yp11870

Drusilla Dickson
502 Pine Gully Road * Seabrook, TX 77586 * 281-474-2494

August 14, 2002

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

Dear Mr. Standley,

RE: Bayport Container Terminal
Department of the Army Application Number 21520
Revised Public Notice No. 2 (July 22, 2002)

I wish to comment upon the revised wetland mitigation proposal included in revised Public Notice #2 for the Bayport project.

Revised Public Notice #1 increased the acres of jurisdictional wetlands from the 2.5 identified in the DEIS to 18.3. Revised Public Notice #1 also identified 310 acres of open water habitat as being jurisdictional for project purposes. In addition, approximately 114.5 acres of non-jurisdictional wetlands would be impacted within the project site.

Revised Public Notice #2 maintains that 18.3 acres of jurisdictional wetlands would be filled but alters the open water affected by dredging to 127.3 acres, seemingly altering the open water habitat by about 190 acres. There is no explanation for this difference. In Revised Public Notice #2, there is no mention of the acreage of non-jurisdictional wetlands to be filled, which should remain at 114.5 acres. 14-128

There is no mitigation proposed for the non-jurisdictional wetlands. This means there are 114.5 acres of important wetlands that are not proposed for mitigation. Because these are unmitigated impacts, they should be considered as negative impacts of the proposed action. As such, this project contributes to the cumulative loss of prairie pothole wetlands along the coast. If these wetlands are not compensated, then the DEIS should be supplemented to discuss the 14-129

role of this project regarding cumulative loss of wetlands. At this time, there is no such discussion, but it is certainly needed.

The wetlands on the Bayport site are viable, natural wetlands--by contrast with those at the Spillman's Island and Shoal Point sites, which are spoil disposal areas that are not even legally classified as wetlands. Under the 404(b)(1) guidelines, there is a requirement that the least damaging practicable alternative be selected by the Corps of Engineers. The alternative of constructing Bayport, and its associated impacts, should be reconsidered in light of Revised Public Notices #1 and #2. This reconsideration requires the reopening of the DEIS for comments and ideally would involve the publication and circulation for comments of a Supplemental Draft EIS. 14-130 23-267

Sincerely,

Dru Dickson

Dru Dickson

3815 Bonita Lane
La Porte, Texas
77571-7320

August 7, 2002

YP11871
e

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

Dear Sir:

29-109 My husband and I have lived in the Bay Colony Sub. division for thirty-five years. This is a beautiful, peaceful place. Let's keep it that way.

29-110 The proposed expansion of Bayport would have a very detrimental effect on air quality, land use, wetlands and quality of life.

Please re-consider.

Sincerely,
Catherine Busch Hair
William T. Hair

Marcus A. Lamkin
3412 Bayou Forest Dr.
La Porte, TX 77571

VP 11872

August 6, 2002

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

Subject: Aug 22, Deadline Comment Period

Dear Mr. Stanley:

I am pleased to be able to comment on Permit application 21520 Revised.

I have read this report from beginning to end and would offer the following comments.

The Public Interest Review Factors (Pg4) seem to be more concerned with fish habitat, water flow, wetlands, etc. than with the economics. aesthetics and general environmental concerns of humans. 23-237

The report spends 54 pages in drawings and details of construction and wetland replacement. It says nothing about the economic impact on the surrounding communities. 6-148

The report misses completely the public's concerns regarding, noise, light, waterway traffic, fish population, pleasure boating and home values. Your only comments brush over this with the statement "the proposed action would not have a substantially adverse impact on Essential Fish Habitat or Federally managed fisheries in the Gulf of Mexico, etc". The elaborate and expensive berm and landscaping plans (3 pages) would not mitigate the above negatives. They are an added cost hoping to make the project more acceptable. The fancy design light tower lights may not shine in the eyes of the neighbors, it will just make it difficult to tell when night falls. Nothing is said about mitigating the 270' tall crane towers. (360' when dock is unoccupied). Sounds like a football field length sticking up in the air, doesn't it. (We assume the Crane/Ship drawing is to scale). There will be more 22-171 22-172

times when the cranes are up than when down.(as observed and counted in our unobstructed view of Barbour's Cut

The wetlands conversation takes up the bulk of this report and is the least important environmental element in the project. Eighteen acres out of 1043? We're going to compensate for that by buying a 173 acre site, 3-4 miles away (corner Bay Area Blvd and Red Bluff)on land adjacent to the Armand Bayou Nature Center. POHA apparently is going to finance the planting of six varieties of grasses (weeds) and after a period of time transfer the site to a non profit. Who else but the Nature Center. In effect, POHA is buying their way out of a wetlands problem. 14-135

I have stayed close to this project from the beginning and it appears to me that the Corps is trying in every way it can to excuse the Container Port operation for its certain very negative effects on the surrounding communities, in quality of life, destruction of the suburban neighborhood concept, pleasure boating and fishing and perhaps worst of all, the loss in home values in sales of the future. 22-173

I urge you in the strongest terms to deny this permit 29-5

Thank you for accepting my comments.

Marc Lamkin

Phone & fax 281 471 2130
Email: mlamkin1@houston.rr.com

Cc: Addresses and Fax numbers

Lieutenant General Robert B. Flowers
Commanding General and Chief of Engineers
U.S. Army Corps of Engineers, Executive Office
441 G Street NW
Washington, DC 20314-1000
202/761-1683

Brig. General Robert Griffin
Chief, Civil Works Directorate
U.S. Army Corps of Engineers, Executive Office
441 G Street NW
Washington, DC 20314-1000
202/761-1683

Cc: Addresses and Fax numbers

11872

Lieutenant General Robert B. Flowers
Commanding General and Chief of Engineers
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441 G Street NW
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Brig. General Robert Griffin
Chief, Civil Works Directorate
U.S. Army Corps of Engineers, Executive Office
441 G Street NW
Washington, DC 20314-1000
202/761-1683

Brig. Gen. David F. Melcher
Commanding Officer
U.S. Army Corps of Engineers, SW Dist.
1100 Commerce St
Dallas, TX 75242-2500

Colonel Leonard D. Waterworth
Commanding Officer and District Engineer
U.S. Army Corps of Engineers, Galveston CESWG-DE
P.O. Box 1229
Galveston, TX 77553-1229
409/766-3951

The Hon. Ken Bentsen
6575 West Loop South, Suite 496
Bellaire, TX 77401
202/225-2947

The Hon. Kevin Brady
616 FM 1960 Ste315
Houston, TX 77094
Tel #281/895 8892

The Hon. John Culberson
10000 Memorial Dr Ste 620
Houston, TX 77024
Tel # 713/682 8828

The Hon. Tom Delay
10701 Corporate Dr. Ste 118
Stafford, TX 77477
Tel #281/240-3700

11872

The Hon. Sheila Jackson Lee
1919 Smith St, Suite 1180
Houston, TX 77002
202/225-3317

The Hon. Nick Lampson
1350 NASA Rd 1, Suite 224
Houston, TX 77058
Tel# 281 333 4884

The Hon. Gene Green
11811 I-10 East, Suite 430
Houston, TX 77029
202/225-9903

The Hon. Kay Bailey Hutchison
1919 Smith St, Suite 800
Houston, TX 77002
202/224-0776

The Hon. Phil Gramm
24 Greenway Plaza, Suite 1705
Houston, TX 77046
202/228-2856

Comm. El Franco Lee
1001 Preston
Houston, TX 77002

Comm. Jim Fonteno
7330 Spencer HWY
Pasadena, TX 77505

Comm. Steve Radack
1001 Preston Ste 924
Houston, TX 77002

Comm. Jerry Eversole
1001 Preston Ste 924
Houston, TX 77002

Cty Judge Bob Eckels
1001 Preston
Houston, TX 77002

11872

YP 11873

August 7, 2002

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

Re: 22 July 2002 Public Notice (revised) – Permit Application #21520

Dear Mr. Stanley,

I request that these comments be made part of the permanent record for the above mentioned permit application. All previous comments, submitted by me, opposing the issuance of this permit (which should have been made part of the permanent record at my request) still stand.

First, the Port's amended permit application should trigger a Supplemental DEIS (SDEIS). 23-266

Second, the SDEIS should reevaluate air quality, noise, land use, wetlands, transportation, 50 foot Bayport channel impacts, and cumulative impacts with the concurrent proposed San Jacinto Rail project, in light of the revised application.

In addition, I believe the SDEIS should address any other concerns (such as increased threat of terrorism) not addressed in the DEIS. 35-7 The SDEIS should also contain a fair and unbiased comparison with alternative sites. 2-198

Thank you for your time and attention.

Barbara Suber

Barbara Suber
3902 Bonita
LaPorte, TX 77571

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

August 8, 2002

YP 1187.1
10

Mr. Kerry:

I am a resident of Seabrook and I continue to be astounded that the Port of Houston is being allowed to run rough shod over local communities in its efforts to secure permits for the container port expansion. Based on the latest information I have it seems to me that the Corps needs to do the following. 23-229

1. We should have an additional DEIS based on the Port's amended permit application. How can this not be true?
2. We need the additional DEIS to re-evaluate the air quality, noise, land use, wetlands, transportation, 50 ft. Bayport channel impacts and the cumulative impacts with the current proposed San Jacinto Rail project. 23-266
3. The Corps needs to really evaluate and explain how the Port's proposed wetlands mitigation actually makes up for the devastating effect the container port will have on wildlife, migrating birds, etc. in north Seabrook. It is completely unrealistic to believe that the existing wildlife can be "moved" to a new place dug up off Redbluff road. 14-136

I appreciate your consideration of these issues. And my neighbors do too.

Jeff Southard
618 Bay Club Drive
Seabrook, Texas 77586

1/P 11875
6

August 8, 2002

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

From: Peter J. Guarino
217 Garfield
La Porte, Texas 77571-6423
713-471-5355 Phone & Fax #

Dear Mr. Stanley,

This letter is in response to your Public Notice of July 22, 2002. I am very happy you included me on your mailing list of interested people. I wish to participate in this process.

My understanding is the applicant proposes to develop a major marine terminal complex on approximately 1,043 acres, along the south side of the Bayport Ship Channel.

My opinion of this proposal is very negative. I am a 75 year old retired Pharmacist who invested most of my resources to live in La Porte, Texas because of all the recreation activities that Galveston Bay has to offer as a primary incentive. 29-111

The Port of Houston Authority has shown a very dogmatic attitude and seems determined to put this major marine terminal in the midst of a heavily populated area. Common sense should dictate they push for a more sensible location. That would also save you a lots of wasted time, energy and money. 2-199

The U.S. Fish and Wildlife Service has deemed this to be "the most environmentally damaging" site among the alternatives under consideration for this giant container port on Galveston Bay according to their response to the draft Environmental Impact Statement for the Project. I agree with their opinion. 2-196

The Fish and Wildlife Service strongly urges the Corps "not to accept the Environmental Impact Study or issue a permit for the container cargo facility until the study demonstrates why the least environmentally damaging practicable alternative has not been selected." The Service dismisses proposed mitigation measures as inadequate, and reserves the right to refer the project to the Council on Environmental Quality, under National Environmental Policy Act regulations. I agree with their opinion. 29-108

Also, the projection of some 7,000 trucks per day going into and out of the Bayport site once it is built out has me quite concerned. We already have a traffic problem on Highway 146 today and this would be the straw to break the camel's back in this area. 27-1

In the late 1960's the Clean Water Act was passed and Galveston Bay began perking up to a little bit like it was when I spent my summers on Galveston Bay as a young boy in Seabrook, Texas. We cannot allow man, with all his knowledge, to still find a way to foul it up again.

Sincerely,

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

August 8, 2002

YP 11877

Mr. Kerry:

I am a resident of Seabrook and I continue to be astounded that the Port of Houston is being allowed to run rough shod over local communities in its efforts to secure permits for the container port expansion. Based on the latest information I have it seems to me that the Corps needs to do the following. 23-229

1. We should have an additional DEIS based on the Port's amended permit application. How can this not be true? 23-266
2. We need the additional DEIS to re-evaluate the air quality, noise, land use, wetlands, transportation, 50 ft. Bayport channel impacts and the cumulative impacts with the current proposed San Jacinto Rail project.
3. The Corps needs to really evaluate and explain how the Port's proposed wetlands mitigation actually makes up for the devastating effect the container port will have on wildlife, migrating birds, etc. in north Seabrook. It is completely unrealistic to believe that the existing wildlife can be "moved" to a new place dug up off Redbluff road. 14-136

I appreciate your consideration of these issues. And my neighbors do too.

Janet Southard

Janet Southard
618 Bay Club Drive
Seabrook, Texas 77586

YP 11873

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

August 6, 2002

Dear Mr. Stanley,

This letter represents our comments on the Revised Permit Application No. 21520, which is the revised permit application of the Port of Houston Authority for a major marine terminal along the Bayport Ship Channel.

The Port Authority's answer to lack of space in the ship channel is to build a turning basin out into Galveston Bay. The traffic, high mast lighting, and noise pollution would be unbearable. The site chosen would negatively impact the oyster reef just outside the channel, recreational and commercial fishing, and recreational sailing and boating. It is a favorite place for white pelicans to congregate and feed. These white pelicans have just returned to the bay after a long absence, and no dredging should be done which will disrupt this wildlife. 22-174

The reduction of cruise terminal berths from five to three is not sufficient. It is a small reduction in the total number of acres at this site, and the cruise terminal berths that the Port Authority now owns, sit idle. Need we add three more to this list? 1-54

The Corps has yet to address the noise and light pollution that will take place during construction. Those of us, who live near the Bayport Channel, will suffer irreparable damage to our homes, health and well-being. There are 5,000 people living within a mile of this facility, 20,000-30,000 in close proximity. The impact of this project on the oyster reef that exists in close proximity to the channel is again ignored. The mud churned up by passing ships already results in sediment being flushed out of the channel onto this reef. This sediment is readily observable from shore. More, and much larger, ship traffic means more sediment will be stirred up and deposited on this reef. 22-175 10-10

One of the proposed sites is Spillman's Island. This site is superior to Bayport in many ways. First it is contiguous to the existing port at Barbours Cut. It is closer to Highway 225 and the Hartman Bridge, both routes superior to SH 146. It does not impact residential areas, and it is away from Galveston Bay, around the corner in the ship channel. Another is Shoal Point, which is owned by the state and the City of Texas City, and is the site of a proposed private container terminal. Current proposed plans call for Stevedoring Services of America's Texas City terminal to contain six berths at build out. 2-184 2-186 2-194

We agree with the Texas Parks and Wildlife critique of the DEIS as follows:

The critique seriously questions the integrity of the Port Authority's application.

The handling of the No Action Alternative ranks right up there with the Port Authority's assumption that SH146 is already so congested; Bayport can't make it any worse. The impact of an additional 5,000 to 7,000 trucks one way, per day will be huge! There is no way that the road system along the bay can handle this traffic. These trucks do not turn off their engines. They sit and idle. The prevailing SE sea breeze at 12+ knots will bring all that smoke on top of Houston and its neighboring communities. This location, Bayport, will have a negative effect on all of the citizens of Houston. 27-1 27-17 7-32 7-83

Bayport is one of the most environmentally damaging alternatives for a container terminal. There will be a loss of more than 1,000 acres of coastal prairie, which is rare habitat found only in southwest Louisiana and southeast Texas. It is similar to the tall grass prairie in the Midwest states, and needs protection. 12-67

The description of the wetland at the various sites and wetland mitigation has not been factual and is strongly biased in the direction of the Bayport location as the most attractive site. The whole issue of wetlands should be revisited. 14-166

We request that the permit be denied, or at least trigger a Supplemental DEIS. The SDEIS should reevaluate air quality, noise, land use, wetlands, transportation, 50ft. Bayport channel impacts, and cumulative impacts with the concurrent proposed San Jacinto Rail project, in light of the revised application. 29-5 23-266

Sincerely,

Dwight & Carol-Lee Hollister
206 Bay Colony Drive
LaPorte, Texas 77571
281-867-5068
dhollister1@houston.rr.com

POST OFFICE BOX 150
LaPORTE, TEXAS 77572-150
9 August 2002

YP 11873

KERRY M. STANLEY
REGULATORY BRANCH, CESWG-PE-RE
U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1229
GALVESTON, TX. 77553-1229

RE: PERMIT APPLICATION 21520
(REVISED) 22 JULY 2002

DEAR SIR:

This letter is in response to your request of 22 July 2002 for citizen comments concerning the proposed Port of Houston Authority project at Bayport. I have responded previously to you that it is not in the best interests of our community in Shoreacres to build this facility here. It is still my contention that it is not good, as described below, based on my review of the POHA proposed plan changes. 29-112

The reduction from five to three cruise ship berths is not significant. It is merely a reduction in available space based on other changes. When the design changed the entrance to include Cruise Road and other layout modifications then there was less space for cruise ship berths. Cruise ship traffic alone is not that big of an issue. It is the container handling mess that will present extreme problems in the area. So, less cruise ship traffic does not make it any better! 1-54

The elaborate wetlands mitigation plan is somewhat impressive as a stand alone document but it does not make the POHA terminal any more acceptable. Building the artificial replacement wetlands is: very expensive; a long-term maintenance/monitoring project; amongst a populated rural/semi-commercial area; and generally not wild life friendly. It probably is popular with only the existing Armand Bayou Nature Center administration. Leave the existing wetlands alone and locate the terminal facility where it is wanted! 14-135 14-142

As a Shoreacres citizen within a few blocks of the Bayport channel, the 20 foot tall concrete wall proposed on the revised plan is not at all impressive nor a solution to the problems of the proposed facility. It will become in time just another graffiti-filled eyesore. In general, no matter how much pretty stuff is initially built to hide something that is ugly, noisy and undesirable it, in a few short years, becomes disgusting! Do not permit the facility here! 22-176

Overall, the revisions are nothing more than a giant politically driven pandering to the public to again try to sell the project. Yes, POHA has invested a lot already in design, studies, early investments in land, and improvements. But, the same pot of money can be expended to do the project in a better location! The Port of Houston ads on TV recently are a revolting use of taxpayer funds to try to sell the project! Again, do not issue the POHA this permit!! 29-5

Yours truly,

Pat O'Mara Dan Sumpter

PAT O'MARA/DAN SUMPTER
(281) 470-9406

CC: GBCPA
P.O. Box 323
Seabrook, TX 77586

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

August 8, 2002

YP11800

Mr. Kerry:

I am a resident of Seabrook and I continue to be astounded that the Port of Houston is being allowed to run rough shod over local communities in its efforts to secure permits for the container port expansion. Based on the latest information I have it seems to me that the Corps needs to do the following. 23-229

1. We should have an additional DEIS based on the Port's amended permit application. How can this not be true? 23-266
2. We need the additional DEIS to re-evaluate the air quality, noise, land use, wetlands, transportation, 50 ft. Bayport channel impacts and the cumulative impacts with the current proposed San Jacinto Rail project.
3. The Corps needs to really evaluate and explain how the Port's proposed wetlands mitigation actually makes up for the devastating effect the container port will have on wildlife, migrating birds, etc. in north Seabrook. It is completely unrealistic to believe that the existing wildlife can be "moved" to a new place dug up off Redbluff road. 14-136

I appreciate your consideration of these issues. And my neighbors do too.

