectly identified and assessed the extent of jurisdictional wetlands. Failure to consider the information of the USGS maps illustrates that a full disclosure of the environmental impacts of the project has not been made in this DEIS.

II. Analysis of Environmentally Preferable Alternative Sites.

If jurisdictional wetlands are determined to be in excess of three acres, then the Corps of Engineers is required evaluate this DEIS under requirements of §404 of the Clean Water Act and NEPA. Therefore, establishment of § 404 jurisdiction is critical to this DEIS. The Foundation submits that the Corps decision to avoid any declaration of jurisdictional wetlands above three acres precludes a full and complete analysis under section 404 and NEPA.

The avoidance of the NEPA analysis in the current DEIS is critical to the discussion of alternative siting. Under NEPA, federal agencies are required to *"study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative use of available resources," 42 U.S.C. § 4332(2)(E)(2002).* Consideration of alternatives is *"the heart of the environmental impact statement." 40 C.F.R. § 1502.4 (2002).* 14-32

In the context of NEPA, the Corps is required to *"rigorously explore and objectively evaluate all reasonable alternatives." 40 C.F.R. 1502.14.* This *"rigorous"* standard has not been followed by the Corps in evaluating environmentally preferable alternative sites. The Foundation submits that the DEIS fails to consider the following points, critical to a proper alternative siting analysis.

A. Combined Analysis of Shoal Point and Bayport Is Required To Properly Determine The Capacity And Size Of The Container Terminal.

The Foundation has steadfastly maintained that the two proposed projects of Bayport and Shoal Point should not be reviewed on an isolated basis. The economic demand and need for a container port facility on Galveston Bay must be evaluated regionally, not parochially. A regional approach to the economic demands for container terminal construction would allow the Corps to accurately determine the appropriate economic need (and size) for container facilities. By failing to even evaluate the economic need for two container terminals (one in Bayport and one in Texas City), the assumption made by the Corps that economic demand for a seven berth container facility at Bayport cannot be presumed. Likewise, the economic demand for a six berth facility at Shoal Point cannot be presumed.

The question, never addressed by the DEIS, is whether there is a justified economic demand for an eleven berth container capacity on Galveston Bay, not seven berths as presumed by the DEIS. It cannot be disputed that Shoal Point, if built, could potentially impact the expansion plans of Bayport. Bayport customers may chose to contract with Shoal Point, eliminating the need for future expansion at Bayport. Consequently, if future Bayport expansion does not materialize, the additional phased construction becomes irrelevant to this permit.

Economic demand for eleven berths on the Bay directly affects the *"footprint"* left by either Bayport or Shoal Point. If future economics does not support an eleven-berth container capacity on Galveston Bay, then the *"footprint"* for either facility may be too large. Under the current DEIS, the Corps has limited its alternative siting analysis to a seven-berth facility, negating consideration of locations, which could accommodate a smaller facility if the Bayport future phased expansions do not materialize because of competition from Shoal Point.

18-20

The DEIS provides no support for the presumption that there will be an economic demand for seven berths at Bayport and six at Shoal Point.[2] The DEIS offers no economic analysis on what the anticipated commercial demand for container facilities will be in the future, despite having two proposed permits for construction of container terminals in the Bay complex. The DEIS attempted no analysis on the anticipated growth and size of the container port business for Galveston Bay and failed to take into consideration the economic impact the additional six berths offered by Shoal Point will have on Bayport. Consequently, the alternative siting analysis is based upon economic assumptions which don't exist and are not supported by any study in the DEIS.

18-20

[2] The Bayport DEIS concludes there is an *"assumed growth rate of 10%"* based upon a world growth rate of 7.2 percent and growth rates *"as high as 13.1 percent for ports along the Gulf of Mexico."* (DEIS 1-5). These generalized statements are inconclusive at best. The economic analysis provides no basis for these assumptions of growth in the Port of Houston, specifically, and identifies no specific area of demand, on a port by port basis along the Gulf coast. A generalized statement which identifies the Gulf coast as the region of demand is vague and overbroad for purposes of an accurate economic analysis on a port by port basis. An economic analysis should include a specific analysis of the demands in the Galveston Bay complex as compared to the regional demands of other Texas and Gulf coast ports. The DEIS is void of this discussion.

B. No Reasonable Nexus Exists Between A Cruise Ship Terminal And A Container Terminal Confounding Alternative Siting Locations.

The size of the Bayport facility is also impacted by the incorporation of a cruise ship terminal, which will have no connection to the operations of the container terminal. There is no statement in the DEIS to support a functional connection between a container port and a cruise terminal. However, by combining these two facilities, despite no reasonable business relationship between the two operations, the DEIS creates a larger *"footprint"* and additional water frontage for the facility than necessary.

By authorizing the larger facility, the DEIS arbitrarily excludes consideration of potential smaller areas which could accommodate a container terminal but not a cruise terminal. Furthermore, including both the cruise terminal and the container terminal together, on a logistical basis alone, guarantees the elimination of all the presented Combination Site alternatives. 2-98

The Corps has not demonstrated any reasonable basis for connecting a Cruise Ship Terminal with the Bayport Container Terminal. It was the Port of Houston, not the Corps, that decided the concept of joining the cruise and container facilities that caused the elimination of sites that were otherwise viable. Alternative locations for the cruise facility and the container facility must be analyzed separately because these operations are separate and distinct and not related economically or in any other way. The DEIS's combination of the Cruise Terminal with the Bayport Container terminal cannot be supported by any economic and/or commercial basis and requires the alternative siting approach to be revised.

C. Unexplained Inconsistencies Presented By The Bayport DEIS As Compared To The Shoal Point DEIS Demonstrate An Arbitrary Approach By The Corps.

There are numerous inconsistencies in the descriptions of alternative sites offered by the Bayport DEIS as compared with the Shoal Point DEIS. For example, the alternative site analysis offered by the Bayport DEIS suggests that the size of a facility, if built on Spilman's Island, would cover almost 1000 acres of land. *See, Bayport DEIS, Figure 2.4.* On the other hand, the size of a proposed terminal on Spilmans Island is estimated at 400 acres in the Shoal Point DEIS. *See Shoal Point DEIS Figure 2.4.5-1.* 2-99

Moreover, in the Shoal Point DEIS, the orientation of the Spilmans Island alternative not only shows a smaller size, but establishes the front of the facility and the turning basin towards the Houston Ship Channel. On the other hand, the Bayport DEIS illustrates a channel dredged behind Spilmans Island with a turning basin built in the interior of Spilman's Island. The Bayport DEIS Spilman alternative would require

substantially more dredging and dredge spoil disposal. Further, the Bayport DEIS fails to assume beneficial use of spoil material for alternatives other than the Bayport site.

In terms of the alternative siting analysis offered by the Corps in the Bayport and Shoal Point DEIS, the analysis of the same alternative sites appears disconnected and contradictory. Comparison of the two DEIS documents suggests that the depiction of alternative-sites in the Shoal Point document to have minimal impact whereas the Bayport DEIS portrays alternative-sites have having extremely high impacts. If a less environmentally damaging Spilmans alternative were considered, Bayport would not look like a better alternative. 2-99

It is unknown why the two DEIS documents would portray alternative-sites so differently. However, these inconsistencies illustrate that the alternative siting analysis offered in the Bayport DEIS is arbitrary and not based on any uniform objective criteria. Based upon this inconsistency, the Foundation requests that the alternative siting analysis be reconsidered and reevaluated in a supplemental DEIS.

III. The DEIS Fails To Identify All Practical Mitigation Steps.

Under 40 C.F.R. 230.10(d), a permit to discharge into wetland areas should be denied unless all practical mitigation steps have been undertaken. This analysis should be undertaken in conjunction with the Memorandum of Understanding (MOU) between the Corps and the EPA whereby it was agreed that wetlands are to be avoided if possible and that the extent to the filling of such wetlands be minimized. *See, Memorandum of Agreement between the Environmental Protection Agency and the Department of Defense, 55 FR 9210 (1990)* (MOA). The MOA outlined the understanding between the Corps and the EPA also impacts the issue of alternative siting by requiring impact on wetlands to be avoided if possible. This memorandum declares the following: *"avoidance as used in the Section 404(b)(1) Guidelines and this MOA does not include compensatory mitigation."*

The MOA further declares that *"avoidance"* analysis *(i.e. the potential impacts have been avoided through a determination of no other environmentally preferable site)* must establish that the potential negative impacts have been avoided to the *"maximum extent practicable."* 14-33

Therefore, under the Corps MOA, the alternative siting delineations must be able to establish that there is no other more likely or environmentally preferable site to the maximum extent practicable. [3] The Corps has previously conceded that a permit for a

[3] There also may be valid criticism that the Port of Houston's original permit does not even address the issue of environmentally preferable site alternatives. The regulation dictates that this analysis must occur. Other container port applicants have been required to make such an analysis. *Sierra Club v. Marsh, 701 F.Supp 886, 910 (D. Maine 1988).* At the very least, under *Marsh* the Corps. is required to *"independently verify"* alternative siting delineation. However, the Port has not included such a discussion in its permit and such a discussion was specifically excluded from the Citizens Advisory Group created by the Port. *See,*

container cargo terminal must be denied if there is a practicable alternative to the proposed site. *Sierra Club v. Marsh, 701 F.Supp. 886, 912 (D. Main 1988).* In this case, the Corps has not met this burden.

Because the Corps has arbitrarily omitted consideration of numerous wetland acreage, a proper avoidance analysis for purposes of the MOA cannot even be made. If such an analysis were appropriately considered, and the true number of impacted wetlands were delineated, then the Corps must take all steps to minimize the impact on these wetlands. If the Corps is to adhere to the intent of the avoidance policy under the MOA, then the Corps must act to minimize the size and *"footprint"* of the Bayport facility in relation to the wetlands lost. Based upon the MOA, the Corps alternative siting analysis must be revised to consider a more accurate comparison of the wetland impacts at Bayport compared against alternative sites. It is against both the rules and policy of the Corps and the EPA to allow mitigation to be utilized to offset wetland filling if a less damaging alternative site is available. 14-33

IV. IMPACTS OF A 50 FOOT CHANNEL

The Foundation has a long history of opposition to the deepening of the Houston Ship Channel to fifty feet and played a central role in reaching a compromise with the Corps on this issue over ten years ago. However, the current Bayport DEIS is deficient because it fails to even address the issue of the deepening of the Houston Ship Channel to fifty feet. The permit application filed by the Port of Houston Authority requested permission to construct the wharves to a depth of 56 feet, even though the existing Bayport Channel is only authorized to 40 feet of depth and the Houston Ship Channel is only authorized to 45 feet of depth.

The Corps of Engineers has identified that the future widening and deepening of the Houston Ship Channel was a reasonably foreseeable action. The Corps states, *"further deepening and widening of the HSC and its connecting channels would likely be necessary." (DEIS p. 4-15).* The DEIS further notes that *"the impacts of the proposed dredging on marine life in Galveston Bay, including the impacts of future deepening of the Houston Ship Channel and the Bayport Channel to at least 50 feet." (DEIS p. 5-4)* Despite these assertions by the Corps, no analysis of the impact of a fifty foot channel up into Galveston Bay as far as the Bayport facility has been addressed in the DEIS. The Corps has failed to address either the impact of dredging on marine organisms or the impact of the future deepening of the Houston Ship Channel. 11-9

Furthermore, the Corps has failed to provide any analysis of the deepening of the Houston Ship Channel specific marine life, such as oysters. The oyster reefs of Galveston Bay are extensive. The Corps has also failed to evaluate the impact increased salinity that may occur with a fifty foot channel. Such increase in salinity could have a profound impact on marine life in the Bay.

Minimizing The Adverse Effects Of the Proposed Bayport Facility, Citizens Advisory Group, 3/25/02. Exclusion of an alternative siting discussion represents a major deficiency of the CAG report.

Without a comprehensive discussion and evaluation of the impact of the deepening of the Houston Ship Channel to fifty feet, the Bayport DEIS fails to provide full and fair disclosure. This is particularly disturbing since requests for such an analysis were made in the scooping comments. On this basis, the Foundation requests that the DEIS be revised and reissued. 11-9

V. CONCLUSION

The Galveston Bay Foundation does not support the current DEIS for Bayport. The document fails to properly define the jurisdictional wetlands impacted by this project. Consequently, the document fails to apply and appropriate alternative siting analysis as required by NEPA. The document fails to rigorously explore other alternative sites because no evaluation has been made on the projected future demand for 11 container terminal berths operating on Galveston Bay. The DEIS links a cruise terminal to a cargo terminal when there is no reasonable nexus to do so. Likewise, the alternative siting analysis that is applied is arbitrary and is not uniformly applied in the Shoal Point DEIS and the Bayport DEIS. The DEIS also fails to provide any analysis on the potential environmental impact of the deepening of the Houston Ship Channel to fifty feet. For these reasons, the Foundation asserts the Bayport DEIS is both arbitrary and capricious in its analysis and evaluation of this proposed facility. The Foundation respectfully requests that the DEIS be revised and reissued as a supplemental DEIS.

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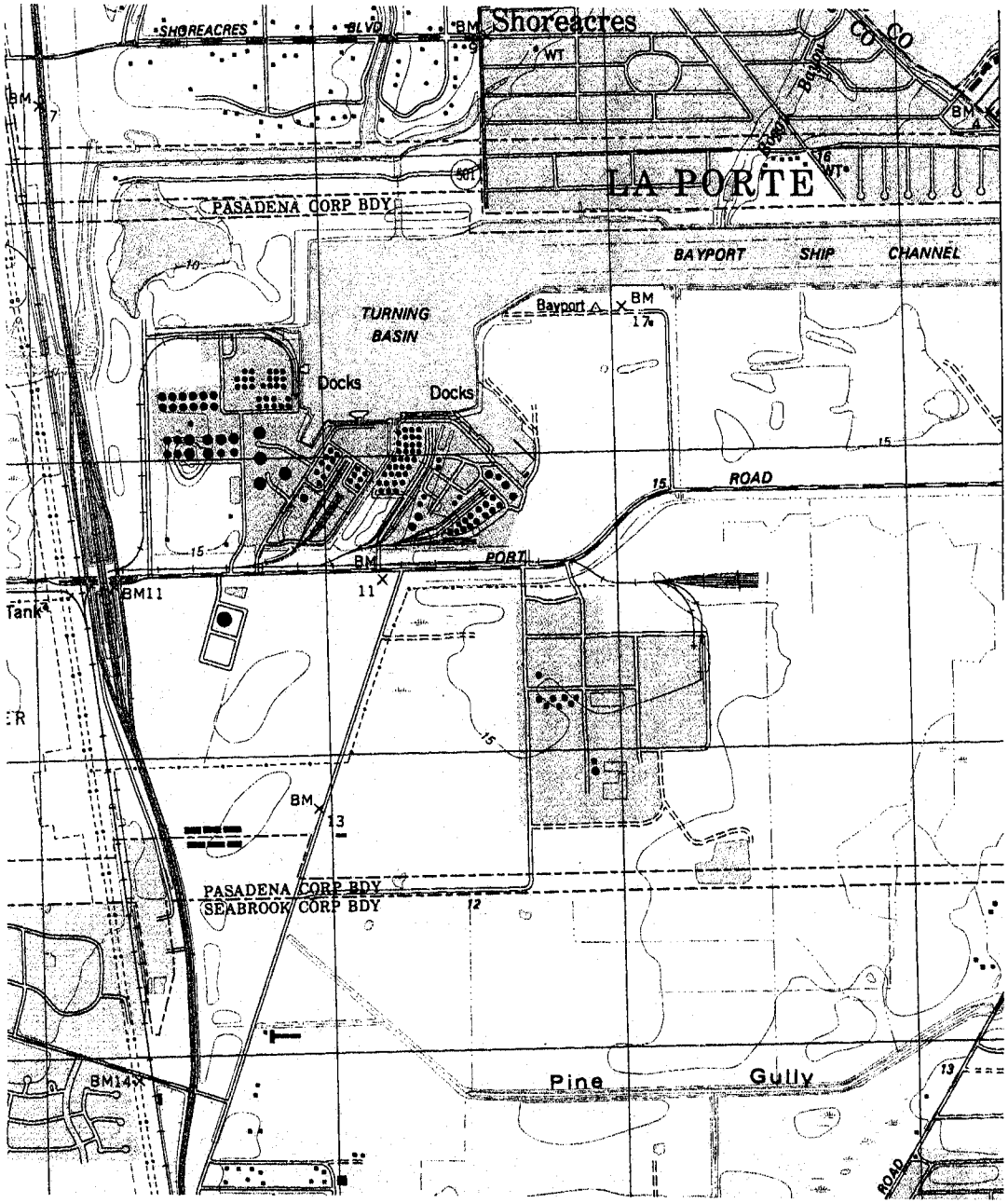

1999

DP 11001

GALVESTON•HOUSTON ASSOCIATION•FOR SMOG•PREVENTION

March 13, 2002

Mr. Kerry Stanley
U.S. Army Engineer Corps of Engineers
Galveston District Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Dear Mr. Stanley:

On behalf of the Galveston-Houston Association For Smog Prevention (GHASP), please accept these comments on the Draft Environmental Impact Statement for the Port of Houston Authority's Proposed Bayport Channel Container/Cruise Terminal (DEIS), dated November 2001. We appreciate the opportunity to respond to the document and the extended time that the Corps made available to the public to comment on this complex and controversial issue.

Although GHASP's mission and the bulk of our comments are related to air quality and its effects on public health, we would also like to make a general observation. We are disturbed by the quality of the DEIS, the process used to develop it, and the attitude of the permit applicant displayed at the DEIS public hearing held at the George R. Brown Convention Center in November 2001. Others who have followed the process in more detail have described the applicant as relatively hostile to community input and as seeking to mold the DEIS to fit an existing agenda. It is notable that among those who have shared this opinion with us are leaders of significant community institutions on record as supporting Bayport. Clearly the Port of Houston has a credibility problem when it comes to dialogue with the community and honoring certain types of commitments. 23-127

On the other hand, GHASP also recognizes that the Port of Houston is a critical economic resource to this region and that, at times, it has exhibited leadership on environmental issues. 22-137

GHASP recommends that the U.S. Army Corps of Engineers prepare a Supplemental DEIS to correct deficiencies in the current DEIS. The current DEIS fails to disclose the full range of potential environmental impacts and other aspects of the proposed project that could potentially impact the public welfare. GHASP's particular concerns are limited to those that affect air quality, but we expect that others will raise equally pressing concerns that justify requiring a Supplemental DEIS. 7-37

Regional ozone precursor emissions – general failure to consider all impacts

The proposed Bayport facility is incompatible with long-term maintenance of the federal air quality health standard for ozone. Although the DEIS presents a position that the facility is compatible with short-term air quality goals for 2007 and with longer-term regional transportation plans, the emissions estimate presented in the DEIS shows that the proposed facility would be one of the region's largest sources of air pollution by 2025. 7-41

2476 Bolsover #126 • Houston, TX 77005-2518 • 713-528-3779 • info@ghasp.org

11001

The DEIS reports that projected nitrogen oxide (NOx) emissions will be 4,954 tons per year in 2025, or 13.6 tons per day. While the TNRCC has not established a maintenance budget for NOx emissions in the Houston region, the current NOx budget for the region in the State Implementation Plan for Ozone (SIP) is 414 tons per day. If this budget were sustained through 2025, the proposed facility would account for 3.3 % of NOx emissions from all sources throughout the eight-county region.

The DEIS has not met its responsibility to evaluate impacts of the proposed facility long-term on air quality: "The intensity of impact resulting from project related NOx and VOC emissions cannot be assessed after 2007 adequately." (3.12-13) The claim that the impact "cannot" be assessed is bogus; certainly the implications of 13.6 tons per day of NOx emissions can be understood as posing a major challenge to regional air quality. 7-41

Even if the region were able to meet emission reduction targets by 2007 and attain the one-hour federal health standard for ozone in compliance with the Clean Air Act, which for now seems unlikely, it would be difficult for the region to maintain that compliance given anticipated growth in emissions from industrial and area sources. The challenge is highlighted by the difficulty in constructing the current attainment demonstration SIP: The TNRCC states that the current SIP has a gap of 56 tons per day of NOx reductions because the state cannot identify additional measures that might reduce NOx to the level likely to achieve attainment.

In order to disclose the full range of potential environmental impacts, the Corps must prepare a Supplemental DEIS that discloses the impact that the proposed facility would have on maintaining attainment with federal health standards for air quality. 7-37

Regional ozone precursor emissions – specific failure to correctly review conformity

Although a Section 10 enabling permit, as proposed for the Bayport facility, must meet a general conformity test, the DEIS has failed to make such a conformity demonstration in accordance with the statutory criteria for conformity in CAA section 176(c)(1)(A) and (B). 7-75

A conformity determination is required to address both the regulatory criteria identified by the EPA in its transportation conformity regulation, 40 CFR Part 93, and the statutory criteria in CAA § 176(c)(1)(A) and (B). The DEIS purports to address the EPA's criteria by reference to MVEB established in the SIP, but does not make any finding with regard to the statutory criteria. 7-75

Section 176(c)(1) of the CAA declares that "[n]o MPO ... shall give its approval to any project, program or plan which does not conform to an implementation plan approved or promulgated under section 7410 of this title. Paragraph (c)(1) also declares that "[n]o department, agency, or instrumentality of the federal government shall engage in, support in any way, or provide financial assistance for, license or permit, or approve, any activity which does not conform to an implementation plan...."

Section 176(c)(1) provides the following definition:

> Conformity to an implementation plan means–
> (A) conformity to an implementation plan's purpose of eliminating or reducing the severity and number of violations of the national ambient air quality standards and achieving expeditious attainment of such standards; and
> (B) that such activities will not —
> (i) cause or contribute to any new violation of any standard in any area;
> (ii) increase the frequency or severity of any existing violation of any standard in any area; or
> (iii) delay timely attainment of any standard or any required interim emissions reductions or other milestones in any area.

Background

Section 176(c)(2) provides more specific criteria for the approval of transportation plans, programs and projects. This paragraph explicitly declares:

> No Federal agency may approve, accept or fund any transportation plan, program or project unless such plan, program or project has been found to conform to any applicable implementation plan in effect under this chapter. In particular—
>
> (A) No transportation plan or transportation improvement program may be adopted by a metropolitan planning organization ... , or be found to be in conformity by a metropolitan planning organization until a final determination has been made that emissions expected from implementation of such plans and programs are consistent with estimates of emissions reductions contained in the applicable implementation plan, **and that the plan or program will conform to the requirements of paragraph (1)(B). [Emphasis added.]**

This statutory test for approval of the proposed project requires both that emissions expected from the project will be consistent with the estimates of emissions reductions in the applicable implementation plan (as reflected in the region's Metropolitan Transportation Plan and Transportation Improvement Program) AND that the statutory tests in § 176(c)(1)(B) be met. The estimates of emissions reductions in the applicable implementation plan are what the EPA has dubbed the "motor vehicle emission budget." 40 CFR § 93.101.

The CAA does not contemplate, not does it allow discretion for any Federal agency to substitute a motor vehicle emission budget test for the statutory conformity tests. The language of the CAA specifically requires that an MPO determine that "the plan or program will conform to the requirements of (1)(B)" as a condition for making a conformity determination. Similarly, the statutory criteria in (1)(B) are clearly applicable to the approval of the proposed Section 10 permit.

In its 1997 re-promulgation of the conformity rules, the EPA specifically addressed the relationship between the MVEB test and the general statutory tests. In the preamble to the final rule, the EPA stated the presumption that the statutory tests would be satisfied if a plan and TIP met motor vehicle emission budgets that were derived from plans that provide for attainment or maintenance:

> EPA believes that if motor vehicle emissions are less than or equal to the most recent motor vehicle emissions budgets in the SIP that was approved **as meeting attainment or maintenance requirements**, then it can be stated that motor vehicles are not "causing or contributing" to violations, as required by the Clean Air Act. [Emphasis added.]

62 Fed.Reg. 43788, col 3. However, clearly implied by this presumption is the converse: that MVEBs not derived from a SIP that meet the attainment or maintenance requirements of the Act may not be presumed to meet the statutory tests prohibiting new violations, more frequent or more severe violations, or delay in timely attainment of the NAAQS.

The EPA's presumption is sound for the period up to the year through which the SIP demonstration of attainment with the NAAQS is performed, because a SIP that meets attainment or maintenance requirements will have accounted for all expected sources of emissions and demonstrated that the emission reductions in the plan are sufficient to prevent new or more frequent violations of the NAAQS. In other words, a SIP that meets the statutory requirements to "provide for attainment of the [NAAQS]," §172(c)(1)[1], by the deadline specified in the relevant section of Part D for that pollutant and that metropolitan area, or to "provide for the maintenance of the [NAAQS] ... for at least 10 years" as required by §175a(a)[2], will also include modeling analyses that demonstrate motor vehicle emissions at the level of the emissions budget in the SIP will meet the (1)(B) conformity tests for the years covered by the

[1] 42 U.S.C. §7502(c)(1).
[2] 42 U.S.C. §7505a(a).

SIP. Accordingly, a transportation plan that meets the motor vehicle emission budget in a complete attainment or maintenance SIP will presumptively meet the §176(c)(1)(B) tests as well, for the same time period addressed by the SIP.

It should also be noted that the Houston region is not regulated by a SIP with maintenance requirements extending out to 2030. Regardless of any considerations given to the MVEB established in the current SIP, the general conformity test in Section 173(c)(1) must be applied to the period of time beyond that regulated by the SIP for the purposes of awarding a Section 10 permit.

The current SIP has several deficiencies that directly relate to the adequacy of the MVEB.

- The SIP submitted to the EPA includes a photochemical grid modeling demonstration showing that compliance with the one-hour NAAQS for ozone will be achieved only if additional emissions reductions are achieved beyond those adopted, enforceable control measures in the SIP or required by the EPA. This deficiency is acknowledged by the TNRCC in its SIP.

- The SIP includes so-called enforceable commitments in lieu of actual emissions reductions.

- The SIP allows for future growth in activities, including vehicle miles traveled, that produce emissions. Neither the SIP, the 2022 MTP Update, nor the conformity determination includes any demonstration that these activities cannot be controlled with reasonably available control measures.

- The SIP includes several adopted regulatory measures, including the vehicle inspection and maintenance program, that are ineffective and will not lead to the emission reductions identified in the SIP and used in the conformity determination.

- The TNRCC failed to revise the MVEB despite taking at least 19 tons per day of SIP credit for the Texas Emission Reduction Plan as a replacement for the repealed morning construction ban and Tier 2/3 accelerated purchase requirement. While the construction ban and accelerated purchase requirement affected only off-road sources, the TERP will reduce emissions from on-road motor vehicles as well as off-road sources.

These points are demonstrated in detail in comments provided to the Houston-Galveston Area Council on its proposed conformity determination, herein incorporated by reference, and are a part of the public record. Individually and cumulatively, these points illustrate ways in which the H-GAC area lacks a MVEB for a SIP that is consistent with attainment and that there is no basis for a presumption that the §176(c)(1)(B) tests will be met if the plan and TIP meet the MVEB in the SIP. The MVEB in the SIP is not sufficient to be presumed to meet the statutory tests prohibiting new violations, more frequent or more severe violations, or delay in timely attainment of the NAAQS.

The TNRCC has identified Phase II Control Measures (sometimes referred to as enforceable commitments or gap measures) in section 7.8 of the September 2001 SIP revision. Among these measures are "reductions at ports and airports." Nowhere in the DEIS is any discussion of how the facility will contribute to meeting the state's commitment. The lack of such a discussion simultaneously demonstrates the problematic nature of the enforceable commitment concept and the failure of the conformity determination in the DEIS to fully analyze all reasonably

7-76

available control measures. Either this Phase II Control Measures are a part of the SIP and the Corps should demonstrate that the proposed permit will conforms to the SIP in its entirety, or these measures are not a part of the SIP and the SIP fails to demonstrate attainment.

Given this record, the Corps must make an independent determination that approval of the proposed permit will meet the CAA statutory conformity tests. This has not been done. Therefore, the Corps must issue a Supplemental DEIS that includes a determination of conformity with the statutory tests required by the CAA, The Corps must make such determination only after releasing a proposal that allows the public an opportunity to comment on the methodology used for such determinations. 23-128

Particulate matter emissions

It is impossible to discern from the DEIS whether the proposed facility will lead to impacts on health due to emission of particulate matter. Although the report includes an estimate of 264 tons per day of PM_{10} emissions, nowhere in the report are the potential health consequences of those emissions discussed.

The reason that these health consequences are not discussed, according to the DEIS, is that "For SO_2 and PM_{10}, intensity of impact has not been evaluated since there are no known future emissions loading estimates." (3.12-14) This argument is inadequate; among the options available to the Corps are conducting computer modeling of likely air quality impacts such as those conducted for CO. (3.12-13) 7-77 7-4

In addition to failing to account for the health impact of estimated PM10 emissions, the DEIS fails to estimate or discuss the health consequences of fine particulate matter ($PM_{2.5}$) on the grounds that EPA has not established procedures for evaluating health impacts or assigned a regional attainment status for this relatively new health standard. (3.12-10) While it may be difficult to evaluate the impact of the facility on the attainment of the $PM_{2.5}$ standard, the DEIS must disclose the potential impacts of increased levels of $PM_{2.5}$ on nearby residents and workers.

The medical literature is unequivocal in establishing $PM_{2.5}$ as a serious threat to public health, even at levels below the federal health standard. California, for example, has established a state standard even more stringent than the federal standard and is considering reducing it further. A recently published 16-year study of 500,000 individuals concluded that breathing levels of $PM_{2.5}$ above the health standard is comparable to the health effects of living with a smoker and breathing second-hand smoke. 7-31

The sources of particulate air pollution identified in the DEIS are numerous:

- Over 1000 additional daily vehicle trips in 2005 increasing to 16,000 by 2025, with more than half of these trips by trucks;
- Off-road mobile construction equipment such as cranes, bulldozers, and front-loaders and on-road construction vehicles, such as dump trucks that are typically diesel-powered, with diesel being the highest $PM_{2.5}$ emitter of all liquid fuels;
- Off-road equipment for cargo handling and transport such as fork lifts and yard tractors and on-road heavy duty diesel vehicles; and
- Other off-road mobile sources including diesel-powered locomotives, ships and tugs.

The PM2.5 evaluation must include all the sources listed in the draft. 7-61

11001

Rather than offering a regional airshed analysis of $PM_{2.5}$ emissions from the proposed facility, the DEIS must be revised to include computer modeling of projected ambient air quality conditions that would affect residents and workers in the surrounding area. Receptors such as homes, schools, churches, and other places where individuals may be impacted by the proposed facility have been identified for noise levels. These same receptors need to be used for monitoring or modeling air pollution levels. 7-55

The health effects of modeled air pollution levels must be evaluated based on the population currently residing in the affected area, as well as a more sensitive population that could live in the affected area in the future. Children, senior citizens, and individuals who are sensitive due to genetic background or chronic disease should all be considered in the evaluation. Children are particularly at increased risk of suffering negative health effects from air pollution due to their unique behavior and small, developing bodies. In 1996, approximately 100,000 children in Harris County had asthma. The environmental justice issues of increasing air pollutants and increasing diesel traffic, both truck and locomotive, in the low-income and minority areas of east and southeast Houston must be evaluated. The full health impacts of any elevation in pollution levels much be disclosed. 7-62 26-1 26-7

According to information that is to be submitted in comments by the Galveston Bay Conservation and Preservation Association, Michael Hunt, P.E., has modeled the expected levels of $PM_{2.5}$ resulting from the construction and operation of the proposed Bayport container facility. Mr. Hunt's modeling indicates an increase of 3.0 micrograms per cubic meter occurring just off-site of the proposed container facility and shows the 1.0 micrograms per cubic meter isoline extending north of the site into Shoreacres and southern LaPorte, eastward into El Jardin, and southward into Seabrook. The 0.5 microgram per cubic meter increase in the isoline extends far to the north into LaPorte along SH 146 and southward into the center of Seabrook. Based on this finding, GBCPA has estimated that over 8,000 persons live within the 0.5 microgram or higher isolines. GBCPA's information should be used as the basis for a health effects analysis that utilizes all available scientific information about the health effects of $PM_{2.5}$ pollution. Previously Submitted

In order to disclose the full range of potential environmental impacts, the Corps must prepare a Supplemental DEIS that discloses the impact that particulate emissions resulting from construction of the proposed facility would have on the health of affected residents and workers. Considering that these effects depend on the locally exposed population and specific local meteorological and land use conditions, the Supplemental DEIS must also conduct similar analyses for all the proposed alternatives and cannot make the general assumption that the effects at Bayport would be the same as at other alternative sites. 23-129

Hazardous air pollutant emissions

The DEIS does not mention the potential adverse impacts to health of toxic air emissions. At least 33 common components of diesel exhaust are air toxics, known to be associated with adverse health risks. Benzene is one of the most serious cancer-causing pollutants, associated with leukemia and other cancers. Breathing benzene can cause drowsiness, dizziness, and unconsciousness; long-term benzene exposure causes effects on the bone marrow and can cause anemia and leukemia.[3] A review of EPA data on toxic air emissions in Harris County in the table below strongly suggests that diesel emissions are by far the most significant regional source of air toxics. 7-78

[3] ATSDR ToxFAQs (www.atsdr.cdc.gov/tfacts3.html)

1996 Harris County Air Toxic Emissions

Source Type	Air Toxics		Benzene	
	Total (tpy)	Percent	Total (tpy)	Percent
Onroad Mobile	4,965	31 %	1,650	48 %
Nonroad Mobile	6,853	42 %	817	24 %
Point	2,131	13 %	748	22 %
Area	252	7 %	2,171	13 %
Total	16,129		3,470	

Source: National-Scale Air Toxics Assessment (www.epa.gov/ttn/atw/nata/).

In order to disclose the full range of potential environmental impacts, the Corps must prepare a Supplemental DEIS that discloses the impact that hazardous air toxic emissions resulting from construction of the proposed facility would have on the health of affected residents and workers. Because the facility evidently depends on the extensive use of diesel fuel in all of its operational and support activities, it is certain that increased levels of toxic emissions will result from construction. 23-55

Considering that the range of effects varies with characteristics of the locally exposed population and specific local meteorological and land use conditions, the Supplemental DEIS must also conduct similar analyses for all the proposed alternatives and cannot make the general assumption that the effects at Bayport would be the same as at other alternative sites. The number of people affected by these air toxics is likely to be at least as large as the 8,000 individuals affected by the $PM_{2.5}$ emissions discussed above. 7-4 2-97

Inadequate consideration of alternatives

Even though 81 alternative sites were examined in the DEIS, the alternatives analysis fails to demonstrate that the preferred alternative is the best available method of reducing emissions that will aversely affect regional air quality. In its SIP, the TNRCC has asserted that it infeasible for the state to accomplish the necessary regulatory adoption in the short term to achieve attainment with the federal health standard by 2007. In order to rely on the SIP, the Corps must substantiate this assertion in its conformity determination with an analysis demonstrating that the proposed facility uses the best available methods of reducing emissions and will therefore lead to timely attainment of federal health standards for air quality. The conformity analysis should include a review of both technological options and transportation infrastructure options to reduce emissions from all sources of ozone precursor emissions. 2-106

As an example of the potential alternatives that could be included in the analysis, information to be submitted by the Galveston Bay Conservation and Preservation Association demonstrates that the DEIS omitted consideration of technologies to efficiently move containers. This omission is inconsistent with the applicant's stated need to remain competitive as a major international container port. It is also inconsistent with the stated intent of the DEIS to "identify and evaluate a range of reasonable alternatives to accomplish the purpose of the proposed project, and to evaluate potential effects that the action alternatives may have on the environment." 20-15

According to the information to be submitted by GBCPA, the DEIS assumes that average berth throughput is limited to about 200,000 TEU per year. This assumption does not address the much higher throughput demonstrated by existing container terminals. For example, Pasir Panjang Terminal in Singapore has average throughputs per berth of 750,000 TEUs per year. In contrast to the Bayport evaluation, the Port Everglades master plan includes proposals for conceptual and currently in-use automated terminal container handling systems. Among the 2-107

alternatives that should have been included in the DEIS would be renovating the existing Barbour's Cut facility to make greater use of automation and the use of automation equipment at the various alternative sites included in the DEIS. The increased throughput will result in ships spending less time in berth and may also have a positive impact on other sources of emissions. 2-108

In order to disclose the full range of potential environmental impacts of all reasonable alternatives, the Corps must prepare a Supplemental DEIS that includes an evaluation of technological options and transportation infrastructure options that could result in less adverse environmental impacts resulting from construction of the proposed facility. 2-109

In conclusion, GHASP is asking to be placed on the mailing list for any procedural or substantive replies to comments received by the Corps in response to its DEIS. GHASP is willing to assist in identifying the appropriate scope and methods necessary to address the problems in the preparation of a Supplemental DEIS that we have outlined above. Absent the preparation of a Supplemental DEIS, the Corps must deny the permit application as failing to demonstrate that the environmental consequences of the proposed facility are acceptable.

Sincerely,

John D. Wilson
Executive Director

DP11003

MAR 19 2002

DRUSILLA DICKSON
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281-474-2494

Mr. Kerry Stanley
U.S. Army Corps of Engineers
Galveston Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Dear Mr. Stanley,

BAYPORT COMMENTS

RE: Port of Houston Authority's Proposed Bayport Container Terminal
Department of the Army Application Number 21520

As a long-time resident adjacent to Pine Gully creek, and a former Park Board member for the City of Seabrook--(which recently received an award from the Texas General Land Office for its wetlands conservation plan)--I am especially conscious of the importance of conserving wetlands.

I am therefore dismayed at the claim in the draft Environmental Impact Statement for the proposed Bayport project that only 2.5 acres of wetlands on the site are considered "jurisdictional" by the Corps of Engineers. With respect, this is a claim readily open to challenge. 14-2

There are **extensive seasonal wetlands** on this site. Prairie potholes are a characteristic wetland type there, and nearly all of these wetlands are within a mile or less of the Galveston Bay shore. Portions of the land drain into Pine Gully. Downstream of the site on Pine Gully is the flagship park in the Seabrook park system, Pine Gully Park.

As you must be well aware, a number of studies of the site's hydrology have been commissioned by the Port of Houston Authority since it purchased the land several years ago. All of these studies have been by reputable environmental firms, and they have identified wetland acreage ranging up to and above 100 acres--in one case even above 200 acres. In an area of close to 1,000 acres on the Texas Coastal Plain, like the Bayport site, it is no surprise to find that kind of proportion of the acreage displaying wetlands characteristics. 14-20

What *is* surprising is to find the Corps of Engineers claiming only 2.5 jurisdictional acres in the Bayport DEIS, in view of the much larger acreages identified in all earlier studies. When the level of regulatory scrutiny of a project by the state is much greater if over 3 acres of wetlands are affected--that is, when the TNRCC cut-off for **tier II review** is impacts of 3 acres or more--it is difficult to escape the feeling that a claim of only 2.5 "jurisdictional" acres may be an attempt to ensure that the permit applicant is subject only to the much less stringent tier I review. 14-25

This does not bespeak the Corps taking environmental responsibility for wetlands seriously. It looks dangerously like a cop-out.

Further, you will also doubtless be aware that more than six miles of ditches were dug on portions of this property close to the time of its acquisition by the Port of Houston Authority. The purpose of that ditching appears to have been to drain the site. Regardless of who dug those ditches, or why, examination of recent aerial photography of the site shows that the ditches have had the effect of connecting at least some of the wetland acreage on the site to Pine Gully. 14-26

In the event that a legal determination has to be made, these wetlands are higly likely to be considered to have the "adjacency" to waters of the United States that is needed for them to be considered "jurisdictional," and there is little question that the acreage concerned amounts to substantially more than 2.5 acres. 14-27

There are other faults in the DEIS analysis of wetlands impacts too. Likely wetland losses at sites considered as alternatives to Bayport are called a **"long-term adverse impact."** But the loss of similar wetlands at Bayport ("jurisdictional" or otherwise) is not called a long-term adverse impact. Why not? This appears to indicate bias toward Bayport in the evaluation. 14-28

The assessment of **flooding potential** again contains weaknesses. Several of the alternative sites are on islands, but Bayport is an upland site, which means that runoff from extensive impermeable development will potentially affect downstream and adjacent properties, whereas the runoff from most alternative sites would go directly into the bay. But there is no comparative assessment of this in the DEIS. The detention plans offered in the DEIS are merely suggestions and have not been modeled to see if they will work. Flooding is a potentially major concern when more 1,000 acres of hard surface are to replace a natural sponge. 33-4 33-5

Proper handling of wetland conservation is a make-or-break proposition for to the Bayport permit application. The analysis needs to be complete, and the DEIS must do justice to the mandate of the Corps of Engineers to safeguard wetlands against damage and loss. I respectfully submit that a supplemental DEIS is needed to bring the Corps into a position of dignity as regards its mandates under federal law. 14-29

Yours sincerely,

Drusilla Dickson

cc: Lt. Gen. Robert B. Flowers, HQ US Army Corps of Engineers
Colonel Leonard D. Waterworth, Galveston District Engineer and Commanding Officer
Rep. Nick Lampson, U.S. House of Representatives
Sen. Kay Bailey Hutchison, U.S. Senate
Sen. Phil Gramm, U.S. Senate
Rep. Sheila Jackson Lee, U.S. House of Representatives
Rep. Kenneth E. Bentsen, Jr., U.S. House of Representatives
Rep. John Culberson, U.S. House of Representatives
Rep. Tom DeLay, U.S. House of Representatives
Rep. Gene Green, U.S. House of Representatives
Mayor Lee P. Brown, Houston
Shelley Sekula-Rodriguez, Houston City Council

DP11004

MAR 1 8 2002

Weda Scholes
538 Surf Oaks Drive
Seabrook, TX 77586

Mr. Kerry Stanley
U.S. Army Corps of Engineers
Galveston Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Dear Mr. Stanley,

COMMENTS
RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES
DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

I write to urge you to prepare a supplemental draft Environmental Impact Statement on the Bayport permit application because the Alternatives Analysis in the existing DEIS is so weak and biased in so many respects as to be essentially useless. It is a failure on the part of the applicant and the Corps of Engineers, and it must be remedied. 2-91

First, none of the of the **"combination alternatives"** avoids Bayport, with the result that three of the seven final so-called "alternatives" are Bayport-based--not really alternatives at all. Spillman's Island near Barbour's Cut and Shoal Point in Texas City are sufficiently large enough to have been combined with some of the smaller sites to create genuinely *alternative* options, but there is no analysis of these possibilities. Rather, the combination alternatives in the DEIS appear to be ways to enhance the likelihood of the Port of Houston Authority getting a permit to begin work at Bayport. 2-92 2-93

Second, the basis for the alternatives analysis in the DEIS involves extensive space being devoted to a cruise terminal. Some alternative sites are eliminated because of lack of space for a cruise terminal. This is an absurd basis for rejecting alternative possible container port sites. The **cruise market in Houston is exceedingly tentative** in nature. We already *have* a cruise terminal at Barbours Cut, and for most of the time it has existed, cruise lines have not been regular callers. Those lines that have used it have made short-term contracts and/or have failed to show that the market is viable. 2-94 32-17

Further, There is no need for container and cruise facilities to be at the same location--quite the contrary: there are many advantages to having cruise facilities at a *different* location from all the container yards and truck traffic that inevitably surround a container port. 32-17

Third, honest evaluation of the suitability of sites would exclude Bayport anyway. After the tier 1 evaluation shown in the DEIS identified 78 potential container terminal sites, the tier 2 analysis that reduced this number to 11 should have excluded Bayport. Had the tier 2 criteria been fairly applied, **Bayport would be excluded.** Criteria for tier 2 evaluation include navigational access, dredging requirements, available backland, land use constraints, road and rail access, and social and environmental impacts. The impacts of a port at Bayport on surrounding communities would be far greater than that of any of the other alternative sites because of the very much larger numbers of people living within a four- or five-mile radius of this site--some 23,000 people, as opposed to 5,000 people or fewer at other locations. 2-95 2-96

Given these grave shortfalls in the alternatives analysis presented in the Bayport draft Environmental Impact Statement, the only honorable course of action for the Corps of Engineers in exercising its federally mandated environmental responsibilities is to prepare a supplemental DEIS to address these matters. 2-97

Yours faithfully,

Weda Scholes

Weda Scholes

cc:
Lt. Gen. Robert B. Flowers, HQ US Army Corps of Engineers
Colonel Leonard D. Waterworth, Galveston District Engineer and Commanding Officer
Rep. Nick Lampson, U.S. House of Representatives
Sen. Kay Bailey Hutchison, U.S. Senate
Sen. Phil Gramm, U.S. Senate
Rep. Sheila Jackson Lee, U.S. House of Representatives
Rep. Kenneth E. Bentsen, Jr., U.S. House of Representatives
Rep. John Culberson, U.S. House of Representatives
Rep. Tom DeLay, U.S. House of Representatives
Rep. Gene Green, U.S. House of Representatives
Mayor Lee P. Brown, Houston
Shelley Sekula-Rodriguez, Houston City Council

MAR 2 2 2002

WALTON **TRANSPORTATION COMPANY**

March 18, 2002

DP 11005

Colonel D. Waterworth
District Engineer and Commanding Officer
U. S. Army Corps of Engineers, Galveston District
P. O. Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

As President and CEO of Walton Transportation Company, I want to let you know that I fully support the building of the Bayport Container Terminal by the Port of Houston Authority and without further delay. 29-55

The Port of Houston is a major piece of the economy of Texas, and its continued growth and success are vital not only to Houston and Texas, but the entire country. As a company that works directly/indirectly in the maritime community, we depend on the Port of Houston. 1-32

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues. 29-13

Again, the Corps' Environmental Impact Statement stands on its merits. This project stands on its merits. It is time to move ahead. 29-70

My support, and the support of this company, is fully behind the study the Corps has completed and we enthusiastically endorse the Bayport project. 29-77

Sincerely,

Rolan Walton

Rolan W. Walton
President

Cc: Kerry Stanley, U. S. Army Corps of Engineers ✓
James T. Edmonds, Chairman Houston Port Authority

P.O. BOX 1324 • CHANNELVIEW, TEXAS 77530 • PHONE: (713) 453-2323 • FAX: (713) 453-2399

MAR 19 2002

Ross Boudreau
538 Surf Oaks Drive
Seabrook, TX 77586

DP 11006

Mr. Kerry Stanley
U.S. Army Corps of Engineers
Galveston Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Dear Mr. Stanley,

BAYPORT COMMENTS
RE: PORT OF HOUSTON AUTHORITY'S PROPOSED BAYPORT CONTAINER TERMINAL AND CRUISE SHIP FACILITIES
DEPARTMENT OF THE ARMY APPLICATION NUMBER 21520

I wish to bring to your attention two significant failures in the draft Environmental Impact Statement for the proposed Bayport project referenced above.

(1) The Bayport DEIS entirely fails to address the effects that a 50-foot-deep channel would have on the environmental integrity of Galveston Bay. The Port of Houston Authority's permit application for Bayport requests permission to construct wharves engineered to a depth of 56 feet. The Houston Ship Channel is approved for a depth of only 45 feet, as you are well aware. Citizens have rejected 50-foot depth at the ballot box because of the harm this would cause to commerical fisheries and to nursery stocks vital to commercial fisheries by means of saltwater intrusion into the estuary. 12-2 20-27

If the Port of Houston Authority is allowed to construct a $1.2 billion facility with wharves designed for 50 feet, it is blindingly clear that they will subsequently determine that 50-foot depth is needed to support this huge investment of public funds, and they will attempt to force this upon us. Yet the Corps did not analyze this. We need to know what the impacts would be *before* a $1.2 billion facility is built. 20-27

(2) A second glaring mission from the Bayport DEIS is discussion of fine particle air pollution. This also is entirely missing from the analysis, despite tha fact that an effective national standard for fine particle pollution or PM 2.5 does exist. A number of citizens specifically requested at the Scoping meeting on this project that the fine particle pollution inevitably going to be generated by a large container port served by thousands of trucks each day should be carefully assessed. In view of the high public profile of hearings on the State Implementation Plan for air pollution--during the very same period that the Bayport DEIS was being prepared--it is mystfying in the extreme that this kind of air pollution received no evaluation at all in the DEIS. 7-4 7-65

A study by Sonoma Technology, commissioned by the City of Houston, has indicated that we already have 435 premature deaths a year in Harris County as a result of fine particle pollution, and that thousands more people are made sick each year by this form of air pollution. Diesel fuel is an especially signficant producer of fine particle contaminants, and ships, trains and port equipment would all contribute an additional load besides that of the exhaust of thousands of aditional trucks per day. It is irresponsible and improper for the Corps of Engineers simply to ignore these documented health effects.

7-31

7-61

In light of these serious failings in the Bayprt DEIS, I respectfully request that at the very least, a SUPPLEMENTAL DRAFT EIS be required on this project. The only other acceptable alternative would be to deny the permit application altogether.

23-

Yours sincerely,

Ross Boudreau

cc:
Lt. Gen. Robert B. Flowers, HQ US Army Corps of Engineers
Colonel Leonard D. Waterworth, Galveston District Engineer and Commanding Officer
Rep. Nick Lampson, U.S. House of Representatives
Sen. Kay Bailey Hutchison, U.S. Senate
Sen. Phil Gramm, U.S. Senate
Rep. Sheila Jackson Lee, U.S. House of Representatives
Rep. Kenneth E. Bentsen, Jr., U.S. House of Representatives
Rep. John Culberson, U.S. House of Representatives
Rep. Tom DeLay, U.S. House of Representatives
Rep. Gene Green, U.S. House of Representatives
Mayor Lee P. Brown, Houston
Shelley Sekula-Rodriguez, Houston City Council

DP 11007

MAR 19 2002

Dr. M. Justin Wilkinson

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281-474-9220

Mr. Kerry Stanley
U.S. Army Corps of Engineers
Galveston Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Dear Mr. Stanley,

RE: Port of Houston Authority's Proposed Bayport Container Terminal, Department of the Army Application No. 21520

COMMENTS ON LAND USE IMPACTS IN BAYPORT DEIS

As a geographer working at NASA and teaching at the University of Houston at Clear Lake, I feel bound to draw to your attention the serious problems in the land use impacts evaluation contained in draft Environmental Impact Statement for the proposed Bayport project. This important topic is handled in a shallow, incomplete, and entirely inadequate manner. 4-28

Assuming that this inadequate work has been completed in good faith, the only reasonable course of action now is to produce a **supplemental DEIS** so as to address the shortfalls. If, on the other hand, the omissions reflect manipulation of data to minimize apparent impacts, a more appropriate course of action would be to deny the permit application.

(1) Ignoring industrial sprawl

The DEIS study of future land uses altogether fails to disclose impacts contrary to the public interest--impacts that would divide and destroy communities and would diminish the environmental values supporting those communities. 4-29 The changes I mean consist of expanding industrial land use as a result of the intrusion of a very large facility incompatible with existing land uses. 4-30 Construction of the Bayport container port would inevitably mean conversion of

well-established residential and recreational land to industrial sprawl. 4-

There is no discussion of degradation of land use from desirable, higher-value residential uses to less desirable, lower-value use. Such degradation is not even considered an impact. From the standpoint of homeowners and of taxing entities, such loss of land value certainly does constitute an adverse impact. 4-31 6-7

(2) Vacant vs. developed land

A key weakness in the study is that it analyzes only changes on currently vacant lands. There is no analysis of land use changes that would be induced on already developed land. It is of course false, and beside that it is very misleading indeed, to assume that no changes can occur on already developed land. 4-32

The presumption that no land use changes can occur on already developed land leads to an astonishingly counterintiutive conclusion: if no land uses changes can occur on already developed land, then the more fully developed the land around the site for a new container terminal, the less the impact of the new terminal will be!

Clearly, the greater the existing development around a potential port site, the *greater* its impacts will be for land values and for thousands of people. 4-33

(3) Cumulative impacts

There is no acknowledgment in the DEIS of a second major project proposed for the same area--the Burlington Northern and Santa Fe's San Jacinto Rail. Federal law requires a combined EIS when the cumulative impacts of two projects affect the same area as is certainly the case in this instance. Thus in addition to the Bayport DEIS land use evaluation being inadequate in itself, it also falls utterly short in failing to address the San Jacinto Rail at all. 18-23

Any one of the above problems constitutes reason enough to call for a supplemental DEIS on Bayport, at the very least. Any of the three, if properly addressed, would likely result in a clear imperative to deny the Port of Houston Authority's permit application.

Yours faithfully,

M. Justin Wilkinson, Ph.D.

cc:
Lt. Gen. Robert B. Flowers, HQ US Army Corps of Engineers
Colonel Leonard D. Waterworth, Galveston District Engineer and Commanding Officer
Rep. Nick Lampson, U.S. House of Representatives
Sen. Kay Bailey Hutchison, U.S. Senate
Sen. Phil Gramm, U.S. Senate
Rep. Sheila Jackson Lee, U.S. House of Representatives
Rep. Kenneth E. Bentsen, Jr., U.S. House of Representatives
Rep. John Culberson, U.S. House of Representatives
Rep. Tom DeLay, U.S. House of Representatives
Rep. Gene Green, U.S. House of Representatives
Mayor Lee P. Brown, Houston
Shelley Sekula-Rodriguez, Houston City Council

MAR 2 2 2002

D 11008

March 19, 2002

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District, Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Re: Bayport Terminal Expansion

Dear Mr. Stanley:

As you consider all relevant information regarding the expansion of the Bayport Container Terminal, I ask you to give special consideration to the following two points.

1. In light of recent terrorist activities and ongoing threats of further attacks, please note that our present Port of Houston facility and neighboring chemical plants and refineries make a prime terrorist target without further expansion. It is not practical to add this large complex in such close proximity to existing industries and to residential areas. Please consider our safety. 21-16

2. The Houston area has overtaken Los Angeles in smog production. We are trying to abate this problem in several ways, one of which is the unpopular requirement to slow the heavy traffic to 55 miles per hour. Why would 7000 or more trucks per day on our inadequate highways be considered an improvement to our region? This makes no sense as far as air quality is concerned. 17-23

I hope you will consider what is best for the citizens of east Harris County during your deliberations.

Sincerely,

Patricia S. Muston

Patricia S. Muston
117 Garfield Blvd.
LaPorte, TX 77571

281.471.1537

MAR 14 2002

DF 11009

USACE, Galveston district,
Regulatory Branch,
P.O. Box 1229
Galveston, TX 77553-1229

March 12, 2002

To whom it may concern:

I was very disappointed in the Draft EIS for the Baylor Container Facility. Below are the reasons and the areas I would like readdressed.

Traffic and Construction Impacts Underestimated:

1. Off-site road improvements necessary for each site included in the evaluation of alternatives were miscalculated by the Corps in the DEIS, leading to the erroneous conclusion that Bayport required less off-site road improvement and making Bayport falsely appear to be superior to the other alternatives from a transportation standpoint. 6-100
2. A traffic delay and intersection analysis was not completed in the DEIS. Another study conducted such a delay and intersection analysis for Bayport and determined that those intersections will operate at levels that are "unacceptable" for urban environments as early as the year 2005. 27-52
3. In another study, trucks trying to enter the Bayport facility will back up onto the main lanes of SH 146, essentially stopping traffic. 27-61
4. The impact of construction on roadway traffic was not analyzed in the DEIS. In another study, these may be among the most severe of the traffic impacts because construction will occur during the typical peak volume times for the Bayport terminal.
5. The DEIS has failed to analyze the impact of Bayport's additional train traffic on transportation patterns, a major omission that must be analyzed to understand the true impact of the proposed container port. 27-3

Noise Pollution inadequately addressed. 3-12

1. The Corps of Engineers used improper noise criterion for evaluating the noise impacts from Bayport. They used a criterion more appropriate for airports than for residential communities and they still showed exceedances of these levels north of the proposed site. 3-31
2. The Corps of Engineers should have used 55 L----------dn as their noise criterion rather than 65 Ldn that they used. This change would substantially increase the number of residences experiencing unacceptably high noise levels from the facility. 3-25
3. The Corps of Engineers analysis in the DEIS used the wrong traffic projections, leading to the erroneous conclusion that noise levels after Bayport from the roads would be lower at some locations than is the case at the current time. 3-30
4. The Corps of Engineers analysis in the DEIS did not include an analysis of the impact of construction activities on noise levels anywhere within the community. 3-26

Air Pollution Non-Analysis

1. The Corps of Engineers in the DEIS identifies that PM10 levels for the 24 hour time period currently exceed the national ambient standard and indicate that the annual level for PM10 is at 49 micrograms per cubic meter, only barely below the national standard of 50 micrograms per cubic meter.
2. Based on another computer modeling using the Corps own emission estimates, the resultant PM10 levels for both the 24 hour and the annual time period will exceed the national standard.
3. The Corps Engineers conducted no analysis of the PM10 projected levels and made no assessment of the resulting non-compliance.

7-81

4. The Corps of Engineers did not analyze the impact of Bayport relative to PM2.5, or fine particle, air pollution. A national ambient air quality standard has been set by the U.S. Environmental Protection Agency of 15 micrograms per cubic meter averaged over a full year (annual standard). The EPA has also a standard applicable to a 24 hour time period of 65 micrograms per cubic meter. EPA's standard recognizes that people can withstand exposure to higher pollution levels for a shorter time period than they can be for an entire year.

23-114

5. Another study determined that diesel combustion is a major source of PM2.5 air pollution, and that at least 90% of the particle emissions from the Bayport site will be made up of particles 2.5 micrograms per cubic meter or smaller.

7-80

6. Another study conducted his own computer analysis in order to predict levels of PM2.5 resulting solely from Bayport and its off-site truck traffic. Another study determined that annual PM2.5 levels will increase by 0.5 micrograms per cubic meter or more into LaPorte and Shoreacres, extending over a mile north, as well as one-half mile south of the boundary of the site, into Seabrook, and eastward into El Jardin.

74

Fine Particle Matter really Matters

1. Fine particle concentrations (also referred to as PM2.5) in eastern Harris County are currently at levels that are of concern from a public health standpoint. Virtually all of eastern Harris County has annual concentrations in excess of 13 micrograms per cubic meter of fine particles, with some areas being higher.
2. An increase in annual concentrations of PM2.5 of 0.5 micrograms per cubic meter or more from a single source represents a significant increase of a dangerous pollutant.
3. The effects of such an increase on ambient levels and public health should be thoroughly and completely assessed prior to any decision being made on the issuance or denial of this permit, including the collection of PM2.5 monitoring data to determine existing ambient levels.

7-4
7-77

1. An increase in annual PM2.5 levels of 0.5 micrograms per cubic meter or more is highly significant from a public health standpoint. The public affected by these levels will experience negative health effects from these increased levels including increased respiratory infections, changes in lung function and increased risks of deaths and illness from heart of lung diseases. Over 8500 people live within the area predicted to experience an increase in fine particle levels of 0.5 micrograms per cubic meter or greater

2. In a study, among others, for the City of Houston (called the Sonoma Report), the existing annual fine particle level in the Bayport area was determined to be approximately 15 micrograms per cubic meter, essentially indicating that the eastern portion of Harris County was at or exceeding the national health effects standard for fine particle matter.
3. The increase in annual concentration modeled by another study indicates that the areas experiencing a 0.5 microgram per cubic meter increase or greater would be exceeding the national standard for fine particles, based on the information in the Sonoma Report.
4. The State of California has proposed a California annual health-based standard for PM2.5 to be 12 micrograms per cubic meter in response to new information that indicates that health effects from fine particle air pollution are worse than previously estimated, particularly for people with pre-existing heart and lung diseases, the elderly and for children.

7-31

7-56

Areas Destroyed for Residential Purposes

1. The Corps of Engineers did not assess the impact of Bayport on residential land uses, either from direct effects or from cumulative effects.
2. The Bayport container port is proposed for an area with substantial residential development, most of which was constructed long before any port existed at Bayport.
3. Due to the combined effects of noise, air pollution, transportation and other impacts on adjacent residential areas, the residential integrity of El Jardin, Shoreacres, portions of LaPorte and portions of Seabrook will be lost and these areas will be destroyed for residential purposes, over time, by construction of Bayport. These severe land use incompatability impacts are estimated to affect over 5000 people.
4. Bayport is in conflict with the land use plan for the City of Seabrook. Zoning restrictions in Seabrook prohibit heavy industry such as the rail yards which are proposed by the Port of Houston. The Corps of Engineers did not evaluate the compatibility of Bayport with existing zoning ordinances or land use plans, contrary to the requirements of the Council on Environmental Quality's environmental impact regulations.
5. The Bayport facility, which will be located in the City of Pasadena, is not compatible with Pasadena's existing environmental performance standards.
6. The siting of Bayport is totally inappropriate in light of established planning principles regarding appropriate buffer zones to separate industrial land uses from residential land uses.

4-3

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Impact of Industrialization:

1. The DEIS completely fails to discuss the reasonably foreseeable cumulative impacts of Bayport, San Jacinto Rail and various other proposals.
2. The cumulative impacts of these proposals will greatly extend the industrialized area of southeast Harris County, negatively impacting residential integrity in Clear Lake City, Taylor Lake Village, El Lago, Seabrook, El Jardin, Shoreacres, Pasadena, LaPorte and Deer Park.
3. The cumulative impacts of these facilities and projects are not consistent with the established land use plans of LaPorte, Pasadena, Shoreacres and Seabrook.

18-24

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4-30

4. Judging from conditions in Long Beach and Los Angeles, the impacts of container ports cannot be mitigated by the type of berm and vegatation and lighting controls proposed by the Port of Houston Authority. 5-27

Environmental Justice: Dropping the Ball

1. The DEIS did not consider the negative impacts of the 8-8000 foot long trains on communities along the rail lines, including the Hispanic and African American communities of east Houston. 26-1
2. The DEIS did not consider the cumulative effects of Bayport with the San Jacinto Rail proposal that will further worsen the existing rail traffic problems in the "east end" area. 26-1
3. The DEIS defined affected communities so narrowly that none of the impacts identified above were considered. 26-
4. One of the reasons for the passage of the Executive Order requiring consideration of environmental justice implications of federal projects is to insure that agencies consider the racial justice implications of their projects. 26-3
5. The failure to consider these environmental justice cumulative impacts is exactly the type of situation referred to as environmental racism, where an impact to a particular ethnic group is ignored and allowed to occur without disclosure or analysis.

Marine and Wetlands Impacts Not Disclosed

1. Significant adverse impacts to Galveston Bay associated with ballast water discharge and the resulting invasion of non-indigenous species were not analyzed in the DEIS. These types of impacts have been documented in previous studies dealing with Galveston Bay and are significant. 12-7
2. The permit application requests the dredging of a 56 foot deep wharf even though the current depth of the Houston Ship Channel is 45 feet. In the DEIS, the Corps admits that it is reasonably foreseeable that the Houston Ship Channel will be deepened. 9-9
3. The DEIS did not disclose the significant adverse impact arising from dredging and foreseeable ship channel expansion on essential fish habitat, particularly that for the American oyster. 12-15
4. The DEIS failed to consider the effect of increased salinity from foreseeable ship channel expansion on oyster productivity. 12-15

Wetlands Damage:

1. In the DEIS, the Corps identified only 2.5 acres of jurisdictional wetlands and identified another 104 acres of wetlands. More wetland acreage exists at the site and that substantially more acreage is jurisdictional than identified by the Corps of Engineers. 14-31
2. The jurisdictional issue is concerned with whether or not these wetland areas are "adjacent" to the waters of the United States, a term defined in the DEIS as meaning connected by surface water systems, including ditches. This is important because regulations exist requiring the Corps to deny this permit if more special aquatic sites are destroyed at Bayport than at other alternative sites. 14-26
3. Another study reviewed aerial photographs and recent USGS maps and determined

that a series of ditches connects as many as 50 acres of wetlands to Pine Gully, thereby making these wetlands jurisdictional. 14-4
4Another study is of the opinion that many of these wetland acres are pimple mound complexes, a unique and relatively rare type of wetland that should be preserved. 14-36

Readdress Alternate Sights:

1. Container and cruise terminal operations were not evaluated in the DEIS at separate alternative locations but were instead required to be located at the same site, thereby eliminating a large number of alternative sites unnecessarily and biasing the analysis against certain other sites. There is no reason why a cruise terminal and a container port must be co-located. 2-98
2. The alternatives analysis from the Bayport DEIS and the Shoal Point DEIS contradict each other. A different footprint of the container site was used in the Shoal Point DEIS - smaller by 600 acres - generating fewer environmental impacts. This led to the rejection of many alternative sites as being unacceptable when in fact they may not be unacceptable for a container facility. 23-130
3. The contradictory analysis from two Corps of Engineers DEISs released within a month of each other raise any number of issues concerning potential bias by the Corps of Engineers and, at the least, reflects differing standards for alternative development for virtually similar projects.
4. Conceptual development plans at the alternative locations within the Bayport DEIS do not reflect special opportunities and resources at each site, particularly regarding existing infrastructure. 2-110
5. Alternative technologies to increase productivity per acre utilized and/or reduce the terminal footprint were not explored in the DEIS. 20-15

I appreciate the opportunity to submit my comments. This study needs to be redone.

Regards,

Susan Sedwick
2437 Bay Area Blvd. #450
Houston, TX 77058

MAR 12 2002

DP 11010

1009 N. Heron
Seabrook, TX 77586
March 9, 2002

U.S. Army Corps of Engineers,

Attn: Kerry Stanley,
P.O. Box 1229,Galveston, Texas 77553

Dear Mr. Stanley:

I am responding to the DEIS on the proposed container port at Bayport on Galveston Bay. I have the following concerns.

IMPACTS ON RESIDENTS:

- This is the most important to me. The PHA is aggressively taking land from businesses and residents who are unwilling to sell. The PHA should not be allowed to use eminent domain when alternative sites are available. 26-20
- According to DEIS-impacts for El Jardin were not completed, however, will be ready for the Final EIS This is unacceptable. Studies should have been completed for the DEIS or at Supplemental EIS should be conducted immediately. 23-11

TRANSPORTATION:

- The study does not include $147 million of offsite improvements necessary to build Bayport. More public money will be needed. 19-1
- Off-site road improvements necessary for alternative sites were miscalculated to make Bayport falsely appear as the best location. 27-5
- A traffic delay and intersection analysis was not completed in the DEIS. 27-5
- The DEIS did not consider cumulative effects of Bayport with the San Jacinto Rail proposal which combined, will further impact mobility of the region. 23-12

AIR POLLUTION:

- There was no PM2.5 analysis-The Corps own emission modeling estimates that PM10 will exceed the 24 hour national standard. 7-4

NOISE POLLUTION:

- The use of berms to reduce sound is ineffective and will only protect areas directly adjacent to the berms. Sound will travel over the sound berm and negatively impact residents. 3-24
- The Corps should have used 55 Ldn as their noise criteria rather than 65 Ldn. 3-25

WETLANDS:

- In the DEIS, the Corps only identifies 2.5 acres of wetlands. The Bayport property contains more than 2.5 acres of jurisdictional wetlands that are directly connected to waters Galveston Bay via Pine Gully. 14-4

Please consider these comments in response to the DEIS.

Sincerely yours,

William Ohsie

Sec 11067

MAR 1 2 2002

Mr.Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch P.O. Box1229
Galveston, TX 77553

DP 11011

Dear Mr. Stanley,

As residents of Bay Colony whose home is located within 300 yards of the entrance to the Bay Port Terminal our concerns about the expansion are both numerous and personal.

We currently have ships enter the channel with following wakes that cover not only the bulkheads of our properties all the way to, and including the Houston Yacht Club, BUT, they also often cover the fishing pier at Bay Colony Park, endangering the lives of anyone caught unaware and unable to escape in time. If this should happen while someone was using the boat ramp it could be disastrous. The thought of the impact of much larger ships and the huge increase in the number of ships will prove to be extremely detrimental to all residents of the area. Although it's noted in the report that there is little erosion on the water line north of the terminal entrance, the bulkheads were built and are maintained by the individual property owners. We receive no monetary or physical help from any authority. We are concerned as to why the DEIS ignored the fact that the Houston Yacht Club, a Historical Monument, and the oldest Yacht Club in Texas, along with The Bay Colony Park, were even in the area, to say nothing about the impact the expansion would have on both. The Port negatively impacts these parks now, but the expansion could prove to end their existence. The Corps' Report, however, does meticulously list most park and recreational facilities near Alternate Sites.

21-38
15-13
32-10
32-19

Somehow the noise of the port's construction doesn't enter into the DEIS report as there is no requirement to construct noise mitigation facilities prior to, or during, the construction process. The dredging process, which has been ongoing for months, certainly was audible day and night, we can't imagine what constant pile driving, and excavation etc. will be like. Ground vibration is another subject ignored by the DEIS, although we have definite concerns about shaking foundations and walls and windows. In a meeting with the dredging people in February they admitted that they couldn't keep the Channel from filling with silt. Although they completed the process in July after Allison, they had to redo it again in December. How can you consider a depth of 50 feet? Are we destined to three months of dredging and six months off for eternity?

3-18
3-5
20-23
20-28

"Infrastructure" - Highway 146 is one of two Evacuation Routes from Galveston. It is almost at capacity now. The traffic from 6:00-8:00am and again from 3:30-6:00pm causes vehicles to sit for 2-4 light changes. The remainder of the time it's only 1-2 lights, but imagine what 5,000 additional trucks will do to a road already in disrepair. Gridlock of gigantic proportions is inevitable; deadly in a crisis. Also think of the noise and air quality while these trucks sit and idle day and night. The DEIS also failed to analyze the environmental impact of the 8 daily trains from Bayport. It ignores any traffic or blockage impacts on the routes Bayport's cargo would take to numerous yards in the East

27-53
27-3

End. Neighborhoods there already face chronic delays and blocked crossings that will worsen and extend south with Bayport. The residents of La Porte and Shore Acres experience blockage at the Choate Road/Shore Acres intersection, several times daily. Please note that this is not just our neighborhood's problem. With prevailing winds from 8-12 knots, and often higher, from the southeast, many of these pollutants are blowing directly on Houston proper. We have the dubious honor of being the smoggiest/dirtiest city in America now. Other Sites would have fewer negative impacts on everyone

26-1

Cost overrun – the court recently came down in favor of the oil companies who own the pipelines under the channel. It stated that per the Ports own rulings every agency that is making changes will be responsible for moving the pipelines at their expense. This means the Port, which ultimately means the taxpayer, which means everyone. This will add an additional $100,000,000+ to the taxpayers.

6-97
20-13

The amount of wetlands at Bayport is significant and exceeds 3 acres. In an effort to avoid state review and the requirement to conduct a more extensive site-rating analysis, the Corps claimed jurisdiction over only 2.5 acres of the 116+ acres of wetland –more than nearly any other site – are adjacent to waters and therefore should be included.

14-4

Terrorism is something no one wants to think about, however, we must. Our port is extremely vulnerable. There are 1,000 people living within a mile of this facility. In the event of an accident any where along the port, this facility, if spared, would clog the roads beyond navigation.

21-16

We are not against the port expanding, just not at Bayport. It is much too small an area for this type of traffic. We think it's time Houston resists the "Good Ole Boy", scratch my back and I'll scratch yours approach and do what's best for all the citizens of Houston and surrounding areas. The attitude that the infrastructure around the Port is now at one, on a scale of one to ten, so it can't get any worse, is UNACCEPTABLE. It can get worse, and will, is this expansion is allowed.

22-128

Sincerely,

Dwight Hollister and
Carol-Lee Hollister
206 Bay Colony Dr.
LaPorte, TX 77571
281-867-5068
cdhollister@aol.com

LARRY A. WISE
1129 EAST 16TH STREET ▪ HOUSTON, TEXAS 77009 ▪ 713.426.3170

March 12, 2002

DP 11012

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

The Draft Environmental Impact Statement (DEIS) for the proposed Port of Houston Authority (PHA) Bayport Container Cargo Terminal fails to adequately address shoreline erosion issues which may result from the terminal construction. The following omissions and inconsistencies in the DEIS with regard to erosive effects should be addressed in a supplemental DEIS:

- The north bank of the existing Bayport channel has continually eroded since construction of the channel (at a rate of 4.3 ft/yr according to the DEIS) and the PHA has failed to address this issue for several years. The repeated assumption in the DEIS that newly created shorelines will be properly protected or armored is absolutely inconsistent with the PHA's track record at the Bayport site. 15-6
- In the calculation of wind waves affecting the Bayport and other sites the duration of wind at a given speed is neglected (the ACES software program only calculates the "fully developed" sea state for a given set of wind speed, fetch, and water depth conditions). The duration of wind at a given speed is a first order factor in calculating wave height (US Army Corps of Engineers, Shore Protection Manual, 1984, pg 3-55 gives a full set of predictive equations and graphs of which ACES uses a simplified subset). Assumption that "fully developed" sea states exist for a sea breeze which may only last 6 hours yet not reach a "fully developed" state for 3 hours would yield an over estimate of the resulting average wind wave power affecting the site. This would skew any comparisons with post-project conditions which are made later. 15-18
- The DEIS asserts that the marina to the north of the Bayport Channel (Houston Yacht Club harbor) is a major block to the net longshore sediment transport from north to south along the bay shoreline in the area. While the harbor breakwaters/jetties may block some longshore sediment transport, the shoreline to the north of the harbor has failed to significantly prograde over time as would be expected if a major portion of the longshore littoral transport were being blocked. In fact most of the shoreline north of the harbor, with the exception of approximately 200 feet which is sheltered by the breakwaters from the predominant southeast wind wave in summer, is an stable or slightly erosional shoreline as evidenced by the lack of a beach fronting the concrete rip rap armoring. Paine and Morton (1986) report that the shoreline immediately north of the harbor was stable up to 1982, and the bay shoreline at the Bayport channel was only slightly erosional (0.4 ft/yr). Even the rate of erosion just south of the Bayport channel was relatively small up to 1982 (-4.7 ft/yr) in comparison with the 16 ft/yr reported in the DEIS for the recent period. Even the shorelines all the way south of the Bayport channel down to Clear Lake were less erosional up to 1982 than current conditions (a peak erosion rate in the area of -6.3 ft/yr is reported by Paine and Morton). This indicates that the Bayport channel may indeed have triggered increased erosion to the south. While the harbor breakwater is not capturing a major portion of longshore littoral drift as asserted, Bayport channel is likely a

much more significant block to longshore littoral drift and may increase this effect if channel is deepened. This may result in increased erosion along the shoreline to the south of the site. 15-19

- No justification or evidence is presented which correlates erosion in the Bayport area to longshore sediment transport. There is generally a scarcity of sand along the shorelines of this part of Galveston Bay and finer sediments do not typically exhibit strong longshore transport characteristics. Shoreline erosion south of the channel may be due to cross-shore sediment transport and suspension of clay eroded from bluffs rather than longshore sediment transport deficit. Anecdotal evidence suggests that erosion in the area is highly episodic and dependent on water levels (e.g., storm surge). The DEIS makes no attempt to discuss the effects of changes in water level on the erosion in the vicinity. 10-4 Net shoreline retreat may be very weakly correlated to long-term averages of wind wave exposures and much more dependent only on storm conditions with elevated water levels. Furthermore, subsidence is likely a key factor in shoreline erosion, but is not addressed in this section of the DEIS. Paine and Morton ("Historical Shoreline Changes in Trinity, Galveston, West, and East Bays, Texas Gulf Coast", Texas Bureau of Economic Geology Geological Circular 86-3, 1986) report that subsidence in nearby LaPorte of up to 5 feet in the thirty year period between 1943 and 1973. With the mild slope typical of Galveston Bay shores small amounts of subsidence can result in significant erosion. Differences in subsidence rates among the alternative sites should be considered when comparing erosion impacts. The DEIS also makes no mention of the fact that eroded sediments, particularly silts and clays, will contribute to increased water turbidity in the vicinity. 15-20 This in turn results in decreased light propagation through the water column leading to a decrease in primary production by marine organisms and a decrease in dissolved oxygen content in these waters causing stress on marine organisms. Analysis of this effect should be included in the DEIS.
- Quantitative assessment of the effect of change in wave climate must account for more than just wave power; wave angle change, water level changes due to ship surge, differences in wave steepness, etc. are all important factors in quantifying erosive effects. 15-21 The DEIS's assumption of the importance of longshore transport to erosive impacts at the Bayport site points out that wave angle should be considered in this analysis since it is a first order factor in longshore transport (US Army Corps of Engineers, Shore Protection Manual, 1984, pg 4-96). No attempt is made in the DEIS to quantify ship surge effects and their effects on shoreline erosion. 15-22
- The DEIS never presents documentation of a correlation between calculated historic wave climate and recorded shoreline erosion. The relationship is presumed to be linear, but if a linear relationship exists and how well it correlates wave energy to erosion is never presented. Since this is the basis of the comparative analysis between alternatives some correlation should be documented whether through data presented in the DEIS or an outside source. Appendix 3.15 section 3.3 gives an incomplete reference to the Shore Protection Manual of 1977; however, that document was replaced by the Shore Protection Manual of 1984 which in turn is in the process of being replaced by Coastal Engineering Manual (CEM) for which most sections are currently available. Neither of the replacements to the Shore Protection Manual of 1977 make any statements that erosion can be broadly correlated to wave power. The Shore Protection Manual of 1984 does correlate longshore transport to the longshore component of wave power; however, even in the simplified case of erosion attributable only to longshore transport, it is the magnitude

of the gradient of longshore transport along the shoreline which correlates to erosion, not the magnitude of the transport itself.

- The analysis for the Bayport site (Section 3.15.3.3) states that "average annual power density potentially affecting the shoreline is expected to increase by 25% by 2027" then later states that "the ultimate increase in average annual power density attributable to this alternative would be small". On an erosional shoreline a 25% increase in wave energy should be considered significant and may result in a disproportional increase in erosion effects (at a minimum a 25% increase in the erosion rate would be expected using the linear model proposed within the DEIS). Using the linear relationship presented in the DEIS (but not documented with data or references to other work), the 16 ft/yr erosion rate at the south entrance of the channel (Section 3.15.3.3) would increase to 20 ft/yr. An additional 4 ft/yr of erosion is significant. For Cedar Point alternative (Section 3.15.3.6) the DEIS states that "As the intensity of facility traffic increases, the relative wake action at the sensitive shoreline rises to a daily time-averaged power density of 0.27 hp/ft compared to 1.1 hp/ft for background vessel traffic wakes and 0.26 hp/ft for wind waves. This is a substantial increase in wave power, which would require detailed study to quantify the effect on the coastal wetland and sand spit. Increasing shoreline erosion and damage of the wetland is likely." This is an increase of less than 25% but considered significant. The DEIS should address why the 25% increase at Bayport considered inconsequential and no detailed analysis was conducted. 15-23
- Any responsible discussion of shoreline erosion should also address what resources are being eroded and what effects the erosion may have on other adjacent resources. In particular, the DEIS does not address what amount of wetland may be eroded; at a shoreline erosion rate of 20 ft/yr the wetland loss results may be significant. Changing the shoreline configuration in the vicinity may also have an effect on the hydrology of the adjacent wetlands. Both of these concerns should be addressed in the DEIS. If the PHA is not going to protect adjacent shorelines from erosive effects, then they should mitigate for lost shoreline and the lost wetlands and other resources destroyed by the erosion. 15-24
- No analysis is presented to address the effects of the increase in wave energy at key points along the transit route from the Gulf to the Bayport site. Increased wave energy may have an adverse effect on several oyster reefs, bird rookeries, and islands located near the Houston/Galveston Ship Channel between Bolivar Roads and Bayport. The effect on these resources should be analyzed in the DEIS. 20-32
- The eventual deepening and widening of the Bayport channel will provide additional channel cross-sectional area to allow transport of seawater inland during a hurricane storm surge. An analysis needs to be conducted in the DEIS to quantify the effects of the channel deepening and widening on storm surge water levels in Southeast Harris County and Northeast Galveston County. 20-33
- Bayport analysis (Section 3.15.3.3) gives 188 additional transits per week but Upper San Jacinto Bay/Bayport alternative (Section 3.15.3.9) has an additional 229 transits above background. The DEIS should explain why more transits are need to serve the same demand for different alternatives. The same basis for the analysis should be used for all alternatives or an explanation should be given as to why the basis differs. 22-26
- Why are the wave power results presented for some alternatives (i.e., Cedar Point and Upper San Jacinto / Bayport) but not others? A full set of results for each alternative should be presented, preferably in a clear, concise, and uniform manner.
- The DEIS fails to address possible erosional and safety effects from the largest vessel

wake waves. The wave height presented in Table A3.15-6 for an outbound tug of 1.82 m (6 ft) is a disproportionally large in comparison to wind waves normally occurring in the vicinity. This wave height is similar to that which might be expected for a tropical storm or small hurricane impacting Galveston Bay. A 6 ft wave will cause a significant runup on the shoreline when it breaks and will have a highly erosive effect. The shores in the vicinity are presumably out of equilibrium with the currently experienced wind waves and vessel wakes, as evidenced by the ongoing erosion, an would presumably be eroded rather quickly by the occurance of only an occasional 6 ft wave. Time averaging the wave power over a long time period (e.g., a year) masks the effect that largest vessel wake waves will have on the shoreline. Also, the safety hazard a 6 ft wave presents to recreational boaters, including young children in small relatively un-maneuverable sailboats, who frequently use the waters adjacent to the Bayport channel should be explored in the DEIS. 15-25 21-42

- Small errors in assumptions for typical vessel dimensions and operating speeds would have significant impacts on the conclusions of the erosion analysis and the DEIS acknowledges the lack of thought put into defining these operational parameters. 15-26 The vessel operating speeds likely at each site have not been well established and the assumption of the same vessel operating speeds at each site (sensitivity analysis) may not be valid since site conditions like channel geometry play a role in operating speeds. A 10% increase in operating speeds gives an approximately 40% increase in wave power, so this assumption is vital to estimating erosion and for comparisons between sites. The vessel characteristics used in the analysis may also be inaccurate. The cruise ship drafts presented in Table A3.15-5 are surprisingly shallow and do not agree with the average presented in Table A3.15-6. Furthermore, the container ship dimensions presented in Table 3.15-6 are significantly smaller than those presented in the US Army Corps of Engineers Coastal Engineering Manual (EM 1110-2-1100 (Part V), 2001) which give an average length of 272 m (compared with 240 m in DEIS), an average beam of 33 m (compared with 32.3 m in DEIS), and an average draft of 12.2 m (compared with 11.8 m in DEIS). Furthermore, container ships that would need to be maneuvered into the Bayport site by one or more tugs would create a "composite" vessel which should be used in the vessel wake analysis. The effect of underestimating vessel dimensions and operating speeds needs to be more fully studied. The effect of two or more vessels passing in opposite directions in the channel should also be studied. 20-34 Also, all wave characteristics are based on 100m distance from sailing line, but no explanation is given as to what location this represents. Vessels often navigate to one side of a channel to take advantage of the Bernoulli effect to offset wind/wave conditions, particularly near the mouth of the channel. The effect of sailing lines closer to the banks of the channel needs to be studied further. The assertion in Appendix 3.15 to the effect that inaccuracies in the analyses do not matter because they will be used only for comparison of sites shows that the PHA does not take seriously the erosive effects to be heaped on the Bayport area. 20-34
- The fetch lengths and wind durations used to develop Table A3.15-8 should be presented in order to allow confirmation of the results. The angle these various waves have with the shoreline should also be presented. If longshore transport is considered a key erosion factor, as is asserted in the report, angle is of first order importance. The assertion that net longshore sediment transport is from north to south on the stretch of shoreline adjacent to the Bayport site should also be documented using the wind wave analysis conducted in the DEIS or by citing an independent source.