Pete Braccio

Pete Braccio
1868 Dolphin Drive
Seabrook, Texas 77586

08/09/02

AUG 13 2002

Kerry M. Stanley
REGULATORY BRANCH
US ARMY CORPS OF ENGINEERS
P.O. BOX 1229
GALVESTON, TX
77553-1229

YP 11801
AV

DEAR SIR,

WE, William C. Duncan and Linda B. Duncan of 3103 HAZYPINE, La Porte, TX., oppose the site chosen for the location of the Port of Houston Expansion. Its encroachment on these residents and those of La Porte, El Jardin, and Seabrook interrupts a way of life established over 100 years ago. This area is an Eden. Early on lots for houses did not exceed a 50' width in much of this local as it was designated an orchard. As an orchard, the land was too valuable for much else, ie. unaffordable except in small parcels for individuals.

29-3

5-1

We have lived here since Oct of '73. Development, both residential and commercial, has been on going and extensive. It has been amazing

and also threatening. However, none has been such a harbinger of detrimental change as the Port.

11801

We ~~have~~ have no doubt the Port wants to be a good neighbor. But due to the nature of this operation, it cannot. Look at Morgan's Point.

There is continual commotion brought by the trucking and also a great increase in air pollution and noise. 18-1

Although the concept has been downsized and there is appearance that wetlands are much less compromised, it is our position that this site is better suited for daily living of area families and mecca for recreation for a broad spectrum of the populace.

In short, here is a list of what we protest:

More trucks = more congestion and pollution; more/longer commute times; more noise. 18-1

Noise from the Port. We can hear the operation at Bay Point now. 3-1

THE SPECTRE OF MORE TRAINS; MORE RAILS = MORE DELAYS; POLLUTION AGAIN, BOTH AIR AND NOISE. 8-8

INTRUSIVE lights. These "WASH OUT" THE NIGHT SKY, eleminate THE STARS AND INTRUDE ON THE BLACKNESS OF THE NIGHT. 17-9

THE flow of TRAFFIC will BE compromised even MORE. OUR HIGHWAY, 146, IS ALREADY AT CAPACITY. TRAVEL will BE MORE PERILOUS. 27-1

WE protest most the impending INCREASE in discomfort and disease. Solitude will BE gone. Calm + quiet will BE REDUCED AGAIN. THE pursuit of HAPPINESS is REPLACED with THE PURSUIT OF THE DOLLAR. AND THE WETLAND CRITTERS OF BAYPORT ARE DEVALUED AGAINST THOSE OF OTHER NEIGHBORING AREAS. 5-5 14-1

Sincerely — Bill and Linda Duncan

YP 11892
AV

11.50

July 10, 2002

YP 11803

AV

Lee and Deborah Graham
2513 Lafayette Court
Seabrook, Texas 77586

Mr. Kerry M. Stanley
Regulatory Branch, CESWG-PE-RE
US Army Corps of Engineer
PO Box 1229
Galveston, TX 77573-1229

Dear Sir;

The Army Corps of Engineers wrote an Environmental Impact Study that purposely underestimated the acreage of wetlands impacted by the Bayport Project by approximately 111.5 acres, so that the TNRCC would not have to approve the project. The Port of Houston says it has "powers...to condemn" land in our city without the approval of the city, or its residents. The majority of the people living in this area oppose this project. And the City Councils of Seabrook and Pasadena have opposed the building of this Container Port, and the City of Seabrook is planning legal action. 14-5

Other locations exist for this Port that do not impact thriving communities, historical sites, or vast amounts of wildlife, but they would cost more for the Port to develop, so the Port does not want to consider them. Like the Enron's, Worldcom's and Haliburton's of front-page frame, the greedy Port of Houston does not care about the people that will loose thousands of dollars in home value, the children who will breathe the resulting pollution, the cities that will lose hundreds of thousands in tax revenue, or the wetland animals that will be impacted, because of their project. 16-14 14-1

Like most of the middle-class aerospace engineers in this area, we put money into our 401Ks, and into our homes. Because of the greed of corporate entities like the Port of Houston, we are facing the loss of thousands of dollars in both investments.

There is no convincing reason for building this port in Seabrook, but there are millions of reasons not to. So I beg you to help redirect this menace to an area that will not be so ruined by its presence.

Sincerely,

Lee and Deborah Graham

P.S. We have an opportunity to move to a part of the country, where pollution is no a major part of the economy. Please let us know if this is a "done deal", so we can get out before we lose much more of our home value. All of our friend, and kid's friends are here, but if you are going to destroy it, well... we are left with no choice.

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

August 12, 2002

YP11804
AV

Mr. Kerry:

I am a resident of Seabrook and I continue to be astounded that the Port of Houston is being allowed to run rough shod over local communities in its efforts to secure permits for the container port expansion. Based on the latest information I have it seems to me that the Corps needs to do the following.

1. We should have an additional DEIS based on the Port's amended permit application. How can this not be true? 23-240
2. We need the additional DEIS to re-evaluate the air quality, noise, land use, wetlands, transportation, 50 ft. Bayport channel impacts and the cumulative impacts with the current proposed San Jacinto Rail project. 23-258
3. The Corps needs to really evaluate and explain how the Port's proposed wetlands mitigation actually makes up for the devastating effect the container port will have on wildlife, migrating birds, etc. in north Seabrook. It is completely unrealistic to believe that the existing wildlife can be "moved" to a new place dug up off Redbluff road. 14-7

I appreciate your consideration of these issues. And my neighbors do too.

Bill Clayton
633 N Flamingo Dr
Seabrook, Texas 77586

8/11/02

YP 11885
AV

To: Mr. Kerry Stanley
US Army Corp of Engineers

From: Martha Kivlovitz
Re: Supplemental DEIS for BayPort

Please require the Port to file a supplemental DEIS due to the permit amendments. The SDEIS should evaluate air quality, noise, land use, wetlands, transportation, and 50 ft Bayport channel impacts, as well as the cumulative impacts with the concurrent proposed San Jacinto rail project. -20-33 - 23-258

There are better options to purposefully consider, like Texas City, or technologically advanced options at Morgan's point. These options do so much less damage to the environment. Don't let the Port ramrod Bayport. 2-83

P.S. Hold to Port to truthful, ethical standards - we need this to regain confidence in our government and corporations.

Thank You,

Martha Kivlovitz
4820 Palm St.
Seabrook, TX 77586

Stanley, Kerry M SWG

From: Bledsoe, Phyllis A SWG
Sent: Wednesday, August 14, 2002 3:03 PM
To: Stanley, Kerry M SWG
Subject: FW: Port of Houston, Bayport

YP 11806
AV

Please respond.

Phyllis A. Bledsoe
Chief, Public Affairs
USACE, Galveston District
409-766-3005

-----Original Message-----
From: Fernando Garnica [mailto:fgar1@pdq.net]
Sent: Tuesday, August 13, 2002 9:32 PM
To: CESWG-PA@swg02.usace.army.mil
Subject: Port of Houston, Bayport Container

Please forward the following opinion to the personnel working on the above referenced project:

It is my opinion that increasing traffic in the Port of Houston is not a good idea. - 27.12
The Port is already too large and the traffic is intense.
The Port is polluting the air with the vessels using it.
The additional truck traffic will also add to the pollution of the area. 27.27

Why not divert this new traffic to other ports in the area. In this case every body wins.

It is time that the Houston Galveston area stops growing. It is already too large.

Sincerely

Fernando Garnica PE

Colonel & Mrs. Robert A. Maddocks, Jr.
2110 Woodside Drive
Houston, Texas 77062

YP 11807
AV

August 15, 2002

Mr. Kerry Stanley
Director, Regulatory Branch
CESWG-PE-RE
U.S. Army Corps of Engineers
Post Office Box 1229
Galveston, Texas 77532-1229

Re: Bayport DEIS

Dear Mr. Stanley,

Thank you again for collecting citizens' comments regarding the Port of Houston Authority's Bayport proposal EIS. We have previously provided a series of comments regarding air quality, land use, wetlands, noise and transportation issues, among others. This proposed facility will have a significant impact on our family's quality of life, the value of our property, and the future overall viability of our community. As a result, we are very concerned about our future in Clear Lake and the future of our business recruiting efforts. 5-1

Regarding the latest PHA revision to the proposal, we believe that the Port's amendment should cause the initiation of a Supplemental DEIS to better reevaluate significant environmental impacts and unresolved issues, including transportation, infrastructure, land use/property evaluations, air quality, noise, wetlands, and cumulative impacts that are associated with the proposed San Jacinto Rail project, among others. 23-248

We appreciate your support.

Sincerely,

Robert A. Maddocks, Jr.
Colonel, USMC (Retired)

DAVID & GAY YORK
2423 CRESCENT DRIVE
LAPORTE, TX 77571
(281)470-2998

YP 11883

AV

AUGUST 9, 2002

KERRY M. STANLEY
REGULATORY BRANCH, CESWG-PE-RE
US ARMY CORPS OF ENGINEERS
PO BOX 1229
GALVESTON, TX 77553-1229

KERRY M. STANLEY,

THIS LETTER IS IN FULL OPPOSITION TO THE PROPOSED BAYPORT TERMINAL. REASONS, AS PREVIOUSLY VOICED BY THE LOCAL TAX PAYING CITIZENS AND OTHERS HAVE BEEN BROUGHT TO YOUR ATTENTION REPEATIDLY, INCLUDE WATER POLLUTION, (NOT JUST POISON BALLAST WATER), NOISE POLLUTION (HAVE YOU EVER SLEPT IN MORGANS POINT -- ASK ANY MORGANS POINT RESIDENT PHA ARE BAD NEIGHBORS), LIGHT POLLUTION, AIR POLLUTION, (SHOULD NEED NO FURTHER EXPLANATION) REDUCTION OF ANIMAL /BIRD HABITAT (THIS WAS WETLANDS PRIOR TO PHA DRAINAGE SYSTEM). 29-3 18-21

THE QUALITY OF LIFE ISSUES GO ON AND ON. IT IS NOW OBVIOUS THAT THE BUILDINGS ON THE STRAND IN GALVESTON VIBRATE WHEN THE CRUISE BOATS POWER THEIR MOTORS. THESE ARE EFFECTS AND CONSEQUENCES. THE AIR QUALITY IS ALWAYS BEING QUESTIONED IN THIS AREA AND THE TERMINAL ADDITION WOULD PUMP UNBELIEVABLE AMOUNTS OF TOXINS INTO THE BREATHING AIR. THE MARINE LIFE CANNOT CONTINUE TO LIVE WITH TOXIC RUN-OFFS FROM CHEMICAL FILLED CONTAINERS. AS IT IS, WITH THE CHEMICAL MANUFACTURING PLANTS THAT ARE ALREADY IN THE SITE AREA, THE AIR IS PRESENTLY HARD TO BREATH. MORE MANUFACTURING AND DIRECT LOADING OF VESSELS WITH BULK CHEMICALS WILL BE BEYOND HEALTHY LIVING. 7-10 9-8

WE ALL KNOW PROMISES ARE BEING MADE TO "SAVE FACE" BY THE PHA. WE ALL KNOW THAT THESE PROMISES WILL NOT BE KEPT. THAT IS THE POLITICAL GAME. WHAT COULD THEY PROMISE THAT WOULD MAKE YOU THINK THAT IT IS WORTH IT TO DESTROY NEIGHBORHOODS WHERE FAMILYS HAVE BEEN LIVING HAPPILY? IT APPEARS THAT THE OBJECTIVE MAY BE TO FORCE PROPERTY VALUES SO LOW THAT THEY CAN CONDEM THE ENTIRE WATERFRONT FROM MORGANS POINT TO BAYPORT IN THE FUTURE. IS THIS THE PLAN FOR THE FUTURE? 5-5

YOU BE THE JUDGE. IS MONEY IN THE HANDS OF PORT COMMISSIONERS WORTH MAKING PEOPLE SICK AND ULTIMATELY KILLING THEM FROM TOXIC POLLUTANTS. AGAIN IS COLD HARD CASH WORTH TURNING A NEIGHBORHOOD INTO A DOCKSIDE GHETTO. TAKE A DRIVE DOWN BY THE DOCKS. WOULD YOU WANT TO LIVE THERE? AGAIN I ASK YOU TO BE THE JUDGE AND CARRY THAT DECISION WITH YOU.

I DO NOT HAVE TO REITERATE ALL OF THE STATISTICS THAT HAVE ALREADY BEEN GIVEN TO YOU REGARDING AIR QUALITY, TRAFFIC CONGESTION, WATER QUALITY (WOULD

YOU PERSONALLY EAT A FISH CAUGHT IN THE HOUSTON SHIP CHANNEL?), NOISE POLLUTION, LIGHT POLLUTION, ETC. ASK YOURSELF, WOULD IT IMPACT MY ENVIRONMENT IF THIS WAS BUILT NEXT TO MY HOME. I DO NOT SEE HOW YOU CAN AUTHORIZE THIS PERMIT WITH A CLEAR CONSCIENCE. THIS PERMIT CAN ONLY BE AUTHORIZED FOR A PAYOFF. NO ONE WANTS TO LIVE IN THE FILTHY ENVIRONMENT THAT WOULD BE CREATED BY ALLOWING THIS RUIN.

REGARDS,

11003

Gay York

GAY YORK

** TOTAL PAGE.01 **

U.S. Army Corps of Engineers
Galveston District

Public Notice

Permit No.: 20204
Date Issued: 7 July 1995

U.S. ARMY CORPS OF ENGINEERS,
GALVESTON DISTRICT

PURPOSE OF PUBLIC NOTICE: To announce issuance of Letter of Permission (LOP) procedure for authorizing the work described herein, within the state of Texas.

SPONSOR: U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229

LOCATION: See "Location of Work" in enclosure.

SCOPE OF WORK: The enclosed "Letter of Permission Procedure, Excavation Activities" details the scope and location of work, terms and conditions, and application procedures pertinent to obtaining a Department of the Army LOP under the procedure.

BACKGROUND: A Public Notice was issued on 20 March 1995, proposing issuance of these LOP procedures. We received several comments from Federal and State agencies and the general public which were considered in finalizing the procedures.

If there are any questions relative to this Public Notice, please contact Ms. Cynthia Wood at the following address and/or phone:

Regulatory Branch, CESWG-CO-RB
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409/766-3980 Phone
409/766-3931 Fax

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS

11809

***** FACSIMILE COVER SHEET *****

AUG 09 2002 11:49

Message To:

☎14097666301

Message From:

SOUTHERN TILE&TERRAZO

01
Pages
Follow This Cover Page

YP11800

Stanley, Kerry M SWG

AV

From: Dwight Hollister [cdhollister@aol.com]
Sent: Wednesday, March 13, 2002 11:02
To: Stanley, Kerry M
Subject: Letter to CORPS

Mr.Kerry M. Stanley
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch P.O. Box1229
Galveston, TX 77553

Dear Mr. Stanley,

We mailed a letter to you earlier, but on rereading it, we realized we'd edited one of the most important points we wanted to make out of it. The DEBEAUTIFICATION OF THE BAY. Today our porch overlooks a beautiful piece of water, with herons, osprey, pelicans and gulls soaring overhead and fishing off our bulkhead. We were extremely upset to learn that the Port plans to build towering loading platforms well out into the bay. This will not only obstruct the view, but the constant noise of loading and loading ships will be unbearable. Please reconsider this idea. 14-6 14-82

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. 32-16 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? Better yet, how can the DEIS not consider the 50+ foot depth in its analysis? Are we destined to three months of dredging and six months off for eternity? 11-9

"Infrastructure" - Highway 146 is one of two Evacuation Routes from Galveston. It is almost at capacity 27-19

YP11890 AV

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 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

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.

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.

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.

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.

Sincerely

Dwight Hollister and
Carol-Lee Hollister
206 Bay Colony Dr.
LaPorte, TX 77571
281-867-5068
cdhollister@aol.com

7/23/02

YP 11895
AV

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

Dear Mr. Stanley,

As a concerned citizen, I feel compelled to write and express my view regarding Environmental Impact Statement No. 010429, Bayport Channel Container/Cruise Terminal Project. I am concerned that the U.S. Army Corps of Engineers is rubber-stamping this project without regard to the citizens that will be affected by it.

Having attended all public hearings regarding this matter, I am sure the USACOE and TNRCC officials are well aware of the local citizen's list of concerns. Nevertheless, I want to comment on a particular aspect of port expansion: the 30-plus tons per day of unregulated nitrogen oxide (NOX) emissions from oceangoing vessels that are spewed over our region. Houston's air already falls short of the federal mandate by about 56 tons of NOX per day. How can additional, unregulated air pollution that the port expansion would provide be allowed? These vessels are powered by engines that burn the cheapest, dirtiest fuel available. If the USACOE and TNRCC bless this project, it is proof positive to me that these organizations are truly only giving lip service regarding any efforts to meet air pollution guidelines. 7-59

The Port Authority has clout; I have no doubt about that. I can only hope that concern for the health and quality of life of the local citizenry will receive its deserved consideration. The attitude of expansion for the sake of expansion is short-sighted and self-serving for the Port Authority. I believe that economic expansion is important and I support it, but only when it is done responsibly. If the Port Authority's customers want to display responsibility and clean up their emissions, they should be welcomed. Until that time comes, it is irresponsible to force us to breathe toxic air. 5-5

The people in the proposed expansion area have made it clear that this project is not welcomed. I resent the fact that the Port Authority has begun to request bids for equipment and is placing ads to hire design engineers specifically for the Bayport Project. The Port Authority must believe this project will be rubber-stamped as well.

Sincerely,

Patrick Haussler

Patrick Haussler
1219 Larkspur Lane
Seabrook, Tx 77586

Cc: Jim Blackburn

7/23/02

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

12:59
Duplicate

Dear Mr. Stanley,

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Sincerely,

Patrick Haussler

Patrick Haussler
1219 Larkspur Lane
Seabrook, Tx 77586

Cc: Jim Blackburn

July 24, 2002

P 12893
N

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

Dear Mr. Stanley,

We sincerely **OBJECT** to the building of a Bayport container facility in the City of Pasadena, between the cities of Shoreacres and Seabrook, in Harris County, Texas. The building of this facility is not suitable for sustaining nor is it for improving life, human or otherwise. First of all, marine habitats will be altered to the degree where aquatic food chains will be broken forcing some species to look elsewhere or to diminish altogether. These could include mammals, migratory birds and fish as well as single-cell animals that are just as important to maintain the environment. Remember what happens to the Earth eventually happens to man. 29-3 12-4

Secondly, the air quality would be greatly altered with the influx of over 4000 more diesel-engine trucks moving along Highway 146, 225, Red Bluff, or Nasa Road One spewing out smoke. More is definitely not better. Poor air quality is the main reason that the Houston Ship Channel and the surrounding coastal areas around La Porte and Pasadena have the greatest number of cancer cases. Check that out at M. D. Anderson Hospital. More pollution is definitely not better. One experienced trucker mentioned that the trucks lined up at the La Porte Barbour's Cut Port spend 4 hours or more just sitting with the engines **running**, waiting for the containers to be **found** in the shipyard. Get the Port better organized, not a bigger playground. We already have pollution problems. More is not better. 7-7 7-10

Finally, this container port is not needed, especially at this location. Look at the residential areas of the container ports around the country; they are not suitable for maintaining a healthy lifestyle. They are the recesses of the country. The lighting, noise, and pollution are all detrimental to the health of the communities around the ports. Real estate will go down. Look what the Port did to El Jardin already by buying out and boarding up blocks of houses. Isn't that just a bit illegal? Building a port at this location also creates another lure for terrorists which are now a real threat to our nation. 21-20

We beg you **to deny** the Port of Houston Authority permission to build a container facility at the Bayport location or anywhere else on Galveston Bay. A better way would be to make the Port of Houston Authority tighten its belts and reorganize and maintain the current ports available to it now. If the Port of Houston Authority would run its ports more efficiently, there would be no need for the ruination of another part of this coastal area that we call home. 29-1

Sincerely,
Norm and Linda Lahaug

Norm and Linda Lahaug
203 Harborcrest
Seabrook, TX 77586

July 24, 2002

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

12:53

Dear Mr. Stanley,

We sincerely **OBJECT** to the building of a Bayport container facility in the City of Pasadena, between the cities of Shoreacres and Seabrook, in Harris County, Texas. The building of this facility is not suitable for sustaining nor is it for improving life, human or otherwise. First of all, marine habitats will be altered to the degree where aquatic food chains will be broken forcing some species to look elsewhere or to diminish altogether. These could include mammals, migratory birds and fish as well as single-cell animals that are just as important to maintain the environment. Remember what happens to the Earth eventually happens to man.