11012

In addition to these comments on the shoreline erosion section of the DEIS, I would like to make the following general comments:

- Approval for the Shoal Point Terminal proposed by the City of Texas City would mean that a significant portion of the regional demand cited by the PHA for container cargo will be satisfied. The proposed site layout for the PHA Bayport site should be scaled back to only the minimum size required to meet that demand not met by the Texas City terminal. 1-35
- The cruise ship berths proposed for the Bayport site should be required to remain as cruise ship berths. Conversion of these berths to container ship berths when the demand for cruise ship berths does not materialize (as historical evidence for the PHA would indicate is likely) would change many of the key assumptions on which the DEIS is based and should require that a new Environmental Impact Statement (EIS) be prepared. 20-35
- Widening and deepening of the Bayport channel to greater depths in order to match the planned dredge depth of the turning basin would change many of the key assumptions on which the DEIS is based and should be included in this DEIS or require a new EIS to be prepared prior to execution. 20-36
- Expansion of rail lines to the proposed Bayport site poses significant cumulative impacts to the region and should be fully considered in this DEIS. 18-24

If you have any questions regarding these comments, please contact me by telephone at (713) 426-3170 or by email at larry.wise@mindspring.com.

Sincerely,

Larry A. Wise, P.E.

CC: Galveston Bay Conservation and Preservation Association

PUBLIC HEARING COMMENT

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U.S. Army Corps of Engineers
Galvedon DisOd

DRAFT
ENVIRONMENTAL IMPACT STATEMENT
FOR THE PROPOSED
BAYPORT MARINE TERMINAL

DP 11013

This form may be used to provide your comments resulting from review of the Draft Environmental Impact Statement for the proposed Bayport Marine Terminal. Written comments may also be sent directly to: Mr. Kerry M. Stanley U.S. Army Corps of Engineers Galveston District Regulatory Branch P.O. Box 1229 Galveston, TX 77553-1229 Facsimile: 409-766-6301 Email: kerry.m.stanley@swgO2.usace.army.mil

All written comments should be received by March 13, 2002.

Name: Dean Snider

Address: 202 Bay Colony Drive

City, State and Zip: La Porte, TX, 77571

Comment:

As a sailor on Galveston Bay, I am aware of the great sea breezes that we have for sailing on upper Galveston Bay. They range from 10-20 knots in the spring to 5-10 knots in August and blow from primarily from the SE (135 degrees). Great for sailing, but deadly for La Porte and surrounding communities if the Bayport Terminal is implemented. These breezes occur at least 60-70 % of the time and will blow the small particle pollution and the large particle pollution directly over La Porte undiluted by mixing with the rest of the Houston area. These breezes are cyclical and will concentrate the pollution to a higher concentration than would be expected from breezes that blow strongly from one direction such as the cold fronts that are experienced during the winter season. This phenomena needs to be analyzed to ensure that the health of the citizens is not endangered. 7-66

There are more modern designs of container terminals that can limit the noise, air pollution, light pollution and footprint of the facility. These need to be evaluated to determine if they can be used to make this facility more neighborly if it is built. The current design will have devastating impact on the local communities. It should be built where the impact upon the local residential areas is minimal and it blends in with the industrial community. 22-129

Recognizing that ships will only get larger and require more width and depth of channels to get the ships to terminals, the most logical location of such a terminal is near the deep water. Dredging channels is expensive as is maintaining them. This terminal should be built as close to the Gulf as possible to achieve efficiencies to make it competitive with other terminals on the Gulf Coast. 2-100

Shoreline erosion is serious with the existing Bayport terminal. It does not show much because the local residents have taken the initiative to maintain their shorelines. This is a serious impact of the proposed terminal and has not been addressed. 15-14

The Light, Noise, Pollution and Traffic will drastically change the wonderful lifestyle of the local area. This should not be taken lightly when there are other options available that will not have such a dramatic impact. 18-2

MAR 1 4 2002

March 12, 2002

Herman Burton
2918 Sea Ledge Drive
Seabrook, TX 77586

DP 11014

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Dear Mr. Stanley,

Here are my comments about the Draft Environmental Impact Statement for the proposed Bayport Marine Terminal. According to law, please add this letter to the official record of the project, with appropriate review.

1. The DEIS does not consider degradation of land use from desirable, higher value residential to a less desirable, lower value of the land to be an impact, which it certainly is. 4-31
2. The DEIS lists possible terminal supporting activities on land in Shoreacres. This land is, however, Right of Way owned by TxDOT and such uses are against Shoreacres' zoning. 27-54
3. Presumes no land use changes can occur on already developed land; therefore, the more fully developed the area around an alternate site, the less the impact. This is an incorrect assumption. 4-33
4. The number of residents impacted by the proposed Bayport site far exceeds the number of people impacted by any other of the sites studied, therefore Bayport should be eliminated from consideration because of the increased impact on people. 2-96
5. Traffic impact analysis is flawed. The traffic impact analysis in inconsistent between the areas studied, and does not address the problem of additional pollution from idling trucks as well as trucks moving on the street systems. 7-36
6. The impact of noise pollution from construction of the port, trucks servicing the port, trains servicing the port, and operation of the port is not adequately addressed. 3-26

7. The economic impact to the recreational economy in the Clear Lake area is not adequately addressed. This would negatively impact the tax basis of the surrounding municipalities. 6-7
8. The DEIS fails to address different risks at different alternative sites due to the differences of nearby populations. 2-90
9. The underground storage tanks that are in the JWD technical memo are not addressed in the DEIS. 22-130
10. The loss of wetlands is a "long term adverse impact" in spite of what the DEIS says, and the proposed Bayport site eliminates more habitat that almost any other alternative. 14-28
11. The DEIS does not address the cost to the taxpaying public of State Highway 146 infrastructure improvements which would have to be improved in order to handle the huge increase in traffic due exclusively from the terminal itself. This cost could easily be tens of millions of dollars. 6-97
12. The DEIS does an inadequate job of analyzing PM2.5 particulate matter, and the adverse health effects this airborne pollutant has on the neighboring communities. 7-4

I urge you to consider the other sites more thoroughly and eliminate Bayport from consideration.

Sincerely,

Herman Burton

Herman Burton

MAR 1 4 2002

March 12, 2002

Mr. Kerry Stanley
USACE, Galveston District
Regulatory Branch, P. O. Box 1229
Galveston, Texas 77553-1229

DP11015

Dear Mr. Stanley,

If you are familiar with Main Street in League City, you know it narrows through downtown, erasing the center turn lane and causing traffic delays. It is a minor inconvenience in comparison to the benefit of maintaining the life of the historic oak trees which canopy the road. My mother is one of several women who stood up to save the oaks. Of the many accomplishments of her lifetime, I admire her greatly for this act and her commitment to being a steward of this planet. Friends of mine, friends of my sister, friends of my brother, friends of my parents, elected officials (as they come and go) remember my mother for saving these trees. She shirks off any praise for this act, like it was no big deal. She is only trying to keep her community, her home, a nice place to live.

I ask you, what will be your legacy? Is there greater value in the income the proposed container port will bring or in the preservation of Galveston Bay as a marine habitat, a natural resource, a human environment? During the earliest development of the Port of Houston, La Porte and Seabrook were summer havens for Houstonians. I would love to have been at Sylvan Beach in its hay day. The heritage of these shores has always attracted me. My husband and I can afford to live on the bay but we will not. It is too close to the chemical plants. I avoid Seabrook during peak traffic times. As we sail from our berth at Houston Yacht Club, we view the cranes at Barbour's Cut. The industrial

Speaks Comments

development along the ship channel has encroached on the human habitat enough.

Houston is no longer a healthy environment. People come here to work. Very few retire here. You know this. Yet the Port of Houston wants more. You have an opportunity to make your children and grandchildren proud as I am proud of my mother. Proud you did not bow to the lure of power and money today but chose to look back one hundred years and forward to future generations.

I ask you to stop the Bayport Container Terminal. Leave what little of the remaining natural resources between LaPorte and Texas City to be rehabilitated and preserved for future generations. Houston needs to be cleaned up. The proposed Bayport Container Port will only add to the pollution. Statics can be skewed to support any position. Common sense and experience tells us there will be negative environmental impact. Use the resources of the Port of Houston to contribute to the preservation of the bay. There will be less negative environmental impact if the container terminal is developed with private funds in Texas City or another location where humans are not so dramatically effected. The San Jacinto Rail Line has been defeated according to the Houston Chronicle. Expansion of Highway 146 to an overhead freeway will destroy the central intersection which is Seabrook, a long ago established community.

I agree fully with the GBCPA Technical Study Results which were presented on February 21, 2002 at Bay Elementary in Seabrook. At this meeting, Jody Short stated his models did not include idle time for the diesel trucks hauling containers in and out of the port. I asked him to do his best to include this data. The TNRCC tells us not to let our automobiles idle for more than one minute to cut down on air pollution.

I implore the Corps of Engineers to include the data which GBCPA is noting as being excluded in your Environmental Impact Study on the

29-39

22-13

2-48

27-55

7-67

Bayport Terminal site. If you ignore the marine habitat and ecosystem of the bay, please do not ignore the human environment. Let Houston become a community to be called home; not just a place to work but a nice place to live. 22-132

Very sincerely,

Vaness Hamilton

Vaness Hamilton
526 E. Shore Drive
Clear Lake Shores, TX 77565
281-334-3196

MAR 1 4 2002

LARRY A. WISE
1129 EAST 16TH STREET ▪ HOUSTON, TEXAS 77009 ▪ 713.426.3170

Duplicate

11016

March 12, 2002

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

The Draft Environmental Impact Statement (DEIS) for the proposed Port of Houston Authority (PHA) Bayport Container Cargo Terminal fails to adequately address shoreline erosion issues which may result from the terminal construction. The following omissions and inconsistencies in the DEIS with regard to erosive effects should be addressed in a supplemental DEIS:

- The north bank of the existing Bayport channel has continually eroded since construction of the channel (at a rate of 4.3 ft/yr according to the DEIS) and the PHA has failed to address this issue for several years. The repeated assumption in the DEIS that newly created shorelines will be properly protected or armored is absolutely inconsistent with the PHA's track record at the Bayport site.
- In the calculation of wind waves affecting the Bayport and other sites the duration of wind at a given speed is neglected (the ACES software program only calculates the "fully developed" sea state for a given set of wind speed, fetch, and water depth conditions). The duration of wind at a given speed is a first order factor in calculating wave height (US Army Corps of Engineers, Shore Protection Manual, 1984, pg 3-55 gives a full set of predictive equations and graphs of which ACES uses a simplified subset). Assumption that "fully developed" sea states exist for a sea breeze which may only last 6 hours yet not reach a "fully developed" state for 3 hours would yield an over estimate of the resulting average wind wave power affecting the site. This would skew any comparisons with post-project conditions which are made later.
- The DEIS asserts that the marina to the north of the Bayport Channel (Houston Yacht Club harbor) is a major block to the net longshore sediment transport from north to south along the bay shoreline in the area. While the harbor breakwaters/jetties may block some longshore sediment transport, the shoreline to the north of the harbor has failed to significantly prograde over time as would be expected if a major portion of the longshore littoral transport were being blocked. In fact most of the shoreline north of the harbor, with the exception of approximately 200 feet which is sheltered by the breakwaters from the predominant southeast wind wave in summer, is an stable or slightly erosional shoreline as evidenced by the lack of a beach fronting the concrete rip rap armoring. Paine and Morton (1986) report that the shoreline immediately north of the harbor was stable up to 1982, and the bay shoreline at the Bayport channel was only slightly erosional (0.4 ft/yr). Even the rate of erosion just south of the Bayport channel was relatively small up to 1982 (-4.7 ft/yr) in comparison with the 16 ft/yr reported in the DEIS for the recent period. Even the shorelines all the way south of the Bayport channel down to Clear Lake were less erosional up to 1982 than current conditions (a peak erosion rate in the area of -6.3 ft/yr is reported by Paine and Morton). This indicates that the Bayport channel may

indeed have triggered increased erosion to the south. While the harbor breakwater is not capturing a major portion of longshore littoral drift as asserted, Bayport channel is likely a much more significant block to longshore littoral drift and may increase this effect if channel is deepened. This may result in increased erosion along the shoreline to the south of the site.

- No justification or evidence is presented which correlates erosion in the Bayport area to longshore sediment transport. There is generally a scarcity of sand along the shorelines of this part of Galveston Bay and finer sediments do not typically exhibit strong longshore transport characteristics. Shoreline erosion south of the channel may be due to cross-shore sediment transport and suspension of clay eroded from bluffs rather than longshore sediment transport deficit. Anecdotal evidence suggests that erosion in the area is highly episodic and dependent on water levels (e.g., storm surge). The DEIS makes no attempt to discuss the effects of changes in water level on the erosion in the vicinity. Net shoreline retreat may be very weakly correlated to long-term averages of wind wave exposures and much more dependent only on storm conditions with elevated water levels. Furthermore, subsidence is likely a key factor in shoreline erosion, but is not addressed in this section of the DEIS. Paine and Morton ("Historical Shoreline Changes in Trinity, Galveston, West, and East Bays, Texas Gulf Coast", Texas Bureau of Economic Geology Geological Circular 86-3, 1986) report that subsidence in nearby LaPorte of up to 5 feet in the thirty year period between 1943 and 1973. With the mild slope typical of Galveston Bay shores small amounts of subsidence can result in significant erosion. Differences in subsidence rates among the alternative sites should be considered when comparing erosion impacts. The DEIS also makes no mention of the fact that eroded sediments, particularly silts and clays, will contribute to increased water turbidity in the vicinity. This in turn results in decreased light propagation through the water column leading to a decrease in primary production by marine organisms and a decrease in dissolved oxygen content in these waters causing stress on marine organisms. Analysis of this effect should be included in the DEIS.
- Quantitative assessment of the effect of change in wave climate must account for more than just wave power; wave angle change, water level changes due to ship surge, differences in wave steepness, etc. are all important factors in quantifying erosive effects. The DEIS's assumption of the importance of longshore transport to erosive impacts at the Bayport site points out that wave angle should be considered in this analysis since it is a first order factor in longshore transport (US Army Corps of Engineers, Shore Protection Manual, 1984, pg 4-96). No attempt is made in the DEIS to quantify ship surge effects and their effects on shoreline erosion.
- The DEIS never presents documentation of a correlation between calculated historic wave climate and recorded shoreline erosion. The relationship is presumed to be linear, but if a linear relationship exists and how well it correlates wave energy to erosion is never presented. Since this is the basis of the comparative analysis between alternatives some correlation should be documented whether through data presented in the DEIS or an outside source. Appendix 3.15 section 3.3 gives an incomplete reference to the Shore Protection Manual of 1977; however, that document was replaced by the Shore Protection Manual of 1984 which in turn is in the process of being replaced by Coastal Engineering Manual (CEM) for which most sections are currently available. Neither of the

replacements to the Shore Protection Manual of 1977 make any statements that erosion can be broadly correlated to wave power. The Shore Protection Manual of 1984 does correlate longshore transport to the longshore component of wave power; however, even in the simplified case of erosion attributable only to longshore transport, it is the magnitude of the gradient of longshore transport along the shoreline which correlates to erosion, not the magnitude of the transport itself.

- The analysis for the Bayport site (Section 3.15.3.3) states that "average annual power density potentially affecting the shoreline is expected to increase by 25% by 2027" then later states that "the ultimate increase in average annual power density attributable to this alternative would be small". On an erosional shoreline a 25% increase in wave energy should be considered significant and may result in a disproportional increase in erosion effects (at a minimum a 25% increase in the erosion rate would be expected using the linear model proposed within the DEIS). Using the linear relationship presented in the DEIS (but not documented with data or references to other work), the 16 ft/yr erosion rate at the south entrance of the channel (Section 3.15.3.3) would increase to 20 ft/yr. An additional 4 ft/yr of erosion is significant. For Cedar Point alternative (Section 3.15.3.6) the DEIS states that "As the intensity of facility traffic increases, the relative wake action at the sensitive shoreline rises to a daily time-averaged power density of 0.27 hp/ft compared to 1.1 hp/ft for background vessel traffic wakes and 0.26 hp/ft for wind waves. This is a substantial increase in wave power, which would require detailed study to quantify the effect on the coastal wetland and sand spit. Increasing shoreline erosion and damage of the wetland is likely." This is an increase of less than 25% but considered significant. The DEIS should address why the 25% increase at Bayport considered inconsequential and no detailed analysis was conducted.
- Any responsible discussion of shoreline erosion should also address what resources are being eroded and what effects the erosion may have on other adjacent resources. In particular, the DEIS does not address what amount of wetland may be eroded; at a shoreline erosion rate of 20 ft/yr the wetland loss results may be significant. Changing the shoreline configuration in the vicinity may also have an effect on the hydrology of the adjacent wetlands. Both of these concerns should be addressed in the DEIS. If the PHA is not going to protect adjacent shorelines from erosive effects, then they should mitigate for lost shoreline and the lost wetlands and other resources destroyed by the erosion.
- No analysis is presented to address the effects of the increase in wave energy at key points along the transit route from the Gulf to the Bayport site. Increased wave energy may have an adverse effect on several oyster reefs, bird rookeries, and islands located near the Houston/Galveston Ship Channel between Bolivar Roads and Bayport. The effect on these resources should be analyzed in the DEIS.
- The eventual deepening and widening of the Bayport channel will provide additional channel cross-sectional area to allow transport of seawater inland during a hurricane storm surge. An analysis needs to be conducted in the DEIS to quantify the effects of the channel deepening and widening on storm surge water levels in Southeast Harris County and Northeast Galveston County.
- Bayport analysis (Section 3.15.3.3) gives 188 additional transits per week but Upper San Jacinto Bay/Bayport alternative (Section 3.15.3.9) has an additional 229 transits above background. The DEIS should explain why more transits are need to serve the same

demand for different alternatives. The same basis for the analysis should be used for all alternatives or an explanation should be given as to why the basis differs.

- Why are the wave power results presented for some alternatives (i.e., Cedar Point and Upper San Jacinto / Bayport) but not others? A full set of results for each alternative should be presented, preferably in a clear, concise, and uniform manner.
- The DEIS fails to address possible erosional and safety effects from the largest vessel wake waves. The wave height presented in Table A3.15-6 for an outbound tug of 1.82 m (6 ft) is a disproportionally large in comparison to wind waves normally occurring in the vicinity. This wave height is similar to that which might be expected for a tropical storm or small hurricane impacting Galveston Bay. A 6 ft wave will cause a significant runup on the shoreline when it breaks and will have a highly erosive effect. The shores in the vicinity are presumably out of equilibrium with the currently experienced wind waves and vessel wakes, as evidenced by the ongoing erosion, an would presumably be eroded rather quickly by the occurance of only an occasional 6 ft wave. Time averaging the wave power over a long time period (e.g., a year) masks the effect that largest vessel wake waves will have on the shoreline. Also, the safety hazard a 6 ft wave presents to recreational boaters, including young children in small relatively un-maneuverable sailboats, who frequently use the waters adjacent to the Bayport channel should be explored in the DEIS.
- Small errors in assumptions for typical vessel dimensions and operating speeds would have significant impacts on the conclusions of the erosion analysis and the DEIS acknowledges the lack of thought put into defining these operational parameters. The vessel operating speeds likely at each site have not been well established and the assumption of the same vessel operating speeds at each site (sensitivity analysis) may not be valid since site conditions like channel geometry play a role in operating speeds. A 10% increase in operating speeds gives an approximately 40% increase in wave power, so this assumption is vital to estimating erosion and for comparisons between sites. The vessel characteristics used in the analysis may also be inaccurate. The cruise ship drafts presented in Table A3.15-5 are surprisingly shallow and do not agree with the average presented in Table A3.15-6. Furthermore, the container ship dimensions presented in Table 3.15-6 are significantly smaller than those presented in the US Army Corps of Engineers Coastal Engineering Manual (EM 1110-2-1100 (Part V), 2001) which give an average length of 272 m (compared with 240 m in DEIS), an average beam of 33 m (compared with 32.3 m in DEIS), and an average draft of 12.2 m (compared with 11.8 m in DEIS). Furthermore, container ships that would need to be maneuvered into the Bayport site by one or more tugs would create a "composite" vessel which should be used in the vessel wake analysis. The effect of underestimating vessel dimensions and operating speeds needs to be more fully studied. The effect of two or more vessels passing in opposite directions in the channel should also be studied. Also, all wave characteristics are based on 100m distance from sailing line, but no explanation is given as to what location this represents. Vessels often navigate to one side of a channel to take advantage of the Bernoulli effect to offset wind/wave conditions, particularly near the mouth of the channel. The effect of sailing lines closer to the banks of the channel needs to be studied further. The assertion in Appendix 3.15 to the effect that inaccuracies in the analyses do not matter because they will be used only for comparison of sites shows that the PHA does not take seriously the erosive effects to be heaped on the Bayport area.

- The fetch lengths and wind durations used to develop Table A3.15-8 should be presented in order to allow confirmation of the results. The angle these various waves have with the shoreline should also be presented. If longshore transport is considered a key erosion factor, as is asserted in the report, angle is of first order importance. The assertion that net longshore sediment transport is from north to south on the stretch of shoreline adjacent to the Bayport site should also be documented using the wind wave analysis conducted in the DEIS or by citing an independent source.

In addition to these comments on the shoreline erosion section of the DEIS, I would like to make the following general comments:

- Approval for the Shoal Point Terminal proposed by the City of Texas City would mean that a significant portion of the regional demand cited by the PHA for container cargo will be satisfied. The proposed site layout for the PHA Bayport site should be scaled back to only the minimum size required to meet that demand not met by the Texas City terminal.
- The cruise ship berths proposed for the Bayport site should be required to remain as cruise ship berths. Conversion of these berths to container ship berths when the demand for cruise ship berths does not materialize (as historical evidence for the PHA would indicate is likely) would change many of the key assumptions on which the DEIS is based and should require that a new Environmental Impact Statement (EIS) be prepared.
- Widening and deepening of the Bayport channel to greater depths in order to match the planned dredge depth of the turning basin would change many of the key assumptions on which the DEIS is based and should be included in this DEIS or require a new EIS to be prepared prior to execution.
- Expansion of rail lines to the proposed Bayport site poses significant cumulative impacts to the region and should be fully considered in this DEIS.

If you have any questions regarding these comments, please contact me by telephone at (713) 426-3170 or by email at larry.wise@mindspring.com.

Sincerely,

Larry A. Wise, P.E.

CC: Galveston Bay Conservation and Preservation Association

DP 11017

Eunice Cherry
4703 Hawthorne St.
Seabrook, Tx.,77586
March 11,2002

U.S. Army Corps of Engineers
Attn: Kerry Stanley
P.O. Box 1229
Galveston, Texas 77553

I am disappointed in the quality of the Bayport Container Project DEIS report presented to the public for review in November, 2001 by the Corps of Engineers. It is unconscionable that a professional governmental agency, at taxpayer's expense, would present such a incomplete , biased report. Therefore, I am requesting that a supplemental Bayport DEIS be conducted before the Corps of Engineers makes it final decision on the permit for the Corps of Houston's request for the Bayport Container Port Project because of the following neglected considerations: 23-124 23-19

1). Cost to the Taxpayers. The study neglected to address the cost of the Bayport Project to Taxpayers at all levels, Federal, State, and Local, for improvements needed in the state highway 146 system to support the Bayport Container Project. 22-58

The study also neglected the cost to the Pasadena taxpayer for the cost of infrastructure needed for the Bayport Container Project

2). Terrorist threat. The Bayport DEIS study did not consider the "threat of terrorism" to the population of the Clear Lake - Bay Area region. The Bayport Container Project proposes to incorporate a channel that was originally designed only for the use of a few Bayport industry barges in 1970. 21-39

Today, this region is the largest chemical complex in the United States and perhaps in the world. The poorly inspected and policed container industry would present a catastrophic danger to the population to the Clear Lake - Bay area; much greater than the "9 - 11" World Trade Center act of terrorism.

3). Alternative Site Consideration. The fact that the Bayport Project DEIS did not consider alternative container sites is another reason for the necessity for a supplemental Bayport DEIS. The most recent technology for Container Ports features "Mobile Floating Ports", thus decreasing the threat of a catastrophic terrorist incident to a population. 2-101

The alternative site of the "deep water" Port of Freeport would be a perfect site for a Mobile Floating Container Port. Therefore because of

cost and safety implications and the use of the most advanced technology for Container Ports. I request that the Bayport Project DEIS supplemental report include a study of Mobile Floating Container Ports and the consideration of the "deep water" Port of Freeport be considered as a more economical and a more secure site for a container port. 2-133

Included is a "White Paper on Mobile Floating Ports".

Reapectfully submitted,

Eunice Cherry

Eunice Cherry

Ellyn H. Roof
1111 Pine Circle Drive
Seabrook, Texas 77586
Phone/Fax: 281-326-3217

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1.

Hard copy with Pictures to follow.

March 12, 2002

Mr Kerry Stanley
US Army Corps of Engineers
Galveston District
Regulatory Branch
PO Box 1229
Galveston, Tx 77553-1229

Re: Public comments on the DEIS and Port of Houston Application for a marine facility at Bayport.

The DEIS is inadequate and flawed. Following are just three considerations. 18-20

I. Inadequacy of siting considerations

The study of alternative sites is woefully flawed. A site such as Cedar Bayou is not realistic at the outset and appears to be intended to intimidate objectors. The site at Beltway 8 was perfunctorily dismissed. In an effort to maintain a pre-conceived footprint several sites were rendered unacceptable. 2-89

Spilmans Island in the configuration proposed by the Texas City Ship Channel DEIS seems to be a very viable alternate. 2-103

1. It is not a closed-end channel.

2. Reconfiguration would require less dredging. Many ports utilize the "slip" method of berthing a ship which can allow a ship to be loaded and unloaded from opposite sides simultaneously and, at Spilmans Island, would not require a turning basin as extensive as that shown on either DEIS.

3. Less impact on Morgans Point Historic District. 5-28

4. Less shoreline erosion. 15-15

5. Removes less land from above 100 yr floodplain, rendering it unusable for other uses. 4-34

6. Proximity to Barbours Cut road and rail infrastructure, reducing secondary costs. Texas state tax payers such as those in Lubbock, should not have to 9-104

subsidize the Port of Houston by unnecessary transportation costs

7. Loss of Dredge Disposal Site
Inasmuch as the land at Bayport was purchased as a dredge disposal site, it seems specious and woefully contradictory to object to loss of the area at Spillmans but to not consider any such loss at Bayport long range. The property at Bayport would provide greater flexibility for disposal purposes. 11-11

The N City Shoal Point layout at Spilmans does not utilize all the disposal area that which remains is at a lower elevation, gaining greater capacity. 11-12

Spoil disposal sites easily can be manipulated as to drying time and soil chemistry. A well-considered plan early on could have realized this site more reasonably viable. Was this omission intentional? 11-13

8. Socio-Economic Environment.
Table 2.5 states "No substantial difference between the terminal location alternatives" regarding the socio-economic environment. Oh Kelly? Incomprehensible! What planet is that write from? Bayport may be located

4.

in the heart of the NASA area but we haven't seen any odd-looking strangers! Except for the original Bayport Complex which was vigorously opposed in the 1960's the area has always been agricultural or residential 6-10

II Erosion

Except for the area immediate to the site, consideration of erosion due to ship wake is entirely lacking. The DEIS discusses the increase in ship transits and the increase in ship size but provides no study of the impacts to shoreline erosion or human safety as a consequence. 15-16

I request a study of the impacts of ship wake on the entire Galveston Bay system * 39

Attached are three sequential photos and the impact of ship wake on Pine Gully, a natural preserve area. This is one of the last vegetated areas

* First requested by me in 1989!

remaining on the West side of Galveston Bay. The Houston Ship Channel is approximately 4-5 miles from this location.

Also attached is a photo of sailing in the Houston Yacht Club Harbor, caused by ship wake. I have seen waves breaking almost at the top of the light pole. Wave from ship wake!

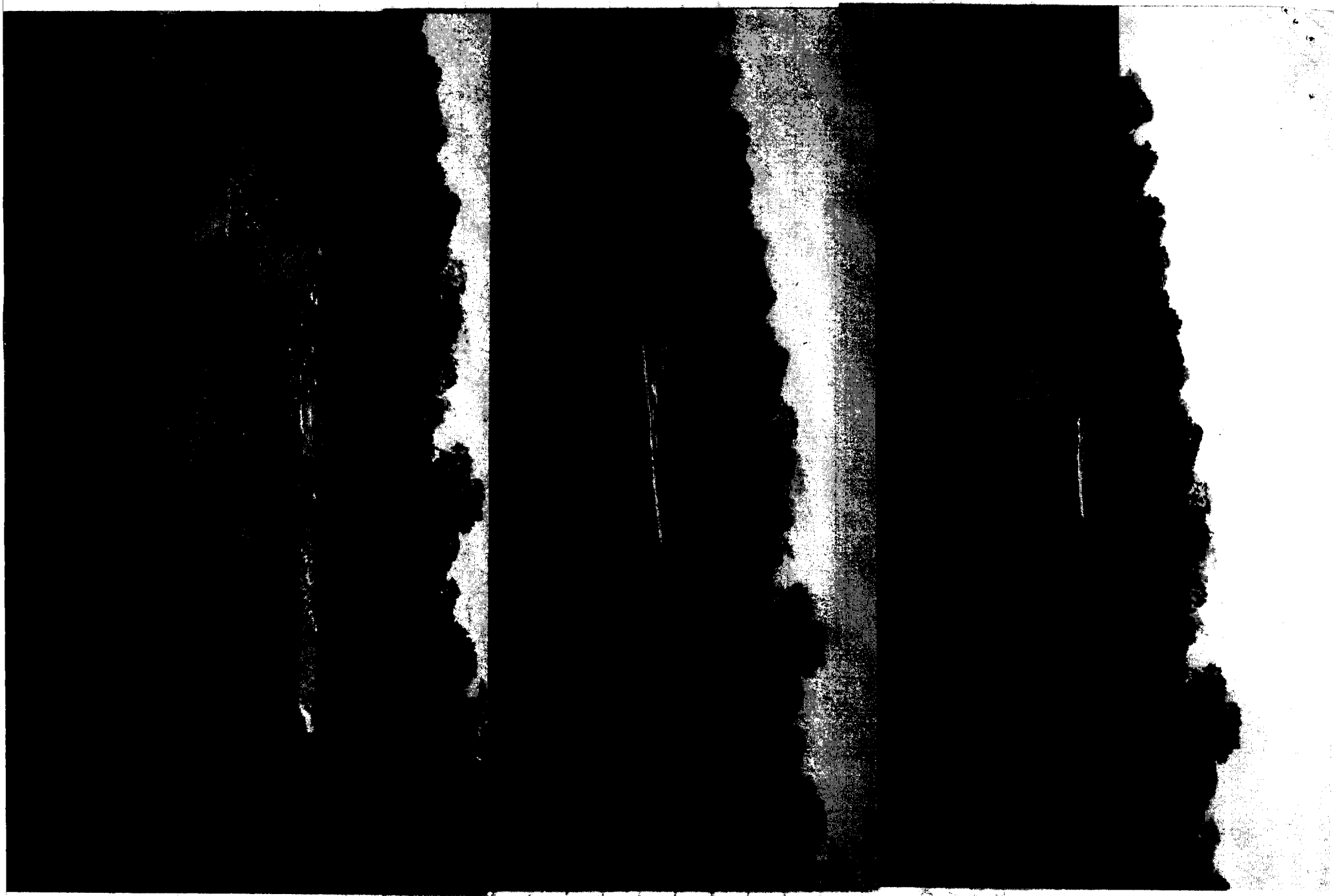
With the effects of these wakes reaching miles into all areas of of the Bay, there is also an ever-present danger to users of the bay. Many deaths and injuries, not to mention destruction of vessels have occurred as a result of capsizes and sudden groundings.

Erosion also causes loss of private land - a "taking". 15-17

III Economic Justification for Bay Port

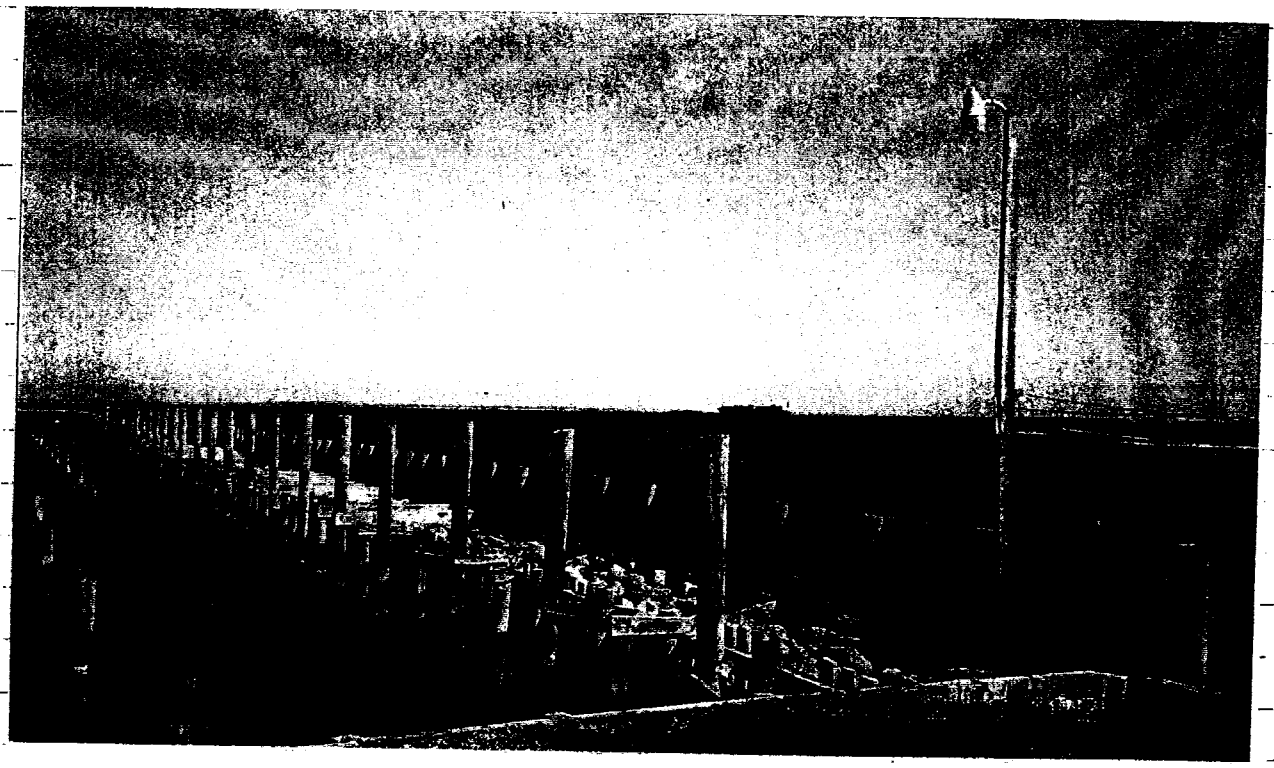
It is interesting that this very channel was intended to be a barge channel only, at the outset. Then, without public notice or proper legal authorization it was dredged to forty feet to accommodate "Supertankers" the "wave of the future". Where are they now? What will be the fate of container ships? 20-31

Ellyn H. Root



Turbulence caused by ship wakes. Pine Gully Park Seabrook, Tx. A Nature preserve area.

11018



Silting caused by wave action, primarily ship wake at Houston Yacht Club's south jetty. Near the Bayport Ship Channel. Ship waves can reach 2/3 up the light pole.

Pkcg. Submitted to accompany comments by Ellyn H. Roof.

P. J. Mock, Jr., M.D.

Family Practice • American Board of Family Practice

DP 11019

City Of LaPorte
604 West Fairmont Parkway
La Porte, TX 77571

Subject:
City of La Porte Letter to ACE about the "Proposed Bayport Container Docks"

I want to thank and to personally commend our city leadership for the forthright stand they have taken in response to the human and ecological catastrophe proposed by the Houston Port Authority.
GBCPA's meeting of 21 February presented more insight into this arrogant, unresponsive political entity's activities, some of which are as, follow:

1. Overdredging the Houston Ship Channel beyond the permit by both width and depth (600 feet wide vs. 550 feet and 56 feet deep vs. 45 feet)! According to Robert McFarlane, Ph.D., this is destined to adversely effect the entire Galveston Bay ecosystem. 12-2, 20-29
2. No assessment in the DEIS of invasive, non resident animal or plant species from "Ship's Ballast Water" nor any plan to treat ballast water before discharge into our estuarine system. 12-7
3. The systematic attempt to remove aquatic wetlands from the proposed site by ditching and thereby draining the area. 14-34
4. The steadfast refusal to consider alternative site locations for the container-port, or to separate the "proposed Cruise facility from the container facility. 2-102
5. The San Jacinto Railway impacts on the local populations along the proposed routes. The schools within ½ mile of this hazardous cargo carrier that teach approximately 18,000 children is but one small example of impact. 18-23
6. The failure to consider best currently available technology for the container facility. 20-15
7. The ongoing ignoring of the fact that private capital is already planning a facility of equal magnitude in the Port of Texas City –and ignoring the competitiveness of its proximity to the open gulf and that is already is permitted for a depth of 50 feet. 2-71

Again thank you,

P. J. Mock, Jr.

Copies: John Black, Editor and Publisher, GBCPA, ACE

1200 Highway 146, Suite 250 • La Porte, Texas 77571 • (281) 471-0130 • Fax: (281)867-9241 • E-mail: pjmlptx@aol.com

P. J. Mock, Jr., M.D.
Family Practice • American Board of Family Practice

DP 11019

DATE: 03/12/2002

TO: Mrs. Kerry Stanley FAX # 409-766-3931

FROM: P. J. Mock, Jr., M. D. FAX # 281-867-9241
PHONE # 281-471-0130

This Fax contains privileged or confidential medical information. Unauthorized use or reproduction of this information by anyone other than the individual(s) to whom it is specifically directed is prohibited!

Page 1 of 2

Please consider these comments in addition to my previous response. Thank you

PJM

1200 Highway 146, Suite 250 • La Porte, Texas 77571 • (281) 471-0130 • Fax: (281)867-9241 • E-mail: pjmlptx@aol.com

Stanley, Kerry M SWG

From: Curt Ambler [cambler@houston.rr.com]
Sent: Tuesday, March 12, 2002 1:37 PM
To: Stanley, Kerry M
Subject: DEIS Review Comments

DP 11020

From: Curtis P. Ambler
1003 Tangle Briar Drive
Taylor Lake Village, TX 77586

Sir,

I will not rehash the comments already made by several others concerning the stationary source and quality of life impacts imposed by the proposed Bayport Terminal on my area. These have been well documented. Such comments address the letter of the law; I am also concerned with the spirit thereof, as noted below. I do agree that the proposed Terminal should not be built in Bayport.] 29-39

I am more concerned with the obligation of any Engineer, individual or group, to address the technical and economic feasibility of whatever project is proposed. This obligation extends to the Corps of Engineers as well; I have been assured that the Bad Old Days of Boondoggle, Pork Barrel projects are no longer part of the culture of the Corps.

My concerns are two: environmental and economic.

Economics: The Port of Houston Authority has projected substantial growth in container traffic for the Port of the next several years. As a basis for theses projections, they used the four years showing the highest growth in 'container equivalent' traffic ever experienced by the Port. How the Port measured 'container equivalent' traffic is unknown; was it based on a container entering or leaving the Port, on a container being picked up or set down, or some other criterion? Was this same criterion used in the years preceding the high growth years; is this same criterion used by other competing ports? It should be noted that the latest Port information shows a decline in container traffic from 2000 to 2001. Thus, in the present economic downturn, the projected growth in container traffic has not materialized. No increase in container traffic will occur until the economy recovers and it will be some years after that recovery before container handling capacity over and above that at Morgan's Point is required. 6-101, 22-134, 6-101

If the Bayport Terminal is realized and is an economic failure, will the PoHA be penalized? In this post-Enron world, the proposing body, much like a corporate board of directors, must take real responsibility for their actions. President Bush has proposed new regulations for corporate executives, this should counter the 'Sgt. Schultz' defense currently in vogue by former Enron leaders. Before any significant projects are funded, the PoHA charter should be substantially revised to put the PoHA in line with the rest of Texas and the USA. The Corps as a responsible government agency should take a leadership position to enforce this change. 22-135

The inclusion of a Cruise Terminal makes no sense whatever. Bayport has no infrastructure to support such a terminal. This is the same situation at present in Morgan's Point; no infrastructure, no business. The Cruise industry is in deep financial trouble and consolidating, not thriving and begging for more berths. Adding Bayport to Morgan's Point and Galveston is unjustifiable unless there are PoHA considerations that have not been publicly disclosed. 6-102

Environmental: Harris County Texas is undergoing substantial changes due

to our current non-attainment of Federal emissions limitations. These changes include restrictions on certain commercial activities down to local speed limit reductions. The operation of the proposed Bayport Terminal will result in a large increase in mobile source emissions in Harris County, directly counter to the goals of the regulations now being imposed by TNRCC at the insistence of the EPA. These new sources certainly include trains and trucks, and also emissions generated by the establishments required to keep everything operating; fueling stations, restaurants sanitary facilities, etc. Several thousand trucks per day means an equivalent number of drivers, loaders, etc. who will need to fulfill biological necessities such as eating, et cetera. 7-69

Also, as few local traffic planners now seem to recognize, a running vehicle stuck in traffic gets zero miles per gallon no matter what the posted speed limit is; thus the emissions per mile traveled when stopped and idling are infinite. More trains and more trucks will result in more traffic and increased vehicular emissions from the vehicles that are here now, let alone from the higher numbers of vehicles projected to be required to service the Terminal. 7-70 7-71

The Bayport Terminal cannot be justified on any rational or reasonable basis. The Port of Houston Authority seems to be bent on creating a monument to itself. The Corps of Engineers as a reasonable and responsible agency can and should stop the Bayport Terminal now. 29-39

Sincerely,

Curtis P. Ambler

Girl Scouts MAR 13 2002

DP 11021
SCC

Girl Scouts of San Jacinto Council
3110 Southwest Freeway
Houston, Texas 77098
T 713 292 0300 800 392 4340
F 713 292 0330
www.gssjc.org

March 12, 2002

Kerry M. Stanley
US Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229

Dear Mr. Stanley:

Girl Scouts of San Jacinto Council (Girl Scouts) appreciates this opportunity to comment on the proposed Port of Houston Bayport Terminal Draft Environmental Impact Statement (DEIS). Girl Scouts is the second largest Girl Scout Council in the United States with over 54,300 registered girl members and an additional 14,000 registered adult members.

Girl Scouts recognizes the importance of economic growth in our community. The support of responsible economic development within our Girl Scout jurisdictional area is one of our deeply held beliefs. Girl Scouts has never expressed grave concern with any local economic development project; until now.

The proposed Bayport Terminal will directly and negatively impact our most important, and irreplaceable, water-oriented facility for Girl Scouts, Camp Casa Mare.

In general, we do not feel that the DEIS adequately addresses the unique presence of this significant Girl Scout property. In fact, we believe that the DEIS is seriously deficient in its lack of treatment of Camp Casa Mare, a camp which has handled 55,000 visits over the last 5 years.

23-119

The Port of Houston's proposed 1,091-acre expansion project raises multiple concerns for Girl Scouts. They can be categorized into six areas:

- General
- Construction related impacts
- Noise
- Vessel traffic
- Night light
- Air quality

General

Some factual items included in the DEIS need to be corrected. We believe that the Port of Houston should be held accountable to construct and operate the Bayport Expansion in a responsible manner as well as being held accountable to pay for steps undertaken to mitigate negative environmental impacts.

11021

Comment No. 1	Girl Scouts request that the DEIS be corrected to reflect the actual size of our property. Table 3.11-4 lists Camp Casa Mare as five (5) acres. This should be changed to 44 acres and should reflect that there is a boat ramp on the property.	4-8
Comment No. 2	Girl Scouts believes that it is the responsibility of the Port of Houston to fund the mitigation of all actual, negative impacts, which the Bayport Terminal project will impose on the adjacent community, and specifically on Camp Casa Mare.	6-99
Comment No. 3	Girl Scouts proposes that the mitigation responsibilities of the Port of Houston requested in Comment No. 2 above be codified and be made conditions of the applicable permits (e.g. Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act).	6-99

Construction Related Impacts

Construction related issues are of critical importance to Girl Scouts. The earthen berm is proposed as the principal element mitigating negative impacts on surrounding neighborhoods and landowners. Page 3.8-14 of the DEIS states, "Noise from construction would affect ambient levels on the project site and in the vicinity." Page 3.18-14 of the DEIS goes on to say, "Nighttime (10:00 p.m. to 7:00 a.m.) dredging would result in a significant noise impact because sound levels would exceed 55 dBA at the closest residential receptors." It is imperative that the entire earthen berm is in place before any project construction is allowed to commence. In fact, page 3.8-18 of the DEIS states, "The earthen berm near Todville Road should be built early in the construction process to help minimize noise from other construction activities to the residences to the east."

Comment No. 4	Girl Scouts request that all permits issued for the Bayport Terminal Expansion require that the entire berm be in place before any project construction is allowed to commence.	23-120
Comment No. 5	Girl Scouts request that all permits issued for the Bayport Terminal Expansion require that odor control be in place before and during the process of using dredged material for fill or berm construction.	

Without this mitigating element in place, prior to commencement of construction, all claims by the Port of Houston about its desire to responsibly construct and operate the Bayport Terminal are rendered bogus.

Noise

Camp Casa Mare is a 44-acre, year-round residential camping facility located on Todville Rd., approximately ¼ of a mile from Surf Oaks Dr. Over 12,000 Girl Scouts participated in activities at Camp Casa Mare in 2001. Excessive noise levels will diminish the enjoyment of their camping experience. During the construction phase, the DEIS states, "Nighttime (10:00 p.m. to

11021

7:00 a.m.) dredging and pile construction would result in adverse noise impacts . . ." (DEIS p. ES-17, ES-27).

Comment No. 6	Girl Scouts request a permit condition be added which establishes a threshold of 55 decibels measured at the western boundary of Camp Casa Mare as the maximum noise level allowed during construction and operation of the terminal, and that a noise recording device be placed at Camp Casa Mare, at the Port's expense, to continually monitor the Port's compliance with this limit.	23-121

Vessel Traffic

The number of one-way vessel transits is projected to increase by less than 2% according to the DEIS. It is unclear from the tables the number of transits that pass Camp Casa Mare. It appears the total population of transits used to calculate the 2% impact includes transits south of the Kemah and Seabrook area (including transits in the Gulf Intracoastal Waterway). We believe that the percentage increase in transits directly in front of our property will be greater than 2%. The DEIS goes on to indicate, "A potential exists for conflicts between commercial vessels and recreational boats." (DEIS p. 3.7-6). We maintain a fleet of over 40 boats on-site. Over 2,200 girls learn to sail annually and then progress to master higher-level sailing skills.

Comment No. 7	Girl Scouts request that the Corp of Engineers specifically evaluate the impact that increased vessel traffic will have on the Girl Scout sailing program.	31-4
Comment No. 8	Girl Scouts request that the DEIS specifically study the percentage increase in vessel traffic in front of Camp Casa Mare.	

Night Light

Girl Scouts is concerned that trespass ambient light will reach unacceptable levels. The DEIS indicated dredging would occur over a 15 – 20 year period. It is our understanding that one of the berm's purpose is to mitigate excess noise and trespass light during construction and operation of the terminal.

Comment No. 9	Girl Scouts request that all permits issued for the Bayport Terminal Expansion require that the entire berm be in place before any project construction is allowed to commence.	23-120
Comment No. 10	Girl Scouts request that all permits issued for the Bayport Terminal Expansion require that odor control be in place before and during the process of using dredged material for fill or berm construction.	

Air Quality

Fugitive dust is projected to increase considerably. Girls sleep in an open-air environment, thus subjecting them to unfiltered air. We are concerned about increased dust and other air-borne pollutants' impact on girls with respiratory disorders.

11021

Comment No. 11	Girl Scouts request an air quality baseline be established and a conditional permit be issued that requires ongoing testing to verify that air quality is maintained.	7-68
Comment No. 12	Girl Scouts further request an evaluation of the cumulative dredging planned and request that the Corp of Engineers require that an air quality permit be obtained based on the aggregate air emissions over the term of the project.	

We acknowledge that many of the issues that must be addressed are very complex. Girl Scouts has met with Port of Houston personnel eight (8) times. We have participated in both of the DEIS Open Houses and we presented five (5) speakers at the Public Hearing. While we have tried to educate ourselves in this process, our resources are limited. We must ultimately place our trust and the protection of the health, safety and welfare of 68,000 Girl Scouts in the hands of the Galveston District of the U.S. Army Corps of Engineers.

Sincerely,

Mary Vitek

Mary M. Vitek
Chief Executive Officer

MAR 1 3 2002

DP 11022

SCC

1106 Pine Circle
Taylor Lake Village, TX 77586

March 12, 2002

Via Fax (409) 766-3049, e-mail, and FedEx

Mr. Kerry Stanley
U.S. Army Corps of Engineers
Galveston District
2000 Fort Point Road
Galveston, TX 77550

Re: Draft Environmental Impact Statement – Bayport Container Terminal

Dear Mr. Stanley:

This letter contains my comments on the Draft Environmental Impact Statement (DEIS) submitted to the Army Corps of Engineers (Corps) by the Port Authority of Houston (PAH) in conjunction with the permit application of PAH's proposed Bayport Container Terminal.

The DEIS in its current form methodically understates the potential negative impacts of this project to the area surrounding Bayport. Therefore I urge the Corps to deny the PAH the permits to build the proposed Bayport container facility.] 29-40

The DEIS does not:

- Adequately address all of the environmental, social, and economic impacts that the proposed project will create;] 29-40
- Provide a fair and impartial analysis of alternative sites;] 2-2
- Consider impacts cumulative to the existing industrialization of the area; and] 18-3
- Acknowledge, consider, or evaluate impacts of other projects (road construction, railroad construction, channel dredging, etc.) essential to the construction and operation of the proposed container facility.] 18-10

In my profession as a management consultant who specializes in environmental issues, I have had the opportunity to read and review many Environmental Impact Statements for a variety of development projects. I have never before seen a DEIS that misses so many critical issues. Rather than simply assume incompetence on the part of the DEIS-preparer, one can only conclude that the applicant and DEIS-preparer have a pro-Bayport bias. Consequently, I conclude, and I believe that any unbiased reviewer would conclude, that the DEIS does not meet the standards for completeness or adequacy. Thus,] 29-22

11022

the conclusions of the DEIS that the proposed project has minimal and acceptable impact on the Bayport area *have no basis*. Therefore, the Corps has no choice but to deny the PAH the permits to build the proposed facility at Bayport. 29-22

Even more importantly, it should be obvious to even a casual observer that construction of a major port expansion in the midst of a predominantly residential community simply does not make sense. That the DEIS does not identify significant impacts to more than 20,000 local residents, when alternative, less intrusive sites are available locally further underscores the pro-Bayport bias of the DEIS. 2-53

I encourage the Corps to thoroughly review the comments to the DEIS submitted by the Galveston Bay Conservation and Protection Association (GBCPA). The GBCPA comments reflect my own conclusions about the PAH Bayport project and the adequacy of the DEIS. I have attached to this letter a list of issues that the DEIS failed to address adequately. I feel that the Corps must have further elaboration of these issues before it can consider the PAH permit applications for the Bayport site.

The Corps and the taxpayers should also consider the adequacy of the PAH to be good stewards of the public's interest and of upper Galveston Bay. Note that the PAH has spent millions of dollars of the taxpayer's money to promote a flawed project that will seriously impact the lives of many residents, upset the ecosystem in the upper bay, and continue to be a financial burden on the taxpayers. The DEIS is a joke; but at more than $4 million (compared to less than $200,000 for the GBCPA comments) it a joke that elicits more tears than laughs. Can we afford to trust our wetlands, our air quality, our coastal ecosystem, our property values, and our peaceful enjoyment of our neighborhoods to an incompetent, wasteful quasi-governmental body that has no public constituency? I think not. 23-122

The Corps should also know that just 20 miles south of Bayport in Texas City, a private (not taxpayer-funded) container port expansion is in the process of becoming permitted, and is doing so without public opposition. Why is this? I propose to the Corps that the key reasons are that the Texas City port is privately funded and does not have the option of wasting "other people's money," so the Texas City authorities sited its port expansion in a location that does not seriously impact the environment or residential areas. I say to the Corps, let the PAH learn a lesson from their neighbors to the south. Propose a project that is viable and does make sense. 23-123

In closing, I urge the Corps to recognize that the DEIS is woefully inadequate in its analysis of the environmental and social impacts from the Bayport site. The Corps should deny the permits for the Bayport site. Perhaps if the PAH had completed a fair analysis of alternative sites, another location for a port expansion would have emerged.

Sincerely yours,

Jonathan Powell

1106 Pine Circle
Taylor Lake Village, TX 77586

cindyjon@houston.rr.com

cc: Rep. Tom Delay, U.S. House of Representatives
Sen. Kay Bailey Hutchison, U.S. Senate
Rep. Sheila Jackson Lee, U.S. House of Representatives
Rep. Ken Bentsen, U.S. House of Representatives
Rep. Gene Green, U.S. House of Representative
Rep. Nick Lamson, U.S. House of Representatives
Gov. Rick Perry, State of Texas
Hon. Lee Brown, Mayor of Houston
Councilwoman Shelley Sekula Rodriguez, City of Houston
Councilwoman Addie Wiseman, City of Houston
Rep. John Davis, Texas Legislature
Mayor Natalie O'Neill, Taylor Lake Village
Galveston Bay Conservation and Protection Association

MAR 1 3 2002

11022

Attachment to Comments on Bayport DEIS: Issue-Specific Comments

Examples of Inadequate Treatment of All Environmental, Social, and Economic Impacts

Air Quality

- The DEIS failed to address fine particle pollutants ($PM_{2.5}$), and Hazardous Air Pollutants (HAPs). 7-4 7-5
- The DEIS did not conduct local emissions dispersion analysis.
- The DEIS conducted air dispersion modeling only for one pollutant, carbon monoxide. The DEIS needs to address all pollutants, especially $PM_{2.5}$ and HAPs. 7-45

Noise

- The DEIS did not consider the effects of short duration (bangs and clangs) noise. These are the most intrusive noise effects. 3-20
- The DEIS proposed an elevated roadway for Bayport access from SH 146, yet the noise analysis considered only ground level noise sources. The DEIS must consider all noise sources and must model them using realistic parameters. 3-8

Land Use

- The DEIS did not consider the effects of Bayport on the complete spectrum of current land use (residential, recreational, tourism). Rather the DEIS considered only industrial use of nearby land. 4-2
- The Port of Houston Authority (PAH) did not attempt to make a reasonable accommodation for alternatives that used combination sites. Rather than separate the cargo activities from the cruise ship activities, the PAH proposed bundling the cruise and some of the cargo activities while splitting cargo operations into two locations. This makes no sense. 2-94
- The PAH proposed a land use requirement that is inconsistent with state of the art container port land use. Many state of the art container ports use far less land for a given amount of cargo handling than the PAH has requested. If less land is required, then alternative sites become more feasible, both economically and environmentally. 2-88

Clearly, the PAH chose inefficiency over efficient land use in an attempt to tip the balance of evaluations towards the Bayport site.

Economics

- The Port Authority of Houston (PAH) did not consider the cost of infrastructure improvements in the overall economic analysis of the Bayport site. The PAH and the DEIS make the assumption that public money will be used to improve the highways surrounding the Bayport site and that the economic impact and environmental impact of such improvements are outside the scope of the PAH and the DEIS. The Corps should require a full analysis of all projects that construction and operation of the Bayport site will require. 6-100

- The PAH has spent over $4 million in taxpayer dollars to produce an inadequate DEIS. By doing so, the PAH has demonstrated that it is an unfit steward of the public's money. Based on past performance, one can reasonable expect that the PAH will continue to act irresponsibly with the public's funds. Consequently, the Corps should reject the PAH's application as a unworthy permittee. Let's not forget that the PAH spawned such dignitaries as Betty Maldonado, former Port Commissioner convicted of bribery. 23-122

Traffic Impacts

- The DEIS analysis of traffic impacts did not consider traffic disruption due to construction activities. It merely assumed that improvements would appear. Construction does not happen that cleanly. A DEIS should consider all impacts, both during construction and after. 27-56

- The PAH assumes that the fully operational Bayport project will generate more than 14,000 Port-related trips a day or about 10 additional trips a minute. The DEIS did not conduct adequate transportation modeling to fully reveal the impact of such a traffic increase in an area dominated by commuter and residential traffic. 27-57

Ecology of Galveston Bay

- The DEIS did not address how the area would address the threat of introduction of exotic species. The Port of Houston and Harris County are already responsible for the introduction of the Asian Tiger Mosquito. Many exotic species can be carried in the ballast water of ships. No baseline study of species has been conducted on Galveston Bay and no evaluation was made of potential effects of exotic species on commercial and recreational fishing. 9-11

- All parties, including the PAH acknowledge that the proposed Bayport facility will be built to handle Panamax ships with a draft of 50 feet. However, the DEIS does not acknowledge that the dredging of the Houston Ship Channel to serve this size vessel creates an environmental impact worthy of consideration in the DEIS. The PAH can't have it both ways. Either it should build the port to meet the current capacity of the Houston Ship Channel or if it wants to be capable of handling larger ships, it should evaluate all environmental impacts from all projects required to operate with larger capacity ships. The PAH and the Corps can't selectively elude a true evaluation of environmental impacts. 20-1

- Dredging of Galveston Bay and the Houston Ship Channel to 50 foot depths may impact the salinity of the Bay. The DEIS must evaluate the impact of such dredging on the commercial fishing (including oysters and shrimp) industry. 12-15 12-2

Public Safety

- Recent news stories identify the nation's ports as potential terrorist targets. The DEIS did not evaluate this consideration. 21-16

- The proposed Bayport facility would be located in a residential area with more than 20,000 residents. Port facilities are focal points for criminal activity. The DEIS did not consider the impact of this source of likely criminal activity. 21-26

Socio-economics

- The DEIS selective chose to evaluate only those socio-economic activities that supported the location of the container port at Bayport. In particular, the DEIS looked only at regional economic activity, noting that much of the region is heavily industrialized. However, construction of the project at Bayport will impact locally a primarily residential and recreational industry-based community. Evaluation of the project must include this very real impact to a large population. Projections of job growth and other measures of regional impact are equally applicable for all of the alternative sites. *Regardless of where the container port gets built, the same job creation and economic growth will result.* This is one of the key points that appears to be consciously ignored by the PAH and others in favor of building the facility at Bayport. If any of the alternative sites were chosen, the same economic growth would occur, only fewer people would be impacted. The DEIS must address this point. 2-76

Stanley, Kerry M SWG

From: MBethMaher@aol.com
Sent: Wednesday, March 13, 2002 9:47
To: Stanley, Kerry M
Subject: Proposed Bayport Marine Terminal

DP 11023
SCL

March 12, 2002

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers, Galveston District
Regulatory Branch
Galveston, Texas 77553

Dear Mr. Stanley:

This letter is to voice my opposition to the granting of a permit for the Bayport Channel Container/Cruise Terminal. The following comments include concerns not addressed adequately in the Draft Impact Statement (DEIS) for the Bayport Marine Terminal

All of residents of the City of Shoreacres and a large part of the City of LaPorte is located in an area just to the north of the Bayport Channel. This area is bordered by the Barbour's Cut Container Terminal on the north, Galveston Bay on the east, Highway 146 and approximately 60 chemical plants on the west and the proposed Bayport container port on the south. Within this rectangular area are LaPorte's only high school, a junior high school, two elementary schools, two retirement homes, Boys and Girls Harbor (a residential facility), several community and city parks. Many of the people within this area, especially children, spend a large part of their time out of doors. The schools have their athletic fields within this area. 22-5

The present air quality of Harris County is extremely bad, and this area already includes extremely high levels of pollutants. The addition of the emissions from the 5000+ diesel trucks traveling from Hwy 225 along Hwy 146 into this proposed facility, idling their engines during the process of loading and loading, then returning back North along Hwy 146, will make this area univeable because of the destruction of an acceptable quality of life. Added also to this area will be the emissions from the container ships, the cruise ships, the on-site support equipment, the cars, the cruise ships, equipment necessary for facility construction and road construction. 7-32

The LaPorte school buses travel along Highway 146. Our emergency support comes down Hwy 146 and must cross the the rail tracks that border Hwy 146. The additional 8 trains per day, 8000' in length and/or a hazardous rail or highway accident can potentially block emergency assistance into and out of Shoreacres. Highway 146 is an escape route for this area mentioned above. 27-53 27-36

The confirmation of the potential damage to this area came as recently as my protest to the Harris County Appraisal District concerning a very large increase on my 2002 homestead taxes. When the information on the proposed Bayport container terminal was presented to the panel of three, they immediately kept the same tax rate from the previous year. Shoreacres has no commercial businesses except the Houston Yacht Club. Therefore, to exist with adequate city services, they must have a good tax base. The proposed facility has the potential of changing a residential area into an area of abandoned homes and lots for containers. 6-12 6-9

There should also be a concern about the potential for flooding in Shoreacres and LaPorte if the Bayport Channel is widened to the south. The effects of hurricane winds and tidal inflow have not been addressed. 25-1

The Port of Houston Authority ripped all the lush geen environment from the north bank of the Bayport Channel when they (after 15 years of letting erosion occur) decided to add some riprap to stop the erosion. This served as a noise barrier. Any type of berm will only help a couple rows of houses behind the berm. The prevailing winds from this facility will cause the noise to most affect the areas to the north. 3-19 3-2

The lighting will completely change the night sky. There will be no more peaceful, night activities. The noise, 17-9

11023

lighting and pollution will stop this! The birds that exist now along the shoreline, egrets, herons, and pelicans will have to relocate. 12-13

The cumulative effects of this project must be weighed fairly, and not biased to the selection of the Bayport site. 18-3

There should be a supplemental DEIS to address the concerns with studies showing the effects of this proposed project on areas such as the one I am referencing. 23-19

Mary Beth Maher
3610 Miramar
Shoreacres, Texas 77571

DP 11024

SCC

Mr. Kerry Stanley
US Army Corps of Engineers
Galveston District Regulatory Branch
PO Box 1229
Galveston, TX 77553

Re: Port of Houston / Bayport Draft Environmental Impact Statement

Dear Mr. Stanley,

In response to the request for public input regarding the DEIS for the Port of Houston's Bayport Regional Container Port application, I implore you to reconsider the impacts of building a regional container port at the Bayport location. It is my view that there are viable alternative locations that would not have the adverse impacts that the Bayport location will have on the surrounding area. 2-4

A friend, Linda Whelan, P.E., sent you a letter that expresses many of the issues that I have with a regional container port being built at the Bayport location. I found that her letter coherently states the issues so I have attached a copy rather than try to say the same things in my own words. Please regard her letter as a statement of my views as well.

There have been a lot of positive changes in the last few years in the communities surrounding the proposed Bayport location. From my perspective, the area is working and achieving a balance between the residential and economic needs of the community and the preservation of unspoiled wetlands and of Galveston Bay. The Bayport DEIS does not adequately address the adverse changes that will result if a regional container port is permitted in the Bayport area. 23-35

Thank you for the opportunity to comment and for giving consideration to the concerns raised in the attached document.

Sincerely,

Therese Walker Thrift

Therese M. Thrift 3/13/02

Linda R. Whelan, P.E.
514 Crestwood, El Lago, Texas 77586
281.326.2792 LindaRWhelan@aol.com

11024

February 26, 2002

Mr. Kerry Stanley
US Army Corps of Engineers
Galveston District Regulatory Branch
PO Box 1229
Galveston, TX 77553-1229

RE: Port of Houston / Bayport Draft Environmental Impact Statement

Dear Mr. Stanley:

I appreciate the opportunity to respond to the US Army COE's request for public input regarding the DEIS for the Port of Houston's Bayport Regional Container Port application.

The COE should deny the PHA application to construct a Regional Container Port (RCP) at the Bayport location due to (1) the numerous and significant adverse effects on the human environment, and (2) the existence of viable and reasonable alternative locations with minimal effects: 29-3 29-37

1. Land Use issues.
East Houston and the Ship Channel area in general has a local and national reputation as being an area overcome with industrial growth to the detriment of the air, land, and water and the citizens who live there. The Port of Houston already has several facilities in the heart of this area. Now the PHA says it needs to expand into a location that is relatively unspoiled, especially when compared to the Ship Channel area. PHA wants to build the Bayport RCP in one of the few areas on the southeast side of Houston not already overburdened with industry. In fact, this area is not only unspoiled, but is one of the rare remaining locations in the entire Houston MSA that maintains a strong ecological emphasis, with obviously extensive and successful efforts of preservation of natural woodlands, wetlands, and water habitats in the adjacent Clear Lake and Galveston Bay Estuary land and water areas. To authorize the permit and construction and operation of a RCP in this area would undeniably reverse the unspoiled nature of the area and would cause significant adverse effects on the human environment as well as threaten rare environmental resources. 4-18 4-14

When Friendswood Development developed its master plan for the area, a confined industrial district northeast of the location currently considered for siting the Bayport RCP, of mostly light industry was specified. The plan sited intent to preserve residential home values, to prevent industrial traffic from becoming a safety or lifestyle issue. Brochures to the community were disseminated which made these statements. In purchasing the property, PHA contracted with Friendswood Development to honor the commitments that Friendswood Development had made to the community. Now, the second largest water 4-35

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recreational area in the nation on the water front communities of El Jardin, Seabrook, El Lago, and Taylor Lake Village in Clear Lake, these communities and the associated outdoor recreational and tourist opportunities currently existing in harmony with the local environmental resources are all threatened under a Bayport RCP build-out scenario. 4-35

The DEIS fails to appropriately and adequately address the change in lifestyles and residential home values that will result due to a Bayport RCP. Consider the historical impact Barbours Cut had upon its surrounding locale: In the 1800's Sylvan Beach in La Porte was a thriving and desirable vacation destination. Waterfront and other property in the area were highly desired by the most elite residents, and thus mansion home were constructed along the beaches adjacent to Sylvan Beach. The coming of the PHA's Barbours Cut brought other industry to the area and an end to the quality of life in the area. Its compounded effect has driven away the tourists that used to come to that area. The mansion homes are no longer constructed in the area and those that still exist have substantially lower value than similar properties to the south and not adjacent to this area. Indeed, even the current value of water front property in El Jardin, very near this PHA facility, is reflective of the impact on real estate: the land and home values along Galveston Bay at El Jardin are nowhere near what they are along Toddville road and further south. The existing container port at Barbours Cut contributed significantly to the elimination of tourism as a viable industry in the La Porte area and to the substantial decline in real estate values for residential purposes. It is clear that a Bayport RCP will have the same, only more far reaching effect, on El Jardin (again and further), Seabrook, El Lago, Taylor Lake Village, and beyond into the Clear Lake area.. 6-105

Everything from quality of life, quality of environment to the value of residential residences will be adversely impacted – again, significant adverse effects on the human environment will result by placing a RCP in the midst of this area. 18-19

2. Road Traffic issues.
The additional cost to taxpayers for road improvements to support a Bayport RCP is unjustified. TXDOT has discussed changes planned for Highway 146 with the local community. PHA is counting on additional roadway improvements on top of what TXDOT would otherwise have envisioned without the RCP – direct connects and over passes specifically benefiting only a PHA facility – at millions of dollars of additional taxpayer expense. Alternative sites do not require the same high dollar upgrades and *the upgrades required at alternate sites have private sector funding.* 2-105

The PHA and the DEIS assume partial build out of these changes by 2005, in time to minimize the negative effects the Bayport RCP traffic will have on local traffic. As verified by TXDOT, the dates assumed by the DEIS for road build out progress are not attainable, nor is the vision of having 'no stopped or backed-up 27-9 27-51

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trucks' by 2005. This is true in assuming best case TXDOT schedule implementation and certainly when a realistic schedule is considered.

Finally, the DEIS should perform intersection analyses, not just roadway link analyses to obtain a true picture of traffic impacts to our community. Model studies by GBCPA indicate unacceptable routine travel delays of 45 seconds/vehicle along intersections of Highway 146 in 2005. Even at full build out, queue delays are anticipated. 27-52

The additional expense of a Bayport RCP for roadway improvements to taxpayers is not warranted when noting that the alternative sites will not require roadway improvements anywhere near this order of magnitude. In addition, as evidenced by the unreasonable intersection delays, the significant adverse impact on local transportation and the local human environment of a Bayport RCP are not acceptable. 2-105 27-52

3. Air Quality issues.
Trucks, trains, and ships all represent significant new sources of air pollution, largely uncontrolled, to the local community. The current air quality status, a result of industrial sources in the area of the Ship Channel and the extensive mobile sources in the area, including an exceptionally high volume of diesel trucks, already exceeds the ozone NAAQS, the PM-10 NAAQS, is borderline with respect to the PM-2.5 NAAQS, and has not been quantified with respect to hazardous air pollutants. 7-72 It seems unconscionable that many existing industries are required to install extensive controls and to obtain offsets for any new sources, and local residents must subscribe to emissions testing and emission-based speed limit restrictions, BUT the COE indicates they find no problem with air quality due to a RPC at Bayport, including extensive new sources of air pollution: 14,000 truck trips/day, 48 train trips/day, and accommodations for as many as 30 container ships, tugs, and barges – or more—at any one time!!! The Bayport RCP will clearly result in local air quality being made significantly worse. In a Texas City location, the emissions from a RCP will be more diffuse and also lower, when noting the significantly shortened ship travel required into Galveston Bay at the Texas City site as compared to the Bayport site. The EIS needs to consider, and fully consider, the emissions from these new truck, train, and ship sources to the area in order to correctly consider the impact to the environment of building a RCP. If correctly considered, there is no doubt that the significant adverse impact on the local human environment resulting from a Bayport RCP will be recognized as unacceptable. 7-73 1-23 7-10 7-54 7-13

Ozone. The DEIS has mistakenly assessed the ozone impacts to the area due to a Bayport RCP. With respect to the status of the HGA compliance with the ozone NAAQS, the DEIS states that both ozone maximum concentration and the number of exceedances have declined in the HGA over the last 15 years: for the DEIS to make such a statement is to defy reality. The facts are as follows: 7-74

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- "Houston has had more days with dangerously high levels of ground-level ozone than any other city in the United States." (Houston Chronicle, October 1999).
- According to the Sierra Club, Texas ranked first in 1999 for the worst air pollution, with 7 out of 10 of the worst recorded air pollution days.
- "Compared with the rest of the United States, the Houston-Galveston area had the highest number of days when the ambient air violated the federal standard for ozone from 1999 to 2001 and the Houston area had the highest individual peak reading for ozone in the United States in the last three years." (Jane Elioseff, GHASP, versus USEPA, Petition for Review, US Court of Appeals for the Fifth Circuit, January 11, 2002).
- "Thanks to the new plan and its predecessors over the past four decades, smog fighters at the South Coast AQMD were happy to report in November 2000 that for the second straight year, the Los Angeles area was no longer the nation's smoggiest (Houston was again #1)." EPA Region 9 Annual Report 2000.

7-74

For the COE to rely solely on select, out-of-date literature and data in preparing a DEIS/EIS in 2001/2002 is false and misleading: there is clearly abundant information available which states the current and true status of ozone non-attainment in Houston. Conformity with the HGA SIP also needs to be addressed: PHA states that Bayport emissions are included in the current SIP—but the approval of this SIP by EPA is commonly known to be highly contested--specifically for the reason of allowing future growth from the PHA when the SIP does not provide for all emission reductions necessary to demonstrate attainment.

7-65

Mobile source emissions are a recognized significant contributor to the ozone non-attainment status of Houston. The EIS needs to recognize that significant addition of all mobile sources to the local area due to a Bayport RCP will correspondingly significantly worsen the local air quality, including with respect to ozone.

7-69

PM-2.5. Noting the continual exposure over time, the annual NAAQS for PM2.5 of 15 is very likely to be exceeded due to construction and operation of a RCP at Bayport. Background levels are already at 13 micrograms/cubic meter for PM2.5 on an annual basis. Preliminary studies of only emissions due to operations -- not including emissions from trains or ships coming and leaving the RCP, set the floor for increased exposure to PM-2.5 to be 1 to 13 (not including background) on a 24-hour basis and an increase even as far as Nasa One of PM-2.5 emissions of 0.5! An annual increase of 2 micrograms/cubic meter for PM-2.5 is clearly anticipated as result of the Bayport RCP. Proper modeling with correct assumptions will demonstrate this. Emissions from diesel trucks, trains, and ships are all emissions of diesel engines. As you are aware, the particulate emissions from diesel engines are <2.5 micron (92%) – primarily from formaldehyde and benzene (VOC sources which contribute to ozone – see above). As you are also aware, fine particulate are deposited into a human's lower lung. Once in the lower lung, these particulate are never removed. Continual exposure over time

7-79

7-80

7-18

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only compounds the effects of these particulate matter. Excess mortality WILL result: a definite correlation has been proven between excess mortality and high fine particulate concentration (Harvard, et al). Long term exposure is the issue. And the citizens in the neighboring communities to Bayport would clearly be in for long term exposure. Also, there is a disproportionate effect anticipated upon younger individuals as a result of a Bayport RCP – those most active and attracted to the recreational amenities of the area. 7-17

Diesel Trucks. The DEIS has not adequately addressed the emissions from trucks to the local area, a direct result of building a RCP in the local area, since the impacts to PM-2.5 and HAPs have not been addressed. As noted by the PHA, the number of trucks to the area (i.e., Bayport – noting that not as many trucks are anticipated at alternative locations) is 7000 trucks per day coming and 7000 trucks per day going or 14,000 truck trips per day. The DEIS has failed to analyze the impact of the most deadly form of air pollutants to the area, those of fine particulate (PM2.5) and those of hazardous air pollutants, or the impacts to the ozone NAAQS. 7-61

Trains. The DEIS has only addressed the potential impact of emissions from trains within the intermodal area and only with respect to operations – and not at all with respect to PH-2.5 and HAPs. The DEIS must also recognize the impact on air quality all along the Bay Area rail routes to and fro the intermodal area, for all appropriate pollutants including PM-2.5. ozone, and HAPs. As noted by the PHA, 24 trains per day coming and 24 trains per day going or 48 train trips per day are expected. Again, as diesel engines, the impact of these trains need to be considered for their impact on PM-10, PM-2.5, ozone, and HAPs. 7-61

Ships. The DEIS has not addressed the emissions from container ships and associated transport vessels *coming to and leaving Bayport, back and forth through Galveston Bay* – in any manner or with respect to any pollutants. PHA has planned for accommodations for 30 or more container ships at any one time. Tugboats, bunker barges, and push boat would also be widely used vessels in maneuvering container ships to their destination. Noting that the coming and going of these vessels is recognized, but not regulated, by the TNRCC or EPA (EPA has decided to leave this regulation to the International Maritime Organization to address international standards and competitive issues), does not mean that these emission sources will not exist and will not pollute the local environment. "A single container ship belches more pollution that 2000 diesel trucks" (Russell Long, Executive Director of Bluewater Network). To not recognize and consider the impact of these emission sources (container ships and associated transport vessels) is at a minimum irresponsible and threatening to the quality of air and life for citizens living near the proposed Bayport RCP. *The EIS needs to address all emissions, including PM-2.5, HAPS, and emissions of VOC/NOx which impact ozone formation, from container ships, associated transport vessel, and all ship traffic –and* 7-61

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it needs to account for this emissions across the entire trip route back and forth through Galveston Bay, not just from ship emissions expected from onsite/offsite operations. 7-61

Transport vessel emissions. The DEIS claims that to specify and assess a specific number of bunker barges, bunkering, and push boat trips to the facility [offsite sources due to operations] and thus the resulting emissions "would be speculative" and thus "have not been evaluated." The COE recognizes these as valid emission sources, but decides to include the resulting emissions at the ZERO level: this is a false and misleading approach. Uncertainly does not mean zero, it means the COE should recognize various potential levels based on existing operations (all significantly above zero) and study each of these levels.

The extremely significant adverse impacts on local air quality and the local human environment of a Bayport RCP are not acceptable. The RCP will result in local air quality being made significantly worse. *The EIS needs to consider and fully consider the emissions from these sources, as detailed above, to correctly consider the impact to the environment of building a RCP in the area. This is a non-discretionary responsibility of the COE under NEPA.* If correctly considered, there is no doubt that the significant adverse impact on the local human environment resulting from a Bayport RCP will be recognized as unacceptable by the COE, as currently recognized by the majority of citizens in the area. 7-61

4. Noise issues.
The DEIS has included the effects of a noise barrier dilution at 10 dba. A noise barrier is not effective if the activity is more that a few hundred feet away. In the case of Bayport, the activity is over 1000 feet away, thus no benefit will result. The barrier is thus only effective as a partial aesthetic (visual) barrier and should not be considered in an analysis on noise in the local area. 3-28

In addition, the noise impact to residences along and beyond 146 and Red Bluff, due to the additional truck and train traffic to the area, need to be considered IN COMBINATION WITH the sum of noise from all major project components: the projected cumulative sound level from operations, rail, and the intermodal yard activities. The DEIS addresses the existence of vehicular and rail traffic, but does not state (or appear to analyse) inclusion of these noise impacts in a cumulative way, in summation with the operational and intermodal yard activities. 3-1

Finally, the approach of the analysis cited in the DEIS, based on averaging considerations as opposed to quantification of dba levels at evening peak periods at sensitive receptors, is a flaw of the DEIS which needs to be addressed. 3-29

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The noise impact of these combined noise concerns will be significant. The significant adverse impact on noise and the local human environment of a Bayport RCP are not acceptable.

5. Wetlands issues.
The land mass which includes wetlands at Bayport has been severely underestimated by the DEIS. In addition, noting that over 70% of a Bayport RCP site runoff runs thru wetlands on its way to Pine Gully or Galveston Bay, the significant impacts on water quality and habitat have not been appropriately considered in the DEIS. 14-5 9-12

The air photo analysis done for all alternative sites to equalize the review process unjustly undercounts Bayport wetlands. In addition, in considering what wetlands are jurisdictional, the DEIS must consider all wetlands tied to Pine Gully or Galveston Bay at Bayport. The analysis cited in the DEIS incorrectly used the 1988 USGS topographical map to support its findings, a map which fails to show ditches built in the early 1990's. These ditches are clearly labeled on the1995 USGS topo map as hydrological connects. Use of an out of date map, when more recent (and revealing) maps are available, is very unprofessional on the part of the COE. Use of the appropriate map will show at least 14 acres of wetlands, and 30-50 acres are indicated – far more than the 2.5 acres found by the COE in the DEIS and far more than the Shoal Point and Spillman Island alternatives. The significant adverse impact on wetlands, water quality, and the local human environment of a Bayport RCP are not acceptable, especially noting that alternative sites have far less wetland impacts that the Bayport site. 14-4

6. Issues related to impacts due to non-indigenous species.
While the maximum potential impact is difficult to quantify, the EIS needs to consider the quantity and potential variants of new species that will be introduced to the Galveston Bay Area as a result of the significant ballast water from ships dumped into the Bay. In San Francisco, over 200 new species have been identified as resulting from the container port there. The new RCP planned by the PHA for Galveston Bay is anticipated to be much larger that the one is San Francisco – the impacts can only be interpolated accordingly. Viral pathogens are of particular concern. The impact resulting from new species introduced into Galveston Bay cannot be a positive one. The definite, though perhaps unquantifiable, maximum impacts of exotic species to the local human environment, local fisheries, and human health of a Bayport RCP are not acceptable. 9-11

7. Consideration of Alternatives to Bayport.
In its analysis of alternative site, the DEIS appears to have gamed its analysis – as if to obtain a certain desired outcome: the DEIS has insisted on splitting sites, not assuming the container port in one (or more) location and the cruise port in another location, as rationality and common sense dictates. Instead, the DEIS only looks at splitting the alternative sites so that a cruise component is part of 2-94

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each and every container location! Including a cruise terminal with a container terminal makes a site excessively large, which automatically eliminates many sites. This gamed analysis approach needs to be eliminated from the EIS and a fair and logical analysis presented. 2-94

In addition, more gaming is indicated when the Bayport wetlands alternatives analysis is compared with the Shoal Point wetlands alternatives analysis. These should be identical, yet the comparison in the Bayport DEIS specifies significantly different total wetlands that indicated in the Shoal Point DEIS. 2-99

NEPA argues that the Bayport EIS needs to provide a full and fair assessment of the impacts of such a facility to the community. There is no doubt that, when honestly and correctly assessed, the significant adverse impact to the local environment and the devastation to the rare local environmental resources will deem the building of such a facility in the Bayport location as unacceptable. 23-103 2-89

Full and fair consideration of other viable alternative, especially the Shoal Point and Spillman Island locations, need to be provided. The following should be obvious findings in a full and fair analysis of alternative sites as compared to Bayport:

- Neither Shoal Point nor Spillman Island have the land use issues, the tourism, the extent of residential home value impacts, the devastation of unspoiled lands, that will result at Bayport.
- Neither Shoal Point nor Spillman Island will have the extent of negative impacts on traffic, not the cost to tax payers of addressing, in time, these negative impacts as seen as Bayport.
- Neither Shoal Point nor Spillman Island have has high a human population, as high an impact on human lives due to significantly reduced air quality as at Bayport.
- Neither Shoal Point nor Spillman Island are expected to have the extent of negative air quality impacts as will be case at Bayport, due to the effects of diffusion, the reduced number of trucks, and the shorter ship trip up and back through Galveston Bay.
- Neither Shoal Point nor Spillman Island will experience the extent of negative impact resulting from noise from the RCP as a Bayport, due to the reduced number of sensitive receptors(i.e., homes) near the alternative sites.
- Neither Shoal Point nor Spillman Island have nearly the wetlands area that will be negatively impacted as at Bayport.
- There is plenty of room at both Shoal Point and Spillman Island for the RCP – if the COE cannot make them fit there, other experts have and will be glad to assist the COE.

2-93

By the COE's own statement, the PHA Bayport application is to be reviewed in accordance with 33 CFR 320-330, the Regulatory Programs of the COE, and other pertinent laws, regulations and executive orders. The COE further indicates that the decision whether to issue a pemit is to be based on a evaluation of the probable impacts, 23-131

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including cumulative impacts, of a Bayport RCP on the public interest. If indeed, as the COE claims, the decision will reflect the national concern for both protection and utilization of important resources, the COE will find that Bayport is not the right place for a Regional Container Port.

23-131

Thank you for the opportunity to comment and for your full consideration of these comments.

Sincerely,

Linda R. Whelan

MAR 1 4 2002

Lisa B. Gossett
5238 Birdwood
Houston, Texas 77096

DP 11025

See

March 13, 2002

Via Facsimile to 409-766-6301
e-mail to kerry.m.stanley@swg02.usace.army.mil
and first class mail

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

Re: Comments on the Inadequacies of the Draft Environmental Impact Statement for the Proposed Bayport Container Terminal, Harris County, Texas

Does the Corps of Engineers Draft Environmental Impact Statement for the Proposed Bayport Container Terminal (DEIS-BP) looks more like:

A. a rubber stamp approval of the Applicant's wish list, or
B. a document that meets the requirement in Section 102 of the National Environmental Policy Act (NEPA) for "a detailed statement by the responsible official on – (i) the environment impact of the proposed action, (ii) any adverse environmental effects which cannot be avoided should the project be implemented, (iii) alternatives to the proposed action" and other related issues.

23-88

At this time, the answer is A. The DEIS-BP does NOT meet the requirements of NEPA.

The short-comings and inaccuracies in the DEIS-BP are many. A few of my major concerns are discussed below. A DEIS that meets at least minimal requirements of NEPA should be prepared and the public allowed to comment on it before an EIS is completed. The current DEIS does not address some of the most basic issues related to the proposed Bayport Container Terminal, and the public is not being given an adequate information to comment.