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We beg you **to deny** the Port of Houston Authority permission to build a container facility at the Bayport location or anywhere else on Galveston Bay. A better way would be to make the Port of Houston Authority tighten its belts and reorganize and maintain the current ports available to it now. If the Port of Houston Authority would run its ports more efficiently, there would be no need for the ruination of another part of this coastal area that we call home.

Sincerely,
Norm and Linda Lahaug

Norm and Linda Lahaug
203 Harborcrest
Seabrook, TX 77586

KERRY M. STANLEY
DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS

July 26, 2002

YP 11897
N

DEAR SIR,

I WILL WRITE THIS LETTER, EVEN THOUGH, I KNOW I'M WASTEING MY TIME. I'M SURE THE DECISION HAS ALREADY BEEN MADE TO LET THE HOUSTON PORT AUTHORITY TO DO WHATEVER THEY WANT TO DO.

I'VE JUST FINISHED READING ABOUT THE WONDERFUL PLANS FOR CREATING SOME NEW WETLANDS TO REPLACE THE NATURAL WETLANDS THAT WILL BE DESTROYED IN CONSTRUCTING THE NEW PORT. ACCORDING TO THE STATE FISH + WILDLIFE DEPT. THIS NEW AREA FALLS SHORT OF REPLACING ALL OF THE NATURAL WETLANDS LOST.

14-114

I ALSO READ WITH INTEREST ABOUT THE NOISE REDUCTION PLANS. I HAVE NEVER BEEN CONVINCED THAT A PILE OF DIRT 20 ft HIGH WOULD DO ANYTHING TO LESSEN THE NOISE WE WILL BE EXPOSED TO. AS FOR THE 20 ft PILE OF DIRT BETWEEN EL JARDINE + THE CRUISE SHIP DOCK, THIS WILL NEVER BE BEAUTIFULLY LANDSCAPED AS REPORTED IN THE NEW PLANS. THIS KIND OF LANDSCAPING + MAINTENANCE IS FAR TOO COSTLY FOR THE PORT TO CONTINUE.

3-101

YP 11897

AV

My Biggest Concern is one that the Corps of Engineers + the TNRCC have continued to ignore. + that is Air Polution. For those of us with Respiratory problems this is very important. this problem has been glossed over simply by stateing that the H.P.A is involved in research to find better fuel + equipment. this is all well + good,

1-2 But none of this new technology is available at present. Even if it was available, the cranes + fork lifts

21-10 on site cannot compare to the polution from the 5000-7000 diesel powered eighteen wheelers that the HPA tells us will come in + out on a daily basis. Even the air polution spewed out daily, pales by comparison to the polution generated by the tug boats, container ships + the cruise ships. All in all I think those of us with respiratory problems are in for a realy bad time. Our choises are few, sell our property at a loss, get gas masks or portable oxygen.

Sincerely
Mary L Martin
617 Baywood
Seabrook. TX 77586

YP 12803

Stanley, Kerry M SWG

From: David Leblanc

Sent: Monday, July 29, 2002 4:21 PM

To: Stanley, Kerry M

Subject: Bayport

I recently received an update to the EIS process which identified a new access point for cruise hip traffic. It identified a ramp exiting the south bound SH146 at Red Bluff road. Has this location been disclosed before? Has there been any traffic modeling for this intersection and the effect, if any, on increased traffic on red bluff east of SH 146. Are there any plans to make improvements to Red Bluff.

An e-mail response would be appreciated.

thanks you.

David Le Blanc
Greer, Herz & Adams, L.L.P.
One Moody Plaza, 18th Floor
Galveston, Texas 77550
(409) 797 -3200 (voice)
(409) 766-6424 (facsimile)

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YP 11893

AV

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before **22 August 2002**. CLOSEDATE. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections**. Comments and requests for additional information should be submitted to:

Kerry M. Stanley
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-6345 Phone
409-766-6301 Fax

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS

We are greatly opposed to building a major marine terminal complex as described in this notice. Subdivisions that have been established would have their value reduced.
As longtime homeowners in the area, we treasure the natural beauty and honor and respect the native animals and birds and fish.

29-3

The port at Texas City would benefit from an alliance with the applicant.

2-112

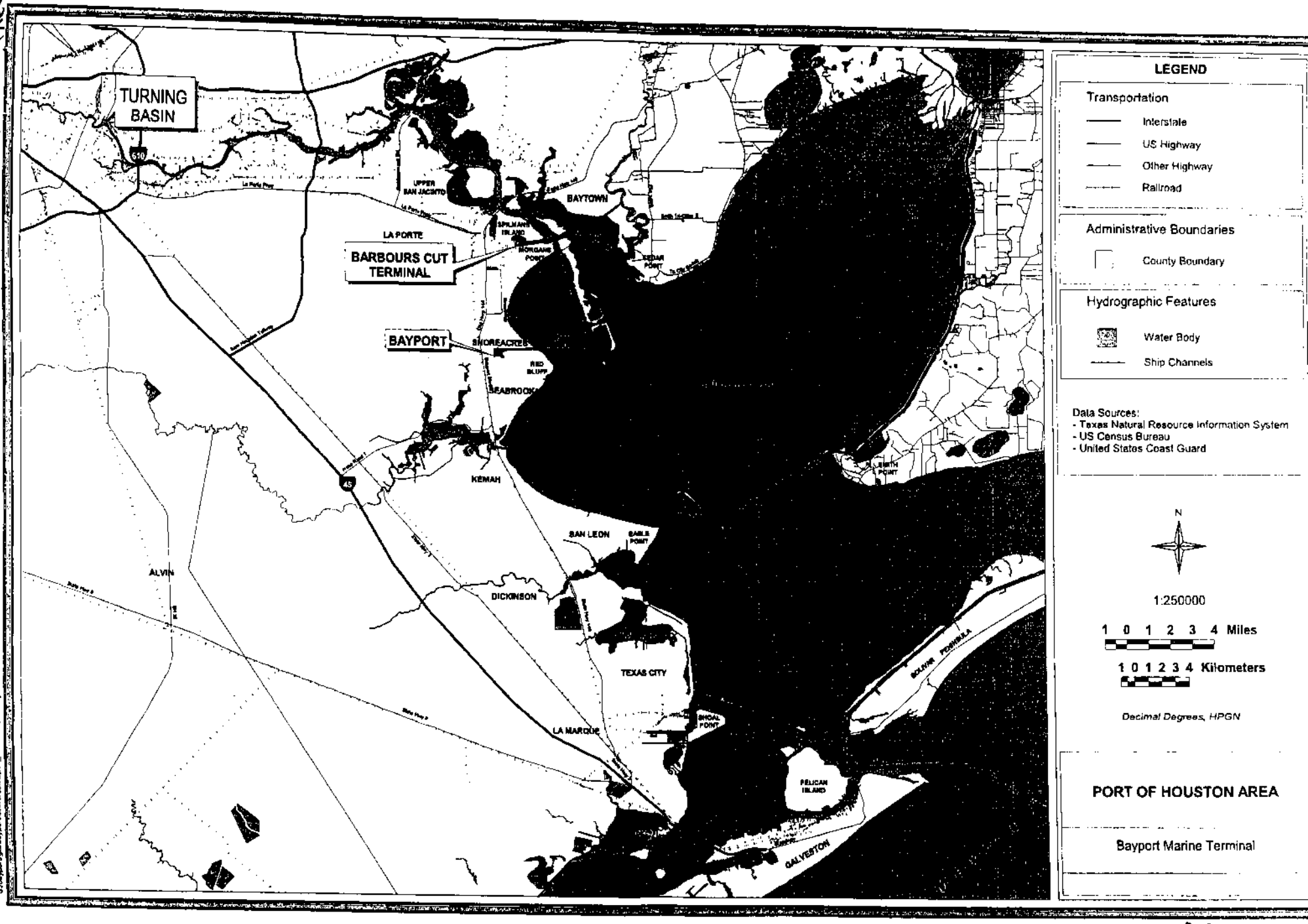
21520

5

Mr. & Mrs. Thomas J. Adams

Please listen to the people —

Mr. & Mrs. Thomas J. Adams
3029 Sherwood Oak St.
Dickinson, TX 77539



Sheet 1 of 54

USGS Quad:
League City

yp 11300

AV

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

July 26, 2002

Dear Mr. Stanley,

For the past few months Houstonians have been questioning the "iffy" reputation of the city, and there have been many letters written trying to explain or understand how we got to this point. The Olympic Committee visited several times and was impressed by the arenas in place and the close proximity to one another. I'm sure they were surprised and impressed by the quality of these potential venues and the hotels and restaurants Houston has to offer. The people of Houston are a definite plus, and the downtown skyline and facilities are great (if they could view them without driving on the streets to do so). The sailing and other water venues in the upper Galveston Bay area, including Clear Lake, provide some of the finest facilities of its kind anywhere. Yet we hear that the city lacks national and international appeal. We have a bad reputation.

Now, why do we have the reputation for being a city run by the special interest groups for the powers that be? A city that won't clean up its environment or save the assets it has. It's because we live up to, or shall I say down to, it continually. Right now we have one of the finest natural resources in our area scheduled for destruction. The expansion of the Port of Houston in the Bayport Channel will destroy the residential areas adjacent to it. 5-2 Right now, over 5,000 people live within one mile of the proposed container port. (We happen to be two of them.) Our home and the other viable neighborhoods will be devastated by Bayport, as will other neighborhoods adjacent to the road system that must handle an additional 5,000 trucks a day, one way on average, with a peak of 7,000. 27-1 There is no way that the road system along the bay can handle this traffic. The U.S. Fish and Wildlife Service agrees, issuing a statement, Houston Chronicle July 17, 2002, stating the environmental harm at this location would be greater than any of the six alternative sites the Port of Houston is considering. Building a massive shipping container terminal along the Bayport Ship Channel would cause extensive environmental damage to what little is left of the fragile coastal prairie that once surrounded Galveston Bay. 14-1

The air pollution from Bayport will also be very bad. Over 5 tons per day NOx will be emitted from the ships, trucks, trains and other diesel equipment used on site, quite an addition for an area trying to reduce NOx to solve our ozone problem. Houston now has the dubious distinction of being the "dirtiest" city in America. With the prevailing southeast sea breeze at 12+ knots, it'll bring all of that diesel smoke directly into downtown Houston and the immediate areas. The Port Authority knows this, and issued a statement, "Ships fouling port air", Houston Chronicle, July 21, 2002, stating basically that they realize the ships are a major source of pollution, but they, the Port, can't do anything about it. 7-1 7.9

The Houston Port Authority has inundated the local TV channels with all the wonderful things they do for Houston. They issued an article, "Terminal Velocity", Houston Chronicle, July 7, 2002, touting how they earn money, the old fashioned way, a giant anthill of heavy industry that is the harbor and its neighboring chemical plants, invigorating a broad distribution network of rail cars, ships, and warehouses. We do not take exception to that. Our argument is the placement of this expansion at the Bayport facility. The facility is too small for this kind of expansion. The ships entering Bayport now have to play "Texas Chicken" due to the tight quarters if they have to pass one another. All the ships that now enter Bayport carry red flags announcing they are carrying hazardous materials. This is a major concern if container ships that are almost twice the size of the ships currently using this harbor, are sharing this channel. The Port's answer to this is to build out into the bay for its turning basin and cranes and loading and unloading facilities. They acknowledge the noise and light pollution to the surrounding areas, and answer by stating they'll build a 20-foot tall concrete wall on the north side of the channel. (They do not address the noise during construction, or the deepening of the channel.) This wall does nothing to inhibit noise from a 300-foot tall crane that pounds night and day, nor high-mast lighting that is lit 24 hours a day, 365 days a year. It does, however, inhibit proper drainage, block the sea breeze, and block the view. 3-13 3-24 3-Cde 28-9

One of the proposed sites is Spillmans Island. This site is superior to Bayport in many ways. First it is contiguous to the existing port at Barbours Cut. It is closer to Highway 225 and the Hartman Bridge, both routes superior to SH146. It does not impact residential areas, and it is away from Galveston Bay, around the corner in the ship channel. Why does the Port Authority demand they build at Bayport? 2-6

The Port Authority announced July 23, 2002 that it has requested bid proposals for the container cranes, before approval of the U.S. Army Corps of Engineers. Do they know more than we do, is it just a formality to go to the Corps, knowing they will do whatever the Port Authority asks them to do? I truly hope not.

I am asking for your support in stopping this expansion at Bayport. We would like the Port Authority to become good neighbors and do what's best for all the residents of Houston and surrounding areas. Everyone in the Houston area will be negatively affected by expansion at this site.

Vp 11900

AV

When we first began sailing in this area nine years ago, there were no pelicans; we now have both brown and white pelicans, we have great blue, green, and white herons, and for the first time in years, osprey. The fishing, both recreational and commercial, is excellent. I invite you to come and sit on our porch and see what we, all of us, have to lose if the Port is allowed to expand at Bayport. Please do not allow the Port to destroy the upper Galveston Bay and our home, and the homes of our neighbors.

Thank you,

Dwight and Carol-Lee Hollister
206 Bay Colony Drive
LaPorte, TX 77571
281-867-5068
dhollister1@houston.rr.com

Inc: copies of Houston Chronicle's articles mentioned above

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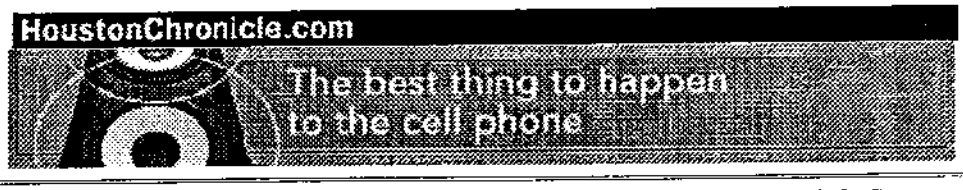

HoustonChronicle.com -- http://www.HoustonChronicle.com | Section: Local & State

July 17, 2002, 10:28PM

Wildlife officials: Bayport terminal would be harmful

By TONY FREEMANTLE
Copyright 2002 Houston ChronicleEnvironment Writer

Building a massive shipping container terminal along the Bayport Ship Channel would cause extensive environmental damage to what little is left of the fragile coastal prairie that once surrounded Galveston Bay, the U.S. Fish and Wildlife Service has concluded.

The environmental harm at that location would be greater than at any of six alternative sites the Port of Houston is considering, the service said.

The port is seeking a permit from the U.S. Army Corps of Engineers to build the $1.2 billion facility and has staked a great deal on the Bayport Ship Channel as the place where it will be built. Opposition to the terminal has been stiff and often acrimonious, and has come from a broad coalition of people who live near Bayport, and from environmentalists.

Late last year, the Corps released a draft environmental impact statement on the project, concluding the impact would be minimal. It was hailed by port officials, who interpreted its findings as supporting the Bayport site, and condemned by the opposition as seriously flawed.

The Fish and Wildlife comments were delivered to the Corps in the spring. In two separate letters, the service cited the damage the terminal would do to 1,100 acres of imperiled coastal prairie wetlands along the Bayport Ship Channel, as opposed to damage to the other sites.

"The Bayport site appears to be the most environmentally damaging alternative because of the extensive loss of wildlife habitat including the wetlands scattered within this habitat," the service said. "There are other alternatives located on old dredged material islands which would seem to have a much less severe environmental impact."

Specifically, the agency noted, the Bayport site consisted of a mix of coastal prairie, fresh water prairie potholes and prairie pimple mound complexes which have largely been eradicated by urban expansion and agriculture. Less than 1 percent of the type of acreage remains, representing a substantial loss of habitat for a variety of birds and animals.

At the time, the agency recommended the Corps deny the port's permit application "because of the significant cumulative loss to native coastal prairie pothole wetland complexes and because the mitigation offered will not adequately compensate for the loss of fish and wildlife habitat."

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In the draft environmental impact statement, the port offered as mitigation for the Bayport site a 163-acre tract of land adjacent to Armand Bayou Nature Center. The site would become a nature preserve and on which 12.4 acres of wetland would be created.

"Strictly looking at the environment, this is still the worst site relative to the other choices," said Fred Werner, assistant field supervisor at the U.S. Fish and Wildlife Service's Houston office. "We are not saying they should reject (the port's permit). But if we are going to lose it, we would like to get fair and reasonable compensation"

The original draft environmental impact statement was amended in April to reflect, among other issues, an increase in the port's estimation of the amount of wetlands that would be destroyed, which led to a reassessment of the mitigation offer.

Within the coming days, details will be released of the port's plan for the Armand Bayou site that will now encompass a 173.5-acre preserve on which 66.8 acres of wetlands will be created, 12 acres of existing wetlands will be improved and 71 acres of land will be restored as coastal prairie.

"I don't think we are finished with the process yet. The Port Authority still believes the Bayport site is the appropriate site for the terminal," Jenkins said.

The Fish and Wildlife comments contradict that position and imply the Bayport location "has much greater problems than were disclosed by the Corps of Engineers," said environmental lawyer Jim Blackburn, chairman of the Galveston Bay Conservation and Preservation Association, which opposes the project.

He said the greatest significance of the Fish and Wildlife Service's position is that it left open its option under the National Environmental Policy Act to refer the project to the White House Council on Environmental Quality for review, delaying the project. "What they've done is put the Corps on notice that if they have to, they will take this further," Blackburn said.

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HoustonChronicle.com

How many ways can you express yourself?

July 21, 2002, 10:04AM

Ships fouling port air

State regulators have few remedies for pollution issue

By TONY FREEMANTLE
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They glide up and down the narrow Houston Ship Channel in a continuous parade, a tangible, daily demonstration that this is a city of international commerce and trade and home of one of the busiest, most prosperous ports in the world.

RESOURCES

Graphic:
- **Pollution sources and federal regulations**

Oil tankers, container ships, bulk carriers, cargo ships, liquid petroleum gas carriers.

Day after day, they arrive from parts foreign, disgorge their cargos and then depart, newly laden with goods and materials bound for every corner of the globe.

But as they head out into the Gulf of Mexico, these workhorses of the high seas leave in their wake much more than just the sweet smell of money.

With huge engines that are hardly ever shut down and burn bunker oil, the cheapest, dirtiest fuel available, ocean-going ships belch tons of toxic pollutants every day into air already so dirty the federal government has ordered it be cleaned up by 2007.

Yet while state and federal officials struggle to find ways to regulate and reduce pollution from all other sources -- from major industrial complexes and small lawn services, from trucks and cars, from cement mixers, cranes, tractors, trains and airplanes -- ships that fly foreign flags, fully 90 percent of all vessels that visit the city, foul the air with impunity.

Collectively, these ships represent the fastest-growing unregulated source of air pollution in the nation.

Every year, according to the U.S. Environmental Protection Agency, oceangoing ships spew 273,000 tons of nitrogen oxides, a prime contributor to smog.

They present a pollution problem at all ports in the country, as well as on the high seas. But in major metropolitan areas like Houston and Los Angeles, which have large ports and do not meet national air quality standards, the problem is acute.