23-19

A major failing relates to the wetlands on the site. The Corps and Applicant both acknowledge that there are over 100 acres of wetlands on the site for the proposed facility, but argue that less than 3 acres are "jurisdictional." This interpretation apparently is based on the U.S. Supreme Court case of Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers, et al., 531 U.S. 159 (1991) (SWANCC).

14-16

Did those preparing the DEIS-BP actually READ the SWANCC case? I have. This case involved isolated wetlands whose only basis for being subject to the provisions of Section 404 of the Clean Water Act was their use by migratory birds. The site of the proposed Bayport Container Terminal is quite different from the site in the SWANCC case. The Bayport site is located directly adjacent to Galveston Bay, which is clearly a navigable waterway. Activities on all of the proposed Bayport site clearly impact navigable waters or waters of the United States. 14-16

This initial determination that the proposed Bayport site contains less than 3 acres of jurisdictional wetlands is absurd and improper. This determination appears to be an artificial (illegal?) manipulation to avoid more stringent review and analysis of the site rather than a determination based on reality.

The analysis of alternatives is inadequate, and appears to be manipulated (yes, that word again) to make other alternatives look as bad as possible. The Galveston Corps district also has a DEIS pending on a proposed container terminal in Texas City, which includes as alternatives some of the same sites as the DEIS-BP. Why are these alternatives addressed so differently in the two DEISs? Shouldn't consistency be an objective in agency action. Also, when the Corps prepares the revised DEIS for the proposed Bayport project, it should consider alternatives that minimize land needs and use state-of-the-art technology. 2-99

The proposed Bayport terminal is designed for a 50 foot depth, while the channel currently is being dredged to a depth of 45 feet. The DEIS-BP does not fully address the impact of deepening the channel to 50 feet. The alternative is simple: either the Bayport project is designed for a 45 foot depth, OR the impacts of increasing channel depth to 50 feet should be considered as part of the DEIS-BP. This concept is not that difficult to understand. 20-1

The DEIS-BP has many other shortcomings, including failure to adequately address the additional surface transportation needs and impacts created by the project, additional air emissions, and impacts on existing residential communities. 23-78

The Corps should prepare another DEIS for the proposed Bayport facility that meets the requirements of NEPA and provides the agency and the public with genuine information on the potential impacts of the project. The current DEIS does not provide the public with adequate information to genuinely evaluate the project and comment on the DEIS. The revised DEIS needs to address reality, not make-believe. 23-6

I urge the Corps to correct the problems with the DEIS-BP and regain some credibility.

Very truly yours,

Lisa B. Gossett

DP 11026

See

Charlotte Wells

phone: 281.842.7764
fax: 281.842.7763

FACSIMILE

Date: 3/13/02

To: Kerry M. Stanley

Fax Number: 409.766.6301

From: Charlotte Wells

Fax Number: 281.842.7763

Phone Number: 281.842.7764

Comments: Bayport will have a negative effect on the public interest.

Charlotte E Wells

PUBLIC HEARING COMMENT

U.S. Army Corps of Engineers
Galveston District

DRAFT
ENVIRONMENTAL IMPACT STATEMENT
FOR THE PROPOSED
BAYPORT MARINE TERMINAL

This form may be used to provide your comments resulting from review of the Draft Environmental Impact Statement for the proposed Bayport Marine Terminal. Written comments may also be sent directly to:

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

All written comments should be received by ~~February 11~~ March 13, 2002.

Name: Charlotte Wells

Address: 3342 Miramar

City, State and Zip: Shoreacres, TX 77571

Comment: Please read the attached comments. I agree with the comments submitted by the City of Shoreacres, GBCPA and the Houston Yacht Club.

The LaPorte School Board passed a resolution opposing Bayport Expansion ~~on the basis~~ due to hazardous air pollutants.

The Bayport expansion will have a negative effect on the public interest when they release hazardous air pollutants (HAPs) from mobile sources into the air. Our little corner of Harris County ranks in the top 10% as having the dirtiest/worst national facilities in the U.S. in the added health risk from HAPs. Our citizens cannot afford any more legal and illegal emissions. We have too many existing POINT SOURCES. 7-27

Point sources include major industrial facilities like chemical plants, steel mills, oil refineries, power plants, and hazardous waste incinerators. Point sources are defined as those that emit 10 tons per year of any of the criteria pollutants or hazardous air pollutants or 25 tons per year of a mixture of air toxins.

Using 1999 environmental releases these are just a few of the local industries and their emissions: Celanese LTD. Clear Lake Plant emits 570,000 pounds of Ethylene Oxide, a known cancer causing chemical and 390,462 pounds of chemicals in suspected developmental toxins. Compound this with Du Pont's 2,727,671, Equistar's 1,341,439, and Elf Atofina's projected 90+0,000 and we have a serious health problem.

Cancer Definition: Chemical carcinogenesis is defined as the induction of neoplasms (cancerous growths) as a result of exposure to toxic substances. Carcinogenic chemicals may induce carcinomas (malignant tumors of epithelial tissue), sarcomas (malignant tumors of connective tissue) and benign tumors in humans or laboratory animals. Chemically induced cancer generally develops many years after exposure to a toxic agent. A latency period of as much as thirty years has been observed between exposure to asbestos, for example, and incidence of lung cancer. Cancer results from a series of genetic alterations that leads to the progressive disruption of the normal mechanisms controlling cellular growth. The transformation of a normal cell into a cancerous growth is a multistage process that occurs gradually over time.

There are many well-known examples of chemicals that can cause cancer in humans. The fumes of the metals cadmium, nickel, and chromium are known to cause lung cancer. Vinyl chloride has been associated with liver sarcomas. Exposure to arsenic increases the risk of skin and lung cancer. Leukemia can result from chemically induced changes in bone marrow from exposure to benzene and cyclophosphamide, among other toxicants. Other chemicals, including benzo[a]pyrene and ethylene dibromide, are considered by authoritative scientific organizations to be probably carcinogenic in humans because they are potent carcinogens in animals.

11026

Developmental Toxicity Definition

Developmental toxicity is defined as adverse effects on the developing child that result from exposure to chemical substances. Sometimes called teratogens, developmental toxicants include agents that induce structural malformations and other birth defects, low birth weight, metabolic or biological dysfunction, and psychological or behavioral deficits that manifest as the child grows. Developmental toxicity is often considered to be a subcategory of reproductive toxicity.

While developmental toxicity usually results from prenatal exposures to toxicants experienced by the mother, it can also result from paternal exposures, or from postnatal exposures experienced by a developing child. Maternal exposure to toxic chemicals during pregnancy can disrupt the development of or even cause the death of the fetus. Exposure of pregnant women to the developmental toxicant mercury, for example, has been shown to lower the birth weights of and cause severe brain damage in their children. Among the adverse effects associated with maternal exposure to toluene are central nervous system dysfunction, craniofacial and limb anomalies, and developmental delay. Dark brown pigmentation, shorter gestation time, and lower birth weight have been found in the children of women exposed to polychlorinated biphenyls (PCBs) during their pregnancies.

Paternal exposure to toxicants can cause male reproductive toxicity, such as sterility, and may contribute to early fetal loss or birth defects. For example, the occupational exposure of men to vinyl chloride has been associated with increased rates of spontaneous abortion in their wives. Early postnatal contact with toxicants (through contaminated food or air) can affect normal development. Exposure to secondhand tobacco smoke, for example, increases an infant's risk of contracting respiratory infections or succumbing to sudden infant death syndrome.

New children's environmental health centers are researching autism and other disorders. The NIEHS and EPA announced four new children's health research centers (joining eight others in the United States that study the environment and children's health) that will focus on environmental factors related to childhood autism and behavioral problems like attention deficit disorder. These studies will likely verify what many local educators already believe to be true, air pollution contributes to learning disabilities.

11026

MOBILE SOURCES: Mobile sources include both on road vehicles (such as cars, trucks and buses) and off-road equipment (such as ships, airplanes, agricultural and construction equipment). Mobile sources contribute significantly to air pollution. Driving a car is probably a person's single most polluting daily activity. Nationwide, mobile sources are responsible for about 75% of carbon monoxide pollution, and more oxides of nitrogen emissions than area or point sources. In urban areas, the motor vehicle contribution to carbon monoxide pollution can exceed 90 percent. In a typical urban area, at least half of the hydrocarbon and nitrogen oxide pollutants come from mobile sources. Motor vehicles are also substantial sources of hazardous air pollutants, such as the recognized carcinogens benzene, formaldehyde, acetaldehyde, 1,3-butadiene and diesel particulate matter.

The Port of Houston will add thousands of trucks, ships, trains cranes and container movers per day. Mobile sources will add to the existing hazardous air. Already, we have numerous days per year in which teachers are not allowed to take students outside for physical activity. Our students cannot participate in exercise, which they need to grow healthy and strong, because it is dangerous to breathe LaPorte's air. Do not permit the Port of Houston's Bayport Facility. 7-61 7-21

Thank you,

Charlotte Wells
3342 Miramar
Shoreacres, TX 77571
281.842.7764
baytime@ev1.net

MAR 14 2002

March 13, 2001
1603 Antigua Lane
Nassau Bay, Texas 77058-4116

DP 11027
SCC

US ArmyCorp of Engineers
Galveston, Texas77553-1229

Re: Bayport Container facility

Dear Colonel:

Obviously, you didn't really want to hear from the public about your EIS on the Bayport Container and passenger facility. I attended the meeting at the George R. Brown center and was told when I signed up for it that I would be sent a CD with a copy of the statement. Never arrived.

Got on-line recently to see where to at least write and spent about an hour and still could not find your name in a page about the project. Maybe the period should be extended again for comments since many of us probably did not get the CD with the EIS as expected.

23-125

However, having lived on the shores of Galveston Bau for 11 years I have a thought or two about the selection of the Bayport area for the proposed port.

The people of the area do not want it there.. The people from League City to Pasadena have gone on record as opposing it there. The idea that that might be the Gulf Coast only really big container shipping area is frightening at the least and a death knell for the living conditions in the nearby communities. Communities which each summer fish and swim and sail the waters where your big ships would be traversing.

29-8

29-24

People with concerns about the effects of air pollution on their and their children will leave and with it the property values of thousands of expensive homes and businesses that serve them.

6-43

I could go on. Shorebirds bring tourists. A terminal facility belongs in Galveston, not a refinery. PHA should clean up some of the areas along their Houston Ship Channel for a smaller container facility. Perhaps then they would not have to spend $100 million on moving the pipelines under Galveston Bay.

2-90

Please stop this madness and stop the bayport plan.

Sincerely,

Elaine M Henderson

Elaine Henderson

P. S. Who the heck is the PS Corp that did the investigation?

DP 11028

MAR 14 2002

SCC

Att: Corps of Engineers - U.S. ARMY

Stated as here After ARE ISSUES AS per phone conversation on 12-5-01 that I Bruce E Adams of 4706 CAROLINE SEABROOK TX 77586. have with the permit that will determine future of BAYPORT Container proposal.

(1) RED Bluff - A NAVigation MARker used since discovery of Galveston BAY - Can be found ON most old MAPS of Galveston BAY - Officaly ON Dept of Interior Map, Geological Survey, 7.5 MIN Series (N29°30' x W 94°52') Got its Name from the RED Clay Embankment. Wetlands are depicted on the Dept of Interior MAP. The Port Project will totally destroy this AREA - 14-35

(2) Buffer Zone - Will dredging material be ~~ter~~ thoroughly tested. Will A INDependent be allowed to test After dredging. Will continued testing be Allowed. 11-10

(3) Toduille - Port Road Intersection. This plan will jeopardize Hurricane Evacuation. Did you know that Pine Gulley will flood during a Hurricane unless a bridge is built ABout 15 to 20 foot over the existing bridge. 27-59 33-6

(4) Holding Pond
How big is holding POND. Since storm water is diverted to Pine Gulley, which is prone to Flooding the amount released will add to problem cutting off Toduville Road. 33-7

(5) TRAIN Routes - What are going to be the EXACT routes of RAIL Routes. The routes in the port ARE Depicted, but where the rails go to ARE A Mystery out side of BAY Port 27-60

⑤ House -
The value of my house has decreased due to recent BOND passing of PORT Funds. I have actualy gone to the County Court TAX OFFICE and got them to lower my taxes due to this ~~B~~ BAY PORT BOONDoggle. Will the port buy me out? 6-12 6-103

⑥ TRAFFIC - What and the world are ~~go~~ we going to DO with all this TRAFFIC. Why don't you travel at Rush Hour in the MORNING and After NOON to see what I am talking About. TX 146 - NASA RD 1 - Red Bluff 27-53

We all KNOW the port has lots of money. They have total disregard For Quality of life for the people who live in this AREA. You have the power to stop these ARROGANT beaurecRATS. PLEASE USE your best Judgement AND STOP THIS PROJECT. GOD BLESS !!! 29-11

Bruce CADam

HOUSTON YACHT CLUB

Founded 1897

MAR 13 2002

DP 11029

SCC

March 9, 2002

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

Re: Comments to Bayport Draft Environmental Impact Statement (DEIS).

Sir:

Houston Yacht Club ("HYC") is in receipt of the U.S. Army Corps' of Engineers' Draft Environmental Impact Statement ("DEIS") concerning the proposed Bayport project, which was made available to the public in late 2001. Having reviewed the DEIS in its entirety, HYC has the following comments and submits the following response.

HYC is located in the City of Shoreacres and holds weekly sailboat races and other on-the-water activities in the adjacent waters of Galveston Bay. With the exception of the Second World War, it has done so regularly since 1926. While many local residents have understandably expressed concern over the effects of the Bayport project on air quality, traffic, and the salinity of bay waters, HYC is unique in that it has an additional series of concerns that are not represented by other parties. These unique interests include those of recreational sailors, patrons of the club's restaurant and bar, Olympic sailing team hopefuls, and youth sailors. In short, **HYC is a unique voice that must be heard --and addressed-- if the scoping process is to have any legitimacy.**

During the scoping process, HYC submitted a 40-point list that included --in considerable detail and with supporting documents —a list of HYC's specific concerns with the project. Sadly, the DEIS reflects that this effort fell on deaf ears. Unfortunately, the DEIS utterly fails to address --in any meaningful detail-- the concerns that were raised by HYC in 1999. Indeed, portions of the DEIS fail to make reference to the HYC in lists of recreational boating activities. Many at HYC question whether the Corps received its 1999 submission.

The following points were raised by HYC as part of its 1999 scoping submission, yet were not adequately addressed (or addressed at all) by the 2001 DEIS. We will raise each point in the order made:

3620 MIRAMAR DRIVE • P.O. BOX 1276 • LA PORTE, TEXAS 77572-1276 • PHONE 281/471-1255

DP 11029

HYC Point 1: Safety/Danger
HYC Point 14: Youth Programs

HYC submitted considerable evidence of the volume of competitive sailing events – including a large number of youth activities—that take place near the Bayport Ship Channel. The Leukemia Regatta (a charity regatta that helps fund the Leukemia & Lymphoma Society) and the Optimist North American Championships (for sailors under 15) were but two examples. HYC's specific concerns include:

- the safety of competitors (especially young ones) crossing the ship channel, especially with increased channel traffic; 21-3
- the safety of small pleasure craft, given the increased wake and suction generated by large ships; and 21-40
- the deleterious effects of excessive commercial traffic on the use of the bay as an area in which to race. 21-3

Section 3.7 of the DEIS ("Navigation") is the only ascertainable response to the above concerns. Unfortunately, this section is limited to a passing statement that there may be a voluntary displacement of recreational boaters; none of the above concerns are mentioned (even in passing). In general, the DEIS discussion of the project's impact on navigation is overbroad and fails to give specifics. By comparison, the DEIS for the proposed Shoal Point project contains a far more detailed assessment the impact of a proposed project on navigational safety. 31-10

Section 3.7 ("Navigation") is noteworthy in what it omits. It fails to account for the fact that container ships stack containers three- and four-high on deck, resulting in difficult ship handling during periods of high winds, as well as greatly restricted visibility from the bridge. Container ships can be difficult to handle and pilots cannot often easily see surrounding traffic. 31-9

The DEIS also fails to address the need for recurrent **maintenance dredging** that will unquestionably arise if the volume of commercial traffic on the Bayport is increased. As is clear as of this writing (March 2002), dredging is unquestionably a navigational hazard. 31-11

The greatly increased volume of commercial traffic created by the proposed Bayport project will create dangers to both commercial and pleasure navigation, and yet the DEIS glosses over it. The HYC finds this oversight particularly troublesome, and requests that a supplemental DEIS be issued. 23-126

DP 11029

HYC Point 2: Racing & Olympic Courses

As made clear in the 1999 submission, one of HYC's primary reasons to exist is to host high-level sailing competition. There a large number of regattas and competitions held at HYC; the club's1999 submission lists many of these activities in detail. In the years since 1999, the Club has been approached by sailors to host national and Olympic-level competitions at the Shoreacres clubhouse.

To restate matters, HYC is greatly concerned that the increased number of container ships plying the Bayport Channel would result in increased wake and suction, would greatly impede cross-channel transit, and would create severe wind blockage for sailing craft in the area. None of these specific concerns were even hinted at in the DEIS. In fact, the DEIS fails to make any mention whatsoever of the long-established racing activities held in this portion of Galveston Bay. 32-1

Incredibly, the DEIS lacks any reference to competitive sailing whatsoever.

HYC Point 3: Excessive Noise

HYC's point 3 raised concerns regarding the potentially greatly increased noise levels in the area, given the fact that HYC's grounds literally overlook the site of the proposed Bayport container terminal. The HYC includes approximately 10 overnight accommodations, two large dining rooms, a bar, a ballroom and a swimming pool. Many members (and guests) literally spend the weekend at the HYC grounds. On most every weekend (Christmas excepted), the HYC hosts at least 200 individuals.

Section 3.8 of the DEIS addresses noise levels, but the methodology appears outdated. Specifically, the DEIS fails to base its projected noise levels on a project that is of the size of Bayport.

Next, setting aside the flawed methodology, section 3.8 of the DEIS fails to take into account noise levels at HYC –or any area reasonably nearby. Incredibly, the nearest location to HYC where the DEIS addressed noise levels was the meeting of Old State Highway 146 and the Bayport Channel. Even at that location –which is removed from the HYC grounds—the noise levels are described as "severe." Accepting the DEIS finding at its word, it appears that the noise levels at HYC would be **considerably in excess of severe.** 3-27

The failure of the DEIS to assess potential noise levels on the grounds of the Houston Yacht Club is an inexcusable oversight.

HYC Point 4: Air Quality

HYC Point 31: Health Risks and Allergies

HYC's points 4 and 31 raised concerns about air pollution resulting from the operations at Bayport. In particular, the number of diesel-propelled trucks and other equipment will unquestionably place a large amount of particulate matter in the air, and 7-61

DP 11029

HYC's grounds are directly in the prevailing wind path (i.e., down wind) from the proposed container yard.

Unfortunately, the DEIS's approach to Air Quality and Health Risks and Allergies is similar to that for Noise Pollution. Once again, the DEIS is deficient in that it fails to employ air pollution figures that reflect a project of Bayport's size. Additionally, the DEIS fails to measure air quality at HYC –or any area reasonably nearby. 7-24

HYC Point 5: Excessive Light

Lighting levels at HYC's facilities --which are directly adjacent to the proposed project-- are not addressed by the DEIS. Section 3.9 of the DEIS mentions in passing simply that lighting levels will be "increased" in the City of Shoreacres. HYC's grounds will be directly affected by the increased levels of lighting in the proposed container yard, and yet the DEIS makes absolutely no recognition of this fact, let alone attempt to measure the increased lighting. 17-10

HYC Point 6: Fishing.

HYC's submission raised concerns about the effect of the proposed he DEIS fails to address safety issues for fishermen in any form or fashion. Section 3.20 (Ecology) mentions, in passing, that the fish in the area will be impacted, but the DEIS fails to draw any conclusions from this statement. 21-41

HYC Point 7: National Landmark
HYC Point 19: HYC Club History

As made clear in HYC's 1999 submission, HYC is Texas's oldest yacht and sailing club, and it has occupied the present clubhouse in Shoreacres since mid-1926. The Texas Historical Commission has awarded the clubhouse a plaque that commemorates both the historical nature of the building as well as the continuous recreational activities that have taken place at the Club. In 1997, a 200-page history of the Club was published, entitled *From Buffalo Bayou to Galveston Bay: The Centennial History of the Houston Yacht Club.* A copy of the book was attached to HYC's 1999 submission, and we again incorporate the work by reference herein.

The DEIS fails to acknowledge the Club's status as a cultural resource. See DEIS section 3.10. Instead, the DEIS's "Cultural Resources" section (3.10) is fixated on archeological resources, and slights –indeed, ignores—historical assets such as HYC. Worse, the DEIS fails to address the effect of the proposed project on area property values and area land use. 16-1

HYC specifically requests that a *supplemental* DEIS be conducted to address topics, including: (1) Effects on Property Values; (2) Effects on Local Land Usage; and (3) Impact on the Residential and Recreational Usage of the Region. 23-55

HYC Point 8: Water Quality

Unlike most other areas, the DEIS appears to at least address the crucial issue of water quality in some fashion. The DEIS, however, fails to provide sufficient detail as to the total effects of the increased dredging needed to maintain the channel. 9-13

HYC Point 9: Wetlands

HYC is greatly concerned about the effect that the proposed project would have on the surrounding wetlands, which not only provide sanctuary to wildlife, but promote the ecology of the entire Galveston Bay System.

The DEIS treatment of wetlands (section 3.19) is flawed because it rests on a definition of "wetlands" that is overly restrictive and narrow. **HYC strongly disputes that the proposed project would affect only 2.5 acres of jurisdictional wetlands; the DEIS fails to provide enough detail about the methodology employed for wetland selection**. It appears that the DEIS has been skewed so as to reach a result where less than 3 acres of wetlands are at issue, thus evading many regulations. HYC requests that the issue of the effect on wetlands be reconsidered, and that a supplemental DEIS be issued that outlines in detail, the reasons why areas are designated as wetlands, as well as the effect of wetlands in the entire area. 14-25

HYC Point 10: Pristine Beauty of Red Bluff.

The DEIS acknowledges (section 3.9 "Light & Aesthetics) that some views from Bay Colony and Shoreacres would change. This is perhaps a mastery of understatement (!). The DEIS's vague statement that "vegetation" might obscure the view of the container port during the summer months, yet fails to state what type of plant or tree could possibly camouflage a container crane. Once again, the DEIS fails to address the specific impact of the container operations on HYC and its on-the-water activities, and fails to address the aesthetics of the proposed project as viewed from the water. 20-8

More importantly, the DEIS fails to address the effect of the proposed project on area property values and area land use. Simply observing that some views in Bay Colony would "change" is not the same as calculating the diminution property values. Again, **HYC specifically requests that a *supplemental* DEIS be conducted to address topics including: (1) Effects on Property Values; (2) Effects on Local Land Usage; and (3) Impact on the Residential and Recreational Usage of the Region**. 23-55

HYC Point 11: Channel Deepening

The DEIS mentions the potential for a 50-foot deep channel (which we understand is already being dredged, in part), yet it fails to mention (let alone analyze) the impact of deepening on the upper bay. Channel-deepening raises several concerns, none of which are adequately addressed in the DEIS from HYC's vantage point; these concerns are: (1) the effect of likely increased salinity and suspended sediment levels in 20-1

the HYC harbor; (2) the increased wake and suction from deeper-draft commercial tonnage affecting the HYC harbor; and (3) the increased likelihood of navigational accidents (both between commercial ships, as well as pleasure craft) arising from the increased volume of container ships. The DEIS also fails to address the impact of recurrent **maintenance dredging** that will undoubtedly arise should the volume of deep-draft commercial traffic on the Bayport be increased. 20-1

HYC Point 13: Speculative Nature of Project

The DEIS does not address the economics of the proposed project or measure its "need," as opposed to other possible project locations. 2-76

HYC Point 16: The Impact of Trucks and Rail Traffic on Crossings

The DEIS (section 3.5 Surface Transportation) glosses over the adverse effects of greatly increased truck and rail traffic on local residents. In specific, there is no mention or analysis of how greatly increased truck and rail traffic will delay transportation in the area. There is also no mention of the disruptive effect of repetitive road maintenance created by truck traffic. HYC regularly hosts regattas and other functions that draw a regional audience; the DEIS fails to address how mobility in the immediate area will be affected. 27-2

HYC Point 18: Defense Strategies and Terrorist Attacks

In 1999, HYC specifically raised concerns about the propensity of the proposed project to unwittingly harbor or facilitate terrorist activities. The DEIS, however, wholly failed to address this issue which is now incredible timely.

A March 2002 article appearing in the New York Times quotes U.S. Coast Guard Rear Admiral Terry Cross as cautioning the nation's ports that, "Ships can be used to transport terrorists or weapons of mass destruction. They can be used as weapons, and they are going to try to blend in and look like regular traffic. We think it is important to publicly recognize how vulnerable seaports are." The same article proceeds to quote the United States Commissioner of Customs, Robert C. Bonner, as being concerned that terrorists would hide an explosive weapon in one of the 600,000 cargo containers that arrive in American ports each day. Unfortunately, fewer than three percent of the containers are ever opened and inspected. **Commissioner Bonner labeled the horrifying prospect of a container-born bomb as a "nuke in a box."** Bonner continued, "One of the most lethal terrorist scenarios is the use of oceangoing container traffic as a means to smuggle terrorists and weapons of mass destruction into the United States. And it is by no means far-fetched." The article observes that security at the nation's ports ranges from fair to poor. These are the voices of high-ranking officials of the U.S. Coast Guard and the U.S. Customs –not Shoreacres residents.

On March 8, 2002, Graham Allison of Harvard University stated on the Capital Report (CNN) that "the next attack on the U.S. will be 9-11 with a nuclear weapon and we have no adequate detection method in place."

In light of the events of September 11, **HYC specifically requests that a *supplemental* DEIS be conducted to address topics including: (1) Ability to protect the project and surrounding areas against possible terrorist attacks; (2) Likelihood of Containers being used as vehicles for the introduction of bombs and/or chemical and/or nuclear weaponry; and (3) Ability of local civil defense and/or police and/or military to respond to terrorist attacks arising through container port facilities.** 21-39 21-27 21-43

The failure to the DEIS to address the possible implications arising from terrorist activities is a disservice not simply to the residents of the Galveston Bay area, but to our entire nation as well. 21-16

HYC Point 20: Alternate Sites

The DEIS fails to address two viable alternative sites for the project: namely, the Alabama State Docks and Corpus Christi, Texas. 2-111

HYC Point 22: Members Who Live Locally
HYC Point 28: Government Action Affecting Private Property

As discussed above, the DEIS is deficient in its discussion of the effects of the residents of Shoreacres. In addition, the DEIS fails to address the effect of the proposed project on area property values and area land use. Simply observing that some views in Bay Colony would "change" is not the same as calculating the diminution property values. Again, **HYC specifically requests that a *supplemental* DEIS be conducted to address topics including: (1) Effects on Property Values; (2) Effects on Local Land Usage; and (3) Impact on the Residential and Recreational Usage of the Region**. 22-55

HYC Point 25: Oyster Leases/Crabbing

Section 3.20 of the DEIS ("Ecology") fails to address (let alone mention) HYC's concerns with the effect of the project on oyster leases and crabbing in the area. 12-17

HYC Point 27: Hurricane Escape Routes

The DEIS fails to address (let alone mention) HYC's concerns that increased rail and truck traffic may impede or obstruct resident's ability to quickly evacuate the bay area during hurricanes and other natural emergencies. 21-7

HYC Point 36: Damage from Ships Wakes

Section 3.15 of the DEIA ("Shoreline Erosion") fails to address the effect of increased wake and suction on HYC's bulkheads and on HYC's harbor, which at present berths over 400 boats. The Club's 1999 submission included specific data that demonstrates both (a) the significant amount of wash damage to the club's jetties and bulkheads that has resulted over time, and (b) the amount of silting of the harbor that has resulted over time. The Club's 1999 submission also included data supplied by naval 15-2

architects regarding the effects of ship's wakes in shallow water such as the Bay. In particular, the Club's South Jetty has suffered (and continues to suffer) erosion due to the passage of ships in the Bayport Channel, and portions of the Club's harbor have become so shallow as to be unserviceable by many pleasure craft. The amount of damage would doubtless increase with any expansion of the Bayport facility –especially if the facility is opened to ships of 50-foot draft.

15-2

The DEIS, however, fails to make any mention of HYC's facilities (jetties or harbor). This failure is a substantial oversight, and HYC requests a supplemental DEIS be issued that specifically addresses the effect of the proposed project on HYC's bulkheads and its harbor in general.

HYC Point 39: Recreational Boating

Section 3.11-4 ("Parks and Recreation") casually and incorrect mentions, "No direct or indirect impact would occur to recreational properties within the Bayport Study Area." Page 3.11-4. **This statement ignores HYC, and suggests that those who compiled the DEIS have not fully examined all the evidence submitted to them**.

32-10

All that we can do is repeat what has been said above:

"HYC is located in the City of Shoreacres and holds weekly sailboat races and other on-the-water activities in the adjacent waters of Galveston Bay. With the exception of the Second World War, it has done so regularly since 1926. While many local residents have understandably expressed concern over the effects of the Bayport project on air quality, traffic, and the salinity of bay waters, HYC is unique in that it has an additional series of concerns that are not represented by other parties. These unique interests include those of recreational sailors, patrons of the club's restaurant and bar, Olympic sailing team hopefuls, and youth sailors. In short, ***HYC is a unique voice that must be heard --and addressed-- if the scoping process is to have any legitimacy.***

32-1

"During the scoping process, HYC submitted a 40-point list that included --in considerable detail and with supporting documents —a list of HYC's specific concerns with the project. Sadly, the DEIS reflects that this effort fell on deaf ears. Unfortunately, the DEIS utterly fails to address --in any meaningful detail-- the concerns that were raised by HYC in 1999. Indeed, portions of the DEIS fail to make reference to the HYC in lists of recreational boating activities. Many at HYC question whether the Corps received its 1999 submission."

Conclusion

The DEIS was apparently assembled without reference to the information that the Houston Yacht Club provided. The Club resubmits this evidence, and respectfully requests in the strongest possible language that it be considered. This response outlines those areas of concern that remain not fully addressed. In addition, the Club requests that a Supplemental DEIS be produced that addresses the effect of Bayport on:

23-55

DP 11029

- Local Property Values
- Local Land Usage (residential, recreation, and business)
- Wetlands

23-55

as well as the container project's potential to become a terrorist target.

The Houston Yacht Club awaits with interest the Corps' further study of this issue.

Respectfully submitted,

Chuck Buckner
Commodore
Houston Yacht Club

MAR 1 5 2002

DP 12029

Bayport Channel E.I.C. Sept.17 Submission

INDEX OF ITEMS TO BE PRESENTED TO THE CORP.

The Club is concerned with (Not in order of preference):

1. Safety/Danger
2. Racing/Olympic Courses
3. Excessive Noise
4. Air Quality Issue
5. Excessive Light
6. Fishing
7. National Trust Marker/Club History
8. Water Quality/Pollution
9. Wetlands
10. Pristine Beauty of Red Bluff
11. Channel Deepening/ Refute Sea-Land Claim
12. Community Outreach Programs
13. An Unrealistic Spectulative Venture/Public Money
14. Youth Programs/Youth Future
15. Hurricane Refuge
16. Trucks/Rail Traffic/Crossings
17. HYC in World War ll
18. Defence Strategy/Terrorists
19. History Book
20. Alternative Sites
21. Appreciation Letters
22. Members live Locally
23. U.S.Sailing Position.
24. Photographs

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25. Oyster Leases/Crabbing
26. Rainwater Run-Off
27. Hurricane Escape Routes
28. Govt.Action Affecting Private Property
29. Truck Accidents
30. Cruise Terminal Impractical location
31. Health Risks/Allergies
32. Qualifications of Port Commissioners/Resumes
33. Increased Taxes
34. Inadequate Holding Areas/Turning Basin
35. Outdated Facility before Completion
36. Potential Damage from Ships Wakes
37. Citizens Advisory Group/ A Sham
38. Port Authority Bond Issue/ Advertising
39. Recreational Boating
40. Summing Up.....

We respectfully request you to assess the impact on the enviroment of each of the above listed items and we support our contention that a valid reason exists to refuse any permit based on our supporting documentation

For THE HOUSTON YACHT CLUB

Commodore

Vice Commodore

Rear Commodore

September 15,1999

HOUSTON YACHT CLUB

SAFETY/DANGER

We request USACE to evaluate the probable impact of ship traffic in Bayport Channel proceeding to/from the proposed port on present activities conducted by the HYC as it relates to the safety of the public and members of the HYC.

In support of this request we are attaching :

4.A A photograph taken on 6.19.99 showing what we believe to be a Stolt tanker in the Bayport Channel during the running of a Regatta (The Luekemia Cup). This photo taken from our Club Entrance shows how close our sailing activities are to the Channel. Present traffic is spasmodic and is of no great concern But greatly increased ship,barge and tug traffic would create Hazards with wakes and collision dangers during rain storms etc.

4.B G.B.C.P.A. Scoping Meeting-Concepts for Presentation, refers to Impact to World-Class Recreational Boating (Issue #9)

5.B Also refer to 5.B IBM/SAILING WORLD NOOD REGATTA page 11 showing the relationship to Racing Areas to The Bayport Channel. This world rated regatta is again being held on September 17-19 1999

COMMENT:

Our concerns are for the hundreds of competitors and other recreational boaters who are forced to cross the channel in all weather conditions. Whilst our members are experienced and can handle the low present level of activity, greatly increased traffic would constitute added dangers that would be unacceptable.

(2

As HYC is one of the leading Yacht Clubs in the U.S. and is much in demand for hosting Regional,National and World events it's loss to the sailing community would be a disaster felt throughout the U.S. We refer to Item 23 A from the Executive Director of the governing body controlling the sport of sailing as well as Olympic representation. He expresses his concern in the last paragraph.

MAR 1 4 2002

PUBLIC HEARING COMMENT

U.S. Army Corps of Engineers
Galveston District

DRAFT
ENVIRONMENTAL IMPACT STATEMENT
FOR THE PROPOSED
BAYPORT MARINE TERMINAL

This form may be used to provide your comments resulting from review of the Draft Environmental Impact Statement for the proposed Bayport Marine Terminal. Written comments may also be sent directly to:

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

DP 11030
SCC

All written comments should be received by February 11, 2002.

Name: Robert Buddingh

Address: 4330 Palm Street

City, State and Zip: Seabrook Texas 77536
"El Jardin"

Comment:

El Jardin is a residential area and is situated right next to the proposed site. Why would you use 65 Ldn as the noise criteria for evaluation? 3-25

It should be 55 Ldn. Eminent domain should not be used to move this proposed site closer to us when alternate sites are available. 20-26

[signature]

MAR 1 4 2002

PUBLIC HEARING COMMENT

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DP 11031

SCC

All written comments should be received by February 11, 2002.

Name: Robert Buddingh

Address: 4530 [illegible] Street

City, State and Zip: [illegible] 77586
"El Jardin"

Comment:

Dear Sir,

During the scoping meeting I stood up and requested that the U.S. Army Corps of Engineers fully evaluate the effect of truck diesel engine exhaust from trucks in "stop and go" traffic. The traffic delay and intersection analysis was not completed in the DEIS. How can you model the [illegible] pattern if you do not know what to base it on? PM 2.5 is a particle why was this not evaluated? Both of these [illegible]

27-52

23-114

Sincerely,

Bob Bu[illegible]

MAR 1 4 2002

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DP 11032
SCC

All written comments should be received by February 11, 2002.

Name: Robert Buddingh

Address: 4330 Palm Street

City, State and Zip: Seabrook, Tex 77586
El Jardin

Comment:
Dear Sir,

The words "we the people" are an important US corner stone. I do not see where your report states that no one in the area surrounding the proposed site was [illegible]. Not a single [illegible] in the [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. Why does "we the people" have little [illegible] no [illegible]? This should [illegible] [illegible] [illegible] [illegible] [illegible]

29-35

MAR 1 4 2002

PUBLIC HEARING COMMENT

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DP 11033
SCC

All written comments should be received by February 11, 2002.

Name: Bob Buddingh
Address: 4830 PALM STREET
City, State and Zip: SEABROOK, TEXAS 77586

Comment:

The Houston area has an air quality problem. At times it has the worst air in the US. On a calm day you can see a brown cloud that extends down the ship channel to the Gulf of Mexico. You would think that the addition of 5,000 to 7,000 trucks and many diesel ship will not make the area a PM 2.5 sea pool. Was a PM 2.5 evaluation performed? No! PM 2.5 must be [illegible] in the final report. 7-25 7-4

PUBLIC HEARING COMMENT

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DI 11034
SCC

All written comments should be received by February 11, 2002.

Name: Bob Buddingh
Address: 4830 Palm Street
City, State and Zip: Seabrook, Tx 77586

Comment:

Wow! Why did your wetland survey? The purposed site contains many more than 25 acres of jurisdictional acres of wetlands. 14-5

This must be addressed in the final report. 14-29

U.S. Army Corps of Engineers
Galveston District

PUBLIC HEARING COMMENT

MAR 14 2002

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11035

All written comments should be received by February 11, 2002.

Name: Michelle Meehan, MIC, [illegible]

Address: 4830 Palm Street

City, State and Zip: Seabrook, TX 77586
(El Jardin)

Comment:

We live in El Jardin. We have two 9 year old children and I am very concerned about their safety. I do not feel like the U.S. Army Corps of Engineers has addressed the impact of this new development on the people who currently live in the area. My children will need to learn to drive among the [illegible] additional trucks that will now reside in this residential area. Small particulate pollution will damage their lungs and complicate and maybe shorten lives. 21-8 21-2 21-1

Please [illegible]

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Galveston District

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DP 11036
SCC

All written comments should be received by February 11, 2002.

Name: Michelle Meehan, MD, USN Ret.

Address: 4830 Palm Street

City, State and Zip: Seabrook, Texas 77586
61 Jardin

Comment:

Dear Sir,

I have found your draft EIS in error. The comparison between this site and other location, is not "APPLES to APPLES". For example, your evaluation does not include $147MM of offsite improvements necessary to build Bayport and offsite road improvements necessary for alternate sites were miscalculated. This makes Bayport falsely the best location. It is not. Please correct this [illegible]

2-105

2-97

MAR 1 2 2002

PUBLIC HEARING COMMENT

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DP 11037
SCC

All written comments should be received by ~~February 11~~ MARCH 13, 2002.

Name: STAR AND ROBERT HOPKINS

Address: 16310 LAUREL FIELD DRIVE

City, State and Zip: HOUSTON TEXAS 77059

Comment:

WE HOPE THAT SERIOUS CONSIDERATION WILL BE GIVEN TO THE SPILMANS ISLAND ALTERNATIVE TO THE BAYPORT CONTAINER-CRUISE SHIP FACILITY. THAT ALTERNATIVE WOULD SPARE MANY CLEAR LAKE AREA RESIDENTS, FOR 26 YEARS IN OUR CASE, FROM A LOWERED QUALITY OF LIFE DUE TO INCREASED TRAFFIC, NOISE, POLLUTION AND CONGESTION, JUST TO NAME A FEW. THE BAYPORT FACILITY WILL ENSURE THAT THIS AREA BECOMES A TRUCK AND TRAIN ROUTE FROM I45 TO BAYPORT, ON THE OTHER HAND, THE SPILMANS ISLAND OR OTHER SUITABLE SITES WOULD SAVE US FROM HAVING TO MOVE AWAY FROM AN AREA WHICH WILL NO LONGER BE A DESIRABLE PLACE FOR PEOPLE TO LIVE DUE TO THE INCREASED TRAFFIC, AIR POLLUTION, DUST, NOISE AND LIGHT POLLUTION.

2-6
2-77
27-12
6-43

MAR 12 2002

PUBLIC HEARING COMMENT

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DP 11038
SW

All written comments should be received by ~~February 11, 2002~~ March 13, 2002

Name: Kathryn H Coleman
Address: 207 Shoreacres Blvd
City, State and Zip: La Porte, TX 77571

Comment:

There are many reasons for not having the Port of Huston to be expanded between Shoreacres & El Jardeen. The lights will change the night time into day. And will mark this to Shoreacres, not peaceful sleeping anymore. We will have so much traffic on the roads and the bay - Life will change and with school here in the neighborhood the children will be affected also. 17-9 27-6 21-8

Wild life will be lost to this area because we will loose the wetlands. My granddaughter just got her drivers license this year and now there will be 7000 trucks a day on 146. Unreal and unsafe for all drivers. Diesel oil emmisions will be so bad. Let alone the noise from the containers and trucks. And I have ~~asthma~~ asthma 14-1 27-6 7-2

over

PUBLIC HEARING COMMENT

MAR 12 2002

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DP 11039
SCC

All written comments should be received by February 11, 2002.

Name: WILLIAM THURMAN AND CATHERINE FAIN

Address: 3815 BONITA LANE

City, State and Zip: LA PORTE, TEXAS 77571-7320

Comment:

We have living in Bay Colony subdivision; it is a quiet, peaceful place for two senior citizens (90 and 83 years old) to reside. Heavy truck traffic, noise and pollution are not things that we need. Let's put the Port in some other place.

Catherine Fain

29-54

PUBLIC HEARING COMMENT

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DP 11040
Sec

All written comments should be received by February 11, 2002.

Name: Mrs Olga Oakley

Address: 815 Oak Leaf Ave

City, State and Zip: Laporte, Texas 77571-6925

Comment:

How can anyone say there won't be more truck traffic? Look at the real picture! Waiting at railroad crossings is bad now with trains blocking them. All of this adding to pollution, also. 27-28

We chose this area to live in because it was a beautiful, quiet and somewhat secluded area.

Forcing this on us just takes all of that away. 4-48

Heavy traffic (also dangerous), noise, pollution, we don't need it. It will devaluate our property.

Olga Oakley

MAR 13 2002

PUBLIC HEARING COMMENT

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DP 11041

All written comments should be received by February 11, 2002.

Name: ROBERT L. WOLFF

Address: 3910 DOLPHIN

City, State and Zip: ~~#~~ LAPORTE, TX 77571

Comment:

[Why you would take the chance to dramatically harm a quiet bedroom, residential communities with thousands of residents is beyond my understanding. 4-30
We've invested our time & money into our homes & properties and the odds our quality of life is going to change for the worse are very high.]

[At night, right now, we have the men working on their tug boats, barges etc speaking on their loud sound systems (and) there is very little traffic yet. 3-13
Our windows shake & rattle as the big tankers come through.]

~~Have~~ [Texas City I've heard is capable of handling 2-25
this container port and wants it.] Why? Why are you doing this.

People first.

I'll be shocked if someone actually reads this who has the authority to influence the decision.

MAR 14 2002

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LP 11042

All written comments should be received by February 11, 2002.

Name: Herman M. Biggs

Address: 3914 Dolphin Lane

City, State and Zip: La Porte, Texas 77571

Comment: I am concerned about the loss of surface property on the north shore of Bayport Channel. [Erosion has taken over half of the property over the last 30 years. The riprap erosion plan took another 50 feet instead of replacing the surface property.] I am now sitting at my dining table looking at the Bayport Channel less than 100 feet away. [The container cargo terminal will increase ship transit and greatly increase the north shore erosion problem.] 15-12 15-8

MAR 14 2002

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VP11043

All written comments should be received by February 11, 2002.

Name: Nancy, Nigel + Jon Millard

Address: 102 Parkstead Dr.

City, State and Zip: Seabrook, TX 77586

Comment: Please think of the many families living near the future Port expansion that homes will be devalued and polluted. Please move the port to Texas City that wants and needs the Port. 4-31 2-25

Thank you,
The Millards

On Vacation in Alabama during Spring break

MAR 1 2 2002

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DP 11041

All written comments should be received by ~~February 11~~, 2002.

Name: MARIA Montgomery
Address: 234 forrest str
City, State and Zip: LA Porte, TX 77571

Comment: [The wetlands will be destroyed. We have a lot of migrating birds in this area. 12-12
[What about the traffic increase. The Houston area is the most polluted in the U.S.A. We don't need more trucks.] [what about the increased train crossing. We cannot wait 10-12 times for 2 minutes a day in front of the crossings.] 7-71 27-38
[What about the pollution from the container ships what is this going to do to our property values??] [The shipchannel that need to be dredged to 45 ft - and later to 50 ft. what about the salinity in Galveston Bay and what will this do to the oyster + shrimp industry?] 20-10 12-15

Maria Montgomery

MAR 12 2002

PUBLIC HEARING COMMENT

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DP 12045

All written comments should be received by February 11, 2002.

Name: MARJORIE VAN DEVENTER

Address: 4 BAY HARBOR DR

City, State and Zip: LA PORTE, TX 77571

Comment:

THE TIME HAS COME FOR NEW LAWS TO CURTAIL THE PORT AUTHORITY'S BELLIGERANT ATTITUDE AND THEIR UNLIMITED POWER.

[AT THE MEETING IN HOUSTON THE LONGSHOREMEN WERE ON BOTH SIDES OF US AS WE GOT OFF THE BUS. THEY WERE YELLING AT US STANDING ONLY A FEW FEET AWAY.] I AM 74 YEARS OLD AND THAT IS THE FIRST TIME I HAVE EVER HAD A MAN DO THAT. I SAID SOME THINGS TO SOME OF THE MEN AND WE LOOKED EMBARRASSED. I FELT SORRY FOR THE LONGSHOREMEN. DISGUST FOR THE MEN WHO MADE THEM DO IT.

[BY NOW YOU KNOW ALL THE VALID REASONS WE ARE AGAINST THIS.] 29-31

LITIGATION WILL BE THE NEXT STEP. THE PORT AUTHORITY WILL USE OUR TAX MONEY. WE PAY FOR BOTH SIDES OF THE ISSUE.

22-108

PUBLIC HEARING COMMENT

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DP 11046

All written comments should be received by ~~February 11~~ March 13, 2002.

Name: Rita F. Powell

Address: 727 Timber Cove Drive Taylor Lake Village

City, State and Zip: Seabrook, Tx 77586

Comment: [Please donot approve the proposed Bayport expansion as planned.] 29-39

[Not enough consideration has been given to the degradation of the air quality, water and environment. I live here because of the quality of life it affords me.] 23-84

[The expansion is inadequately justified. The present terminal is not completely used.] [The funds provided by the taxpayers of Texas are poorly supervised and therefore squandered on publicity.] 6-73

[The Bayport facilities would be open to sabotage & terrorism esdangering all.] 21-20

Sincerely,
Rita F. Powell

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PUBLIC HEARING COMMENT

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DP 11047

All written comments should be received by February 11, 2002.

Name: CHERYL THOMAS

Address: 3202 MIRAMAR

City, State and Zip: LA PORTE, TX 77571

Comment: [Our speed limits were just lowered to 55 mph to clean the air. Why would you let up to 5,000 trucks a day dirty our air when we are already under orders to clean it up.] 7-23 The families of the truck owners and drivers will not have to breathe this air, the people who live around Bayport will.

How would you like the exhaust from 5,000 trucks a day in your house for your children to breathe?

[Let Texas City or Freeport have this port. They want it. We don't.] 29-32

MAR 12 2002

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DP 11048

All written comments should be received by February 11, 2002.

Name: Josephine Roberts

Address: 18530 Barbuda Ln.

City, State and Zip: Houston Tx. 77058

Comment:

[I feel that the Corp of Engineers should deny the Bayport Application. 29-39

Further studies should be done] and [most importantly the wishes of the residents in the area should be considered] 2-59 29-8

[People in this area do not want this disruption to their lifestyles and traditional values.] 4-30

[In this instance, the needs of people should be considered above those of the Port Authority.] 23-113

J.R.

MAR 12 2002

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DP 11049

All written comments should be received by February 11, 2002.

Name: JOSEPH WAYNE ROBERTS

Address: 18530 BARBUDA LANE

City, State and Zip: HOUSTON, TX 77058

Comment:

[AFTER ATTENDING SEVERAL OF YOUR MEETINGS AND LISTENING TO BOTH SIDES, I COULDN'T DISAGREE MORE WITH THE CONCLUSIONS OF YOUR REPORT. YOU & YOUR AGENCY HAVE PARTICIPATED IN A SHAMELESS WHITEWASH OF A BAD IDEA. THE IDEA THAT BAYPORT IS THE LEAST IMPACTIVE SITE IS LUDICROUS.] 23-20

[THE CONTAINER PORT IS A GOOD IDEA BUT BAYPORT IS CERTAINLY THE WRONG LOCATION.] 29-37

MAR 1 2 2002

1 ✓

PUBLIC HEARING COMMENT

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DP 12050

All written comments should be received by February 11, 2002.

Name: FRANCES M. HEYCK

Address: 210 BAY COLONY DR.

City, State and Zip: LA PORTE, TX 77571

Comment:

[The Corps of Engineers should deny the Bayport application because of the many negative impacts of the proposal such as increased health problems for the area (pollution), safety, property rights, land use, wetlands, habitat and the conservation, economic use, and enjoyment of Galveston Bay.] 29-78

[The Corps should not foreclose its analysis of Bayport alternatives by excluding non-Bayport combinations, etc. that together would provide more economic benefit at less environment cost, and therefore enhance the public interest.] 2-10

[Consideration should be given to the fact that this area is part of the proposal to attract the summer Olympic Games in the near future. Expansion of Bayport as proposed would certainly have a negative effect on this Olympic proposal.] 32-1

MAR 1 2 2002 9A ✓

PUBLIC HEARING COMMENT

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LP 11051

All written comments should be received by ~~February 11~~, 2002. March 13, 2002

Name: THOMAS MCCLEMAN

Address: 207 SHOREACRES BLVD

City, State and Zip: LAPORTE, TX 77571

Comment:

[10 REASONS FOR SAYING NO TO BAY PORT TERMINAL

1- NOISE POLLUTION
2- AIR "
3- LIGHT "
4- LAND EROSION
5- 7000 TRUCKS DAILY
6- TRAIN TRAFFIC
7- DESTROY WETLANDS
8- SEWERAGE FROM THE PORT + SHIPS
9- MARINE LIFE
10- HOMES + PROPERTY VALUE LOWERED]

29-78

MAR 1 2 2002

1 ✓

PUBLIC HEARING COMMENT

U.S. Army Corps of Engineers
Galveston District

DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED BAYPORT MARINE TERMINAL

This form may be used to provide your comments resulting from review of the Draft Environmental Impact Statement for the proposed Bayport Marine Terminal. Written comments may also be sent directly to:

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

DP 11052

All written comments should be received by February 11, 2002.

Name: Carolynn Stanley

Address: 411 Pebblebrook

City, State and Zip: Seabrook, Tx. 77586

Comment:

[I do not feel that pollution and transportation were effectively addressed] 5-16

[I have a great concern that the added pollution from diesel trucks (upwards of 5-700/day) will impact our air quality which is already fragile.] 7-10

More illnesses, lung diseases result. [I am also concerned about the increased traffic.] 27-20 I've been to Long Beach, CA and it was a nightmare

MAR 2 0 2002

PUBLIC HEARING COMMENT

U.S. Army Corps of Engineers
Galveston District

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Email: kerry.m.stanley@swg02.usace.army.mil

DP 11053

All written comments should be received by ~~February 11~~ March 13, 2002.

Name: The Millard Family
Address: 1003 Parkstead Dr.
City, State and Zip: Seabrook TX 77586

Comment: We are on Spring Break in Mobile, Alabama to get away from the pollution of Bayport [that is why we are opposed to the Port Expansion]. Please, no more pollution in Seabrook!

29-3

Nancy Nigel Millard

MAR 14 2002

PUBLIC HEARING COMMENT

U.S. Army Corps of Engineers
Galveston District

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DF 11054

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U.S. Army Corps of Engineers
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Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

All written comments should be received by ~~February~~ March 13, 2002.

Name: Jonathan Millard
Address: 1003 Parkstead
City, State and Zip: Seabrook TX 77586

Comments: [Please don't allow the Port to pollute the Bay]29-3 "[I don't want big trucks on Hwy 1746 where kids have to cross and bike.]27-11

Thank You,

Jonathan Millard
Age 10

DP 11055

MAR 14 2002

Gentlemen:

[The U.S. Army Corps of Engineers only identifies 2.5 acres of wetlands when the Bayport property contains more than 2.5 acres (more like 104 acres) of wetlands that are directly connected to waters of Galveston Bay via Pine Gully.]

14-5

why?

John A. Birch

PUBLIC HEARING COMMENT

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Email: kerry.m.stanley@swg02.usace.army.mil

DP 11056

All written comments should be received by February 11, 2002.

Name: THOMAS C. GARRETT

Address: 203 BAY COLONY CIR.

City, State and Zip: LA PORTE TX 77571

Comment:

[THE BAY PORT CHANNEL WAS BUILT WITH THE PROMISS THAT IT WOULD BE FOR AN OCCASINAL BARGE TWO OR THREE A DAY AT THE MOST. AS THE YEARS PASS MORE & MORE TRAFFIC HAS APPEARED. THERE ARE THREE OR FOUR HUGE TANKER EVERY DAY TUGS, AND BARGES.] IF YOU APPROVE THE PERMIT FOR THE PORT I CAN'T EMAGEN THE NUMBER OF SHIPS THAT WILL BE IN MY BACK YARD. 22-31

[IF WE GET THE OLIMPICS IN HOUSTON GUESS WHERE THE RACE COURSES FOR SAILING WILL BE. WILL RACING STOP. WILL THE SHIPPING STOP.] 32-1

T C Garrett

PS. [CONTAINERS ARE A GREAT PLACE FOR TERRORISTS TO PUT BOMBS IN MY BACK YARD.] 21-12

PUBLIC HEARING COMMENT

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Galveston District

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DP 11057

All written comments should be received by February 11, 2002.

Name: Michelle E. Lamb

Address: 819 Oak Leaf

City, State and Zip: LaPorte Tx 77571

Comment:

[I attended the first scoping meeting & others since. The DEIS does not address some of the main problems that were brought up then: polution - noise, air, water, light] 23-72

[Another big concern is traffic with trucks and trains.]

[We already are one of the highest pollution problems in the nation & rank high in traffic congestion. All of this will only get exponential with the Bayport addition.] 7-71

[The impact on recreation was not addressed at all.] 32-3

We sail on the Bay almost every weekend, and always have to structure our sails or races around the channel. It looks like the expansion would force us to use only a very small part of the Bay to be safe. [Texas has already used so much of its lovely Bay for commerce, that we cannot afford to give up any more, when there are other places ie Texas City, that want the Port.] 2-25

(over)

[I live in La Porte, only a mile from Bayport & the current Rail system. Frequently, if our AC is not on, the noise is annoying and we sometimes have to remove pictures from the walls due to vibration. I cannot imagine that expansion of Bayport is not going to make it worse, much worse.] If Bayport goes in I will have to move, due to noise, pollution, traffic. But who will want to buy my house. [The property values will plummit.] 3-16 6-38

[Does any one who lives in La Porte, Seabrook, Shoreacres El Jardin want Bayport — no! no! no!] 29-3

Sincerely, Michelle E [illegible]

DP 11057

MAR 14 2002

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DP 11058

All written comments should be received by ~~February 11, 2002~~ March 13

Name: Nancy+Nigel Millard

Address: 1003 Parkstead

City, State and Zip: Seabrook, TX 77586

Comment:

Bayport not competitive

To the editor:

2-81

6-77

The Port of Houston complex has not been competitive due to Port of Houston Authority mismanagement and the ship channel's interior location.

Why would a shipping/container company accept the additional time and expense of traversing the world's longest and most dangerous ship channel, if suitable alternatives exist? The Port of Houston Authority cannot function without periodic bailouts from the Harris County taxpayers.

This is in form of bond issues, which require voter approval.

Eventually there will be increased shipping container traffic serving the Gulf coast. This includes the need for large ports which can accommodate deep draft container ships.

Texas City and New Orleans, both privately funded, are promising sites.

world of Homeland Security efforts against terrorism, the Port of Houston Authority recently rejected consideration of Spillman's Island, a much more humane and patriotic choice.

Compared to Spillman's Island and other Port of Houston complex alternate sites exhibited in the Bayport DEI study, the Bayport site systems engineering is inadequate. More significant, it is poor compared to the Shoal Point site described in the concurrent Texas City study.

Good engineering uses the latest available technology, which for port sites equates to higher productivity in a smaller area. This results in lower operating costs, which are critical to be competitive.

The proposed Burlington Northern Santa Fe/San Jacinto rail project is a Bayport spoke.

Port container traffic

object to any tax increases, especially those that throw good money away on bad projects.

Some suggestions follow:

- Halt any further ship channel deepening this side of Texas City. Continue channel widening for more safety and an eventual increase in container barge and inter-site container ship traffic.
- Enact a State of Texas sponsored regional port authority.
- Require that port authority officials provide financial disclosure.

20-6

2-60

Ed Sartain
Seabrook

20-15

D-10

to serve only the Bayport area plants and nearby communities, quietly was changed into the huge regional system described in the U.S. Corps of Engineers Bayport draft Environmental Impact Study.

Recently, the Port of Houston Authority has promoted an archaic "hub" concept, where Bayport would be the one central container megaport to dominate the entire Gulf coast.

Since World War II, a distributed approach has become increasingly more competitive than the centralized approach for systems large and small.

In defiance of today's real

blown buildout.

We don't want to see crime and grime in Clear Lake City.

Transportation problems in Southeast Harris County, and especially south of Fred Hartman bridge and east of Ellington Field, are an unsolved mess which will only worsen.

What is the Port of Houston Authority going to do about costs? These include the following:

- Bayport buildout construction costs. The 1999 bond election provides only a small down payment.
- Hundreds of millions of dollars for road improvements, especially on Highway 146. Improvements that were conveniently left out of the DEI study.
- Over $100,000 the Houston Port Authority owes 19 pipeline companies to lower their pipelines in the ship channel, plus $130,000 previously approved.
- Costs for responsible disposition of growing acres of abandoned containers near Morgan's Point.

The world is experiencing a deepening recession or depression, caused by conditions we haven't seen since 1929, though its direct affects can't be accurately predicted, many estimate sub par global trade for at least a decade.

-strapped voters may

23-107

20-9

21-35

27-44

6-70

DA11058

Ditto!

MAR 14 2002

1

PUBLIC HEARING COMMENT

U.S. Army Corps of Engineers
Galveston District

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Email: kerry.m.stanley@swg02.usace.army.mil

LP 11059

All written comments should be received by February 11, 2002.

Name: Nigel Millard

Address: 1003 Parkstead

City, State and Zip: Seabrook TX 77586

Comment:

21 Comments on the Bayport Container Terminal's Draft Environmental Impact Statement and Negative Effect on the Public Interest

- <u>The Corps of Engineers should deny the Bayport application</u> for Section 10 and Section 404 permits because the construction of Bayport is not in the public interest. The negative impacts of the proposed facility outweigh any benefits, particularly due to its clearly foreseeable negative impacts on health, safety, property rights, land use, wetlands, habitat, and the conservation, economic use, and enjoyment of Galveston Bay. 29-29

- <u>The Corps should complete a Supplemental Draft Environmental Impact Statement</u>. That Supplemental DEIS should fully analyze issues raised during the Scoping process that were NOT analyzed in the current DEIS. The public has a right to know the impact of these issues and the Corps cannot make a legitimate decision without analyzing them and allowing the public to comment on its analysis. 23-6

- <u>The Public should receive more time to comment</u> on the current DEIS. The Port Authority and Corps have had over 2-1/2 years to produce this inadequate DEIS. The Public should have at least 180 days to comment on it and address its deficiencies. 23-5

- <u>The Corps has foreclosed its analysis of Bayport alternatives</u> by excluding non-Bayport combinations. Sites that together would provide more economic benefit at less environmental cost, and therefore enhance the public interest, were not considered in the DEIS. 2-10

- <u>The amount of wetlands at Bayport is significant and exceeds 3 acres</u>. In an effort to avoid state review and the requirement to conduct a more extensive site-rating analysis, the Corps claimed jurisdiction over only 2.5 acres of the 116+ acres of wetlands on the site. Most of the 116+ acres of wetlands – more than nearly any other site - are adjacent to waters and therefore should be included. 14-4

- <u>The Corps has failed to analyze the impact of fine particle (PM 2.5) and hazardous air pollutants</u>

P11059

- <u>The Corps has failed to analyze a 50' deep ship channel</u> across Galveston Bay. A permit application with wharves to -56' MLT (mean low tide), that accommodates 50' draft ships, will demand a 50' channel. A 50' channel will destroy the ecological and economic productivity of Galveston Bay by introducing additional salinity. The Port Authority hopes to break any resistance to a 50' channel by putting $1.2 billion on the ground at Bayport. The Corps must stop them by analyzing a 50' channel in a DEIS <u>now</u>. 20-1

- <u>The study of future land use impacts in the DEIS is inadequate</u> and fails to disclose impacts contrary to the public's interest. The land use study does not account for changes in existing land use, such as the conversion of residential and recreational land to industrial sprawl that Bayport would enable. Bayport would divide and destroy communities and diminish the environmental values that support them. 4-4

- <u>The study of transportation and noise in the DEIS is inadequate</u> and fails to disclose impacts contrary to the public's interest. Both analyses assume that post-build out, the percentage of traffic that trucks comprise on area roads will not change! The Port Authority's own plans call for 5000 new trucks a day. 3-7 27-4

- <u>The Corps should undertake with the Surface Transportation Board a combined EIS</u> for the proposed BNSF/San Jacinto rail project. The law requires a combined EIS when the cumulative impacts of two proposals affect the same area. These 2 proposals are related and would cause industrial sprawl to invade residential communities. 23-10

- <u>An Environmental Justice analysis should extend to include the 8 daily 8000' trains</u> from Bayport that will pass through the East End of Houston. The DEIS fails to analyze any traffic or blockage impacts on the routes Bayport's cargo would take to numerous yards in the East End. Neighborhoods there already face chronic delays and blocked crossings that will worsen and extend south with Bayport. 26-1

MAR 1 4 2002

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Email: kerry.m.stanley@swg02.usace.army.mil

DP11060

All written comments should be received by February 11, 2002.

Name: JOHN & Debbie CARDENAS

Address: 114 BAY COLONY

City, State and Zip: LA PORTE TX 77571

Comment: * PLEASE ATTACHED COMMENTS *

Thank you.
John C. Card

11060

John & Debbie Cardenas

114 Bay Colony Drive

La Porte, Texas 77571

Re: Bayport DEIS

Comments:

My Wife and I bought our lot on 114 Bay Colony Drive in 1992 receiving no disclosure at the time of the Port's plan to build the Bayport Terminal despite their claim that this has been planned for a long time. We proceeded to build our dream home on the bay and have lived in this home since March of 1995. The Bayport Terminal will totally destroy what we have built due to the negative impacts on health, safety, property rights, land use, and the enjoyment of Galveston bay. 18-2

We have an eight year old daughter and are very concerned with the hazardous air pollutants imposed by this project. 7-60

We believe that the DEIS that has been issued regarding Bayport is inadequate for the following reasons:

1 The Corps has failed to analyze the impact of fine particle (PM2.5) and other hazardous air pollutants. 7-4

2. The study of future land use impacts in the DEIS is inadequate and fails to disclose impacts contrary to the public interest. The land use study does not account for changes in existing land use, such as the conversion of residential and recreational land to industrial sprawl that Bayport would enable. Bayport would divide and destroy our community and diminish the environmental values that support it. 4-4

3. The study of transportation and noise in the DEIS is inadequate and fails to disclose impacts contrary to the public interest. Both analyses assume that post-build out, the percentage of traffic that trucks comprise on area roads will not change. The Port Authority's own plans call for 5000 new trucks a day. 3-7 27-4

4. The Corps has failed to analyze the impact of a 50' channel for ships using Bayport. 20-1

5. The Corps has failed to analyze the cumulative effect of the affect to the environment along with the affects of the San Jacinto Rail Line project. These two projects should be considered together. 23-10

6. The study of transportation and noise is not adequate and fails to disclose impacts contrary to the public interest. 3-7

7. The DEIS failed to include a study on the impacts from 8 daily trains from Bayport including traffic blockage. 26-1

8. The Corps should include an analysis of potential terrorism in light of the proximity of residential properties. 21-6

9. The DEIS does not account for negative impacts on all public and private recreational facilities in the DEIS' economics, land use, and recreational uses. 32-3

10. The DEIS does not own all the land necessary to construct Bayport. Therefore, the permit application by the Port Authority is illegal. 23-16

MAR 1 2 2002

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DP 11761

All written comments should be received by February 11, 2002.

Name: Keith Kreutzberg

Address: 330 Biscayne

City, State and Zip: Seabrook, TX 77586

Comment:

I am very concerned that the Draft Environmental Impact statement produced for the proposed Bayport Container terminal is flawed at best and misleading to the point that it raises suspicion of being intentionally skewed at worst. I have reviewed key portions of the DEIS and have read a large volume of expert analyses regarding the validity of its findings. It should be noted that the many reviews of the DEIS almost exclusively find fault and dispute key segments of the report. I also attended the Public Hearing at the George R Brown Convention Center earlier this year. While many opponents of the Bayport terminal spoke on a wide variety of serious concerns, the only tangible benefit cited by the legion of proponents seems to be creation of new jobs. Even this lone argument is muted by the understanding that jobs will be created regardless of which site is chosen.

23-103

23-104

29-71

Over →

Please consider the following points in revising and finalizing the EIS:

1) 2-30 [Bayport is not the best choice.] It is probably not even in the top 3 of the sites reviewed. This is made abundantly clear by the DEIS itself, [yet the conclusion drawn by the U.S. Army Corp of Engineers seems destined to stand in opposition to the facts]

2) 29-35 [There is strong local opposition to the selection of Bayport as the site for the proposed container facility.] [The mostly residential areas that surround this industrial oasis will certainly face a deterioration to the health, well-being, and quality of life of the citizens. 23-84 29-61 [redacted]]

3) 23-69 [The environmental assessments don't stand up to strong scrutiny.] [There is abundant expert testimony resulting from review of the DEIS finding serious flaws in the areas of Traffic and Construction Impacts, Air Pollution, Noise Pollution, Wetlands Impacts and expanded rail traffic.] I am not an environmental scientest so I will not try to detail the myriad problems with the analyses presented in the study. [Please afford the time to study in detail the copious quantity of rebuttal analyses that I am sure you have received from qualified experts.] 23-105

In conclusion, [I am very disappointed in the performance of the U.S. Army Corp of Engineers in producing this fatally DEIS.] You now have an opportunity to avert the unnecessary harm that will be afflicted on the citizens and the local environment if the conclusions of the DEIS are allowed to stand. Please do so. 23-35

Sincerely, [signature]

MAR 1 4 2002

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DP 11062
6

All written comments should be received by ~~February 11~~ March 13, 2002.

Name: Evan A. Kerr (Mrs. Henry B. Kerr)

Address: 110 Fairfield

City, State and Zip: Shoreacres, Texas 77571

Comment: March 12, 2002

Dear Mr. Stanley,

You have already received a letter from me regarding the health hazard to Shoreacres and La Porte residents if the Bayport is expanded at its present site.

As a resident of Shoreacres I would like to say that expanding Bayport at this site will also cause a major decline in property values in my neighborhood. 6-38

I live on Fairfield Street. Across the strat from my house is a large, new home, constructed at great expense within the last three years. A month or two ago the

(over)

owners decided to retire and move to North Carolina. The house was offered for sale, and was promptly bought. After the sale, however the new owner considered the proximity of the Bayport and the effect on the neighborhood of its expansion. He withdrew from the sale, negating the contract, and forfeiting the money he had paid initially in the purchase.

The house was again placed on the market, and now has a new owner; my original neighbors have moved.

Last November, 2001, a friend of mine who lives in LaPorte, Steve Dallington, sent your office a letter regarding the proposed expansion of Bayport. His letter to you is published in full in the Bayshore Sun newspaper, Nov. 18, 2001. Here is a portion of the article: Steve says to you "[Just the threat of this project has already decreased property values in my area.] [I love LaPorte and I love the neighborhood I live in.] [I will be forced to take a loss on my house, and move away.] However, [should the expansion be built... no amounts of berms, trees, buffer zones, or light shields will mitigate the massive damage that this project will cause to the Galveston Bay area.] [The only viable solution is to deny the Port of Houston Authority's permit application.] Period. 6-87 6-8 29-39

Not only will the Corps of Engineers be implementing the will of the people, you'll be saving lives and $1.2 Billion of our money."

I agree with Steve Dallington's comments above.

Evan Kerr, (Mrs. Henry B. Kerr)
110 Fairfield St.
Shoreacres, Tex. 77571
281-471-0298

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p11063

All written comments should be received by ~~February 11,~~ March 13, 2002.

Name: Evan Kerr (Mrs. Henry B. Kerr)

Address: 110 Fairfield

City, State and Zip: Shoreacres, Texas 77571

March 11, 2002

Comment: Dear Mr. Stanley,

You know I'm sure the City of Shoreacres is approximately a half-mile north of the existing Bayport, and a part of the City of LaPorte actually borders the existing Bayport Channel. If Bayport is expanded at this site the prevailing breeze will bear diesel fumes from 7,000 trucks a day across the entire area of the two cities. 7-1

The Board of Trustees of the LaPorte Independent School District has already voted unanimously to oppose the expansion of Bayport at the present site for health reasons, citing the location of the Bayshore Elementary School in Shoreacres (on the street where I live) - a half-mile downwind from the proposed expansion. Studies indicate that small particle pollution alone will 21-23 7-53 21-1

(over)

(Continued from the other side)

11063

cause the mortality rate to rise one percent. This could put hundreds of school children, faculty, and citizens at risk of early death.

29-72
7-19

For that reason alone I think you should deny the request by the Port of Houston Authority to expand the Bayport Container Terminal at this site.

Joan Kerr (Mrs. Henry Kerr
110 Fairfield
Shoreacres, Texas 77571

PUBLIC HEARING COMMENT

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DP 11064

All written comments should be received by February 11, 2002.

Name: Douglas J. GRIFFith.

Address: 819 OAK LEAF AVE

City, State and Zip: La Porte TX 77571

Comment:

Mr. Stanley,

All 21 comments on the list are of importance to me. Items I have stared are of most importance. Of the many thousands of Households this Port will affect in and around "ground Zero" I need to know how this will affect property Values of our homes. The EIS should include comparisons from all other US Mega ports on Surrounding Land use and (Res)dential property Values. Item 2 lets get real about container Ships. Why build a port that can't service the future in Container Shipping? a 50' deep Channel is nessisary for this port to work. 50' is not approved for this area of the Bay and I hope never will. Item 3. The Corps should not do a study not a favor for the port of Houston. They answer to no one But them selves. you answer to the Public for which your work. I want to See Some real Sience

4-24

20-50

22-127

Just this Spring (winter) it was proven and ~~that~~ reported by the U.S. Gov. that fine particle emissions were a serious health threat. 7-4
These emissions must be included in this Study. We have to reduce our Speeds to 55 mph and industry must eliminate 90% of NOX. PPE. must be included and the PHA must do their share to reduce pollution - We should 7-4
Expect no less than a through Study. If you would Study the facts and use real science you could not ever issue a permit for this boondoggle. 7-11

21 Comments on the Bayport Container Terminal's Draft Environmental Impact Statement and Negative Effect on the Public Interest

12064

- The Corps of Engineers should deny the Bayport application for Section 10 and Section 404 permits because the construction of Bayport is not in the public interest. The negative impacts of the proposed facility outweigh any benefits, particularly due to its clearly foreseeable negative impacts on health, safety, property rights, land use, wetlands, habitat, and the conservation, economic use, and enjoyment of Galveston Bay. 89-29

- The Corps should complete a Supplemental Draft Environmental Impact Statement. That Supplemental DEIS should fully analyze issues raised during the Scoping process that were NOT analyzed in the current DEIS. The public has a right to know the impact of these issues and the Corps cannot make a legitimate decision without analyzing them and allowing the public to comment on its analysis. 23-6

- The Public should receive more time to comment on the current DEIS. The Port Authority and Corps have had over 2-1/2 years to produce this inadequate DEIS. The Public should have at least 180 to comment on it and address its deficiencies. 23-5

- The Corps has foreclosed its analysis of Bayport alternatives by excluding non-Bayport combinations. Sites that together would provide more economic benefit at less environmental cost, and therefore enhance the public interest, were not considered in the DEIS. 2-15

- The amount of wetlands at Bayport is significant and exceeds 3 acres. In an effort to avoid state review and the requirement to conduct a more extensive site-rating analysis, the Corps claimed jurisdiction over only 2.5 acres of the 116+ acres of wetlands on the site. Most of the 116+ acres of wetlands – more than nearly any other site - are adjacent to waters and therefore should be included. 21-4

- The Corps has failed to analyze the impact of fine particle (PM 2.5) and hazardous air pollutants. The most deadly forms of air pollution were not analyzed. Modeling needs to be completed for all pollutants for which national standards exist. 7-4

- The Corps has failed to analyze a 50' deep ship channel across Galveston Bay. A permit application with wharves to -56' MLT (mean low tide), that accommodates 50' draft ships, will demand a 50' channel. A 50' channel will destroy the ecological and economic productivity of Galveston Bay by introducing additional salinity. The Port Authority hopes to break any resistance to a 50' channel by putting $1.2 billion on the ground at Bayport. The Corps must stop them by analyzing a 50' channel in a DEIS now. 20-1

- The study of future land use impacts in the DEIS is inadequate and fails to disclose impacts contrary to the public's interest. The land use study does not account for changes in existing land use, such as the conversion of residential and recreational land to industrial sprawl that Bayport would enable. Bayport would divide and destroy communities and diminish the environmental values that support them. 4-4

- The study of transportation and noise in the DEIS is inadequate and fails to disclose impacts contrary to the public's interest. Both analyses assume that post-build out, the percentage of traffic that trucks comprise on area roads will not change! The Port Authority's own plans call for 5000 new trucks a day. 3-7, 27-4

- The Corps should undertake with the Surface Transportation Board a combined EIS for the proposed BNSF/San Jacinto rail project. The law requires a combined EIS when the cumulative impacts of two proposals affect the same area. These 2 proposals are related and would cause industrial sprawl to invade residential communities. 23-16

- An Environmental Justice analysis should extend to include the 8 daily 8000' trains from Bayport that will pass through the East End of Houston. The DEIS fails to analyze any traffic or blockage impacts on the routes Bayport's cargo would take to numerous yards in the East End. Neighborhoods there already face chronic delays and blocked crossings that will worsen and extend south with Bayport. 26-1

- The Port Authority has submitted a false and illegal permit application because it does not own all the land necessary to construct the facility at Bayport. It is against the law to apply for a Corps permit without being able to acquire all the land. The Port Authority cannot acquire all the land needed for Bayport, and even if it did, it couldn't use it to build this facility. Instead, the Port Authority is trying to intimidate innocent landowners and local governments with its application. This falsification skews the impact analysis and cannot stand in a state that believes in property rights. 23-1 23-2

- The Corps and Port Authority rely on unrealistic growth projections to justify the need for Bayport. That need is predicated on a 10% annual growth rate, indefinitely, for containerized cargo. Even the DEIS summary refuses to agree that a 10% rate is realistic. However, the Corps uses these figures to unfairly exclude legitimate alternatives from analysis. It then spreads the economic benefits of a new port over a three county-area without analyzing ANY localized negative impacts. 1-11 2-2 6-1

- The Corps should undertake a risk assessment to disclose impacts from hazardous materials, safety, and potential terrorism. These issues were raised before, but the Corps has generated 30 pages of useless regulations and data rather than the risk analysis it was asked to complete. 21

- The Corps should stop playing "hide the ball" with its data and analysis. On several issues, including declining property values, the Corps promises more information in the Final EIS. For wetlands, it does not indicate the locations where it claims jurisdiction. For flooding, it fails to determine if Bayport's drainage system actually works, saying that the Port Authority will disclose that information to another agency. This is all ludicrous and contrary to the intent of a DEIS. The Corps must fully disclose all of these issues in a Supplemental DEIS that the Public can comment on. 22

- No conservation measures are included for water and power consumption or wastewater and solid waste production at any alternative. The Corps should require these measures as mitigation for any site. 24

- The Corps must analyze different operational and logistical designs in its alternatives analysis. All of the current alternative designs in the DEIS presume a single set of land requirements and operational patterns. The Corps must analyze more efficient terminal designs, including dockside rail and the reconfiguration of the existing Barbours' Cut facility. 2-1

- The Corps must account for negative impacts on ALL public and private recreational facilities in the DEIS' economics, land use, and recreation sections. 30

- The Corps must apply the distinguishing criteria it finds equitably. The Corps uses planning horizon years inconsistently, and fails to apply all distinguishing criteria to alternatives in the Navigation, Shoreline Erosion, Water Quality, and Hydrology sections. In addition, it must treat the NO ACTION alternative as just that – NO ACTION, not industrial development. 22 2-

- The Corps must eliminate baseless charges against alternatives. For example, at Bayport, the recreational boating community is "voluntarily displaced" while it experiences a "potential for conflict" at other sites. This bias, along with reams of useless trivia in place of analysis – for example, a list of storms to hit Galveston Bay since 1900 in the place of storm surge modeling – requires correction in a DEIS supplement. 22

- Again, a Supplemental Draft Environmental Impact Statement should be prepared to incorporate these previously expressed concerns and omissions. The Corps cannot "hide the ball" and then place a trivial analysis of these concerns in the Final EIS, thereby preventing public comment. It must produce a Supplemental DEIS that fully discloses impacts identified during the Scoping process, and it must allow the Public to comment on the new findings. 23

Submit these comments TONIGHT at the Public Hearing. After the Hearing, mail them before February 11, 2002 to:
U.S. Army Corps of Engineers, Galveston Regulatory Branch Re: Bayport Comments, P.O. Box 1229, Galveston, TX 77553-1229.

MAR 1 2 2002

PUBLIC HEARING COMMENT

U.S. Army Corps of Engineers
Galveston District

DRAFT
ENVIRONMENTAL IMPACT STATEMENT
FOR THE PROPOSED
BAYPORT MARINE TERMINAL

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Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

DP 11065

All written comments should be received by ~~February 11~~ March 13, 2002.

Name: Mike Manering
Address: 208 Bay Colony Dr
City, State and Zip: La Porte, TX 77571

Comment: Supplement to prior comments submitted.
See attached.

3/9/02

Air Quality – This section of the DEIS implies that industry growth in the immediate area is inevitable because the properties involved are pre-determined to provide for expansion of industry whether or not the container cargo terminal is constructed. The section neglects consideration of emissions to properties in near proximity and concludes that the overall five-county emissions will not suffer significant reduction in air quality. 7-8

Of particular concern is the particulate matter (PM10 and PM2.5) which will be produced within 1000 feet of Bay Colony homes. A portion of the particulate matter will be dispersed over the five-county region but the larger portion will be deposited within the 1000 to 2000-foot range i.e., Bay Colony. 7-55

Shoreline Erosion – There are two parts to this section of the DEIS as follows:

1. Bayport Channel (North Shore) Erosion – This has been (still is) a bone of contention between Bay Colony and the Port Authority. The Port Authority (and the Corps of Engineers) feels that the riprap erosion control measure is an "end-all" solution to the problem without considering the needs imposed by the container cargo terminal. The Corps was asked to provide for this consideration in comments submitted regarding Permit Application 21858 – Riprap Erosion Control. 15-12

   It really burns that the Corps published the statement (supplied by the Port Authority) that "the riprap erosion control measure addresses past, current, and future erosion." This statement was included in the Corps document dated November 9, 2001, which also announced the Public Meeting for the container cargo terminal. This is an example of what might be considered collusion between the Corps and the Port Authority. 23-106

   Due to insufficient surface property, the Port Authority has proposed construction of a 20-foot-concrete wall along the fence-line separating the port property and the subdivisions of Bay Colony and Shady Oaks. Unacceptable. 20-24

2. Galveston Bay Shoreline – The DEIS inadequately addresses Bay-Front erosion. It does not provide sufficient analysis for historical nor future erosion due to ship transit in the Bayport Channel. Instead, indicates that the Corps has reviewed shoreline maps that indicate general stability of the bay shoreline since 1957 and based on this review it projects that future erosion will be minimal. It makes no mention of the fact that shoreline stability is a result of efforts made by individual properties and the attendant costs. Also absent from consideration is the fact that future shoreline erosion near Bayport Channel (1000 to 2000 feet) is particularly vulnerable to ship surge and wake. 15-13

Unavoidable, Long-Term, and Cumulative Effects – This section of the DEIS simply states that any, and all, adverse effects which might be attributable to the container cargo terminal are inevitable. It concludes that future land use by chemical industries will subject adjacent properties to the same environmental problems. While this may or may not be true, it is difficult to envision a single industry or group of industries which would cause the impacts imposed by the container cargo terminal e.g., 14000 trucks per day (in/out), several trains per week and several ships per day. 19-10

And while we are on the subject of additional impacts, there will be significant additional cost impacts. Who will provide the additional funds for construction of the container cargo terminal when the current $387 Million is expended? Who will pay for the additional road and rail infrastructure which isn't even considered in the estimated $1.2 Billion cost of the project? 19-7

Mtr 2/9/02

MAR 12 200

Ground Vibration – Despite numerous comments concerning shaking foundations, walls and windows in homes adjacent to Bayport Channel, the DEIS does not even address the subject. This is a serious omission in the DEIS particularly in light of additional shipping in the channel, additional dredging and additional construction that will be required by the project e.g., excavation, pile driving, bulkhead construction. 20-23

Noise - This section of the DEIS recognizes the need for noise mitigation on the north shore of Bayport Channel and suggests implementation of a 20-foot-high earthen berm to provide it. While there are some good aspects to this analysis and recommendation, there are a few problems with it: 3-17

1. There is no analysis to backup the recommendation. For example, one of the major noises occurs during container loading/unloading operations. If this operation is occurring on a partially loaded ship, the noise source will be approximately 80 feet high. This would probably allow noise to proceed unimpeded over a 20-foot berm.
2. There is no requirement to construct noise mitigation facilities prior to (or during) the construction process. This will leave us vulnerable to noises during construction. We now have little, if any, foliage on the north shore to help disperse noise. 3-18
3. There is insufficient surface property on the north shore of Bayport Channel to allow construction of a 20-foot-high earthen berm. Despite our plea to consider recovery of some of the surface property lost to erosion, the Corps approved the Port Authority's riprap erosion control plan. This plan has been implemented and is now complete. No surface property was recovered as a result of this plan. 3-19

Parks and Recreation – The DEIS meticulously lists most park and recreational facilities near Alternate Sites and the Bayport Site. It ignores existence of Bay Colony Park and the Houston Yacht Club as recreational facilities that might be impacted by the project. 32-10 As you may know, Bay Colony Park is particularly vulnerable to the wake of incoming ships - an extreme danger to both adults and children near the water front and on the piers. Shipping through Bayport Channel is expected to increase three-to-five times if the container cargo terminal is approved. This will significantly increase the danger to individuals on the pier and near the boat ramp and bay shallows. Bay Colony must consider the increased risk and the attendant liability and may conclude that access to Galveston Bay through the park should be discontinued. 32-16

Mgn 3/9/02

11065

MAR 12

Submit these Comments at the Comment Tables TONIGHT!

21 Comments on the Bayport Container Terminal's
Draft Environmental Impact Statement and
Negative Effect on the Public Interest

Attach only
Previously Submitted
DB10868

- **The Corps of Engineers should deny the Bayport application** for Section 10 and Section 404 permits because the construction of Bayport is not in the public interest. The negative impacts of the proposed facility outweigh any benefits, particularly due to its clearly foreseeable negative impacts on health, safety, property rights, land use, wetlands, habitat, and the conservation, economic use, and enjoyment of Galveston Bay.

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- **The Corps has foreclosed its analysis of Bayport alternatives** by excluding non-Bayport combinations. Sites that together would provide more economic benefit at less environmental cost, and therefore enhance the public interest, were not considered in the DEIS.