Under threat of losing federal highway funds, the Houston-Galveston region has to eliminate 75 percent of the nitrogen oxides that currently foul the air.

Nitrogen oxides and volatile organic compounds combine in the presence of sunlight to form ozone, the principal ingredient of smog.

The state, charged with devising and implementing a plan that will achieve that goal, has direct authority to regulate only those sources that produce about two-thirds of nitrogen oxide emissions -- mostly industrial sources. The remaining third is included in the total pollution inventory for the region, but the sources are beyond the state's regulatory reach.

"There are large sources of emissions that are pre-empted from state controls," said Jeff Saitas, executive director of the Texas Natural Resource Conservation Commission. "This raises the whole fairness part of a clean-air plan. If you look at a pie of emissions, you really have to recast it to reflect how much do you as a state have the ability to control them and how much does the federal government have."

Like low-hanging fruit that cannot be picked, large oceangoing ships that are registered in foreign countries are only one of many pollution sources that the state cannot touch. Locomotives, airplanes, construction equipment, trucks, cars and agricultural equipment are some of the others. These are known as mobile sources, and they account for 36 percent of all nitrogen oxides released into the air here.

All the state can do, to a limited extent, is impose what are often unpopular restrictions. Public outcry forced regulators to back off a 55 mph speed limit on area freeways, for instance, and a recommendation to ban construction during certain hours of the day never even made it into the final clean-air plan.

Most mobile sources of pollution are subject to regulation by the federal government, which can dictate, for example, that cars achieve a certain fuel efficiency, or that construction equipment burn cleaner diesel, or that locomotives be equipped with modern pollution-control devices.

But, as Saitas argued last year before the U.S. Senate Environment and Public Works Committee, even though the federal government has regulated or is in the process of regulating emissions from almost all of the mobile sources, many of these measures apply only to new equipment and the benefits will not be felt in time to help the Houston region meet Clean Air Act standards by 2007.

Of the pollution sources outside the reach of state regulators, cars and trucks account for 70 percent of the nitrogen oxide emissions. Construction equipment spews out 8 percent and oceangoing ships give off 7 percent, or nearly 35 tons per day.

The latter number is significant when measured against the fact that the plan to clean up Houston's air falls short of the federal mandate by about 56 tons of nitrogen oxide per day.

Until May, there were no regulations whatsoever on the pollution coming out of large ships. But after being sued by environmentalists, the EPA proposed a set of regulations that would apply only to U.S.-flagged ships, about 10 percent of the oceangoing traffic in and out of American harbors.

The Bluewater Network and Earthjustice, which brought the suit, decried what they called "sham" regulations, arguing that by excluding foreign-flagged vessels, the measures will do virtually nothing to solve the problem.

"The ships still represent one of the largest, if not the largest unregulated pollution source in the United States," said Teri Shore, a campaign director with Bluewater Network. "The new rules are very weak and will not do much at all to help the situation."

The EPA is seeking comment on what to do about the foreign vessels, but it is reluctant to unilaterally impose standards on these ships. Instead, the government prefers to regulate through international treaty, like the MARPOL Convention. The treaty calls for an 11 percent reduction in nitrogen oxide emissions by 2030, but it is unlikely to take effect for some years since it has not yet been ratified by the requisite number of nations.

"There are constituencies that believe we shouldn't set a unilateral standard for foreign flags," said Bryan Wood-Thomas, the EPA's senior marine policy adviser. "And even if we were to apply a standard for only U.S. flags, there are those interests here that do not believe they should be held to a higher standard."

In the interim, it appears there are few options open to local or state authorities to reduce nitrogen oxide emissions from ships.

In Long Beach, Calif., where ships at the Port of Los Angeles emit more ozone-forming pollutants in one day than 1 million cars, port and environmental authorities have imposed speed limits on vessels entering and leaving the harbor and have implemented various incentive programs for vessel owners to clean up their acts, said Sam Atwood, spokesman for the South Coast Air Quality Management District.

Jim Corbett, a marine policy expert at the University of Delaware's Graduate College of Marine Studies, said other strategies could include requiring ships to power down while at dock -- they currently keep engines running to keep the generators operating -- and offering reduced port fees to owners who install pollution-control systems.

At the Port of Houston, which played host last year to 6,613 ships, there are even fewer options. Ships entering and leaving the port, for instance, already travel at reduced speed as they negotiate the long, narrow channel.

Tom Kornegay, executive director of the port, said discussions have been had with ship owners about alternative sources of power at the dock, but technological difficulties have pretty much scuttled that as an option. Other possibilities include changing the sulfur content of the fuel ships use and offering economic incentives to owners to pollute less.

Kornegay readily acknowledged that it is not an easy problem to cure. Regulating just U.S.-flagged vessels will do little to help because such regulations simply encourage owners to register their ships elsewhere and "there aren't many U.S.-flagged vessels left, period."

"There's an awful lot of discussion among the ports about what we can do," Kornegay said. "And the answer keeps coming back that there isn't a whole lot that we can do."

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HOUSTON CHRONICLE ARCHIVES

Paper: Houston Chronicle
Date: SUN 07/07/02
Section: BUSINESS
Page: 1
Edition: 2 STAR

Tops in foreign tonnage, the port is short on storagean itch the real estate sector is anxious to scratch / *Terminal velocity*

By RALPH BIVINS, BILL HENSEL JR.
Staff

FORGET the phantom revenues of energy traders and the dot-coms.

Instead of relying on the trading of "broadband futures" or "weather derivatives" on sexy high-tech trading floors, the Houston economy is getting a very tangible boost the old-fashioned way.

It comes in the form of cargo, ships and warehouses at the Port of Houston, which is responsible for 200,000 Houston jobs, both directly and indirectly, and $525 million in tax revenues.

The growth at the port is spilling onshore, prompting developers to create warehouses and business parks on the east side of Harris County.

Millions of square feet of distribution space is proposed or under development in the Barbours Cut and La Porte areas, close to the vast farms of chemical plants that cover the coastal prairie.

The economic heft of the Port of Houston cannot be overlooked, as more than 7,000 vessels from around the world call each year at the eighth-largest port in the world. Last year, the port ranked tops in the nation in foreign tonnage.

A giant anthill of heavy industry that is the harbor and its neighboring and chemical plants invigorates a broad distribution network of rail cars, ships and warehouses.

"It's all being driven by the business at the Port of Houston," said Doyle Toups, senior vice president for the Grubb & Ellis real estate firm, which is putting together several deals in the area. "There is a tremendous need over there for warehouse space."

Much of the demand is centered on handling heavy, metal cargo containers, stacked on ships' decks or loaded on trains and 18-wheelers.

The Port of Houston is the largest container port on the U.S. Gulf Coast and is commanding growing business.

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The largest cargo ships, some 1,000 feet long, cannot easily navigate deep into Houston's Ship Channel, so they use the Barbours Cut ***Terminal***, which began operating in the mid-1970s, off Galveston Bay.

The ***terminal*** handled *3* ,851,629 tons of goods in the first five months of 2002, an increase of 8 percent over the same period in 2001. The amount of containers handled on the Gulf Coast is expected to more than triple by the 2020.

Eclipsing forklifts and the sweat of stevedores, the rectangular units have become the most efficient way to handle cargo, as proved by statistics.

Port container activity totaled 475,600 TEUs, 20-foot equivalent units, through May, compared with 433,850 for the same period last year.

By 2010, more than 90 percent of all products will be shipped in cargo containers, according to future shipping projections, noted Jim Edmonds, chairman of the Port Authority board.

"That number is probably pretty realistic," Edmonds said. "It is the most economical way to ship a product, so it makes sense to continue that trend."

The growth is already causing long lines of container-bearing 18-wheelers to back up at the gates of Barbours Cut.

Further expansion there is not possible because of space constraints, according to the Port, which has leased space from the Port of Galveston to handle overflow.

The traffic jams won't end soon. Shippers will have to live with the overcrowding at Barbours Cut and wait for relief that will come from another shipping facility's construction at Bayport, about 5 miles from Barbours Cut. It is the site chosen by Port of Houston officials for building a container facility, and planning has been under way for several years. Voters approved a $387 million bond issue to fund construction in 1999.

In February, the U.S. Army Corps of Engineers completed a draft environmental impact study for the Bayport ***terminal***, essentially determining it to be the best site despite considerable opposition from neighboring landowners.

Port officials are hoping that a final environmental study will be completed this summer and construction can begin at Bayport by the end of the year, said Edmonds.

The port contends the need is urgent because Barbours Cut is bursting at the seams.

At completion, Bayport is to have 7,000 feet of berth, 720 acres of storage yard and an intermodal rail yard holding up to six trains.

Intermodal shipping combines modes of transportation, including ships, trains or trucks.

If the Bayport project, to be implemented in phases over the next two decades, moves forward, experts say additional activity will be sparked to serve the area.

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In the meantime, developers are busily constructing warehouses where the cargo containers can be packed and unpacked as they come off ships.

In the Barbours Cut area, Frontier Logistics is developing two major projects, said executive Gordon Westergren, who oversees development for the firm.

Frontier is developing the Morgan's Point Business Park, which will be the site of two 180,000-square-feet warehouses on East Barbours Cut Boulevard, just south of the docks.

Frontier's other project in the area is the 90-acre Texas Import/Export Business Park in La Porte on Powell Road, just south of West Fairmont Parkway.

The initial portion of the Texas Import/Export Business Park will have three warehouses, each measuring 225,000 square feet, and a rail yard with 22 rail lines, which will be served by Union Pacific for bulk shipments and the Port ***Terminal*** railroad for intermodal shipments to and from the Port of Houston.

To the west of Texas Import/Export Business Park is the 150-acre Bayport North Industrial Park. Four industrial buildings are under construction there, and several other deals are in the works, said realty broker Kelley Parker of Cushman & Wakefield.

A lot of the activity in Bayport North Industrial Park has come from smaller companies that need their own freestanding buildings, such as Terranova Forest Products. Terranova, part of a Chilean firm, manufactures doors and wood trim for the home building and construction industry.

Business has been so good, an expansion of the Bayport North Industrial Park is planned, Parker said.

Warehouse construction around the Houston Ship Channel has been very limited in recent years. Most of what has been built has been pre-leased or done specifically for a company that was waiting to move in, Parker said.

"There is no vacant space in that marketplace. It is tight as a tick," Parker said.

Much of the growth in the area is related to the shipping by Houston-area chemical plants of plastic pellets by rail to warehouse and packaging plants, where they are bagged and distributed around the world to be melted down for products from milk containers to telephones.

Packaging and shipping little pellets has turned into big business for a Belgian firm staking its claim near the Ship Channel.

Katoen Natie Gulf Coast, is building a warehouse and distribution project that will measure about 1.3 million square feet of floor space - or about the same size as Deerbrook Mall or Sharpstown Center - to handle and bag plastic pellets, said Peter Daels, president of Katoen Natie Gulf Coast.

Katoen Natie, which is part of a company based in Antwerp, has completed the first of eight buildings in the complex on Texas 225 near La Porte that will employ about 100 when completed in 2004, Daels said.

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Initially, Katoen Natie officials planned for the facility to be completed in 2005, but business has been so strong the firm has accelerated construction to shave off a year.

"We believe in our project," Daels said. "We are here to stay in the American market."

Toups believes the port is at "the root" of economic activity in the Houston area, and Port officials agree. One in three jobs in Harris County stem from international trade, and 75,000 jobs are directly tied to Houston's shipping industry, port officials say.

More than 100 steamship lines offer shipping between Houston and some 200 ports around the world. Houston's $15 billion chemical industry rivals Rotterdam in the Netherlands as the world's largest petrochemical complex in the world.

The port's generation of massive shipping commerce impacts nearby real estate markets.

The momentum has prompted St. Joe Commercial to plan a development for 208 acres it owns off Texas 225 in La Porte, after having held the land for 70 years.

"We are going to take that to the market in early 2003," said Brad Slappey, chief financial officer of St. Joe Commercial, part of St. Joe Cos., a publicly traded company in Jacksonville, Fla.

The DuPont Trust, which owns a sizable stake in St. Joe Cos., has controlled the La Porte acreage since the 1930s, Slappey said. But the stars have aligned, and now is the right time to begin development of the land, which most likely will be transformed into a business park, he said.

A key to the growth in the area has been the increasing prominence of the Fred Hartman Bridge, which soars above the Houston Ship Channel to connect Baytown with Barbours Cut.

The bridge, completed in 1995, has provided truckers a convenient route to Interstate 10, Louisiana and points east, said David Toone of the PinPoint Commercial real estate firm.

"Transportation, which used to be horrible, is now very good," said Toone, who is the broker for a new development called Port Central Industrial Park.

The port area lacks the prestige that has attracted warehouse developers to other part of the city, but this time around its money-making potential may attract serious developers, said Gary Mabray, a real estate broker with Colliers International.

"We've been trying to get developers to go in that area for some time. It's not as glamorous as northwest Houston," Mabray said.

But as the need to unpack and reload cargo containers grows, the need for new warehouses may be too much for developers to ignore.

"Once you leave the 610 Loop, there's no big bulk buildings of any size. There's nothing available, and there hasn't been anything built for many years," Mabray said.

...

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Port of Houston industrial developments

Port Central Industrial Park (proposed) 28 acres Southwest Investment Co.

Industrial Park (proposed) 208 acres St. Joe Commercial

Battleground Business Park (new) 34 acres Clay Development

Bayport North Industrial Park (under construction) 150 acres Tuffli Co.

Houston Polymers ***Terminal*** (under construction) 1.*3* million square feet warehousing Katoen Natie Gulf Coast

Morgan's Point Business Park (proposed) Two 180,000-square-foot warehouses Frontier Logistics

Texas Import/Export Business Park (proposed) 90 acres, three 225,000-square-foot warehouses, 22 rail lines Frontier Logistics

...

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July 22, 2002, 11:26PM

Bayport cranes get nod for now

By BILL HENSEL JR.
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A request for proposals for container cranes for the controversial Bayport terminal was authorized by Port of Houston Authority commissioners Monday.

The action was taken although a final draft of an environmental impact statement by the U.S. Army Corps of Engineers has not been completed.

The long lead time needed to actually obtain the container cranes was cited by port Executive Director Tom Kornegay as the primary reason the bid process needs to begin.

"It's a pretty lengthy evaluation process," Kornegay said. The entire process could take between 18 months and two years.

The port's move immediately drew criticism. But Jim Edmonds, port authority chairman, said no work will be performed and no spending authorized until and unless the Corps approves the project.

The port says it wants to be able to proceed quickly if it secures final approval from the Corps of Engineers. A decision could come late this year.

The Corps late last year released a draft environmental impact statement, essentially concluding the impact of building the terminal at Bayport would be minimal. Port officials embraced the document, but opponents slammed it.

If the Corps does issue a permit for the Bayport site, port officials said construction of the container and cruise terminal could begin almost immediately.

Commissioners unanimously gave the go-ahead to advertise and receive proposals for three dockside electric container cranes, with an option for an additional crane. The estimated cost is $29 million.

Initial planning determine three cranes would be required for the first phase of the container yard, but port officials said they have determined a fourth crane may be required.

Monday's action by the port commission was criticized by Jim Blackburn, chairman of the Galveston Bay Conservation and Preservation Association, which opposes Bayport as a site for a new container

terminal.

11900

"I think it is premature, and I think it is ill-advised," Blackburn said. "It seems to me the port is trying as hard as they can to keep pressure on the Corps of Engineers to issue them a permit."

The purpose of an environmental impact statement is to cause all the facts to be brought out and then to make a decision on whether a pursuing a project is a wise use of money, he added.

"They are taking our community to the brink of a bad expenditure," Blackburn said.

Edmonds said he thinks the port staff has done an excellent job of working with the Corps of Engineers and reaching out to the community regarding the project.

Commissioners are expected to consider additional Bayport-related contracts with lengthy lead times in coming months.

If ultimately approved, construction of the first phase of the terminal is expected to be completed by January 2005, according to the port.

In other matters, the port announced it had moved up two spots in the world rankings and now is the world's sixth-largest port. The ranking is based on Fiscal Year 2000 total cargo tonnage reported by the American Association of Port Authorities.

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702 Whitecap Drive
Seabrook, Texas 77586
July 30, 2002

VP 11902

U.S. Army Corps of Engineers
Regulatory Branch, CESWG-PE-RE
PO Box 1229
Galveston, Texas 77553-1229

Attn. Kerry M. Stanley

Kerry,

I wanted to add my comments to those on the Public Notice 21520 (Revised) on the Port of Houston Authority application for their project at Bayport Ship Channel. I do not believe the public notice as I received it was complete. The notice indicates it is under the Clean Water Act (Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act) yet it did not make mention of the most recent finding by another Federal Agency that the Bayport project, as now proposed in this public notice, would indeed harm local wildlife including endangered species due to the runoff and pollution created. This report was summarized in the Houston Chronicle and I do not see where the Corps of Engineers considered it. 22-177

Secondly, I believe the public notice I received was not complete in that it did not consider another major issue, again as summarized on the front page of the Houston Chronicle, that one of the major causes of pollution in the Houston area is the Port of Houston and the numerous large ocean going vessels using their bunker oil burning diesel engines while in port. This is totally unregulated pollution in Harris County where poor air quality has already resulted in draconian measures imposed by the state to meet federal standards. Yet there is no mention in the Corps report that the Bayport project would only aggravate this situation by adding four to six more large ocean going vessels using their bunker oil burning diesel engines while in port, around the clock, for weeks on end. This does not even begin to touch the support pollution as hundreds of trucks every 24 hours service these vessels or the railroad required or the fork lifts and private cars necessary provide even more air and water pollution. Ocean going vessels are unregulated polluters and a major source of air pollution in Harris County, according to government studies quoted in the Chronicle, yet I do not see that the Army Corps of Engineers took this under consideration in the analysis. 7-157

Therefore, I respectfully request the current analysis be considered for re-review by the Corps in light of this new information and a finding made that the current configuration of the Port of Houston project is in direct conflict with the air and water standards of the State and Federal government. 23-234

Sincerely,

Dan Gillaspie

Dan W. Gillaspie

~~Lockheed Martin Vought Systems~~
~~PO Box 650003, WT-91 · Dallas, TX 75265-0003~~
~~Telephone 972-603-7286 Facsimile 972-603-0392~~
3342 MIRAMAR DR
SHORECREST TX 77571

YP 11903

LOCKHEED MARTIN

C. S. Wells
Senior Vice President - Business Development (RET.)

30 July, 2002

TO: KERRY M. STANLEY
REGULATORY BRANCH, CESWG-PE-RE
U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1229
GALVESTON, TEXAS 77553-1229

REF: PERMIT APPLICATION NO: 21520 (REVISED)

I have reviewed the revised referenced permit application dated 22 July, 2002, Bayport Complex Expansion.

With regard to the proposed revised wetlands mitigation project, I do not concur that the loss of the wetlands in the direct vicinity of Galveston Bay can be mitigated by creation of new wetlands several miles from the Bay. 14-135

I do not concur that the other proposed revisions change in any significant way my previously stated objections to the Bayport Expansion, based on unacceptably high air pollution, decreased residential property values, reduced access to Galveston Bay for recreational purposes, unjustified economic value, and major concerns in the area of homeland security. 22-173

I urge the Corps of Engineers to reject the application for expansion of the Bayport Complex. 29-5

Respectfully,
C.S. Wells

YP11904

August 1, 2002
410 Woodvine Drive
Seabrook, TX 77586

Mr. Kerry M. Stanley
Regulatory Branch, CESWG-PE-RB
U. S. Army Corps of Engineers
P. O. Box 1229
Galveston, TX 7753-1229

[Once again you have submitted trivial trash for review and comment](Ref. Public Notice dated July 22, 2002 concerning Bayport). You claim that safety "..and in general the needs and welfare of the people" will be considered in deciding to issue a permit or not. [These documents (the two Public Notice documents you have sent out) do not deal at all with **SAFETY OR AIR POLLUTION.** They deal almost exclusively with berms and beautification topics.] That stuff does not make us favor the Bayport project at all. [The Port Authority has continually ignored everything about **SAFETY AND AIR POLLUTION.** Please make them honestly address hazardous material spills, and transporting and handling of these materials and the accidents and emissions from the 16,000 semi-trailer trucks per day in our neighborhood.] What data can be cited about school bus accidents and dangers from 16,000 trips per day? How many housewives will be killed going to the grocery store by these 16,000 truck trips per year? 23-235

They use terms like "expect to," "make an effort to," "would identify best practices," "occasionally handles" and other vague claims. They do not really commit to anything substantial or any timetable that they could be held to. [This is not an engineering report. This is a sales brochure.]

We need a Supplemental Draft EIS for comment that honestly tells us about the hard issues. You are not doing your job if you let them get away with reports about flowers and trees. Stand up for our safety and general needs and welfare, as you claim to do (see page 4 of your document). 23-236

Richard J. Gillen Winifred J. Gillen
Richard J. Gillen Winifred J. Gillen

cc. GBCPA

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

YP 11905

August 4, 2002

Dear Mr. Stanley:

We would like to submit the following comments regarding the Revised Permit Application No. 21520 which is the revised permit application of the Port of Houston Authority for a major marine terminal along the Bayport Ship Channel. In addition, we include some comments relating to the problems brought to our attention by the U.S. and Texas Parks and Wildlife Departments.

Comments regarding the Revised Permit Application:

Comment #1. The reduction of cruise terminal berths from five to three is not enough. The area that will be dredged in the bay for the turning basin is a favorite place for white pelicans to congregate and feed. No dredging should be done which will disrupt this wildlife that is part of our bay system. 1-54 22-174

Comment #2. Nothing has been mentioned about the impact of this project on the oyster reefs that exist in close proximity to the channel. The existing tidal flow of water out of the Bayport Channel already results in sediment being flushed out of the channel onto these reefs. This is readily observable from shore by the distinct color of the water that flows out of the Bayport Channel. More ship traffic means more sediment will be stirred up and re-deposited on this reef. 10-10

The following comments are supportive of the Texas Parks and Wildlife critique of the DEIS:

Comment #1. The critique seriously questions the integrity of the Port Authority's application.

Comment #2. The handling of the No Action Alternative ranks right up there with the Port Authority's assumption that Highway 146 is congested in the base case so Bayport won't make it any worse. The traffic impact has to be enormous. Some analysis!! 27-102 27-108

Comment #3. The description of the wetlands at the various sites and wetland mitigation has not been factual and is strongly biased in the direction of favoring the Bayport location as the most attractive site. The whole issue of wetlands should be revisited. 14-147

Comment #4. It is correct that the Spillmans Island site is considered a spoils area. However, I understand that the spoil layer is fairly thin and solid soil is not very far 2-200

below the spoils. If confirmed, this could make the Spillmans Island site more attractive for reclaiming and building of structures.

I request that a new public hearing for the project be conducted since the basis for the comparison of the alternative sites is inappropriate. With the basis for comparison in question, the existing permit application is not valid. 23-238

Sincerely,

Dean Snider

Dean Snider

Kay L. Snider

Kay Snider

Barry Smidt
1216 S. Country Club
LaPorte,Tx,77571
Aug 3,2002

YP11906

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

Mr.Stanley, I would like to comment on the Bayport proposal.

Having a container port would change the area from recreational to industrial. Look at the adverse impact of the port over the long term at the Clinton Dr area. 4-61

Spillmans Island is a dredge disposal site, compared to Bayport which is in its natural state. How could Bayport be less environmentally sensitive. 2-203

The EPA has already said Houstons air is too polluted.Any new industry including a port, would contribute to the pollution. I would rather see a port built far away from Houston area. 7-160

I doubt if a 20 ft wall on North shore would stop much noise from coming my way. I am really concerned I will hear too much noise pollution. 3-68

Sincerely

Barry Smidt

VP 11907

U.S. Army Corps of Engineers
Galveston District

received
9-3-02
night drop

RE: Public Notice permit application number: 21520
(Revised)

Sirs:

In my opinion the life along Galveston Bay will be forever destroyed by the Container Port. In my previous letter I stated many of the reasons. All towns along the bay will be disrupted and home values will fall immensely. The trucks will cause bottlenecks. So many we cannot imagine. I hope you will take a sincere look at what life will be like if this Port becomes a reality. Can a city like Houston, destroy the towns along the bay? I hope not. I hope there is more justice in this country; not justice controlled by the divisions of one city. There are so many reasons not to put the Port here as I have stated before in my first letter to you and I am sure you know them all.

29 - 113
- 105
27 - 110

Please think of our lives when you take up this matter given to you. Our children and their children lives will be even changed.

Sincerely,

Kathryn H. Coleman
Thomas Coleman

Kathryn Coleman
Thomas Coleman

YP11908

Kerry M. Stanley
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, TX 77559-1229
Fax: 409.766.3931

Permit Application No; 21520 (Revised)
Applicant: Port of Houston Authority

September 5, 2002

Once again I am writing a letter to address another change in the PHA's description of land use. How many times will they be allowed to change their criteria before a new DEIS is necessary? The DEIS comment period should be reopened or the permit should not be granted. 29-114

My opinion has not changed since I first wrote to your office; the Bayport site is the most environmentally damaging alternative. Many state an local agencies agree that Bayport is the most damaging alternative because of "the extensive loss of wildlife habitat including the wetlands scattered within this habitat". (USFWS).

Please refer to the past and present comments submitted by: myself, GBCPA, the City of Shoreacres, HYC, GHASP, Sierra Club, USFWS, EPA, and Texas Parks & Wildlife.

Comments on the July 22, **Public Notice for Permit Application # 21520** (Revised **AGAIN**)

1. WETLANDS: Please see comments presented by myself, GBCPA, the City of Shoreacres, HYC, GHASP, Sierra Club, USFWS, EPA, and Texas Parks & Wildlife. It is extremely expensive to "restore" the functions of wetlands once they have been drained. Harris County and Galveston Bay need Bayport's existing wetlands to function as: Filtration, Flood Control, Erosion Control, Recreation, and the nursery to the harvestable natural products they produce. I would argue that we cannot "mitigate" the current wetland functions and draining Bayport's wetlands will cause damage to the surrounding area. This project is not in the public's best interest. 14-149

2. Cruise Ships: I still have to laugh at Charlie Jenkins when he told members of SEACAP they were reducing the number of cruise ship berths from 5 to 3. The PHA gives no reason for the reduction in berths.

The problem with cruise ships in Barbour's Cut and Bayport is that they are not economically viable. So far, no cruise ship has found Upper Galveston Bay to be a profitable market, currently no cruise lines are operating out of Barbour's Cut Cruise Terminal. Charlie Jenkins talked about the low profit margins in the cruise industry. He attempted to justify the terminals claiming that cruise ships increased the tax dollars in the "local economy"because people will spend money before getting on and off the ship. The PHA no justification/evidence that this is 6-127

so and I have a hard time believing that the 70 chemical industries along Port Road are going to house a cool shopping mall like the STRAND in Galveston. If the cruise ships are not viable at the Bayport site.....the container port could/should be relocated to another site.

So far Barbour's Cut has housed at least 3 different cruise lines, one of which was confiscated overseas due to bankruptcy. (The Big Red Boat) The past cruise lines have offered prices which were bargain basement in order to fill their boats. Obviously they cannot continue doing business in a market where only cut-rate prices can fill a boat....therefore they do not stay in upper Galveston Bay. They go to Galveston, Florida....coastal cities. 22-56

If the cruise ships are not viable at the Bayport site.....the container port could/should be relocated to another site.

3. Container ships will play "Texas Chicken" with hazardous chemicals coming into Bayport! Huge container ships will compete for space in a very narrow channel. **Currently, Odjfell, Nova, American Acryl and others are carrying dangerous toxic chemicals to their existing facilities. Accidents, like New Amity in September 2001, would be disasterous for the community if chemicals like Acrylates, Alcohols, Acetates, Acids, Glycols, Paraffin Wax, Benzene, Styrene, Hexene, Propylene, Oxide, Benzene and Isobutylene were to explode or escape into the air we breathe.** Large container ships have no business running beside dangerous chemical carriers. 21-75

Once again, Bayport Container Facility is not the best interest of the citizens of Harris County. 29-115

Thank you,

Charlotte Wells
3342 Miramar
Shoreacres, TX 77571
281.842.7764

Charlotte Wells

YP11909

9-5-02

Kerry M. Stanley
Regulatory Branch CESWG-PE-RE
U.S. ACE PoBx 1229
Galveston, Texas 77553-1229

Dear Mr. Stanley,

Please accept my comments on permit application # 21520 (Revised). It is urgent that you release a supplemental DEIS prior to the release of the final EIS on the Bay Port expansion plan. Many changes by the Port of Houston Authority necessitate revised studies. The data is no longer applicable.

I would also like to request that the San ~~Jacinto~~ Jacinto Rail line be included in the supplemental DEIS. The cumulative effects of both projects must be considered. Thank you for your attention to my request.

Sincerely,
Ann Gunnells
635 Pine G - El Jardin
Seabrook TX 77586

YP 11910

FAX: 409-766-3931

Mrs. Henry B. Kerr
110 Fairfield
Shoreacres, Tex. 77571
Sept. 5, 2002

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

Dear Sir:

You have received a letter from me before regarding the expansion of Bayport by the Port of Houston at a site immediately south of Shoreacres, LaPorte, and adjacent to Seabrook.

Thank you for sending me personally the public notice extending the comment period until today, Sept. 5, 2002.

Here's my comment on the Port's proposal – their Permit Application 21520 (Revised) –

From: Mrs. Henry B. Kerr - p.2

TO: Kerry M. Stanley - p.2
FAX: 409-766-3931

you sent me in this public notice a description of the Ports plans that distress me greatly: On some 1,000 plus acres (including 18 acres of ~~jurd~~ jurisdictional wetlands that exist within the project site) the Port would build CONTAINER STORAGE AREAS, — an intermodal yard — warehouse facilities, and properties available for light-industrial development — plus areas for docking, unloading and loading container ships as well as cruise ships.

22-178

Such activities at this site - Bayport - can kill the upper Galveston Bay communities' quality of life — the beauty of Texas coastal living, the staging area for national competition in boating and sailboat racing,

From: Mrs. Henry B. Kerr - p.3

TO: Kerry M. Stanley - p.3 FAX: 409-766-3931

the upper Galveston Bay area, of historical interest since 1836, the Battle of San Jacinto — (General Santa Anna's hawdling at Morgan's Point, where the Ship Channel now goes 'inland') — the Bay's future as a source of shrimp and other fish for area residents' consumption — the unique sporting activities at the 100-year old Houston Yacht Club — (right on the present Bayport Channel! —)

Upper Galveston Bay now is an outstanding natural feature of the Texas Gulf Coast. Bett Bayport at this site can make it a wilderness!

Sincerely,
Fran Kerr (Mrs. Henry B. Kerr)

22-178

YP 11911

TELEFAX COMMUNICATION

THOMAS C. (TOM) AND VIRGINIA GARRETT

DATE: September 5, 2002

TO: Kerry M. Stanley

REF: Bayport Channel Permit Application No. 21520 (Revised)

MESSAGE:

Please deny the permit referenced above. This location is not the best choice for this expressed need to the Port of Houston to expand with a container port and cruise terminal. Thousands of people live very close by and will be adversely affected by air, nose and light pollution, truck traffic congestion and deceased home values. 29-5

At a recent meeting I attended with Col Waterworth, he expressed concern regarding air pollution. **Yesterday (9/4/02) the national EPA is published on record as saying the fumes from large diesel trucks are a probable cause of lung cancer. The PHA is estimating 7000 trucks a day will be active at Bayport. Please don't expose we citizens to this dangerous health hazard.** 7-158

The PHA has now amended its permit request twice. How can the Corps issue a final EIS when **the project now is not the same one for which the Draft EIS was issued several months ago? Please issue a Supplemental EIS based on these changes.** 23-240

Please consider how the reduction of cruise terminals from 5 to 3 might make alternative sites more viable. The whole issue of alternative sites needs to be reconsidered in view of these revisions. 2-201

Please consider the negative effects of the very mitigation measurers the PHA is proposing to make the noise impact of Bayport less severe. The truth is that a 20-foot sound wall may help adjacent homes, but it will actually worsen it for homes located a short distance away. In addition the wall will cut off the prevailing breeze and light for all the homes in the area. 3-67

Thank you.

203 Bay Colony Circle
La Porte, TX 77571

Phone: 281-471-6131
FAX: 281-471-6966
email: tcginc@aol.com

YP 11912

9-9-02

To: Leonard Waterworth, U.S. Army Corps of Engineers

From: Bill Scott, La Porte Citizen

Subject: Bayport

Just a brief note, again, Mr. Waterworth. I'm **against** the Bayport containership terminal. 29.5

You've received reams of paper about all of the blatant short comings of your DEIS so I won't repeat the details of your incompetence and /or corruption in this note. I've studied your DEIS and your other notices and literature and I've studied the position and facts of the GBCPA and others.

And the question that begs to be asked is;

Are you people so arrogantly corrupt that you think you can hide in the open with your partnership with the PHA? Your DEIS is 1700 pages of trash. You know Spillmans Island is where the container port should be placed. Your crooked wetlands smoke and mirrors maneuver was not only obvious, it was contemptible.

Now Texas Parks and Wildlife has notified you of some of your blatant DEIS oversights. And now the Federal EPA has joined ranks in declaring all of your obvious oversights and calling for another DEIS. When are you people going to come to your sense and do the port expansion at Spillman's Island. 23-241 2-186

Bill Scott
1802 Lomax School Rd
La Porte, Tx. 77571

yp 11913

613 Baywood Drive
Seabrook, TX 77586
September 5, 2002

Kerry M. Stanley
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. BOX 1229
Galveston, TX 77553-1229
409-766-6301 Fax

The Environmental Protection Agency requires the publication of an Environmental Impact Statement to conserve and protect the surroundings that nurture all the living inhabitants of the area. These inhabitants include both humans and the natural resources upon which humans are dependent for economic progress and for a healthy lifestyle.

Once destroyed by man - for financial gain under the guise of economic progress, by the power of wealth, or by misguided governmental agencies - these natural resources no longer possess their potential value and are lost to future inhabitants.

Galveston District of the U.S. Army Corps of Engineers is the agency responsible for determining whether to issue to the Port of Houston Authority two permits for construction and operation of the PHA-proposed Bayport Container/Cruise Terminal. To aid the GD USACOE in making the proper decision, this federal agency requests written comments from interested and affected parties relative to the PHA application. Information about the application has been published in Public Notices by the GD USACOE. In these Public Notices and other published documents, the interested parties - persons, groups, agencies, etc. - are instructed to send their comments to Kerry M. Stanley, Regulatory Branch, CESWG-PE-RE.

I, the writer of these comments (and, probably, many other readers of the Public Notices) was under the misguided impression that the comments were to be reviewed and evaluated by personnel of the Regulatory Branch CESWG-PE-RE. I assumed that there would be in this Branch a sufficiently large number of knowledgeable and informed personnel to review and present unbiased evaluations of the submitted comments.

However, only recently (on August 26, 2002) was it revealed publicly that these comments were to be reviewed by URS Corp, the principal contractor for the applicant, Port of Houston Authority.

Based upon previous reports, it is my impression that URS Corp may not be capable of unbiased review and evaluation of comments addressed to Kerry Stanley. The relationship of the three parties (Galveston District of USACOE, URS Corp and PHA) conveys to me, Scott Eidt, who is not an attorney, the appearance of conflict of interest.

23-243

If my stated concerns are proven true and factually publicized, both the images and reputations of the three named parties may be diminished.

Scott H. Eidt

11914

JOAN L. MCMILLAN
4727 BLANDSTREET
SEABROOK, TX 77586
PH: 281-474-4089 FAX: 281-474-3616

FACSIMILE TRANSMITTAL SHEET

TO: Mr. Kerry Stanley	FROM: Joan McMillan
COMPANY: U. S. Army Corps of Engineers	DATE: 09/05/02
FAX NUMBER: 409-766-6301	TOTAL NO. OF PAGES INCLUDING COVER: 3
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Permit App. #21520 Rev. 2	YOUR REFERENCE NUMBER:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

[CLICK HERE AND TYPE RETURN ADDRESS]

JOAN L. MCMILLAN

YP11911
(4)

September 5, 2002

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

FAX: 1-409-766-6301 REFERENCE: Port of Houston Authority Permit Application#21520 Rev. 2

Since the beginning of this proposed project, those of us who have opposed it have always valued the land, and the need for wetlands, bird habitat and coastal conservation, much more highly than the PHA. The Texas Parks and Wildlife, U.S. Fish and Wildlife along with scores of others who are much more informed than I in this area agree that the land that the PHA proposes to destroy is invaluable. 14-150

- According to the revised permit application, the number of acres of proposed jurisdictional wetlands has been increased to 18.3 acres. Some of those acres are considered as "pristine" land which has never been used for farming or such. This is the last of pristine land to be found in the area yet the PHA proposes to mitigate it utilizing land that was previously rice farmland or other land that is not considered pristine. As a person who has learned the value of what can never be replaced, I know that the PHA should not be allowed to destroy this land when there is land north of Barbour's Cut which could be used instead to build this container port. 14-151

- The community of El Jardin is a bird sanctuary. According to the Texas Parks and Wildlife, and utilizing common sense, the destruction of the hundreds of acres of prairie and coastal wetlands will destroy the breeding and migratory habits of birds and other wildlife which call the area in question "Home." Nothing that the PHA has proposed in its mitigation proposal has shown that they have the ability to avoid this destruction. 12-12

The only alternative would be to use land that fulfills the requirements without destruction of habitat, pristine land and will not harm the communities surrounding it. The most likely alternative would be Spillman Island. 2-186

As a former member of the Port CAG, I had requested a document showing the actual engineering tests and costs of reclaiming the Spillman Island land that is directly north of Barbour's Cut. While I was given a dollar amount according to the PHA as to what

4727 BLAND STREET • SEABROOK, TEXAS • 77586
PHONE: 281-474-4089 • FAX: 281-474-3616

11914

it would cost per acre to build on this land, I was never given the actual documentation which details the methods that the engineers proposed to use to reclaim the land. The PHA has said that the only reason Spillman Island could not be used was due to the tremendous cost. The cost for mitigation of the jurisdictional wetlands alone, including the invaluable land that would be irrevocably lost, should override the cost of reclaiming Spillman Island. 2-202

I urge you to not allow the permits for the proposed Bayport Container port and suggest that the PHA utilize land already available at their site north of Barbour's Cut. 29-116

As an entity that is supposed to protect the best interests of the citizens of the United States, I hope that you will listen to the people and not allow this development which will cause irreparable damage to the Galveston Bay area. Thank you for the work you have done on this project. I know that it has not been easy and I understand that it is a tremendous undertaking - especially second hand. 29-5

Sincerely,

Joan L. McMillan

Joan L. McMillan
El Jardin Resident

1)

Mr. Kerry Stanley
Regulatory Branch
CESWG-PE-RE
USACE

1/P 11915

Dear Mr. Stanley,

I am submitting the following comments regarding the permit application # 21520:

[I believe all the changes the Port Authority has made should be published in a supplemental DEIS.] How else can the public be expected to piece all the changes together? [There are still topics left out including terrorism security and land use impacts and social impacts.] If a final EIS is released without this supplemental DEIS How is this fair to citizens directly impacted by this project? 23-239 35-6

[I also would like to request that the SDEIS include a cumulative impact report with both the Baypot Terminal and the proposed San Jacinto Rail. to divide this huge project in two and not study the impact as one Project is deceptive to the public.] How can this project possibly be considered without this rail line? It is a transportation issue directly associated with the Baypot site if for no other 35-23

Reason than the location of the rail to the proposed rail yard at Bayport.