- **The amount of wetlands at Bayport is significant and exceeds 3 acres**. In an effort to avoid state review and the requirement to conduct a more extensive site-rating analysis, the Corps claimed jurisdiction over only 2.5 acres of the 116+ acres of wetlands on the site. Most of the 116+ acres of wetlands – more than nearly any other site - are adjacent to waters and therefore should be included.

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- **The Corps has failed to analyze a 50' deep ship channel** across Galveston Bay. A permit application with wharves to -56' MLT (mean low tide), that accommodates 50' draft ships, will demand a 50' channel. A 50' channel will destroy the ecological and economic productivity of Galveston Bay by introducing additional salinity. The Port Authority hopes to break any resistance to a 50' channel by putting $1.2 billion on the ground at Bayport. The Corps must stop them by analyzing a 50' channel in a DEIS now.

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wpn 3/9/02

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2/11/02

MAR 14 2002

PUBLIC HEARING COMMENT

U.S. Army Corps of Engineers
Galveston District

DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED BAYPORT MARINE TERMINAL

This form may be used to provide your comments resulting from review of the Draft Environmental Impact Statement for the proposed Bayport Marine Terminal. Written comments may also be sent directly to:

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U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

DP11066

All written comments should be received by February 11, 2002.

Name: JAMES E. SUBER

Address: 3902 BONITA LN

City, State and Zip: LA PORTE TX 77571

Comment:

PLEASE SEE ATTACHED SEVEN (7) PAGES

THANK YOU

James Suber

James E. Suber, 3902 Bonita Ln, LaPorte, TX, 77571, Comments to USACE DEIS, Project 21520, Container Cargo Terminal, Bayport Channel. March 11, 2002

11066

Section 3.0 VIBRATION (Subsection Non-existent)

Despite numerous written and oral comments provided at the Scoping Meeting and subsequent to the Scoping Meeting, no consideration is provided for vibration in the DEIS. As a homeowner in the Bay Colony subdivision of LaPorte, located less than 500 feet north of Bayport Channel, I and other homeowners in the subdivision consider the effects of vibration neither negligible nor a matter to be disregarded.

20-23
3-11

The following has been extracted from my comments submitted as a result of the Public Workshop and Scoping Meeting – 08/17/99:

> "We are currently subjected to a low frequency vibration in homes adjacent to Bayport Channel when ships transit the channel. These vibrations are felt in the floors of homes and heard as a low thump-thump. The vibrations are also heard as a result of window chatter in homes or picture vibrations on the walls.
>
> We need to know:
>
> 1. What is the current effect due to earthborne vibrations on homes adjacent to Bayport Channel, foundations, walls etc?
> 2. What are the predicted effects due to transit of additional ocean-going vessels within 500 to 1000 feet of existing homes?
> 3. Will there be additional vibrations in homes on the north shore of Bayport Channel caused by construction and operation of the proposed container cargo terminal on the south shore of the channel?
> 4. What measures can be provided (or even proposed) to provide abatement of such vibrations?"

Previously Submitted

If USACE considers the above issue to be of negligible or insufficient importance, please provide comment in the DEIS regarding the reason for such a consideration.

11066

Section 3.8 NOISE

Both the Port of Houston Authority (PHA) and the U. S. Army Corps of Engineers (USACE) have systematically ignored residential areas along the north shore of Bayport Channel. Neither noise nuisance nor imminent danger to residences have been considered in prior requests for permit nor permit grants. Currently, residencies within 500 of the channel are subjected to 24-hour noises generated by channel operations (shipping). And, if permitted, the container cargo terminal will significantly increase those noise levels. The following permit requests and permit grants are referenced: 3-23

1. Permit Request #6140 by PHA, dated February 13, 1964 (Original Construction of Bayport Channel). Permit granted by USACE.
2. Permit Request #10651 by Atlantic Richfield Company, dated October 15, 1975 (Construction of a Marine Terminal on the North Shore of Bayport Channel). Permit granted by USACE.
3. Permit Request #21858 by PHA, dated November 15, 1999 (Construction of Riprap Erosion Control Along the North Shore of Bayport Channel). Permit granted by USACE.
4. Permit Request #21520 by PHA, date (unknown) (Construction of a Container Cargo Terminal and Cruise Terminal). Permit being considered by USACE.

Reference 1, Original Construction of Bayport Channel, allowed/provided a 300-foot buffer zone to provide noise and danger mitigation. The original permit request did not specify this provision – the provision was offered in subsequent negotiation.

Reference 2 allowed construction of a Marine Terminal along the north shore of Bayport Channel. This permit was approved by USACE. It eliminated a major portion of the original buffer zone at the western end of the channel and allowed both barges and ocean vessels (150,000 DWT) to transfer hazardous material within 150 feet of existing homes. Subsequent negotiations with the applicant were such that the applicant abandoned the project.

Reference 3 allowed emplacement of riprap along the northern embankment of Bayport Channel to control erosion. The permit application made no mention of the surface property lost to erosion and the subsequent reduction of the noise/danger buffer zone. USACE did not respond to requests to consider the following in reference to this permit application:

(a) Consider loss of the buffer zone and require recovery of sufficient surface property lost to erosion and provide adequate noise/danger buffering for current noise/dangers.
(b) Consider Permit Application 21858 along with Permit Application 21520 to allow sufficient property for noise/danger mitigation of the combined projects.

And, now we have Permit Application 21520, Construction of Container Cargo Terminals with insufficient surface property to provide current noise/danger mitigation, much less the noises/dangers inherent in the container cargo terminal.

11066

Section 3.8.3 Environmental Consequences
Section 3.8.3.3 Bayport Terminal Location Alternative

This section of the DEIS recognizes the need for noise mitigation on the north shore of Bayport Channel and suggests implementation of a 20-foot-high earthen berm to provide said mitigation. It is requested that the following should be considered: 3-17

1. No analysis is offered to support the adequacy of a 20-foot-high earthen berm in mitigating noise from the proposed facility. Container ships tower above the surrounding surface properties and, since a significant amount of container loading/unloading will occur "above deck" on container ships, this noise will pass over 20-foot-high obstacles within 800 feet. 3-21
2. The DEIS provides no suggested schedule for constructing noise abatement facilities. Construction of the terminal facility will be a significant noise factor for the next several years (10 or more years). 3-22
3. There is insufficient surface property on the north shore of Bayport Channel to construct a 20-foot-high earthen berm. Concrete walls are considered unacceptable to adjacent property owners. 20-24

11066

Section 3.11 Parks And Recreation
Section 3.11.2.2 Bayport Study Area

The DEIS ignores existence of the Bay Colony Park and the Houston Yacht Club even though both recreational facilities are delineated in Section 7.12 of the applicant's "Environmental Inventory". Bay Colony Park was established in the early 1960's as a recreational facility for the community. It is located on the western shore of Galveston Bay, approximately 1200 feet north of Bayport Channel. The Houston Yacht Club has been in existence for decades. It is located on the western shore of Galveston Bay, approximately 1800 feet north of Bayport Channel. 32-10

When both recreational facilities above are considered, the number (sum) of park and recreational facilities located in the Bayport Study Area far exceed similar facilities in other study areas. There are eleven (11) parks/recreational facilities in the Bayport Study Area versus a maximum of six (6) similar facilities in any other area. 32-18

The DEIS provides no consideration for the proximity of park and recreational facilities to ship traffic (ocean-going vessels) and the extreme personal danger inherent in ship transit near those facilities. Bay Colony Park has no protective barrier between it and Bayport Channel. Additional shipping required as a result of the Bayport Project will exacerbate personal danger. Currently, approximately one or two ships arrive and depart through Bayport Channel on a daily basis. Arriving (inbound) ships pose the greater danger since their surge/wake energy is directed toward the shoreline of the bay. And, depending on ship size, speed, draft, etc., the surge/wake is sufficient to "wash over" fishing piers, bulkheads and shoreline areas (shallows). 21-37 21-37

The major danger to ship surge/wake exists on the pier, at the boat ramp and along the shallows area where children are prone to play. There is no warning – the surge can be breaking over the pier, bulkhead and shallows before noticing the passage of a ship. The pier extends approximately 1000 feet into the bay and both adults and children can easily be washed off the pier by ship surge/wake. At the boat ramp, both adults and children are at risk when boats are launched or retrieved. And, at the boat ramp and nearby shallows the greater danger is to children who venture near the water to observe small fish and an occasional shrimp. 21-38

Bay Colony has reviewed the benefit of access to Galveston Bay through the park and the danger and liability imposed by allowing access to the bay. At the current time, the opinion is that the benefits outweigh the danger/liability – access t the bay will continue to be provided. Additional shipping in Bayport Channel due to the container cargo terminal will require reassessment of the benefit, danger and liability. This may result in either denial of access to the bay or total park closure. 32-16

11066

Section 3.12 **AIR QUALITY**
Section 3.12.3 **Environmental Consequences**
Section 3.12.3.2 **No Action Alternative**

This section of the DEIS states the following:

> "Under the No Action Alternative, alternative land use at the Bayport site, similar to those that already exist at other locations along the Bayport Channel, is likely to occur."

While the statement may (or may not) be true, it is also likely that current/future legislation will require consideration of emission concentrations in residential areas surrounding a project rather that dispersions across a five-county area. 7-64

Of particular concern is the particulate matter (PM10 and PM2.5) which will be produced by the Bayport Container Terminal if it is allowed to be constructed. While a portion of the particulate matter will be distributed of a five-county area, a majority of the particulate matter will be deposited in close proximity to the project (within 2000 feet). 7-1

11066

Section 3.15 SHORELINE EROSION
Section 3.15.2 Affected Environment
Section 3.15.2.2 Bayport Study Area

1. Bayport Channel Shoreline Erosion - Residents along the north shore of Bayport Channel really appreciate the comments published in the USACE Public Notice Invitation, dated November 9, 2001, concerning shoreline erosion along the north shore of the channel. The referenced statements (we assume provided by PHA) is as follows:

   North Shore Slope Protection "While the rip-rap portion of the project addresses past, current and future erosion,....."

   And, it appears that USACE has taken this statement as gospel. USACE has ignored requests to recover surface property to mitigate current noise/danger along the north shore of Bayport Channel much less consider the noise and danger of the proposed container cargo terminal. 3-19

2. Galveston Bay Shoreline - The DEIS inadequately addresses Bay-Front erosion. It does not provide analysis for historical nor future erosion due to ship transit in Bayport Channel within 2000 feet of the channel land entrance. Instead, it indicates that the Corps has reviewed shoreline maps that indicate "the general stability" of the bay shoreline since 1957. And, based on this review, concludes that future erosion will be minimal. The fact is that the stability of the shoreline within 2000 feet of Bayport Channel is a result of the effort and expenditure of individual property owners. With increased ship traffic due to the container cargo terminal, erosion is expected to increase dramatically. 15-13

Section 4.0 UNAVOIDABLE, LONG-TERM AND CUMULATIVE EFFECTS

This entire section seems to imply that any and all adverse effects that might be attributable to the project are simply inevitable. This comment applies to statements contained in most "No Action Alternatives" throughout the document. It apparently concludes that future land use by chemical industry will subject adjacent properties to the same environmental problems that might be imposed by the container cargo terminal. While this may be true, it is difficult to envision a single industry or group of industries which might be allowed to affect the environment in such a manner as the proposed container terminal, e.g., 14000 trucks per day (in/out), several trains per week and several ships per day. 19-3

There is also a negative economic impact that is not proposed by the applicant nor considered by USACE. It is envisioned that a significant cost to taxpayers will be borne by the project. The original Harris County Bond Issue of $387 Million will be increased significantly and may approach the $1.2 Billion (or more) required for the project. In addition, road and rail infrastructure to support the project will be an additional taxpayer cost. This has not been considered in the DEIS. 6-11

MAR 1 4 2002

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Galveston, TX 77553-1229
Facsimile: 409-766-6301
Email: kerry.m.stanley@swg02.usace.army.mil

DP 11067

All written comments should be received by February 11, 2002.

Name: David L. Pior - David L Pior

Address: 4701 Charles AVE.

City, State and Zip: Seabrook TX 77586

Comment:

As a resident of Seabrook and the bay area I am opposed to this project. Traffic is a big problem. ~~@~~ the issues presented on these two papers need to be addressed. 29-3

Sincerely
David L Pior

Here are some major points of discrepancies as discussed at the Feb. 21st GBCPA public meeting held at Bay Elementary:

MAR 14 2002

Transportation:

19-11 - Does not include $147 million of offsite improvements necessary to build Bayport. More public money will be needed.

27-51 - Off site road improvements necessary for alternative sites were miscalculated to make Bayport falsely appear as the best location.

27-52 - A traffic delay and intersection analysis was not completed in the DEIS.

23-10 - The DEIS did not consider cumulative effects of Bayport with the San Jacinto Rail proposal which combined, will further impact the mobility of the region.

Air Pollution:

7-4 - There was no PM2.5 analysis – the Corps' own emission modeling estimates that PM10 will exceed the 24 hour national standard.

Noise Pollution:

3-24 - ***The use of berms to reduce sound is ineffective and will only protect areas directly adjacent to the berm. Sound will travel over the sound berm and negatively impact residents.***

3-25 - ***The Corps should have used 55 Ldn as their noise criteria rather than 65 Ldn.***

Impacts on Residents:

20-26 - ***The PHA is aggressively taking land from businesses and residents who are unwilling to sell. The PHA should not be allowed to use eminent domain when alternative sites are available.***

23-118 - ***According to the DEIS – impacts for El Jardin were not completed, however, will be ready for the Final EIS. This is unacceptable. Studies should have been completed for the DEIS or a Supplemental EIS should be conducted immediately.***

Wetlands:

14-4 - In the DEIS, the Corps only identifies 2.5 acres of wetlands. The Bayport property contains more than 2.5 acres of jurisdictional wetland that are directly connected to waters of Galveston Bay via Pine Gully.

Much more detailed information will be in the March issue of "*The Bayrunner*".

If you have more questions, call the GBCPA office located at 2600 NASA Rd 1, Suite 103, (P. O. Box 323) Seabrook, TX 77586.
Phone: 281-326-3343 Fax: 381-326-3312 E-mail: gbcpa@gbcpa.org

Write - Right Now!!

The deadline for public comments on the Draft Environmental Impact Statement has been extended to March 13, 2002. Jim Blackburn and the whole GBCPA team has been working diligently to make sure that the truth regarding the discrepancies and outright wrong information in the DEIS is made public and that the Army Corps of Engineers hears about it. What we need is for the people MOST IMPACTED by the Bayport project to let the Corps know that these discrepancies and errors must be addressed. For your information, The Greater Houston Partnership (of which Ned Holmes is a part) is working on the citizens of Houston to write letters to the Corps telling them how wonderful the Bayport container port will be and how this plan is such a good thing for the city. PLEASE write to the Corps and let them know how wrong this is! The address for the Corps is listed elsewhere in this newsletter.

On February 21st, GBCPA held a public meeting to allow residents to hear the technical experts review their findings from the last three years of working on this issue and how it applies to the DEIS. Jim Blackburn and Brian Pietruszewski have written an in depth summary of these findings and it will be printed in the BAYRUNNER. Inside this issue of the El Jardin newsletter, is a synopsis page of information outlining the worst of the problems that have been found with the DEIS. Most notably for the residents of El Jardin, is the error made in the criteria used for noise impact. Within our area, If you live next to the proposed berm, you may have some noise control but the loudest noises will travel over the berm and impact all of the homes in El Jardin.

NOW is YOUR chance to make a difference. One letter, one stamp - all that is necessary to let YOUR voice be heard.

As we have said before:

Don't Be Fooled! The PHA Container Port in Bayport is not a done deal!

For a direct link to the GBCPA website go to: www.eljardindelmar.org

VOTE! VOTE! VOTE! VOTE! VOTE!

For those unaware, the upcoming Primary Election is March 12th. Early voting ends Friday the 8th. The most important campaign, with direct impact on El Jardin, is that of Harris County Commissioner for our precinct (replacing retiring Jim Fonteno) While the EJCA cannot endorse any political candidate, we can tell you that there is at least one candidate in each of the two main parties campaigning against the proposed Bayport project. The Bay Area including El Jardin has more than enough voting power to elect a county commissioner who will fight to protect us from destruction by those who put the almighty dollar before the welfare of the citizens they will impact. *Those of us who have worked to stop the Bayport Container really need your help –this is the easiest thing you can do* .First, be an educated voter – then, *get out and vote to protect your home.*

MAR 1 4 2002

Submit these Comments at the Comment Tables TONIGHT!

21 Comments on the Bayport Container Terminal's
Draft Environmental Impact Statement and
Negative Effect on the Public Interest

11067

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- **The Corps should complete a Supplemental Draft Environmental Impact Statement**. That Supplemental DEIS should fully analyze issues raised during the Scoping process that were NOT analyzed in the current DEIS. The public has a right to know the impact of these issues and the Corps cannot make a legitimate decision without analyzing them and allowing the public to comment on its analysis. 23-6

- **The Public should receive more time to comment** on the current DEIS. The Port Authority and Corps have had over 2-1/2 years to produce this inadequate DEIS. The Public should have at least 180 days to comment on it and address its deficiencies. 23-5

- **The Corps has foreclosed its analysis of Bayport alternatives** by excluding non-Bayport combinations. Sites that together would provide more economic benefit at less environmental cost, and therefore enhance the public interest, were not considered in the DEIS. 2-10

- **The amount of wetlands at Bayport is significant and exceeds 3 acres**. In an effort to avoid state review and the requirement to conduct a more extensive site-rating analysis, the Corps claimed jurisdiction over only 2.5 acres of the 116+ acres of wetlands on the site. Most of the 116+ acres of wetlands – more than nearly any other site - are adjacent to waters and therefore should be included. 14-4

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- **The study of future land use impacts in the DEIS is inadequate** and fails to disclose impacts contrary to the public's interest. The land use study does not account for changes in existing land use, such as the conversion of residential and recreational land to industrial sprawl that Bayport would enable. Bayport would divide and destroy communities and diminish the environmental values that support them. 4-4

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- **The Corps should undertake with the Surface Transportation Board a combined EIS** for the proposed BNSF/San Jacinto rail project. The law requires a combined EIS when the cumulative impacts of two proposals affect the same area. These 2 proposals are related and would cause industrial sprawl to invade residential communities. 23-10

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- The Port Authority has submitted a false and illegal permit application because it does not own all the land necessary to construct the facility at Bayport. It is against the law to apply for a Corps permit without being able to acquire all the land. The Port Authority cannot acquire all the land needed for Bayport, and even if it did, it couldn't use it to build this facility. Instead, the Port Authority is trying to intimidate innocent landowners and local governments with its application. This falsification skews the impact analysis and cannot stand in a state that believes in property rights. 23-16 23-27

- The Corps and Port Authority rely on unrealistic growth projections to justify the need for Bayport. That need is predicated on a 10% annual growth rate, indefinitely, for containerized cargo. Even the DEIS summary refuses to agree that a 10% rate is realistic. However, the Corps uses these figures to unfairly exclude legitimate alternatives from analysis. It then spreads the economic benefits of a new port over a three county-area without analyzing ANY localized negative impacts. 1-14 2-28 6-11

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U.S. Army Corps of Engineers, Galveston Regulatory Branch Re: Bayport Comments, P.O. Box 1229, Galveston, TX 77553-1229.

Suzanne Decker
2811 Carmel Woods Dr.
Seabrook, Texas 77586

MAR 1 2 2002

March 9, 2002

DP 11068

U.S. Army Corps of Engineers
Galveston Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Re: Bayport Comments – Permit Application #21520

I appreciate this opportunity to express my comments on the Bayport project. I have attended numerous meeting concerning the project over the past several years, including the scoping meeting and the public hearing on December 12th, and consider myself knowledgeable on the subject. Many people have expressed their concerns about every conceivable aspect of this project, it simply should not be done at Bayport.

I have lived in Seabrook for 15 years, and chose to make my home here because of the type of community that exists. My husband and I have built the house where we had hoped to retire, now that house is less than one mile from the proposed Bayport project. My husband was a captain in the merchant marines for many years, consequently I have seen more ports than most people. I have seen the deterioration that occurs to surrounding neighborhoods, the crime, and the filth that follows. I have visited the Port of Houston and have been appalled at the condition in which it is maintained. I have experienced the noise, the lights, and the pollution caused by vehicles that do not meet any standards because they do not have to be licensed, as I waited in ports to pick up my husband when he got off a ship. The berms the port proposes are not on the side where I live, therefore we will have to endure all of these negative impacts. Ports operate 24 hours a day, seven days a week. Our quality of life will change. 18-22

If this port must be built, there are alternative locations, areas that will not experience the negative impacts to the extent that our communities would have to endure. I live in a recreational community and would like for it to stay that way. 2-86 The jobs that the PHA proposes will be created with this project are not the kinds of jobs that the people in this area need or want. 6-95 We do not want the traffic, the pollution (air, light, noise, and water), or the loss of any more wetlands. 14-21 And what did happen to all our wetlands? Did the mere ink from a pen make them diminish from over a hundred to less than three? 14-2 I know there have been some dry times these last few years, but not that dry!

Listen to the people, please listen to the people. The voters here voted overwhelmingly against the bonds to build Bayport. You have had tremendous crowds attend your meetings. People have spent many hard earned dollars to pay for studies to prove that this is not the place for Bayport. Elected officials have been recalled for not representing the people on this issue. I know that you are receiving letters from city councils in the surrounding areas that do represent the people, asking for this permit to be denied. Our elected officials from these surrounding communities have attended your meetings, and each time they speak against the location of the project. 29-35

Suzanne Decker

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DP11069

Mary Ann Walker

3-09-02

U. S. Corp. of Engineers
Galveston, Texas

MAR 1 2 2002

Gentlemen:

I strongly protest the 2.5 acres of wetlands you claim there is in the Bayport tract.

There have been studies that contradict your findings. Such discrepancies in these studies concerning the runoff is a detriment to our fragile bay system.

1421

Sincerely,

Mary Ann Walker
4906 Palm St
Seabrook, Tx
77586

DP 11070 ✓

MAR 1 2 2002

March 9, 2002

Ed Sartain
629 N. Flamingo Dr.
Seabrook, Tx. 77586

Mr. Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston Regulatory Branch

See Attachments for comments

Re: Bayport Expansion Comments

Comments Reference Attachments 1- 4 :

0 Attach. # 1 - GBCPA's 21 comments on Bayport Container DEIS. I support all 21 comments.The Attach #1 paragraphs are used to reference Attachments 2 - 4 comment elaborations.

0 Attach. # 2 - My March 6, 2002 letter to The Citizen " Bayport Not Competitive "

0 Attach. # 3 - My September 13, 2000 letter to The Citizen " New Truck Route Could Be Answer "

0 Attach. # 4 - My September 13, 1999 letter to the USACE adds two topics to the scope of the Bayport Terminal EIS.
oo Page 1 - " Storm Surge Considerations "
oo Page 2 - " National Security Considerations "

Paragraph 9 - Transporation study is inadequate. Ref. Attach. 2, paragraphs 15 - 16 and Attach. 3 - column 1, and column 4 - last two paragraphs. Growing populations prohibit any major road or railroad expansions in the west Galveston Bay/ Clear Lake area. So far, TXDOT has no viable solutions.

Paragraph 13 - Unrealistic growth projections. Ref. Attach. 2, paragraph 17. 10 per cent annual growth rate for almost anything is not sustainable in the long run.

Paragraph 14 - Risk assessment. Ref. Attach. 2, paragraph 9 and Attach, 4, page 2. Why is the terrorist threat to the Bayport expansion still being ignored today in the DEIS?

Paragraph 17 - More efficient alternative designs ignored. Ref. Attach. 2, paragraphs 10-11. Texas City is the only suitable alternative in Texas.

Paragraph 20 - Lack of storm surge modeling. Ref. Attach. 3. Lack of direct hits after 1915 is statistical luck, If one would have occurred, today's population would be smaller and more wary. Today, in a worst case hurricane, many would drown because there is no way everyone could evacuate in time. Why wasn't help from our weather experts requested for the DEIS, as I had suggested? 23-109

Conclusions: Any further attempts to expand the Bayport Terminal would only exacerbate the serious and growing problems detailed in these Attachments. A regional port authority and widening (not deepening) of the Houston Ship Channel are needed.

Sincerely,

Ed Sartain

11070

ATTACHMENT #1
Ed Sartain
MAR 1 2 2002

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(19) - **The Corps must apply the distinguishing criteria it finds equitably**. The Corps uses planning horizon years inconsistently, and fails to apply all distinguishing criteria to alternatives in the Navigation, Shoreline Erosion, Water Quality, and Hydrology sections. In addition, it must treat the NO ACTION alternative as just that – NO ACTION, not industrial development. 22-45, 2-12

(20) - **The Corps must eliminate baseless charges against alternatives.** For example, at Bayport, the recreational boating community is "voluntarily displaced" while it experiences a "potential for conflict" at other sites. This bias, along with reams of useless trivia in place of analysis – for example, a list of storms to hit Galveston Bay since 1900 in the place of storm surge modeling – requires correction in a DEIS supplement. 22-19

(21) - **Again, a Supplemental Draft Environmental Impact Statement should be prepared** to incorporate these previously expressed concerns and omissions. The Corps cannot "hide the ball" and then place a trivial analysis of these concerns in the Final EIS, thereby preventing public comment. It must produce a Supplemental DEIS that fully discloses impacts identified during the Scoping process, and it must allow the Public to comment on the new findings. 23-6

Submit these comments TONIGHT at the Public Hearing. After the Hearing, mail them before March 13, **2002 to:**

U.S. Army Corps of Engineers, Galveston Regulatory Branch Re: Bayport Comments, P.O. Box 1229, Galveston, TX 77553-1229.

ATTACHMENT #2 MAR 12 2002

Letters to the editor—

Bayport not competitive

To the editor:

The Port of Houston complex has not been competitive due to Port of Houston Authority mismanagement and the ship channel's interior location.

Why would a shipping/container company accept the additional time and expense of traversing the world's longest and most dangerous ship channel, if suitable alternatives exist? The Port of Houston Authority cannot function without periodic bailouts from the Harris County taxpayers.

This is in form of bond issues, which require voter approval.

Eventually there will be increased shipping container traffic serving the Gulf coast. This includes the need for large ports which can accommodate deep draft container ships.

Texas City and New Orleans, both privately funded, are promising sites.

In 1998, an expanded Bayport facility for containers, which was to serve only the Bayport area plants and nearby communities, quietly was changed into the huge regional system described in the U.S. Corps of Engineers Bayport draft Environmental Impact Study.

Recently, the Port of Houston Authority has promoted an archaic "hub" concept, where Bayport would be the one central container megaport to dominate the entire Gulf coast.

Since World War II, a distributed approach has become increasingly more competitive than the centralized approach for systems large and small.

In defiance of today's real world of Homeland Security efforts against terrorism, the Port of Houston Authority recently rejected consideration of Spillman's Island, a much more humane and patriotic choice.

Compared to Spillman's Island and other Port of Houston complex alternate sites exhibited in the Bayport DEI study, the Bayport site systems engineering is inadequate. More significant, it is poor compared to the Shoal Point site described in the concurrent Texas City study.

Good engineering uses the latest available technology, which for port sites equates to higher productivity in a smaller area. This results in lower operating costs, which are critical to be competitive.

The proposed Burlington Northern Santa Fe/San Jacinto rail project is a Bayport spoke.

Port container traffic would become increasingly dominant if Bayport should ever reach full-blown buildout.

We don't want to see crime and grime in Clear Lake City.

Ed Sartain
Seabrook

Transportation problems in Southeast Harris County, and especially south of Fred Hartman bridge and east of Ellington Field, are an unsolved mess which will only worsen.

What is the Port of Houston Authority going to do about costs? These include the following:

- Bayport buildout construction costs. The 1999 bond election provides only a small down payment.
- Hundreds of millions of dollars for road improvements, especially on Highway 146. Improvements that were conveniently left out of the DEI study.
- Over $~~100,000~~ the Houston Port Authority owes 19 pipeline companies to lower their pipelines in the ship channel, plus $~~130,000~~ previously approved.
- Costs for responsible disposition of growing acres of abandoned containers near Morgan's Point.

The world is experiencing a deepening recession or depression, caused by conditions we haven't seen since 1929, though its direct affects can't be accurately predicted, many estimate sub par global trade for at least a decade.

Cash-strapped voters may object to any tax increases, especially those that throw good money away on bad projects.

Some suggestions follow:

- Halt any further ship channel deepening this side of Texas City. Continue channel widening for more safety and an eventual increase in container barge and inter-site container ship traffic.
- Enact a State of Texas sponsored regional port authority.
- Require that port authority officials provide financial disclosure.

Continued from page 4

putting all trucks on an elevated road over Highway 146.

These vehicles do not use surface facilities in either town. This is not like 225 in Pasadena, where there is no road beneath the elevated roadway. It is more like Austin.

We are going to have many more trucks when the new Superport on Pelican Island opens. These trucks will use the new bridge from Pelican Island to I-45 on the mainland. All trucks going east will peel off at the 146 exit.

Fred B. Machol
Seabrook

New truck route could be answer

To the editor:

In response to your Aug. 30 article on the Texas Department of Transportation's major investment study of State Highway 146, there may be an answer to both the proposed Bayport expansion and our inadequate hurricane evacuation capacity.

A new dedicated truck route from the I-45 and 146 junction to the west and north to I-59 could serve the Texas City and Galveston Port truck traffic.

Their residents could also use it as a hurricane evacuation route.

A Bayport expansion would add 300 trucks an hour, around the clock.

Traffic accidents, tie-ups and delays would worsen for almost everyone south of the 610 Loop, including Highway 225, Red Bluff Road and especially 146.

The 146 corridor follows the coastal lowlands from I-45/Texas City to the flood-prone I-10 underpass past Baytown.

In a storm evacuation, the Fred Hartmann Bridge is shut down once sustained winds exceed 50 miles per hour. Any proposed 146 road and drainage improvements will be of no help to residents south of the bridge once this occurs.

The Clear Lake floodplain lies within the 146 corridor. The U.S. Army Corps of Engineers recognizes a federal law, which discourages floodplain development.

In their Bayport terminal Environmental Impact Statement, page 13, they state: "In accordance with executive order 11988, the Corps avoids authorizing floodplain developments whenever practicable alternatives exist outside the flood plains."

Texas City, Galveston and other megaport alternatives are not in floodplains.

The Clear Lake floodplain has a combination of major storm vulnerability, population density and public complacency unmatched elsewhere on the Texas coast.

Population density accelerated when the Johnson Space Center built in the floodplain.

Led by Friendswood Development's "Welcome to Clear Lake City — the Great American Town" billboards on I-45, bedroom communities sprang up.

NASA used the Southern Building Code, which can be expected to withstand a low level major hurricane with 111-115 mph sustained winds.

NASA's current elevation ranges from 15 feet to 23 feet. Despite reported warnings by public officials and weather experts, a high level of public complacency seem to exist within our Clear Lake floodplain.

Meanwhile, Uncle Sam said we are going to make it possible for you to live in a floodplain. They gave us flood insurance. This is due to luck. The last time this area was directly hit by a Category 4 hurricane with 131 to 155 mph winds was in 1915.

Carla in 1961 was a large Category 4 hurricane, but its eye came ashore, 100 miles down the coast. In 1983, Alicia scored a direct hit, but it was essentially a minor hurricane, reaching major hurricane status for only a brief time during landfall.

A Galveston landfall by a category 4 hurricane would cause a storm surge of up to 20 feet at Texas City, 25 feet at Clear Lake and 30 feet at Morgan Point.

This is because the shallow waters of the near Gulf and Galveston Bay cause the water to pile up.

Storm surges are responsible for 90 percent of fatalities in major Gulf hurricanes and most of the property damage in the flood zones.

Other communities along the Texas Gulf Coast have thin to moderate populations.

They respect hurricanes. Galveston built its seawall. Texas City built dikes. Communities further south were not lucky. In 1919, the most powerful hurricane to make landfall, hit Corpus Christi.

In 1932, a mere tropical storm, 90 miles south of Galveston, came ashore as a category 4 hurricane near Freeport, less than 18 hours later.

In 1865, Indianola was Texas' major port city, with a booming international trade.

It reportedly had massive piers and warehouses, elegant hotels and restaurants and fine homes. Within a nine-year period, ending in 1874, it was hit by four severe hurricanes. The final storm was estimated to be a category 5 with a two-story storm surge.

Today Indianola is a wide spot on a dead end road. Matagorda, once an early port town, gave it up in 1891 after being hit with nine hurricanes or tropical storms within a 20-year period.

Last year, Hurricane Bret accelerated from a minimal hurricane to a category 4 in 22 hours. At that time, on a Saturday night, it was 245 miles due south of Galveston and headed due north.

No general evacuation orders were given. There was "only" a 10 percent chance of a Galveston landfall.

For a tropical storm or hurricane, which could develop into a category 4 and threaten Galveston, the time needed to evacuate everybody safely is now 60 hours.

For a storm with average forward speeds, evacuation would need to be started when it is 700 miles out. This is the same as the distance to the Florida Keys.

Significant additional escape route capacity is needed. Any incremental changes to existing routes and evacuation procedures would be offset by population growth.

Port site selection and hurricane evacuation both impact traffic flow. These are regional problems that require a common regional approach.

Ed Sartain
Seabrook

Student wasn't issued books

To the editor:

In response to the front page article about the school district on Aug. 30, Ms. Elaine Stoermer noted that there was no problem in the district with textbooks.

Unfortunately, this is not true; my son was not issued a math book or a Spanish book. The math teacher said

11070 ATTACHMENT #4
PAGE 1 OF 2

Ed Sartain
629 N. Flamingo
Seabrook, TX 77586

To the Galveston District Engineer
U.S. Army Corps of Engineers
Comments on the EIS for the proposed
Bayport channel container facility.
Sept. 13, 1999

23-108 Two additional topics need to be added to the scope of the Bayport EIS. These are:

- Additional hurricane storm surge considerations
- National security aspects of hazardous materials transport

STORM SURGE CONSIDERATIONS

2-41 Refer to page 13 of your Bayport Terminal EIS. "In accordance with Executive Order 11988, *the USACE avoids authorizing floodplain developments whenever practicable alternative exist outside the floodplain.*" The shallow waters of the Gulf and Galveston Bay act as storm surge *amplifiers.* A direct hit by a Carla, a Camille, or several other documented Gulf Coast Hurricanes Could cause a 20' storm surge at Galveston/Texas City, a 25' storm surge at Clear Lake/ Bayport and a 30' storm surge at Barbours Cut. Bayport lies within Clear Lake's major flood plain. Proposed Texas City and Galveston sites are not in floodplains.

20-11 If Texas City or other sites are not found to be practicable alternatives, then the following should be considered:

1. The extra efforts of providing direct protection for a Bayport container facility against a worse case storm.
2. The practicality of protecting near by residences from additional flooding due to Bayport storm barriers in lesser hurricanes.

Dr. Neil Frank of KHOU Channel 11 TV, and the National Weather Service in Dickinson are good sources of detail concerning Gulf Coast hurricanes. They should be involved with your Bayport EIS.

ATTACHMENT #4
Page 2 of 2
Ed Santain

NATIONAL SECURITY CONSIDERATIONS

Full and fair disclosure of hazardous materials transported by container should include the possiblity of transport of nuclear, chemical, or biological weapons of mass destruction by terrorists. The recent highly publicized terrorist attacks should serve as a wake up call. 21-34

The Graham (Senator Bob Graham, Democrat - Florida) Commission on Seaport Crime and Security has been convened to deal with pressing concerns over these seaport issues, as reported in a May 4, 1999, *Houston Chronicle* editorial. Refer to attachment #1.

Refer to attachment #2. Note that U.S. Customs admits that it's virtually impossible to halt the tide of terrorism and that detecting weapons in large cargo containers is like finding a needle in a haystack. Refer to attachment #3. Note that both the EPA and the FBI recognize that chemical plants may be choice targets for terrorists.

Terrorists looking for maximum facility damage and casualties at minimum risk may select an area that has volatile chemical plants, a large surrounding population, and a nearby shipping container complex to bring in detonator time bombs or other mass destruction weapons. Harris County's seaports may be unique in their combination of potential targets; yet PHA want to add a new container facility at Bayport. 21-34

Proper dispersal of any new shipping container facilities is one answer to this problem. This might be accomplished by a Texas regional port authority, or by another location along the U.S. Gulf Coast.

I recommend the USACE add this national security subject to the Bayport EIS, and include participation by the appropriate federal security agency or agencies. See 23-108

[redacted]

MAR 14 2002

DP 11071

March 9, 2002

Subject: Draft Environmental Impact Statement (DEIS) prepared by Corps of Engineers for the Proposed Bayport Marine Terminal

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

Gentlemen,

I have many problems with the subject Draft, but I will limit my remarks to a few of them.

Fine particle concentrations in the Bayport area is already 15 micrograms per cubic meter this already exceeds the level proposed by the State of California as being injurious to public health. All of our citizens are entitled to breath good clean air. There are plenty industrial sites already polluting the atmosphere with every sort of chemical imaginable. The 6000 diesel trucks that are estimated to be required daily, at Bayport will add much more fine particle concentrations as well. 7-56 7-36

The most glaring problem is the one concerning wetlands. The initial report for the Port of Houston showed 209 acres, but now the above mentioned Draft reflects 2.5 acres. That is quite a difference and no one has satisfactorily explained what happened. 14-2

The Bayport location for the container facility is completely unreasonable when considering the number of people adversely affected by it. The population in the Spillman Island are is much less dense. 5-26

Historically the result of industrial expansion into a residential area produces decaying communities and plunging property values, an example of what occurs after a container terminal is built, may be seen at Long Beach, California. 5-27

This only scratches the surface of my objections to the container port being built and operated at Bayport. If the Corps of Engineers will objectively review your own report, you must conclude the subject Draft is so terribly flawed, it is worthless. It is my earnest request that the application for the Bayport Marine Terminal be rejected. 23-110 29-39

Yours truly,

Ted K. Guthrie, Jr.

Address ↓

11071

631 East Shore Drive
Clear Lake Shores, Texas 77565

MAR 1 2 2002

March 8, 2002

DP 11072

Richard M. Wehrman
4127 Pine Crest Trail
Houston, Texas 77059-3218

Mr. Kerry Stanley
U.S. Army Corps of Engineers
Galveston district Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Dear Mr. Kerry,

Please accept this letter as official comments on the Bayport DEIS.

Thank you.

Sincerely,
Richard M Wehrman

The Bayport Terminal DEIS has not adequately addressed many issues that concern Galveston Bay residents. Below are some of my comments regarding the failure of the DEIS to address many of the real problems this proposed project brings. 23-35

Violates deed restrictions for the area: According to deed restrictions, "Bayport has developed such standards to insure proper use and appropriate development and improvement of the area and *to protect surrounding landowners in residential and commercial areas from property depreciation and health impairment.*" Bayport is being proposed in an area that Friendswood Development Company represented would not be developed for industrial purposes; yet Bayport would have the equivalent emissions of 10 petrochemical plants. As far as property depreciation, it is estimated there will be $500 million in lost property value for surrounding communities and school districts. The impact of Bayport on regional land use patterns wasn't even studied in the DEIS. Nor was the impact of trains and trucks on the area analyzed. 4-16, 7-57, 6-38, 4-25, 7-36

Air pollution: The DEIS didn't even address the issue of particulates in the air. Yet, there will be over 7,000 diesel trucks per day going in and out of the terminal. Over several years, studies have shown that particulates (especially diesel) cause lung disease including cancer. The almost 3 million people in Harris County already face a cancer risk more than 100 times the goal set by the Clean Air Act. In 1996, Harris County ranked among the worst 20% of all counties in the US in terms of emissions of VOCs. Yet, about 5-10 tons of NOX will be emitted. Houston already has the worst NOX in the country. How can we come into compliance with the Clean Air Act with Bayport increasing Houston's NOX levels? Houston already has too many air pollution problems. For some strange reason, the DEIS didn't even consider air particulates. 7-4, 7-7, 7-9

Violates National Land-Use Standards: Heavy industrial facilities such as Bayport are incompatible with residential land uses. Heavy industry should have a buffer of 1,000 to 3,000 feet of residential areas; yet, more than 4,000 residents exist within 1 mile. Of these, about 400 are within 700 feet. This alone represents a loss of 70 million in property value. Over 1,100 acres of vegetation will be paved over. Over 100 acres of wetlands, a natural pollution filter, will be lost forever. The dredged 50' channel will increase saltwater intrusion and destroy and disrupt marine life in Galveston Bay. To deepen the channel, 110 pipelines will have to be moved at a cost of $110 million. In fact, the impact of a 50 ft. wharf design and a 50 ft. channel across Galveston Bay wasn't even analyzed by the DEIS. 4-26, 14-22, 20-13

The Corps did not complete the 404(b)(1) analysis and include it in the DEIS. Over 1,000 acres of prairie and wetlands will be turned to concrete. The runoff has not been analyzed. 33-3

The impact of handling hazardous materials has not been analyzed by the DEIS. 21-17

Only 2.5 wetland acres out of 100 are "protected."

Increases security risk from terrorists in a populated area. Container terminals are the most glaring weakness in our nation's security. Placing one in such a huge metropolitan area could put millions at risk. 21-20

The Port of Houston doesn't even own all the land required to construct the terminal. 4-27

There are at lease 6 alternative sites. Many were rejected by the DEIS because of insufficient land; yet, there are plenty of examples of these ports with the same capacity that operate on less than 1,000 acres. 2-88

The DEIS did not perform a risk assessment to public health and safety. 28-111

A supplemental DEIS is necessary to correct the deficiencies of the current DEIS, and the public should get a chance to comment on a adequate DEIS. 23-19

Thank you.