In closing I will list my request so you can read it easily.

35-6

1) We need a supplemental DEIS that includes
   a) revaluation of Air Quality due to changes
   b) revaluation of Noise due to changes by PHA
   c) land use revaluation due to changes by PHA
   d) revaluate transportation and include the San Jacinto Rail Line.

2) a supplamental DEIS that includes
   a) social ~~impat~~ impact studies that were incomplete
   b) terrorism and security studies that were incomplete
   c) any other studies added to the DEIS and not shared with the public.

YP 11918

Mr. Kerry Stanley
Regulatory Branch
U.S. Corps of Engineers
P.O. Bob 1229
Galveston, Texas 77553-1229
Bayport comments. Ref. Application #21520 (revised)

Dear Mr. Stanley,

I am a homeowner in the "El Jardin" subdivision. My neighborhood is on Galveston Bay between the cities of Shore Acres and Seabrook, adjacent to the proposed Bayport site.

along with my neighbors I urge the Corps to deny the Bayport applications for section 10 and section 404 permits. Construction at the Bayport site is not in the public interest. The negative impacts on Health, safety, property Rights, Wetlands, and Habitat far outweigh any economic benefit. 29-29

Many issues were raised during the Scoping process that were not analyzed In the current Draft Environmental Impact Statement. The Corps should complete a supplemental DEIS to address these issues. 23-72 35-25

The Corps failed to analyze the impact of Fine Particle (PM2.5) and other hazardous air pollution. Ocean going vessels like container ships burn Bulk Fuel Oil, the cheapest and dirtiest fuel available. They require a staggering amount of this fuel, and in turn they belch a staggering amount of contamination into the air. The ocean-going boat traffic at the Port of 7-157

Los Angeles is thought to be the single largest contributor to that city's enormous air pollution problem. Seven thousand diesel trucks daily would add to the toxic clouds. The proposed BNSF/San Jacinto rail effects the same area as Bayport. The two projects are obviously related and the Corps should undertake with the Surface Transportation Board, a combined EIS. Harris County is already out of compliance with the Clean Air Act. I have seen estimates that show that Bayport could increase air pollution by 30% Countywide! This is an issue that cannot be ignored. 35-23

other issues include Property values, the study of future land use, a more complete analysis of transportation and noise, among others. 23-84

There are over 116 acres of Wetlands on the Site, most of which is adjacent to waters. The Corps claimed jurisdiction over only 2.5 acres. This appears to be a blatant attempt avoid to state review (Anything over 3 acres) and the requirement to conduct a more extensive site-rating analysis. 14-61

The public has a right to know the impact of the issues in question. The Corps cannot make legitimate decision without fully analyzing these issues and allowing the public to comment on its analysis.

Thank you,
Murray Blade
Murray Blade

VP 11917

Sept 3, 2002
630 Baywood
Shoreacres, Texas
77577

Dear U.S Army Corp of Engineers.

[We are vehemently opposed to the development of a major marine terminal. The Bayport channel is less than 5 blocks from our house. Already the dredging has caused our venetian blinds to rattle and cracks to appear on our brick home.] [We have placed our home on the market, but with the uncertainty of the marine terminal project looming ahead, buyers are scarce.] 29-117 6-143

[We say no to the Bayport Ship Channel project for the sake of the many animals we see daily, splattered on the roadsides as they seek other shelter.] Only three days ago I saw a doe run for cover less than one block from the Bayport Channel on old Hwy 146. The Port Authority knows we cannot win against it and continues to extirpate and annihilate everything in its path. What a mockery to say it is rebuilding Red Fish! For the record, where do you reside? Are they about to destroy your area? They are destroying ours! Sincerely, Diane Rendon & Richard Hoeke 22-179

YP 11918

September 5, 2002

Helen Burton
2918 Sea Ledge Drive
Seabrook, TX 77586

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,

I urge you to listen to the EPA, Texas Parks and Wildlife and U.S. Fish and Wildlife Service and deny the permit for the Bayport Container terminal. These three entities are the watch dogs for our environment, and they oppose the terminal at the Bayport location because of the environmental damage that would be done. Let us listen to them. 29-117

Helen Burton

Helen Burton

yp11919

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,

I urge you to deny the Port of Houston's proposal to build the new container facility in Bayport, or at the very least to require a new Supplemental DEIS comparing all proposed sites with the changes the Port has made since the original DEIS. My reasons for asking you to do this are:

- The Port has dropped 2 cruise terminals from their proposed plan. Potential port sites were eliminated because they could not accommodate 5 cruise terminals, now that the number of cruise terminals is reduced to 3 the prior analysis is flawed. 6-127
- There are inconsistencies between Revised Public Notice #2 issued July 22, 2002 and Revised Public Notice # 1 issued April 2002. Public Notice #2 indicates a reduction in the area to be dredged and yet gives the same acearage to be dredged as indicated in Public Notice #1. 23-242
- There is no mitigation of non-jurisdictional wetlands. The DEIS should be amended to clearly note that there are wetland impacts associated with the Bayport project much greater than previously identified and that these wetlands are viable, natural wetlands. By contrast Spillman's Island and Shoal Point sites involve the development of spoil disposal areas that are not legally classified as wetlands. 14-128
- There is no mitigation proposed for impacts in the open water of Galveston Bay though there is significant ecological impact to the bay. 12-54
- Wave power and shoreline erosion are not discussed in a comparable way for the various alternative sites. 15-39
- There is no mitigation proposed for the loss of Neo-tropical bird habitat. 12-70
- The Bayport DEIS fails to address the impact of PM2.5 (fine particle) emissions and is unclear about emissions deriving from construction work. 7-87 35-1
- Analysis of operating emissions needs to include total additional emission loads to avoid compromising the State Implementation Plan of attainment of the national ozone standard in the Houston Galveston area. 7-159

The proposed Bayport container project has been substantially altered since it was proposed and discussed in the draft DEIS. In addition to this the primary factors

controlling the evaluation of alternatives under NEPA and under the EPA's 404(b)(1) guidelines have been changed. The wetland comparison in the DEIS is incorrect. The comparison of acres of open water and tidal flats impacted is incorrect. The issue of neo-tropical bird impacts has not been considered. A supplemental DEIS needs to be issued, identifying honestly the relative impacts of the various alternatives.

Sincerely,

Dennis Burton

11920

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,

I urge you to listen to the EPA, Texas Parks and Wildlife and U.S. Fish and Wildlife Service and deny the permit for the Bayport Container terminal. These three entities are the watch dogs for our environment, and they oppose the terminal at the Bayport location because of the environmental damage that would be done. Let us listen to them.

29.117

Herman Burton

YP 11921

Kerry M. Stanley
Regulatory Branch, CESWG-PE-RE
US. Army Corps of Engineers
Galveston, Texas

September 1, 2002

Dear Kerry Stanley,

I would like to take this opportunity to express my concerns about the proposed Bayport Ship Channel Terminal Expansion Permit Application No.21520(Revised).

I do appreciate the fact that the Port of Houston has taken lengthy steps towards reducing the environmental impacts that a massive expansion such as proposed Bayport Terminal would have. I have reviewed many of the documents that the Corps of Engineers have sent me and am under the opinion that much time, money and consideration has been expended in considering the possible negative impacts that this project could developed. There is little doubt that the parties involved, either for or against this project know that there are many jobs that would be created by a project of this magnitude. There will also be jobs lost as the recreational usages of Galveston Bay are diminished by the increased shipping. Specially since the Bayport shipping lane cuts right through the heart of the recreational area of the bay that is used by sailing vessels and sport fishing craft. I'm sure there are those that would lay claim to the fact that this loss of employment would be insignificant compared to the gains in employment brought forth by the commerce generated by the Port's Expansion. Even though many hundreds of jobs will be created during the construction of the terminal, when completed, will the actual number of jobs created for the operation of the terminal be equal to the number of jobs lost by those who cater to the recreational industry? 6-144

Much thought and consideration has been put forth by the Port of Houston pertaining to the loss of wetland areas, erosion, building sound barriers, special lighting fixtures, etc., but more important than any other consideration about jobs, environment, pollution, etc, is the safety of the citizens. 21-76

It is apparent that since the tragic events of 911, that every city in the United States is vulnerable to a terrorist attack of some sort. Cities with open ports to the sea are more vulnerable than inland cities, although the threat from the air is equal to all.

The Federal Government has stated many times since the events of 911 that future terrorist attacks aimed at the United States in the future are eminent and that all measures to thwart such an attack should be implemented immediately.

Many things have changed since those tragic events on September 11,2001. A heightened state of security has been mandated by The President. Our Country has entered into The War against terrorism and our Armed Forces are currently engaged in this endeavor. Airports and the air transportation industry have experienced a major build of security measures for obvious reasons. Many passengers and air cargo are being scrutinized for security reasons more than ever before. Can the same be said for the tens of thousands of cargo containers that enter into our ports every day? 21-77

Would it even be possible to adequately inspect the existing sea cargos that are entering at this time? **Would allowing even more cargo imports to enter without diligent security inspection procedures fall into the Presidents plan for a heightened state of security?**

I believe this expansion to increase concealed imported cargo inside containers is a risky proposal at best. Considering the current world situation, I would tend to question the economic feasibility of this proposal especially if import tariffs should ever be imposed to pay for the necessary measures needed to insure the safety of cargo entering our ports. 21-77

The Port of Houston has 300 million dollars to build a new container facility. It should now be using that money to set security measures in place to insure the safety of the current imports. Building new importing facilities at this point is definitely not in the best interest of our National Security. Would 300 million dollars even be enough funding to thoroughly inspect the existing imported containers into the Houston Area by sea in one year? These are very serious issues that need to be addressed immediately on the existing imported containers before ever considering opening up even more avenues for possible terrorist activity.

The Bayport Canal, according to the **Public Notice Us Army Corps of Engineers** document, is 30 miles southeast of downtown Houston. Since the predominate winds are from the southeast, that puts downtown Houston directly downwind of the proposed container facility.

The Houston area accounts for approximately 40% of the refining / petrochemical output of the United States. A container with a biological, chemical or dirty nuclear bomb concealed inside of it delivered without inspection to the Bayport Facility could cause catastrophic damage to the population of The Houston Area and in essence wipe out the entire industrial area. This could not only kill millions of the population but would be detrimental to the security of the Nation as a whole. All it would take is one well placed plan by an enemy country and an open Port laxed in security to execute such a scenario.

I would hope that something like this could never happen, however as the one year anniversary of the events of 911 approach I often wonder just how safe we really are and what steps are our Government taking to insure the safety of the Citizens of our Nation.

These steps for security or rather the lack of, are the things that bother me now more than losing a few acres of wetlands or night lights. 21-78

I have absolutely no control over what some fanatical religious sect on the other side of the world would do to our country. I also believe that since the security measures have been so dramatically increased at air transportation centers around the Country and the World that the next attack will be by sea through a cargo importing facility.

I would therefore encourage you to take what ever steps necessary to set a policy to inspect all the existing imported containers and to determine a location more suitable for future importing facilities that would be less of a danger to the general population should the unthinkable situation ever arise.

I have not seen any plans published by the Port Of Houston guaranteeing the safety of the citizens from such an attack. Although I did see on television how random inspection are performed on certain containers that fall into the search profile they have mandated. According to news clip I saw the containers with questionable origins or having incomplete or tampered manifests would be searched. I believe the terrorist organizations that could do harm to our country are sophisticated and well financed. I don't think it would be very hard for them to find a way to import a weapon of mass

destruction in a container which appears to have come from a friendly nation such as Japan, Australia, South America, Canada, etc.

The container ships are very large and can carry many thousands of containers. The argument could be made that it would be impossible to check each and every one that is brought into port. This unfortunately is exactly the weak point the terrorist organizations could use to their advantage. Until it is standard procedure to inspect all imported goods even if it has to be done **one container, one parcel, one letter at a time** then we are all at risk of the eminent attack that our own Government has warned us will happen.

There are no other alternatives short of total inspection and scrutiny for Murphy's Law dictates that if one thousand units arrive and nine hundred and ninety-nine are inspected, then number one thousand would be the culprit. It could be possible to import a weapon of mass destruction causing thousands even millions of causalities without the terrorists even encountering one causality.

As it stands now importing procedures and illegal immigration are the two of the largest problems (among others) that our Country faces at this time. This is why we find ourselves issuing extended visas to suicidal terrorists and having to confront over thirty thousand illegal immigrants penetrating our borders every day I heard on the radio that there are over 1 million illegal immigrants (an estimate) in the Houston area alone. Over 80% are from Mexico and other South American countries, that means 20 % are from other areas. How many are from countries hostile to the United States? No One Knows. We must not and cannot underestimate these problems, especially in regard to terrorist activities.

The time is well at hand to close our borders and greatly enhance our ability to regulate who and what can be brought into our Country. If an import duty needs to be established to make it necessary to perform such inspections and regulations then so be it. This would be a prudent line of reasoning for a Country that has been attacked and is at War.

With the very real threat of further attacks and possible escalation of The War against Terrorism on the horizon anything short of total self discipline in this regard could result in a catastrophe of Titanic proportions.

I therefore encourage those who are charged with the responsibility of protecting the citizens of Our Nation to do so. And to carry on with their sworn duties with the utmost diligence and in such a fashion as to ensure the safety of the citizens above all other considerations economic or monetary.

Yours Truly

Douglas K Lowe
14414 EGRET DRIVE
SEABROOK, TX
77586

Larry A. Wise, P.E

1129 E. 16th Street
Houston, Texas 77009
home 713.426.3170
larry.wise@mindspring.com

YP 11922

September 5, 2002

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

Dear Mr. Stanley:

This letter restates my earlier objections to the Port of Houston's Bayport Channel Container/Cruise Terminal revised permit application (Permit Application Number 21520-revised).

The revisions in the permit application do not change any of the concerns documented in my previous comments regarding the effects on shoreline erosion and navigational safety on the Port of Houston's Bayport Channel/Cruise Terminal Draft Environmental Impact Statement (DEIS) conveyed with the letter to you dated March 9, 2002. I remain opposed to the project. By this letter, **please incorporate my comments on the DEIS into these comments on the revised permit application**. The Bayport Alternative would create unavoidable and unacceptable negative impacts to area citizens and should be rejected. It is clear that other alternatives would pose fewer negative impacts to far fewer people. 29-11 P

Thank you for your consideration of this important matter.

Sincerely,

Larry A. Wise, P.E.

Marie D. Wise

1129 E. 16th Street
Houston, Texas 77009
home 713.426.3170
cellular 713.419.5329
marie.wise@mindsprung.com

11923

September 5, 2002

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

Dear Mr. Stanley:

This letter restates my earlier objections to the Port of Houston's Bayport Channel Container/Cruise Terminal revised permit application (Permit Application Number 21520-revised).

The revisions in the permit application do not change any of the concerns documented in my previous comments on the Port of Houston's Bayport Channel/Cruise Terminal Draft Environmental Impact Statement (DEIS) conveyed with the letter to you dated March 9, 2002. I remain opposed to the project. By this letter, please incorporate my comments on the DEIS into these comments on the revised permit application. The Bayport Alternative would create unavoidable and unacceptable negative impacts to area citizens and should be rejected. It is clear that other alternatives would pose fewer negative impacts to far fewer people. 29.118

Thank you for your consideration of this important matter.

Sincerely,

Marie D. Wise

11924

Eunice Cherry
4703 Hawthorne St.
Seabrook, Texas, 77586

Kerry M Stanley
Regulatory Branch, CESWG-PE-RE
U.s. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553_1229

In regard to the Port of Houston Authority (PHA) application for the Bayport permit for Section 10 and Section 404, I am requesting that the Corps of Engineers deny this permit because the construction of this facility is not in the public interest.

The Draft Environmental Impact Statement (DEIS) did not fully analyze many issues raised during the scoping process. The following are issues which concern me:

1) The PHA does not own all of the land necessary to construct he facility at Bayport. The Corps should have rejected the permit when it was submitted because it is against the law to apply for a permit without being able to acquire the land necessary for a project. Now thw PHA is threatening private land owners by an "eminent domain" land seizure. The Sereau property (Harris Ranch) owners are being threatened by such a land seizure. Glenn Sereau, owner of the Harris Ranch, is a descendant of William Harris. 23-16

This land is of great historical significance because it is part of the Land Grant William Harris received inthe 1830's before the Texas Revolution. Harris County was named for this ranch. It is almost sacrilegious to use this land for an objectionable container oirt. 4-62

The USA is unique among nations because it permits citizens to own private property. I do not believe an unelected government body (PHA) should be permitted to secure private property by eminent domain.

2) The amount of wetlands at Bayport are very unique and exceeds 3 acres. In the DEIS the Corps erroneously claimed jurisdiction over 2.5 acres of the 116 + acres of wetlands on the site. In a study made by Dr. John Jacobs, one of 5 renowned geologists in the US, for the Galveston Bay Conservation and Preservation Association (GBCPA), stated this wetlands, one of 5 or 6, remaining in the country, is a pristine and unique wetlands. This land during normal rainfall, often has 8-10 inches of water. This water is filtered by the soil and eventually nourishes Pine Gully which is an estuary that in turn nourishes Galveston Bay. Mitigating wetlands 10 -- 20 miles away cannot possibly replace this valuable ecological wetlands. This too would be sacrilegious to destroy. 14-151

3) In conjunction with the wetlands issue, no consideration of the almost certain flooding of El Jardin was studied. El Jaedin is located on the highest elevation (Red Bluff Point) along Galveston Bay. It has never flooded. Normally during normal rainfall, the Harris Ranchproperty holds 8 - 10 inches of rainfall 25-74

11924

The run-off from acres of concrete of Bayport concredt would probably flood the El Jardin subdivision for the first time in history.

4) The Corps has failed to analyze a 50' deep ship channel across Galveston Bay. The citizens of our area and all of Harris County enjoy the fish, shrimp, and oysters that come from the well nourished Galveston Bay. A permit application with wharves to 56' MLT(mean low tide), that sccommodates 50' draft ships, will demand a 50' channel. A 50' channel will destroy the ecological and economic productivity of Galveston Bayby introducing additional salinity. The PHA hopes to break ant 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. 35-2

5) Last but not least, The Corps should conduct a risk assessment to disclose the impact from hazardous materials, safety, and potential terrorism. To run foreign containers into one of the largest Petro- chemical complexes in the USA is criminal neglect. A risk analysis must be made since the 9-11 incident. 35-10

A Supplememtal Draft Environmental Impact Statement (SDEIS) should be prepared to incorporate my concerns and the numerous other concerns and omissions expressed by the citizens of the Bayport area. Accompaning the SDETS, the Corps should hold another public meeting to inform the concerned Bay Area residents about all of the changes that you should have made in a SDEIS and the numerous changes in the permits submitted by the PHA for the Bayport project. 35-6

Respectfully,

Eunice Cherry

YP 11925

September 4, 2002

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

RE: Permit Application Number 21520 (Revised)

Dear Mr. Stanley:

Despite attempts by the Army Corps of Engineers to "get it right" on the permit application 21520 (Revised) for the proposed Bayport Container Facility, it is clear that even the revision falls short of accomplishing that goal. 29-119

There are still major discrepancies in the amount of wetland that will be impacted. The Corps has failed to explain how two similar projects such as the Texas City Container Facility and the Bayport Facility which looked at each site as an alternative to each other, could derive significantly different acreage on wetland impacts. 2-154

In addition, many Alternative Site combinations were eliminated from consideration in the original DEIS, which was released in December, due to their inability to accommodate 5 cruise terminals. Yet in the Revised application, 2 of the 5 cruise terminals are dropped. There is no explanation for this! 2-190

It is clear that the Army Corps of Engineers is being pressured by the PHA to rush this project to a Final EIS, without a Supplemental. The proof is in the data. Please take the time to resolve all of the discrepancies in the data and do a Supplemental. 23-244

As a resident of El Jardin Del Mar, I want it on the record loud and clear that there is NO MITIGATION PLAN proposed by the Port of Houston Authority that will temper this proposal to the satisfaction of the residents. I am the appointed representative of the El Jardin Community Association and also am a former member of the Port of Houston Authority Citizen Advisory Group. My community withdrew our attendance from the CAG because we know first hand that the mitigation plan offered is insufficient to cover the long-term negative impacts to our community and to the environment. 29-119

11925

I would like to qualify this very strong, very negative position regarding Bayport in respect to the community of El Jardin. We are aware that there are laws in place to protect citizens and the environment from projects that could potentially have a negative impact. We are pro-growth and pro-business, however, we think that a project should go where it would do the least damage environmentally and to the citizens who are neighbors to the project. We have learned during this very long, 4 year permitting process, that the citizens have very little say in these matters and apparently, federal laws written by elected officials to protect the environment and communities, can be twisted to suit the purpose of facilitating a permit. 23-245

The residents of El Jardin have read the letters from the regulatory agencies such as the TNRCC, EPA, US Fish and Wildlife, and Texas Parks and Wildlife regarding the Bayport Container Facility. These letters validate our position that the least practicable site was chosen and the PHA and Army Corps of Engineers appear to be in collusion to fast-track a permit despite scientific evidence which contradicts allowing a permit at the Bayport Site. 23-246

The Army Corps of Engineers may appear to be in a difficult position, caught between citizens and a powerful, quasi-governmental agency such as the PHA. However, your agency has been given enough data and advice from every major regulatory agency in the State of Texas and the United States regarding this project. Doing the right thing should not be such a difficult decision. Re-visit the Alternative Site analysis, get the wetland numbers correct, proceed with a Supplemental and give the citizens a chance to comment on this very complicated DEIS and lastly, take to heart what is stated in the Clean Water Act regarding choosing the most practicable site location. 23-247

Sincerely,

Charlotte Cherry

Charlotte Cherry
6 Memory Lane
Seabrook, Texas 77586

September 3, 2002

YP11926

This letter is to express our deep concerns for , and opposition to , the proposed port expansion at Bayport. Count four votes AGAINST, being expressed in this letter. 29-5

We just moved to Seabrook almost three years ago just before the Port Expansion was voted in by the downtown financial district. A big resounding NO was sent by the people who live in the areas of the port, and of the plants that already exist there, belching pollution into their environment, which created the dishonor of Houston's being #1 in pollution. I was amazed with that situation alone, that this port expansion had passed, even with the Downtowners.

We had hoped to get close to the water and nature, and are devastated at this possibility. It is so disappointing to hear people with some fame, such as Steve Smith, shown fishing and praising the port coming in here. There is a fragile eco system here that MUST be protected. It is alarming enough at the pollution generated into the air and water by the existing plants in the area. This also needs some close scrutiny and mandatory restriction and huge penalty as incentive to protect this earth we live on. The good of the many should out weigh the fortunes of the few...in other words a priority of survival must be placed ABOVE the above the lust for the dollar,and the nepotism that destroys this world. 22-180

I find needs to often "shelter in place" , unacceptable to effectively regulate these industries. Having to keep our children or the vulnerable inside on days when these pollutants are so excessive. The large number of plant explosions should be a big red flag here!

I strongly suggest, along with the environmental impact to the area from the port in itself, that the issue of terrorism also be factored in. We know we have determined enemies who are working on all sorts of weapons that could be hidden in cargo holds, and this port must be at a distance from where 35-10

These ships can be properly examined, before coming into populated areas, so that if there were sabotage, people and environment would not be contaminated.

Please stay firm in your protection of our environment!!
All life and health depends on it.
Sincerely,

Suze Benson ....Warren Benson .... Mirriah Benson (asthma sufferer)
Stephani McIntosh
2061 Oceanview Seabrook, Texas 77586

Suze Benson

Mirriah Benson

Stephani McIntosh

YP 11927

Kerry M. Stanley
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 7755 3-1229

I am taking this opportunity to write your office to voice my strong opposition to the proposed Bayport expansion / major marine terminal development. The opposing issues should be self-evident, and have certainly been broadcasted in the past. Nonetheless, I would like to list some of the noted reasons to oppose this expansion proposal:

- Over 18 acres of wetlands will be destroyed – Noted by the USFWS to be of national significance. Further, having grown up in this area, I can attest to the significance and what has been a drastic decrease in these habitats in the last 20 years, leaving the area in what can be seen as a fight for it's life. 14-151
- Proximity of facility to residential areas, already heavily intruded into by chemical industry 4-30
- Impact of the increased shipping traffic to Galveston Bay in this area. Tanker spill off will further pollute this upper bay area, basically just adding another point source along with the Upper Channel. – No one can say this situation will not further negatively impact the Galveston Bay Eco-system. 22-182
- Increased air pollution in this residential area, created both by the crude diesel burning Tankers and the increased volume of diesel burning ground transportation. It is my understanding that this area of Harris County, Texas has some of the worst air quality in the nation. How can an increase in pollutants like this be considered with regards to air quality? 7-157
- The local habitat area has also been severely reduced in the last several years. With this possible reduction of over 1560 acres of area habitat, what are we doing to any balance of nature? Any plan to move forward with this "pave the world" mentality will obviously take us another step closer to killing another eco-system within the United States. If we want to further go the route of other over-industrialized areas, perhaps we should take a good look at the results – a few people make the money, but the whole of the people loose. 12-42 12-48

It is my sincere hope that your office reviews this proposed project in terms of necessity versus environmental/ location impacts. My deep belief is that the environmental and local socioeconomic impacts associated with this proposed site are much worse than the benefits to be gained on accepting this project. Please disapprove this application issued by the Port of Houston. 29-5

Sincerely,

C H Kuehnel

Carl H. Kuehnel
1225 Heron Dr.
Seabrook, Texas 77586
Ph. 281-474-3045

YP 11928

August 23, 2002

Mr. Kerry Stanley
US Army Corps of engineers
Galveston District, Regulatory Branch

Via: email kerry.m.Stanley@usace.army.mil
Via : Fax : 409-766-1229

Re : Permit Application #21520

Dear Mr. Stanley:

Question:

Can a permit be issued on this application even if it shows acres of land not owned by the PHA currently, or land just recently purchased, years after their plan was submitted? 23-250

I would very much appreciate a reply to this question from your viewpoint.

Sincerely,

Rosebud L Caradec
1350 Nasa Pkwy, Ste. 118
Houston TX 77058
281-333-1847
email: rosebudc@ev1.net

Stanley, Kerry M SWG

YP 11929

From: Oliver, Suzanne [Suzanne.Oliver@sjcd.edu]
Sent: Tuesday, August 20, 2002 2:06 PM
To: 'kerry.m.stanley@usace.army.mil'
Subject: DEIS

Sir:
When will it become apparent that too many people living in this area of Texas want more vision from their public servants? We do not want a container port or a railroad that will negatively impact and degrade the already compromised environmental conditions locally. I agree with the final paragraphs from a recent memo from GBCPA, which states:

The issue of a Supplemental Draft EIS deserves additional attention at this time. The proposed Bayport container project has been substantially altered since it was proposed and discussed in the Draft EIS. Since that time, Revised Public Notices #1 and #2 have been issued. There have been multiple changes. The acreage of jurisdictional wetlands has been increased, the total acreage of wetlands has been disclosed, the noise mitigation has been changed, the number of cruise terminal berths has been changed, the land plan associated with the cruise terminal has been changed, a concrete wall is proposed to be constructed on the north side of the Bayport channel, and the number of cruise ships has been reduced from 5 to 3, to name the more notable changes. 22-183

Most importantly, the analysis of alternatives, "the heart of the EIS" according to the rules of the Council on Environmental Quality that control the EIS process, is now obsolete. The primary factors controlling the evaluation of alternatives under NEPA and under the EPA's 404(b)(1) guidelines have been changed. The wetland comparison in the DEIS is incorrect. The comparison of acres of open water and tidal flats impacted is incorrect. The issue of neo-tropical bird impacts has not been considered. A supplemental DEIS needs to be issued, identifying honestly the relative impacts of the various alternatives. In this revised alternatives analysis, the issue of the necessity of an adjacent cruise terminal should be directly and honestly addressed. [There is no rationale as to why the cruise terminal should not be located at a separate location from the container facility. By arbitrarily eliminating two of five cruise terminals, the Port of Houston has certainly indicated that there is nothing magical about co-location. It is purely arbitrary and should not be a basis for eliminating alternatives as was done in the DEIS.] Therefore, the DEIS should be reopened and reissued based upon the changes in the cruise terminal and its impact on alternative analysis in the DEIS. 35-18 14-32 23-193 2-205

The issue of a Supplemental Draft EIS deserves additional attention at this time. The proposed Bayport container project has been substantially altered since it was proposed and discussed in the Draft EIS. Since that time, Revised Public Notices #1 and #2 have been issued. There have been multiple changes. The acreage of jurisdictional wetlands has been increased, the total acreage of wetlands has been disclosed, the noise mitigation has been changed, the number of cruise terminal berths has been changed, the land plan associated with the cruise terminal has been changed, a concrete wall is proposed to be constructed on the north side of the Bayport channel, and the number of cruise ships has been reduced from 5 to 3, to name the more notable changes. Same as Para 2 above

It is time that the public had an honest and accurate assessment of the severe environmental degradation that will result from a container facility at Bayport.

Thank you for your attention,
Suzanne K. Oliver, Ph. D.

August 19, 2002

YP 11930

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

Dear Kerry,

After reviewing the Public Notice dated July 22, 2002, I am not sure I know where to begin. The Bayport project proposed by the Port of Houston Authority seems to generate more questions than answers.

We strongly object to more industry to an already over-crowded industrial area. The thought of more 18-wheeler trucks choking our local road system is unacceptable. The air pollution created by these trucks as well as the port area itself, will compound the air problems we already experience. The proposed rail line will be a nuisance, not only in terms of noise but also in terms of traffic congestion day in and day out. There are clearly better locations available than the Bayport area. The unsightly acres of containers is not something we would look forward to seeing as we do at Barbours Cut, I don't care how many greenbelts you put around them. We are opposed to creating any wetland areas in or around the Red Bluff Road area. How can the addition of this proposed facility NOT have a negative effect on our living environment from a noise and air pollution standpoint? We have worked hard to build the upscale homes in the neighborhoods in this area and do not want to see our property values diminish because of this project being forced down our throats by the Port of Houston Authority and Harris County. There are many other issues we will not discuss here, however, we STRONGLY OPPOSE this project and will encourage those willing to fight against it to the bitter end. Nothing good will come out of this project for the residents of Taylor Lake Village and surrounding areas.

4-30
18-34
14-155
35-12
29-91

Thanks for the opportunity to voice our opinions, we hope they will be heard.

Sincerely,

Deanna and Jay Dumesnil
Taylor Lake Village

11930

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before **22 August 2002**. CLOSEDATE. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections**. Comments and requests for additional information should be submitted to:

Kerry M. Stanley
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-6345 Phone
409-766-6301 Fax

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS

2 PAGES TOTAL

21520

YP 11931

August 18, 2002

Fax - 409-766-6301

2517 Breaux Trace
Seabrook, Tx

To: Mr Kerry Stanley
Regulatory Branch
CESWG-PE-RE
US Army Corps of Engrs.
P.O Box 1229
Galveston, Tx 77553-1229

22-183

1) The Port's ammended permit application should trigger a Supplemental DEIS (SDEIS)

2) The SDEIS should reevaluate air quality, noise, land use, wetlands, transportation. 50 ft. Bayport channel impacts — Maintenance Dredging and the like —, cumulative impacts with the concurrent proposed San Jacinto Rail Project, in view of the new application.

23-254

In essence it's not O.K. for U.S.A.C.O.E. to treat the revision of the Port of Houston Authority permit application (#21520) without applying all necessary due diligence which is required for a new permit application.

1-54

The objections do not change because of a reduction from 5 to 3 berths, nor do they change for a reduction in acreage footprint.

Walter S. Greene

August 18, 2002

Fax - 409-766-6301

2517 Breaux Trace
Seabrook, Tx

To: Mr Kerry Stanley
Regulatory Branch
CESWG-PE-RE
US Army Corps of Engrs.
P.O Box 1229
Galveston, Tx 775532-1229

11968

Duplicate of YP1193

1) The Port's ammended permit application should trigger a Supplemental DEIS (SDEIS)

22-183 2) The SDEIS should reevaluate air quality, noise, land use, wetlands, transportation. 50 ft. Bayport channel impacts — Maintenance Dredging and the like —, cumulative impacts with the concurrent proposed San Jacinto Rail Project, in view of the new application.

23-254 In essence it's not O.K. for U.S.A.C.O.E. to treat the revision of the Port of Houston Authority permit application (#21520) without applying all necessary due diligence which is required for a new permit application.

1-54 The objections do not change because of a reduction from 5 to 3 berths, nor do they change for a reduction in acreage footprint. 1-54

Sincerely,

Walter S. Greene

YP11932

Stanley, Kerry M SWG

From: Goodgirl3675173@cs.com
Sent: Saturday, August 24, 2002 11:09 AM
To: Stanley, Kerry M
Subject: Comments - Bayport Marine

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

No Name or Address

I am offering the following comments concerning the Bayport Marine Terminal.

This is the second revision of Permit Application #21520 after the issuance of the DEIS and the close of the public comment period on the DEIS. At the least, the public comment period on the DEIS should be reopened and a public meeting should be convened to explain these changes in the project. 23-25

In the Revised Public Notice #2 (issued July 22, 2002), the Corps of Engineers states that there has been a change in the proposed project. Instead of 5 cruise berths, there are now proposed to be 3 cruise berths. In turn, the Corps states that the amount of areas proposed to be dredged is reduced by 23 acres, a reduction in open water fill to 21.3 acres and a reduction in the amount of dredged material to be placed off-site by 1,045,965 cubic yards. However, there seems to be a disconnect between that statement and Sheet 9 of 54 which shows the same exact dredged area as is shown in Sheet 9 of 28 on the Revised Public Notice #1 (issued 04 April 2002). These sheets should be different if, in fact, 23 less acres are being dredged. They are not different, either meaning an error has been made in the public notice or there is no change. This discrepancy needs to be cleared up and if the changed dredging area was not shown on Sheet 9 of 54, then a new public notice with the correct information needs to be sent out. 22-18? 11-48

Second, and more importantly, no explanation is given for the dropping of 2 of the 5 cruise terminals. This is important in the context of the alternatives analysis conducted in the DEIS. A number of sites were eliminated because they could not accommodate 5 cruise terminals. Now, there are only 3, clearly making the alternatives analysis in the DEIS incorrect. More importantly, though, is the fact that 2 cruise terminals are dropped without any discussion of the functional relationship between the cruise and container terminals. We have argued that no such functional relationship exists and that the alternatives analysis should be conducted without any associated cruise terminals due to the absence of a functional connection. Clearly, if they can drop 2 of the 5 cruise terminals with no explanation, they could drop all of them. We should all urge that the alternatives analysis in the DEIS be redone to consider site development without any associated cruise terminals. 2-201 2-190 2-205 2-208

Third, a revised wetland mitigation proposal is included in Revised Public Notice #2. Revised Public Notice #1 increased the acres of jurisdictional wetlands from the 2.5 identified in the DEIS to 18.3. Revised Public Notice #1 also identified 310 acres of open water habitat as being jurisdictional for project purposes. In addition, approximately 114.5 acres of non-jurisdictional wetlands would be impacted within the project site. Revised Public Notice #2 maintains that 18.3 acres of jurisdictional wetlands would be filled but alters the open water affected by dredging to 127.3 acres, seemingly altering the open water habitat by about 190 acres. There is no explanation for this difference. In Revised Public Notice #2, there is no mention of the acreage of non-jurisdictional wetlands to be filled, which should remain at 114.5 acres. 14-128

11932

The point here is that this Revised Public Notice #2 essentially sets forth a different mitigation concept that is unacceptable. There are many problems with this proposed mitigation plan. Let me identify a few.

1. There is no mitigation proposed for the non-jurisdictional wetlands. There are 114.5 acres of important wetlands that are not proposed for mitigation. Because these are unmitigated impacts, they should be considered as negative impacts of the proposed action. As such, this project contributes to the cumulative loss of prairie pothole wetlands along the coast. We believe that these wetlands are jurisdictional. That is, however, a separate issue. The issue here is that if these wetlands are not compensated, then the DEIS should be supplemented to discuss the role of this project regarding cumulative loss of wetlands. At this time, there is no such discussion. There needs to be. Along the same lines, the evaluation of alternatives in the DEIS should be amended to clearly note that there are wetland impacts associated with the Bayport project much greater than previously identified and that these wetlands are viable, natural wetlands. By contrast, the Spillman's Island and Shoal Point sites involve the development of spoil disposal areas that are not legally classified as wetlands. 14-16C

2. There is no mitigation proposed for the impacts of the open waters of the bay. Galveston Bay is an estuary. Depending upon whether one believes Revised Public Notice #1 or #2, there are either 310 acres of open water impacted or 127.3 acres of open water. These open water areas are estuarine waters and they have value, just as wetlands and marshes do. Additionally, the cruise terminal development will impact upwards of 23 acres of tidal flats. According to Dr. Robert Costanza in his article published in the journal *Nature*, (Costanza et al, "The Value of the World's Ecosystem Services and Natural Capital", *Nature*, Vol. 387, May 15, 1997, pp. 253-260) wetlands, estuaries and tidal flats have natural value. According to Dr. Costanza, marshes are worth about $9000 per acre per year, estuaries are worth about $11,000 per acre per year and tidal flats about $9000 per acre per year in terms of value to the ecological system. From this perspective, it appears that there significant ecological values that are not being mitigated. The 114.5 acres of unmitigated wetlands are worth about $1,000,000 per year, the 310 acres of open water are worth about $3 million per year and the 23.5 acres of tidal flats are worth about $220,000 per year in terms of ecosystem productivity. That comes up to about $4.22 million per year in ecological productivity that is not proposed to be mitigated. That is an unacceptable impact to Galveston Bay. That is a basis for permit denial. This is how we are losing the battle to protect Galveston Bay, literally acre by acre converted from natural productivity to other uses such as navigation, dredging, filling. 14-12B 14-15E

3. There is no mitigation proposed for the loss of neo-tropical bird habitat that will be lost if the site is developed. That is an impact that is considered within the scope of EPA's 404(b)(1) guidelines and should be considered in the analysis of alternatives. There is no indication that this factor has been considered in any form or fashion. 12-72 12-71

4. Under the 404(b)(1) guidelines found at 40 CFR 230 et seq, there is a requirement that the least damaging practicable alternative be selected by the Corps of Engineers. The alternative of constructing Bayport, and its associated impacts, should be reconsidered in light of Revised Public Notices #1 and #2. This reconsideration requires the reopening of the DEIS for comments and ideally would involve the publication and circulation for comments of a Supplemental Draft EIS. 14-15B 14-13D

The issue of a Supplemental Draft EIS deserves additional attention at this time. The proposed Bayport container project has been substantially altered since it was proposed and discussed in the Draft EIS. Since that time, Revised Public Notices #1 and #2 have been issued. There have been multiple changes. The acreage of jurisdictional wetlands has been increased, the total acreage of wetlands has been disclosed, the noise mitigation has been changed, the number of cruise terminal berths has been changed, the land plan associated with the cruise terminal has been changed, a concrete wall is proposed 23-25

11932

to be constructed on the north side of the Bayport channel, and the number of cruise ships has been reduced from 5 to 3, to name the more notable changes.