MAR 1 4 2002

March 8, 2002

Mr. Kerry Stanley
US Army Corps of Engineers
Galveston District Regulatory Branch
PO Box 1229
Galveston TX 77553-1229

DP 11073

Re: Bayport Draft EIS

Dear Mr. Stanley:

The draft EIS for Bayport has opened my eyes to the Corps of Engineers' assumption that a permit will be issued so only a shallow and incomplete study is necessary. The following is a brief summary of some of the issues I find either lacking or addressed incorrectly in the Draft EIS for Bayport Container Port: 23-112

1. The site plan shows land use on property not owned by the PHA and shows rail in a zoned city that does not allow rail. 4-27, 27-47
2. The plan shows a 50 foot channel which is not approved and which will cause severe environmental harm if allowed to be dredged. New container ships will require a 50 foot channel, thus other sites are available to accommodate this 20-8
3. Barbour's Cut can be expanded and its efficiency increased to handle container traffic growth for years to come. 2-66
4. Shoal's Point and Galveston Island will impact the air quality over Houston much less than Bayport. Typical prevailing wind carries air from Bayport directly over the most congested part of Houston. 7-58
5. Inadequate study of alternate sites and the Shoal's Point/Galveston ports' capacity lead to a faulty conclusion. 2-66
6. Bayport will cause property values of highly developed residential areas to drop immediately, and will eventually lead to industrialization of an area that contains highly educated and productive residents. 6-123
7. By the PHA's own admission, there is not adequate rail service from Bayport. And roads to handle the estimated number of highly polluting trucks may not be possible without forcing these trucks through residential areas. 27-46, 21-20
8. Risk from terrorism must NOW become an issue to be addressed.

These concerns are but the tip of the iceberg of ill-produced documentation and false conclusions. Please reconsider issuing any permit for Bayport.

Sincerely,

Rosebud L. Caradec
PO Box 704
Seabrook TX 77586-0704

MAR 1 4 2002

Bernard and Sally Legrand
3115 Layne Court
La Porte, Texas 77571.
Home: (281) 471-2532
Bus: (713) 407-7421
e-mail: **Error! Bookmark not defined.**

DP 11074

March 8, 2002

Mr. Kerry Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, TX
77553-1229

Dear Mr. Stanley:

The followings are my comments and concerns regarding the Port of Houston Authority (PHA) Draft Environmental Impact Statement (DEIS) for the proposed Bayport Marine Terminal.

I do appreciate the time and effort expanded by the Corps to study this permit application. Unfortunately, I cannot say the same of the way the PHA used its time and resources (at taxpayers expense) to put it together. The people in charge continue to act in spite of and without genuine concern for the residents of Galveston Bay area in general and in particular in proximity of the proposed container terminal. As my address indicates, I am a 20 years plus resident of the South side of La Porte, next to the bay, in view of the existing facilities already existing on the Bayport site and involved in local politic as a volunteer to the La Porte City Council. I am keenly aware of the opposition by the local residents and was instrumental in the final position outcome of the City concerning this project (I bitched a lot). 23-113 29-74

Rather than repeating all the arguments against the project and the numerous requests for further investigations necessary on your part, please refer to the letter sent to your attention by Certified Mail from the City of La Porte dated January 10, 2002.

However, I also want to emphasize certain points such as:

Atmospheric Air Pollution:

I am breathing air immediately next to me, and will be subject to whatever consequences this atmosphere may bring upon my health. Where is logic and common sense when the PHA spread all the projected contaminants over the eight counties already in non-compliance for the proposed SIP and USEPA standards? It would seem that, as one of my friends puts it, "The solution for Pollution is Dilution"! 7-48

I was made aware just last week of a new report on PM 2.5 while listening to KUHF (NPR morning edition). I found out that it was also available from the New York Times Wednesday's edition. It describes in detail the serious pulmonary health effects that this type of pollutant can cause , from sickness to death. You must be aware that this is of great concern to USEPA and the California regulatory commission, which are lowering the PM size standard. This is totally ignored in the DEIS. It would seem that the management of PHA picks and chooses the subject(s) in order to promote their position. 7-4

Road traffic will be a nightmare as already experienced on SH225 when a container ship arrives at Barbours Cut; the only difference is that it will be magnified several times over. I may never make it home between workdays! 22-48

How does the port determine the number of acres of wetland and the corresponding habitat destruction? Yes, it does include human beings! Why are two different values for the same piece of land used in different DEIS, Bayport vs. Texas City? 14-23

I, like everybody else in this area know too well that Bayport would just be the start of a greater invasion by PHA with more misery to come. As untrustworthy as the Port has proven to be, the instances are too numerous to be listed here, it can certainly be expected to bring more of the same. 20-25

In view of all this, I ask the US Army Corps of Engineers to deny the PHA's request to use the Bayport site for a marine terminal. To paraphrase the City of La Porte letter, I also do believe that the DEIS reinforces my concerns that this site would have substantial long term (and also short) negative impacts for our community in general and my welfare in particular. 29-39

Sincerely,

Bernard Legrand

Bernard Legrand

Sally Legrand

Sally Legrand

DP11075

MAR 14 2002

COMMENTS FOR INCLUSION IN THE RECORD 8 MARCH 2002

PROPOSED BAYPORT MARINE TERMINAL TX DEIS PERMIT NO. 21502 (BP-DEIS)
APPLICANT: PORT OF HOUSTON AUTHORITY

This DEIS suffers from serious deficiencies, which make it a biased and deceptive analysis of this project's impacts in relation to those of the Upper Texas Coast alternatives. It simultaneously fails to appropriately and completely analyze and compare the facts pertinent to Bayport with those of the several alternatives in full detail. It fails to provide the obligatory factual basis for determining a 'preferred alternative' on the basis of reasonably foreseeable environmental and community cumulative impacts (initial project and probable foreseeable secondary and cumulative aggregate impacts), as required by NEPA. A supplemental DEIS is obligatory to address the multiple deficiencies of the current document (some, but not all, are enumerated below) covering a permit application applicable to only that property wholly owned by the applicant. Properties not wholly owned by applicant at the time of this application submission shall not be permitted by supplementary DEIS or other means. The Port of Houston Authority (applicant) did not own, and does not own, at this date, all the property addressed in its application as required by ACE regulations, 33CFR 325.1(c)(7). The affidavit in the front of Appendix 1-1 is false. This fatal flaw requires the ACE to immediately deny this permit request.

23-153

23-154

29-89

COMMENTS

AIR POLLUTION

There are several issues generated by the activities embraced within this permit proposal that are not addressed in this deficient DEIS, or received skimpy inadequate development for each potential alternative container terminal site in the Upper Texas coastal region's impact, including each sites' associated cargo transport system and probable consequent secondary developments.

OZONE / NO_x REDUCTION COMPLIANCE

The Houston region is a 'sever non-attainment' area for ground level ozone (EPA finding). Bayport will be a very large new source of internal combustion (I/C) engine emissions not considered in the State Implementation Plan (SIP) Dec 2000. This SIP falls short of the required NOx reductions by 56 tpd (TNRC report), the 'Gap'. Any container terminal in the Houston-Galveston region will have an irreducible 'base' of air emissions from its operations. Additional emissions dependant on location will occur. Their amount and composition will differentiate between the proposed sites' impacts. The site with the minimal environmental impact must be the 'Preferred Site'. Full analysis is required of:

7-120

- Emissions from cargo transport facilities projected for each of the alternative sites would not necessarily require Bayport's documented massive highway cargo-transport in and out of it's facility (5000-8000 diesel trucks per day plus 7000 cars). Less polluting competent alternative cargo-transport, services, and worker movement systems are available to and from alternative sites.

7-121

- Marine vessel emissions will be minimized by a closeness of the terminal to the Gulf, 'Gulf-Dock' distance. Alternative sites significantly closer to the Gulf than Bayport are

7-122

available, providing less marine transit time, thus less marine generated pollution and a benefit to shippers of a shorter trip time, an economically important matter to them.

- The large increase in rail traffic projected for Bayport will obstruct area highway traffic at at-grade road-rail crossings for substantial periods of time causing great increases in emissions from idling traffic (idling I/C engines emit much more pollution than when running at highway speeds). This contrasts with the lesser impacts on local traffic flow from alternative sites' projected rail traffic impeding at-grade crossings. Further, it is illegal for rail traffic to block highways for more than ten minutes at a time (Texas Highway Code). 7-123

This DEIS does not consider or reconcile these matters. The "No-Action Alternative" would contribute minimally to the future local and regional environmental quality deterioration, not destroy wetlands, and not support the proposed San Jacinto rail project's shipment of hazardous materials and cargo to Chambers County, and would not endanger the residents, particularly children, of Clear Lake City and others, on the way. The alternative sites can be expected to show minimum at-grade crossing obstruction, but this is not discussed in this DEIS and must be remedied. The Bayport sources of ozone generating emissions were not included appropriately in the Houston region's already inadequate SIP. Thus, the additional Bayport emissions, if this permit is approved, can be foreseeably projected to cause additional ozone exceedences in the region with injurious health effects and an additional reduction in this region's quality of life. These matters must be addressed in this DEIS. 2-157, 7-124

PARTICULATE INHALATION EXPOSURE

The predominant engines proposed for use by the Bayport generated traffic are diesel, an engine whose exhaust emissions have been declared a 'Hazardous Air Pollutant' by California Air Resources Board, and a 'Probable Carcinogen' by IARC. I/C exhaust, particularly that of diesel units, is the major source of urban and industrial area PM-10 and PM-2.5 air pollution. They carry absorbed injurious chemicals (PAH's Metals etc.). These particulates are recognized to be a major inducer of asthma in children and a cause of exacerbations in them and adults. The Houston region is on the borderline for compliance with PM-10 annual NAAQS, and not in compliance with the PM-2.5 annual standard. Modeling shows that the Bayport-generated additional PM-10 will cause exceedences of the PM-10 24-hour standard. This is unacceptable. This air shed cannot accept additional PM emissions without putting this region into non-compliance with two NAAQS standards! The impact of these additional emissions on children and public health that will be a predictable, foreseeable, and measurable consequence of the approval of this proposed container port project, are not disclosed in the DEIS for any of the potential sites, including a 'no-action'. There is no analysis of the consequences of noncompliance with NAAQS resulting from the Bayport facilities being built. Alternative sites for a terminal(s) will probably not cause exacerbation' s of regional noncompliance conditions by their operation. 7-125, 7-126

HAZARDOUS CHEMICAL (HAPS) INHALATION EXPOSURE

Diesel emissions contain some 30 to 40 hazardous-chemical air pollutants identified by EPA and listed in the Clean Air Act. Peer reviewed scientific publications have shown health injuries to residents within 100 meters on either side of major highways with evidence these 7-127

effects extend out at least to 200 meters each side. These findings are consistent and congruent with several other studies of heavy highway traffic air emissions' effects on several health parameters. The wind patterns of the Bayport site will frequently carry these HAPS and PM over one, or more, of the long established residential areas and schools surrounding this inappropriately located proposed site for a container terminal with its necessary support facilities. This unacceptable situation contrasts with that at several of the alternative sites that do not have these serious impediments, or have them to a lesser degree, which must make them 'Preferred Alternatives'. These important factors, directly related to a terminal operation, must be disclosed, in full, for each considered alternative terminal sites in a DEIS. They are not considered in this DEIS, just part of its flagrant deficiencies. 7-127

WETLANDS

Initially the ACE claimed the site of this permit application contained over 100 acres of 'jurisdictional wetlands', then using aerial survey data of curious vintage the acreage became reduced to 2.5 acres in this DEIS. Current USGS mapping shows ditches, over 5 years old, connecting these wetlands together, and draining into Galveston Bay via Pine Gully, making the wetland area considerably greater than 3 acres adjacent to US Waters and greater than that at alternate sites. This excludes Bayport being designated the 'preferred alternative'. The jurisdictional wetland cut-off lower value is 3 acres. More curious the same ACE office in the DEIS for Texas City Proposed Shoal Creek Container Terminal, one of the alternatives to the proposed Bayport terminal site, for the same boundary configuration at Bayport, gives the area of wetlands as 3 acres! These wetlands would be destroyed by the action proposed. This significant acreage discrepancy between the two DEISs, made in the Galveston ACE office, raises serious questions about the objectivity of the Corps' findings and the credibility of its other critical determinations. An explanation of the methologies used that gave rise to two critically different contradictory estimates of the area of wetlands on the same piece of land is required and must be part of the obligatory supplemental DEIS for the Bayport proposal. 14-62

SHIP CHANNEL AND SHIPPING

The common container transporter's draft does not exceed 45 ft. (limit for Panama Canal). The proposed terminal dock proposed depth of 56 ft. clearly displays intent to attempt to get a Galveston channel for deeper than the current nominal 45 ft. later. This reflects a probable intended sequel of granting a permit for Bayport, a probable secondary consequence of such permit, that is admitted by the ACE, and must be part of a Supplemental DEIS, with detailed comparisons of a 56 ft channels' impacts at alternative sites (US Supreme Court-Scrap vs. U.S.A). The Texas City site already has a 50 ft channel and a much shorter passage to the open gulf, an important matter to shippers. The existence of container shipping's need for an additional capacity on the upper gulf coast, on the scale projected for Bayport, is in question. Other container transfer facilities in the area are claimed to be not at capacity. When compared with other container facilities, the land footprint of Bayport is excessive for the claimed projections of traffic. Other modern facilities are more conservative in land use. Thus, the land area claimed for Bayport is not appropriate for transfer, as that needed, at alternate sites for equal capacity. The attempt to do this in this DEIS is misleading. The Shoal Point terminal's DEIS contradicts the Bayport one. Shoal Point terminal has 600 acres smaller footprint for a the same capacity, than that requested for Bayport and has fewer environmental impacts. Use exclusively of the Bayport footprint has excluded potential alternate sites from proper consideration. 20-45 2-158 4-48 2-159

Consideration of dividing the container transfer trade between one or more appropriate terminals is an option not properly addressed in this DEIS. Further there is no solid reason for the container handling docks and cruise ship terminal being at the same site. The ACE's persistence in unnecessarily keeping these together distorts this review and intent of the NEPA.

IMPACTS OF A DEEPER CHANNEL THROUGH GALVESTON BAY

Include, but are not limited to:

- Increased bay salinity because of deeper, larger tongues of high-salinity gulf water penetrating deeper into the bay with each incoming tide and mixing. This is a matter which has had prior full review in the DEIS, and the related documents prepared at the time of deepening the channel to 45 ft. (these shall be part of this record). Increased bay salinity will further impair shrimp and oyster productivity of this major regional resource, causing loss of jobs, reduced recreational fishing catches, reduced tourist attractiveness and dollar-multiplier benefits. Increased salinity will enhance some shrimp parasitic attacks, further decreasing their population and catch size, a factor of local economic importance. Oyster productivity and harvests will be reduced These impacts must be discussed. 9-31
- Increased shipping from foreign ports into this bay will increase the amount and geographic diversity of sources of bilge water discharged into this bay, increasing the probability of introducing exotic species and diseases into these waters (shrimp viruses and fish diseases, cholera, etc.). San Francisco Bay now has, thanks to bilge water discharges, a complement of over 200 exotics, forming some 70% of its aquatic biomass. Galveston Bay impacts of these exotic imports would be significant. This formidable forseeable problem must be reviewed in the supplementary DEIS and compared with such possible impacts, if any, at the alternative sites. 12-26

LAND USE

The full cumulative impacts of land use consequent upon issuing this possible permit should have been part of this DEIS, but was not. The application for the San Jacinto Rail has been known to the ACE. It is an integral part of the Bayport project, and its impacts must be part of a Supplementary DEIS. This rail, if built, will promote Industrial-Sprawl across potential residential development land. It will facilitate the conversion of the Exxon property's projected use from residential to industrial use. Industries' fence lines will back up to current long established residential areas, exposing some 20,000 children to significantly increased amounts of HAPS, PM, PAHs and other injurious materials. This proposed rail would connect Bayport terminal, for the purposes of container cargo transport, to projected, and current, industrial complexes in Chambers County, including a very large industrial and hazardous waste landfill. The route will result in exposing thousands in Clear Lake and adjacent areas, children and adults, to additional risks from injurious chemical exposures (very damaging fine particles, HAPS, PAHs and others). Such inevitable rail line associated industrial development will cause still further increases in road traffic-diesel trucks etc.- generated air pollution with associated adverse health effects, as well as cause additional traffic congestion, with idling engines, in the region, above and beyond that caused by the Bayport Terminal related new traffic load itself. All these will be additional probable, foreseeable, cumulative, and adverse impacts on a region that already has 'Sever Ozone' exceedences (EPA designation), and would be a direct consequence 4-49 22-29 18-23 18-25

of this proposed permit, were it approved. These predictable consequences on air quality of this proposed permit's approval were not included in the SIP for the region, increasing further the deficiencies of an already inadequate SIP with a 56 tpd NOx reduction gap. This is a matter whose facts should have been part of this DEIS to be contrasted with transport-generated pollution and health risks from the alternative sites. But these essential facts are not presented. The overall cumulative impacts of these inter-dependant projects are a major issue not considered in this DEIS, but should have been.

TRAFFIC

This DEIS's presentation of the traffic burden impacts, that would be created by this proposed project site, by reason of its adding some 5000-7000 trucks, plus other vehicles, about 7000 per day, to the current established traffic load and flow patterns (traffic service in the area is currently rated 'F'; the lowest service level) is not adequately and fully presented; for the major roads (Red Bluff, Fairmont Parkway, 225, Genoa-Red Bluff), or contrasted in equal detail with the traffic burdens that would be created at alternate sites for a new container terminal, if needed, or from splitting the container traffic between several terminals. The projected 5000-8000 foot rail trains (8 movements per day) traveling at practical speeds will block highway at-grade intersections for longer than the legal ten-minute limit! A realistic time for highway obstruction would be 15 minutes or longer at best. With 3-5 trains per day in, and the same out, and at-grade crossings on many local highways, the disruption of routine traffic flow will be serious for the communities. It will cause much time wasted by a productive public, sever frustrations and increased accidents. The seriousness of this potential obstruction of traffic will be appreciated when emergency vehicles can't get to a fire or accident with the liabilities that follow. This is not discussed, nor is the significant additional local air pollution from idling truck's diesels (particulates and HAPS, PAH's) with their adverse health effects. Widening Fairmont Parkway and SH146 is proposed by TX DOT as support for Bayport. These constructions will increase air pollution and obstruct free transportation flow. When finished they will fill to capacity with latent travelers and add more to the air pollution from secondary effects of the permit if approved. [There is no 'traffic-delay' and 'intersection analysis' for the region, a serious DEIS deficiency.]

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ALTERNATIVE SITES

The several alternative sites are not considered in this DEIS in the complete and detailed manner required by NEPA. The ACE chose to consider one consolidated site for container and cruise terminals without justification. The possible need for additional container docks can be divided between two or more sites. These viable alternative options were not considered in this DEIS and in determining a 'Preferred Site'. This must be considered in the Supplemental DEIS for this proposal. Having container terminals at several sites offers National Security advantages. The closeness of the proposed Bayport terminal to Barbaros Coast Facility is a significant disadvantage. Some alternative sites for container terminals offer significant cargo transportation advantages, in addition to destroying less wetlands and generating less air pollution. These cumulative foreseeable impacts are not presented in a comparable manner in this DEIS, a deficiency to be remedied.

2-161

This ACE's analysis of the projected impact on the El Jardin community was not completed for this DEIS. Their indifference to this community and declaration of a 'Preferred Alternative'

23-118
20-12

before all the analysis was complete is scandalous. The proposed berm and light reduction will not reduce to an acceptable degree the sound and light pollution impacts of this Bayport project. Further, ACE wrongly used a 65 Ldn as the appropriate standard. It should be 55 Ldn or lower. No buffer zones have been developed for this project site. Incompatible land use issues are not evaluated in the DEIS. Local zoning ordinances exclude industrial plants. These must be fully evaluated and added to the Supplemental DEIS (CEQ impact regulations). Some $147 million offsite improvements necessary for the operation of this proposed Bayport project are not evaluated or identified in this DEIS, but should have been. These required improvements and offsite road improvements for Bayport and alternative sites are distorted to favor the Bayport alternative.

These are valid reasons for a comprehensive detailed Supplementary DEIS or denial of the requested permit.

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SUMMARY

The DEIS for the proposed Bayport container terminal and cruise dock permit suffers from several serious flaws. There is a failure to comply with NEPA, ACE and CEQ rules and regulation as well as applicable court rulings. In addition their misstatements and deficient evaluations .

*** Throughout the document the container terminal and cruise dock are considered indivisible. This is not the case . Further additional container berths for the region, if needed, could be developed at multiple sites possibly with less sever impacts, these are not evaluated in this DEIS. Spreading dock facilities would have National Security advantages. 2-161

*** The ACE by omission or commission, failed to evaluate the San Jacinto Rail project, an intimate part of Bayport, with significant direct, secondary and cumulative impacts on traffic congestion and air quality in the region. Contrary to NEPA and US Supreme Court rulings. 27-79

*** Jurisdictional Wetlands determination by two ACE evaluations for the Bayport site are contradictory. Further the area at Bayport is represented as being less than at alternate sites, which is not the case . This fact alone excludes Bayport as the 'Preferred Site' for a terminal. 14-62

*** The Houston-Region is 'Sever Ozone' non-compliant and the current SIP is short by 56tpd in NOx reductions. Bayport and its associated ozone generating activities were not included in these SIP calculations. There is no discussion of the consequences of injecting additional ozone precursors into the airshed and additional ozone exceedences on child health , asthma suffers , SIP compliance or economics of the region. 7-120

*** The region is non-compliant with the annual PM-2.5 NAAQS Standard and probably not for the PM-10 Standard. Permitting Bayport will exacerbate, as a foreseeable, consequence, these conditions. The associated foreseeable adverse impacts on health and environmental quality are not evaluated. The role of 5000 – 7000 diesel trucks each way in & out daily is not discussed . The effects of additional air pollution chemicals is a major issue ignored by this DEIS. 7-124 7-121

*** Significant amounts of hazardous air pollutants (HAPS) will escape from these operations and contribute to adverse health effects but are not reviewed . 7-127

*** 5000-7000 diesel trucks each way to Bayport and the additional vehicles of workers etc. and that traffic generated by secondary developments will cause significant congestion. The full community impacts of this are not analyzed. 27-93

*** 5000- 8000 ft railroad trains 6-10 each day cutting across the many at-grade road crossings in the area , each passage taking 15 or more minutes is not evaluated. Texas law restricts road obstruction to 10minutes (Tx. Highway Code) The large numbers of idling I/C engines will exacerbate the already serious air pollution problems. There are no 'congestion analyses' or 'crossing obstruction' with their secondary impacts evaluated in this DEIS, a foreseeable consequence of this permit affecting community services and people mobility. 27-94 7-132

*** Ship Channel deepening to 56 ft.. The ACE admits this is a reasonable foreseeable outcome of this permit, if approved. The increases in bay salinity and the related adverse impacts on shrimp and oysters are not reviewed nor the impacts on catch size affecting community, tourist, and fishing industries -commercial and recreational . 20-45

*** The land use at the terminal is in conflict with the local zoning ordinances . This conflict is not discussed or resolved. 4.50

*** ACE uses an exaggerated facility foot print of Bayport as necessarily required at all alternative sites.. The Shoal Point DEIS footprint shows, for the same container traffic, a 600 acre smaller property. . This is duplicitous. This manipulation is used to exclude potential alternative sites. 4.43

This DEIS is seriously flawed. Some of these defects and deficiencies might be corrected. A supplementary DEIS covering only that part of the permit applicable to the property wholly owned by the applicant is obligatory . However when the required detailed analysis is done for alternative sites including, a valid jurisdictional wetland determination , is made and split locations for the terminal functions are considered and fully evaluated Bayport will not be the 'preferred alternative'.

Thank you for the opportunity to comment on this Bayport DEIS

D Marrack, MD

Dr. David Marrack, M.D.
P.O. Box 271907
Houston, TX 77277

mothers for clean air

3015 richmond, suite 270 houston, tx 77098 713/526-0110 (phone) 713/526-0550 (fax)

MAR 1 2 2002

March 8, 2002

DP 11076

Mr. Kerry Stanley
U.S. Army Engineer Corps of Engineers
Galveston District Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Dear Mr. Stanley:

Thank you for this opportunity to comment on the Draft Environmental Impact Statement (EIS) for the proposed Port of Houston's Bayport container facility. Mothers for Clean Air is concerned about the added air pollution that development of this facility will bring to an area already out of compliance for ground-level ozone and likely to be out of compliance for the new $PM_{2.5}$ standard. We are concerned for the nearly 100,000 children who live in Harris County whose health and future development are affected by the air they breathe on a daily basis. 7-1 7-7 7-53

On behalf of the 800 members of Mothers for Clean Air and the children we represent, we offer the following comments on the air quality section of the Draft EIS:

1. The impact of emissions from the proposed Bayport facility must be evaluated over the short and long term. Emissions estimates indicate, for example, that nitrogen oxide (NO_x) emissions will increase from 163 tons per year in 2004 to 4954 tons per year in 2025. The current State Implementation Plan is focused on reducing NO_x emissions to bring this area into compliance with the federal ozone standard by 2007. NO_x emissions that are continuously increasing will threaten this area's compliance once the ozone standard has been achieved. 7-59 7-14

2. The draft EIS evaluates particulate matter 10 microns in diameter and smaller (PM_{10}) but does not address fine particulate matter ($PM_{2.5}$). $PM_{2.5}$ is air borne pollution created from combustion that is small enough to be inhaled deep into the lungs where it cannot be exhaled and can cause serious health problems. Just this week, a 16-year study of 500,000 people concluded that breathing levels of $PM_{2.5}$ above the health standard is comparable to the health effects of living with a smoker and breathing second-hand smoke. Although at the time the draft EIS was prepared, the $PM_{2.5}$ standard had been challenged by the trucking industry, it has been upheld by the Supreme Court and will be enforced in a matter of time. Therefore, the final EIS must contain a separate evaluation of the $PM_{2.5}$ contribution by the proposed Bayport facility. 7-30 23-14

www.mothersforcleanair.org
mfca@hern.org

3. The sources of particulate air pollution identified in the draft EIS are numerous:
   - Over 1000 additional daily vehicle trips in 2005 increasing to 16,000 by 2025 and more than half will be trips by trucks.
   - Off-road mobile construction equipment such as cranes, bulldozers, and front-loaders and on-road construction vehicles, like dump trucks that are typically diesel-powered, the highest emitter of $PM_{2.5}$ of all liquid fuels.
   - Off-road equipment for cargo handling and transport such as fork lifts and yard tractors and on-road heavy duty diesel vehicles.
   - Other off-road mobile sources including diesel-powered locomotives, ships and tugs.

   The $PM_{2.5}$ evaluation must include all the sources listed in the draft. Ideally, an analysis of the health effects of the more than 35 hazardous substances associated with diesel emissions would also be conducted. 7-61 7-62

4. In addition to evaluating the effects of Bayport emissions on the airshed, impacts to individuals in the surrounding area need to be evaluated. Receptors such as homes, schools, churches, and other places where individuals may be impacted by the proposed facility have been identified for noise levels. These same receptors need to be used for monitoring or modeling air pollution levels. 23-114

5. TNRCC's Deer Park Monitor (C35) and HRM site 8 were used for the draft DEIS. A new TNRCC monitor measuring $PM_{2.5}$ has been located at Seabrook Friendship Park (C45) and should be used for the reanalysis that includes $PM_{2.5}$. 7-63

6. The environmental justice issues of increasing air pollutants and increasing diesel traffic, both truck and locomotive, in the low-income and minority areas of East and Southeast Houston must be evaluated. 26-1

We recommend that these effects be analyzed separately for children because they are at increased risk of suffering from air pollution due to their unique behavior and small, developing bodies. In 1996, approximately 100,000 children in Harris County had asthma. These are the children who will suffer the most from the added air pollution burden imposed by construction of a marine terminal complex on the Bayport Ship Channel 7-60

Sincerely yours,

Jane L. Laping, M.S., M.P.H.
Executive Director

MAR 1 2 2002

Hayes, Heidi A

From: heidi.hayes@att.net
Sent: Thursday, 07 March, 2002 8:30 PM
To: heidi.a.hayes@lmco.com
Subject: Very Concerned Citizen

DP 11077

Dear Mr. Kerry Stanley,
U.S. Army Corps of Engineers,
Galveston District Regulatory Branch
P.O. Box 1229
Galveston, Tx. 77553-1229

The Bayport Container Terminal Expansion Plan needs to be stopped in my community and for the other communities it will affect. 29-39

I feel so violated as a citizen and as a human-being for several reasons. The main reasons are our Safety and Quality of life, what's left of it. To live hear will be no more. 21-36 5-4

Sincerely,
Heidi Hayes
Shoreacres, Tx.

DP 11078

MAR 1 9 2002

Sally E. Antrobus

526 Surf Oaks Drive
Seabrook, TX 77586-1822
(281) 474-9220

March 4, 2002

Mr. Kerry Stanley
U.S. Army Corps of Engineers
Galveston Regulatory Branch
P.O. Box 1229
Galveston, TX 77553-1229

Dear Mr. Stanley,

Bayport DEIS Comments

RE: Port of Houston Authority's Proposed Bayport Container Terminal, Department of the Army Application Number 21520

I urge the Corps of Engineers to deny the application by the Port of Houston Authority for section 10 and Section 404 permits to build a container port at Bayport, for two reasons. 29-39

(1) The Port of Houston Authority has shown amazing arrogance, manipulation, and most recently fraud in the course of trying to get this proposed project permitted.

The Port has submitted an illegal permit application because it does not own all the land shown in plans accompanying the application (most recently revised in October 2001), and it cannot reasonably expect to acquire this land. 23-16 22-46

The Corps' own rules indicate--right on the application!--that the applicant's signature affirms possession or pending acquisition of the property involved, and that penalties for misrepresentation are a fine of up to $10,000, five years' imprisonment, or both. The Bayport permit application involves several tracts of land not owned by the Port of Houston Authority. One belongs to American Acryl, which has told the Port they will not sell it. Other land lies in the City of Seabrook, where the Port cannot condemn land without the consent of the City. The City of Seabrook has not granted the Port authorization to condemn land within the city.

The signature of a port official on such an application is illegal, and it is presumptuous in the extreme. Apparently this agency believes itself to be above the law. The only reasonable course of action by the Corps of Engineers is to deny such a permit application. 29-39

(2) Construction of a container terminal at Bayport is very, very clearly not in the public interest.

You will have noted the impressive chorus of vocal opposition to it by citizens and by a full suite of elected officials, including the school boards of the La Porte and Clear Creek Independent School Districts; the mayors of Pasadena, Seabrook, Shoreacres, Taylor Lake Village and other nearby cities; and state legislators including Representative John Davis and Senator Mike Jackson. 29-35

This kind of wide-ranging opposition to a project is precisely what the public comments component of the Environmental Impact Statement process is designed to capture. When such unprecedented numbers as 2,500 angry people come to the scoping meeting for a project, and more than 3,000 come the public hearing on the draft EIS, it should be blindingly clear to the Corps that the public opposes the plan for many reasons. 29-35

Better alternative sites are available to serve the needs of the container industry, yet the analysis of these alternative sites in the DEIS is distinguished by omissions and flaws. There is a clear bias toward Bayport in the document. 2-89

Some of the specific shortfalls in the DEIS are:

- Misrepresentation of the extent of wetlands on the site 14-2
- Total absence of analysis of fine particle air pollution that would result from this port 7-30
- Total absence of evaluation of the effects of a 50-foot-deep ship channel, despite planned wharves engineered to 56 feet 20-1
- Inadequate traffic assessments 27-2
- Failure to disclose land use impacts contrary to the public interest, including property value declines 6-36 / 6-38
- Total absence of analysis of the cumulative effects of adjoining Bayport and San Jacinto Rail proposed projects 18-6

When assessed honestly, a whole series of aspects of this project are open to challenge under federal law--law regarding wetlands, air pollution, cumulative impacts, environmental justice, and even the execution of the permit process itself. 23-115

Knowing all this, to grant this permit would be to open the Corps itself to charges of abuse of public trust. 29-75

Citizens are concerned about the ethics of government. By turning a blind eye to the problems in the Bayport permit application and DEIS, the Corps would be committing the same sin as the Enron executives who seem to have carefully avoided knowing too much about how their corporation worked.

Yours faithfully,

Sally Antrobus

Sally E. Antrobus
Ecotourism Committee
City of Seabrook

cc:
Lt. Gen. Robert B. Flowers, HQ US Army Corps of Engineers
Colonel Leonard D. Waterworth, Galveston District Engineer and Commanding Officer
Rep. Nick Lampson, U.S. House of Representatives
Sen. Kay Bailey Hutchison, U.S. Senate
Sen. Phil Gramm, U.S. Senate
Rep. Sheila Jackson Lee, U.S. House of Representatives
Rep. Kenneth E. Bentsen, Jr., U.S. House of Representatives
Rep. John Culberson, U.S. House of Representatives
Rep. Tom DeLay, U.S. House of Representatives
Rep. Gene Green, U.S. House of Representatives
Mayor Lee P. Brown, Houston
Shelley Sekula-Rodriguez, Houston City Council

D P11079

MAR 1 2 2002

1106 PINE CIRCLE
TAYLOR LAKE VILLAGE, TX 77586

March 3, 2002

Mr. Kerry Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P. O. Box 1229
Galveston, Texas 77553-1229

Dear Mr. Stanley,

I am a citizen of Taylor Lake Village. I have reviewed the DEIS for the proposed Bayport container facility, and I am appalled by the extensive omissions in this document. Based on it's incomplete and biased treatment of the proposed Bayport site, the U.S. Army Corps of Engineers has no choice but to deny the Port of Houston a permit at Bayport. 29-39

The Bayport application makes no sense. First, the site is right in the middle of several residential communities. More than 20,000 residents will be directly impacted by devalued properties, increased air pollution, increased and dangerous local traffic, noise, light and a severely impacted environment. 18-17

Second, there are a strong recreational, tourist and fishing industries that would be adversely impacted by the shipping traffic, the truck traffic, and the degraded environment. 32-3

The DEIS brushes off these concerns with inadequate analyses. I am a scientist at the Johnson Space Center, but it doesn't take a rocket scientist to see the flaws in the DEIS.

I point to several substandard analyses and conclusions drawn in the DEIS below. If the Corps ignores these errors, it will be condemning the health and welfare of my family and the other 23,000 local residents.

Air quality

Air quality is the most important problem in the Bayport DEIS. There is no question that the tremendous diesel emissions from trucks, trains and equipment will provide a huge pollution load into Harris County's air — already the worst in the nation. In particular, there is no mention of small particles (PM2.5) and Hazardous Air Pollutants (HAPs) in the Air Quality Analysis. Recent studies show that the citizens experiencing increased levels of air pollutants, including PM2.5 and HAPs, will experience negative health effects including respiratory infections, asthma, heart and lung disease. 7-10 7-4 7-62

Traffic

Adequate traffic analyses for the Bayport site are not included in the DEIS. 27-2

Transportation impacts are not analyzed for Red Bluff Road, Genoa- Red Bluff, Fairmont Parkway, or for the Clear Lake Area as a whole. I point out that the DEIS evaluates traffic impacts for Shoal Point and Pelican Island as far away as I45 and South Belt— the DEIS provides inconsistent traffic analyses for the different sites. 27-49

In particular, we are concerned about increased traffic on Red Bluff Road. The noise and traffic hazards —this is the route used by our school buses transporting our children to elementary and middle school — have not been addressed. Further, the assumed improvements to State Highway 146 have not been approved or funded and are not included in the cost analysis. 27-50 27-9

Environmental degradation

My children love Taylor Bayou and Galveston Bay. They have conducted their own biodiversity surveys and know when and where the shrimp, crabs, fish and ctenophores grow. They know the importance of oysters to the quality of Galveston Bay waters, and the value of the fin and shell fish industries to the area. The DEIS failed to assess the direct environmental impacts of paving wetlands, dredging deep channels (the Port is planning for big Panamax ships... why isn't a 50-foot channel included in the DEIS?), potential spills from rail and truck traffic and the threat of introduced species. The DEIS also fails to account for the true cost of our valuable wetlands and nearshore marine ecosystems, and the impact to tourist and fishing industries. 14-24

Ambient noise and light

The noise and light impacts have not been properly assessed in the DEIS. Bayport is directly across the lake from our community. There will be substantial nightglow from the banks of lights. The "protective" berms will not be barriers for light and noise in the direction of Taylor Lake Village, and will not provide any buffer for residents that aren't living directly adjacent to the berms. The noise analyses fail to account for the noise spikes from the clanging of containers — the loudest and most objectionable noise that the proposed port facility will produce. 3-20 17-7 8-20

Cost

Cost accounting throughout the DEIS is so flawed as to be baseless. Taylor Lake Village, and the surrounding cities have worked hard to create a safe, green, family-oriented community. We are proud of our fishing fleets and our tourist and recreational opportunities. The DEIS does not properly calculate the real costs and impacts due to health hazards, substantially decreased property values, and lost industries. It fails to include costs for deeper dredging of the channel to fifty feet, local road improvements, the cumulative impact of the Bayport construction and the proposed BNSF Rail, and increased security needed because of the threats of terrorism. The full costs of the proposed Bayport site must be compared with those of the alternative sites. 22-117 20-20

In summary, the DEIS for the proposed Bayport container facility is inaccurate and misleading. As such, the U.S. Army Corps of Engineers is failing at its charge of protecting the health and welfare of our citizens. The data indicate that better sites (Shoal 23-116

Point or Spilman's Island) exist for a Galveston Bay container facility that are cheaper, facilitate more efficient port construction and operations, impact the environment less and put far fewer people and existing industries at risk. The only conclusion that can be drawn is that political motivations have hammered all objective analyses — Bayport is NOT a reasonable location for the proposed container facility.

2-90

29-76

You still have some homework to do. I ask you address these concerns, and the many others that have been submitted to you in a fair and objective manner.

Sincerely,

Cynthia A. Evans

Cynthia A, Evans, Ph. D.

Cc: Mayor Lee Brown
Councilwoman Shelley Sekula Rodriguez
Councilwoman Addie Wiseman
Representative Sheila Jackson Lee
Representative Ken Bentsen
Representative Tom DeLay
Representative Nick Lamspon
Senator Kay Bailey Hutchison
Representative John Davis

MAR 1 2 2002

Judy Van Maanen
6919 Bent Branch
Houston, Texas 77088
March 3, 2002

DP 11080

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

With respect to the proposed Bayport marine terminal I would like to record the following objections.

1. Bayport is in *every way* an unsuitable site for the proposed terminal. It is located in a quiet residential area with water recreation facilities including a sailing camp for Girl Scouts which would be ruined by the terminal. The population in the proposed area is greater than that of all the alternative sites *combined*! 29-76 32-2
2. The facility will ruin more than 116 acres of wetlands most of which are adjacent to waters. These should be included in any further review. 14-4

The Port Authority and the Corps are responsible for preparing a supplemental DEIS that should address *all* of the points that the current DEIS failed to including, but not limited to, the following: 23-6

- air pollution models for all pollutants for which national standards exist; 7-6
- non-Bayport combinations that would provide greater economic benefit at less environmental cost; 2-10
- the impact of the 50' channel that would be necessary for 56' MLT wharves; 20-1
- future land use impacts for all of the areas that will be affected; 4-4
- erosive effects ships wakes; 15-4
- the impact of transportation and noise, including truck and rail traffic, on all of the surrounding communities, and 27-4/3-7
- potential risks involved with hazardous materials, safety, and potential terrorism. 21-6/21-20

The Port Authority and the Corps have been grossly negligent thus far in submitting a DEIS that fails to address concerns already raised.

Judy Van Maanen

Judy Van Maanen
(713) 896-0468

MARIE D. WISE
1129 EAST 16TH STREET ▪ HOUSTON, TEXAS 77009 ▪ 713.426.3170

MAR 1 2 2002

March 3, 2002

DP 11081

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

Please note my opposition to the proposed Bayport marine terminal. Bayport is in *every way* an unsuitable site for the proposed terminal. Consider the following points: 2-4

1. It is located in a quiet residential area with water recreation facilities including a sailing camp for Girl Scouts which would be ruined by the terminal. The population in the proposed area is greater than that of all the alternative sites *combined*! 23-119
2. Natural wetlands at the Bayport site include more than 116 acres most of which are adjacent to waters. Heretofore not considered by the Corps, these should be included in any further review. 14-4
3. The air pollution impact would far exceed any estimate in the Corps analysis. The EIS must include models for all pollutants for which national standards exist. That the DEIS did not consider this is unacceptable. 7-6

Furthermore, the Corps has failed to consider the following in the DEIS: 2-10

- that non-Bayport combinations would provide greater economic benefit at less environmental cost; 11-9
- the 50' channel that would be necessary for 56' MLT wharves; 4-4
- future land use impacts for all of the areas that will be affected; 18-2
- the impact of transportation and noise including truck and rail traffic, and 21-39
- potential risks involved with hazardous materials, safety, and potential terrorism.

The Port Authority has acted with impunity and, on many counts, illegally in its management of the proposed facility. The DEIS is unacceptable; the Port Authority and the Corps are accountable for answering *each and every objection and issue* in a supplemental DEIS. 23-124

Marie Wise

Feb. 26, 2002

ARMY DEPT. OF CORP. of ENgineers

MAR 1 4 2002

RE: BAY PORT TERMINAL DP 11082

SCC

IF IN fACT your research proves the Bay PORT TERMINAL WORTHY to be built and the eNVironMENT is not critically impacked certainly you must know the great job OPPORTUNITY this project will have ON THIS region of TEXAS. 29-47

THE PORT of HOUSTON has always led the way in the GULF of Mexico preparing for an even changing future in the SHipping Industry. 1-3

We who support this project ask that the leadens of this great PORT be given the chance to continue to provide Jobs and a safe and clean eNVIRONMENT. 1-1

We who support this effort feel no ill will toward those who oppose this terminal. 29-1

BUT I think the STAFF at the PORT of HOUSTON SHould have the CHANCE to WORK OU the "glitches" that exiST and make this terminal WORK for everyone

Regards

J. D. McDonald

over

Name : J. D. McDONALD

11062

age : 57

Job : 39 YRS. as a LONGSHOREMAN

Misc: Please know that this project is very important to the SHIPPING INDUSTRY AND for HOUSTON TX.