2-183

Most importantly, the analysis of alternatives, "the heart of the EIS" according the rules of the Council on Environmental Quality that control the EIS process, is now obsolete. The primary factors controlling the evaluation of alternatives under NEPA and under the EPA's 404(b)(1) guidelines have been changed. The wetland comparison in the DEIS is incorrect. The comparison of acres of open water and tidal flats impacted is incorrect. The issue of neo-tropical bird impacts has not been considered. A supplemental DEIS needs to be issued, identifying honestly the relative impacts of the various alternatives. In this revised alternatives analysis, the issue of the necessity of an adjacent cruise terminal should be directly and honestly addressed. There is no rationale as to why the cruise terminal should not be located at a separate location from the container facility. By arbitrarily eliminating two of five cruise terminals, the Port of Houston has certainly indicated that there is nothing magical about co-location. It is purely arbitrary and should not be a basis for eliminating alternatives as was done in the DEIS. Therefore, the DEIS should be reopened and reissued based upon the changes in the cruise terminal and its impact on alternative analysis in the DEIS.

2-188

UNSIGNED

YP 11933

DEAR CORPS OF ENGINERRS;

I OBJECT TO THE PORT OF HOUSTON PLAN TO BUILD AT BAYPORT. 29-50

ITS OBIUIOUS THIS IS A BAD LOCATION, WHEN THE TEXAS PARKS AND WILDLIFE, NATIONAL FISH AND WILDLIFE,JUST TO MENTION A FEW OF THE AGENCIES THAT HAVE REJCETED THIS BOONDOGGLE. 23-246

THE TRADE- OFF OF WETLANDS IS THE BIGGEST HOAX ,LIE, JOKE, THAT THE PORT IS TRYING TO PULL OVER THE BLIND SHEEP POPULATIONS EYE. I HAVE PERSONALY EXPLORED THE ENTIRE AREA BY FOOT AND CAN TELL YOU THAT 75% OF THE AREA IN QUESTION IS A WETLAND,(EVEN THE PART SOMEBODY MYSTERIOSLY DUG DRAINAGE DITCHES)

THE LAND THAT THEY ARE TRYING TO TRADE IS ANOTHER JOKE, WE ALL KNOW THAT LAND IS SCHEDULED TO BE DEVELOPED 10 YRS FROM NOW.

PLEASE WAKE UP, DO NOT GIVE IN TO THESE RAPERS OF THE LAND.OUR QUALITY OF LIFE IS IN YOUR HANDS.

IF THIS PORT CRAP GOES THROUGH MAY GOD FORGIVE US ALL(THATS ME) AND MOST OF ALL YOU!!!!

Sincerely

Bruce Adams

4706 CAROLINE

SEABROOK TEXAS

77586

VP 11934

William R. Becker
9801 Fairmont Parkway, #2502
La Porte, Texas 77571-4260
(281) 842-8767

August 20, 2002

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

Re: Permit Application Number 21520(Revised)

Dear Mr. Stanley:

I oppose this application that would further devastate Galveston Bay and its estuaries! 24-5

Sincerely,

WR Becker

William R. Becker

Craig Allen
10414 Shell Rock Road
La Porte, Texas 77571-4260
(281) 867-0414

YP 11935

August 20, 2002

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

Re: Permit Application Number 21520(Revised)

Dear Mr. Stanley:

I oppose this application that would further devastate Galveston Bay and its estuaries! 24-5

Sincerely,

Craig Allen

Craig Allen

Irene Allen
10414 Shell Rock Road
La Porte, Texas 77571-4260
(281) 867-0414

11936

August 20, 2002

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

Re: Permit Application Number 21520(Revised)

Dear Mr. Stanley:

I oppose this application that would further devastate Galveston Bay and its estuaries! 29.5

Sincerely,

Irene Allen

Irene Allen

From: Marilyn K. Petersen
10314 Belfast
LaPorte, TX 77571

YP 11937

August 20, 2002

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

Subject: Permit Application Number 21520 (revised)

I wish to indicate my opposition to the granting of the above numbered permit for the following reasons:

- The detrimental effects (water, air, pollutants) of the proposed facility on the environment immediately adjacent to that facility and the Galveston Bay System as a whole 18-21
- The introduction on non-native plant and/or animal species into the Galveston Bay System by the discharging of ships' ballast water into the bay 35-15 12-29
- The physical effects of the increased tidal velocity due to the deepening and widening of the ship channel 29-123
- The esthetically detrimental effects (light, noise, truck traffic) on the adjacent residential community 29-124

There are additional concerns which I might express but in the hope that you will read this, I am stopping the list here.

Despite the fact that the Corps of Engineers can "ram this down our throats" why not consider one of the alternative sites which the most recent environmental impact statement indicates is more appropriate and which is even being courted by some groups? 2-212

Thank you for your attention to this matter.

Marilyn K. Petersen

Marilyn K. Petersen

Sincerely,

YP 11938

August 21,2002

To: Mr.Kerry Stanley, USACE

From: Ed Sartain

Comments: Permit Application # 21520 "The Port's" amended permit application should trigger a supplemental DEIS (SDEIS).

The SDEIS should reevaluate:

Air Quality
Noise
Land Use
Wetlands
Transportation
50 foot Bayport Channel Impacts
Cumulative impacts with the concurrent proposed San Jacinto Rail project.
Security

35-6

The Port of Houston Complex's Security continues to be ignored by the Port of Houston Authority (PHOA). This demonstrates a total lack of patriotism. One large ship sunk in the middle of the ship channel could cause extensive military support and economic damage to our country. The most interested watchers of the POHA's expensive TV ads extolling the virtues of "The Port" may be the Islamic JIHAD and other terriorsts cells.

Thank you,

Ed Sartain
629 N. Flamingo Dr.
Seabrook, Texas 77586 1809
email edbea@chilitech.com
cc: City of Seabrook
GBCPA

YP 11939

Stanley, Kerry M SWG

From: ElizabethMEBM@aol.com

Sent: Thursday, August 22, 2002 7:24 PM

To: Stanley, Kerry M

Subject: Port Authority Proposed Construction at

Consideration of the revised details of the proposal is indeed important. Such matters are under discussion, however, to the neglect of one vital issue which affects homeowners in the area from La Porte down to Seabrook:

Our home values are rapidly going downwards and prospective home buyers are becoming shy of the entire area. I can attest to this, as due to my advanced age I have had to put my home of thirty years on the market. Time after time, possible buyers are quoted as saying they do not want to buy in an area which is being threatened with further industrialization.

The original cost and additional expense of careful home maintenance and improvements over the years are becoming a sacrifice to arbitrary expansion in a residential area by the Port of Houston.

6-145

Elizabeth B. Morris
(Mrs. R. Clarke Morris)
1002 Hollow Tree St.
La Porte 77571

1603 Antigua Lane
Nassau Bay, Texas 77058-4116

YP 11940

August 18, 2002

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

Re: Port of Houston Authority Revised Application

Dear Mr. Stanley,

We appreciate that the Port Authority and the Corp of Engineers has tried to respond to some of the citizens' conplaints regarding the Bayport Expansion Project and its effects on the Southeast Houston community and Galveston Bay. Although this revision has scaled back its plan somewhat, this weighty document fails to acknowledge the fact that this is the wrong place. Mitigation for marine species probably needs to be salt water for salt water with access to Galveston Bay and does nothing for the millions of organisms that will be displaced my such massive dredging. But more than that, it does nothing to mitigate the loss of environmentally irreplacable Galveston Bay shoreline and usable recreational bay waters, the loss of tranquility and economic loss of the people of the area. Furthurmore, it endangers their very safety and security. 29-125

You are talking here about a hundred year massive change to an area which has already given more than enough, putting up with the stinking chemical plants in the area. You are talking here about ships that spew out big black particals of soot while in port. You are talking diesel trucks, intermodal - to me - means trains, buses for the cruise ship passengers; you are talking about hugh cranes with lights and noise from loading & unloading containers that no football-length buffer zone/berm is going to help or stop. The air pollution, even if you have the local vehicles using special fuels, will likely more than quadruple in the local area. None of the dredging will be done with special fuel vehicles I would guess. I say this because while we lived on the Bay, the dredging operation associated with a gas well drilling operation managed to fill a neighbor's house with fumes and spilled enough of a black tar substance to coat the local bayfront swimming hole. 22-188

Galveston Bay, while it's not the pretty blue water of other states, provides more recreation for the people of Houston than any fifty land-locked parks put together. It has a tranquility that soothes the soul and is a peachful place for those who just need to get away for a while with sitting and dreaming, boating and fishing opportunities and birdwatching. This much dredging is catastrophic. Pine Gully park will probably be eventually washed away by the large vessel wakes. 15-41

The Houston mega-companies who want this port are those with interests in the building of it. They stand to make millions. While Houston has a big port already, it has been pointed out that the majority of the cargo is not containerized, it is petrochemicals. This is an afterthought for the enrichment of the few. If it fails economically, the taxpayers will be supporting it. 6-146

Jobs, yes there will be a lot, short-term, while it is being built, but in the long-run the longshore folks will find out that the same big money folks who don't care about the environment, don't care a whit for labor union people either and will automate every possible operation.

There are few undeveloped places along the West Bay area which are accessable to the citizens of Houston. Giving this over to this kind of development is inexcusable. 22-189

Finally, it is the wrong place because of the safety/security concerns for ports since 9/11/2001. If large and I think they are all large, container ships come in to Bayport, the Coast Guard will be out running off every recreational boat, fishing, sailing or rubber raft anywhere near the dredged channel with the resulting loss to the public of areas traditionally used by HYC, the other sailors, many fishermen, the girl scout sailors. An if, terrorist were to attack a ship there, it would likely involve the chemical plants with fire and releases of chemical that would totally devistate thousands of persons. 32-30

We call for another hearing about this placing this project at Bayport. Recently, the USFWS has said this was the worst choice location for the project. Also we are writing the TNRCC asking for a hearing both on water quality and coastal planning. 23-256

Sincerely,

Elaine & David Henderson

Virginia Pierson-Turner
231 Bayside Drive
La Porte, Tx. 77571

YP 11941

August 16, 2002

Mr. Kerry M. Stanley
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
Galveston District
P.O. Box 12229
Galveston, Tx. 77553-1229

RE: Permit Application #21520 (Revised – again)

Dear Ms. Stanley:

I have received the Public Notice dated July 22, 2002 and am forwarding my comments. Please be assured, that all of my comments in my original letter of August 2001, and December 12, 2001 and those in between have not been addressed and remain at issue. As for the latest revision – this makes two, coupled with the recent positions taken by the Texas Parks and Wildlife Department and the U.S. Fish and Wildlife, a supplemental DEIS is merited, or at least the comment period should be reopened with public hearings. 23-246

There are discrepancies in the notice as to dredge areas. Either there is an error or the change is not actually a change. Also, there is no explanation for the dropping of two cruise terminals. This materially impacts the alternative analysis in the DEIS as sites were eliminated that could not accommodate the full five births. Since the supports our case that there is no functional connection between the container and cruise births, the alternative analysis should have been conducted without the cruise births. 2-190 2-201 2-205 2-208

Additionally, the "shell game" being played with wetlands must stop. The conflicts and omissions within and among notices and applications must be corrected. Further, the proposed mitigation is unacceptable. There is no mitigation proposed for the non-jurisdictional wetlands, thus the project contributes to the degradation of wetlands along the coast. Also, the DEIS never discussed the cumulative loss of wetlands. The alternative analysis must be revisited, as we now know that the Port's and your estimation of the wetlands impacted were vastly understated in your original analysis. 14-168

There is no mitigation proposed for the impact on the open waters of the bay. Galveston Bay is nationally recognized as a critical estuary. The 310 or (another discrepancy) 127 acres impacted must be addressed as should the impact on the 23 acres of tidal flats. This would have a profound impact on Galveston Bay in terms of ecological productivity. 11-46

The loss of neo-tropical bird habitat has not been addressed. Both La Porte and Seabrook have sites listed on national birding trails. The impact of migratory species, many of which are threatened, should be examined, as well at the impact on the birding industry in the area. 12-71

Finally, as per 40 CFR 230, section 404(b)(1), you are required to select the least damaging alternative. You have now been informed, not only by citizens, but by other State and Federal Agencies, that Bayport is not the least damaging site. The original DEIS has proven to be seriously flawed, both in its scope and in its analysis. Further, due to all the changes, the original, albeit flawed, analysis is now completely obsolete. The DEIS should be reopened and the publication and circulation of a Supplemental DEIS should be pursued. 14-158

Sincerely,

Virginia Pierson-Turner

Virginia Pierson-Turner

Cc: Congressman Tom Delay

Colonel & Mrs. Robert A. Maddocks, Jr.
2110 Woodside Drive
Houston, Texas 77062

11942

YP August 15, 2002

Mr. Kerry Stanley
Director, Regulatory Branch
CESWG-PE-RE
U.S. Army Corps of Engineers
Post Office Box 1229
Galveston, Texas 77532-1229

See 11955

Re: Bayport DEIS

Dear Mr. Stanley,

Thank you again for collecting citizens' comments regarding the Port of Houston Authority's Bayport proposal EIS. We have previously provided a series of comments regarding air quality, land use, wetlands, noise and transportation issues, among others. This proposed facility will have a significant impact on our family's quality of life, the value of our property, and the future overall viability of our community. As a result, we are very concerned about our future in Clear Lake and the future of our business recruiting efforts. 29-110 4-7 18-2

Regarding the latest PHA revision to the proposal, we believe that the Port's amendment should cause the initiation of a Supplemental DEIS to better reevaluate significant environmental impacts and unresolved issues, including transportation, infrastructure, land use/property evaluations, air quality, noise, wetlands, and cumulative impacts that are associated with the proposed San Jacinto Rail project, among others. 29-126

We appreciate your support.

Sincerely,

Robert A. Maddocks, Jr.
Colonel, USMC (Retired)

Weda Scholes
538 Surf Oaks Drive
Seabrook, Texas 77586
281-474-5506

August 15, 2002

YP 11943

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

Dear Mr. Standley,

RE: Revised Public Notice No. 2 (July 22, 2002)

Department of the Army Application Number 21520:
Bayport Container Terminal

Revised Public Notice #2 (issued on July 22, 2002) indicates reduction from 5 to 3 cruise berths and changes in dredge material acreage and amount for this proposed project. As far as I can tell, however, the dredged area shown in Public Notice # 2 is the same as that shown in Public Notice # 1 (April 4, 2002). How can people comment intelligently when the information supplied appears to be incorrect? 11-48

Furthermore, as both of the above-mentioned Public Notices have been issued subsequent to the wide public discussion and assessment of the Draft Environmental Impact Statement on this project, I urge you at least to reopen the comment period on the DEIS to allow for a public meeting and full explanation of these changes in the proposed project, so that citizens are in a position to assess the changes. 23-249

Better yet, on a project of this scale and where there were so many other problems identified in comments on the DEIS, would be to require a supplemental draft EIS, so that a wide range of difficulties can be properly addressed.

Sincerely,

Weda Scholes

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

YP 11941

Dear Mr. Stanley:
Following are my comments pertaining to the July 22, 2002 Public Notice concerning Permit Application No. 21520 (Revised).

1. The Port's ammended permit application should trigger a supplemental DEIS.
2. The supplemental DEIS should reevaluate air quality, noise, land use, wetlands, transportation, 50 ft. Bayport channel impacts and cumulative impacts with the proposed San Jacinto Rail project.

23-249

3. I don't see how the 173.5 acre mitigation area can compensate for the loss of 1043 acres of habitat for the port.

14-164

4. If continuing management of the mitigation area is not provided it will become a forest of Chinese tallow trees.

Sincerely,
Leo A. Reitan
Leo A. Reitan
511 Williamsburg Cir.
Friendswood, TX 77546

Tracy Revak
214 Shoreacres Blvd.
Shoreacres, TX 77571

YP 11945

August 19, 2002

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

Mr. Stanley,

Why do I feel strongly about the Houston Port Authority building a facility less than 5 miles from my home? My safety, property value, and life style will be grossly affected. The Port of Houston has maintained no accountability in the past for promises at the Barbours Cut facility. They have no elected officials and don't serve the interest of property owners in the area. Does it matter to the Army Corp of Engineers that approximately 20,000 people live nearby this proposed container facility? There are 4,000 residents near Spillman's Island. When will the Army Corp of Engineers consider the concerns of residents in the area? 29-127

The proposed site will block citizen's evacuation routes out of their neighborhoods because of the construction of the proposed port without adequate initial infrastructure. Build the port then build the roads at the expense of the taxpayer, what kind of planning is that? 22-19

I worry that the children at Bayshore Elementary will have the development of their lungs compromised by exposure to small particulate matter in the air. My son being one of these youth. There is also a significant number of elderly, 17% of the population of Shoreacres are over 60. 21-1

Do you really plan to allow the covering of wetlands that are a part of the drainage of high waters out of my neighborhood? Why would you knowingly cover over a natural water filtering system, and one of the last remaining coastal prairies? Dredge to the point of killing habitant in the waterways? Why has one of the largest Oyster Beds on the Texas Gulf been overlooked? Texas Parks and Wildlife and US Fish and Wildlife Service have both come out in opposition to Bayport based on loss of wildlife habitat. 29-117 14-150

Condone the erosion to shorelines? Jeopardize the historic 75-year-old Houston Yacht Club's future as host to charity regattas, not to mention a chance at hosting any Olympics games in the near future?

Don't cloud the issue with promises of tourism. "The applicant has revised their project plans to reduce the number of proposed cruise berths from five to three"? There is no demand for any cruise berths. Cruise lines in this area have died repeatedly. Any other alternative site should be adequate enough with plans of 5 less cruise berths. Build the Port somewhere else! 6-127 2-205

Spend taxpayer's money on something that significant percentages of Harris County residents don't want? I strongly urge the Army Corp of Engineers to draft a supplemental DEIS addressing neglected issues. Please reevaluate air quality, noise, land use, wetlands, transportation, 50 ft. Bayport channel impacts, and cumulative impacts with the concurrent proposed San Jacinto Rail project, in light of the revised application 21520. Residents have fought against industry taking over this particular site in the past and will fight it again. 23-249

Fighting for my home + health,
Tracy Revak

AUG 2 0 2002

W. E. BATES ENGINEERING COMPANY, INC.

POST OFFICE BOX 172
SEABROOK, TEXAS 77586

PHONE: AREA CODE 281
474-[redacted] 2907

8/19/02

Yf 11946

Kerry M. Stanley
Regulatory Branch, CESWG-PE-RE
US Army Corps of Engineers
PO Box 1229
Galveston, Texas 77553-1229

Subject: Air Pollution caused by Port of Houston Authority
Bayport

Gentlemen,

This letter is my third on this subject. I can only conclude that your consistent and persistent non consideration of the air pollution impact on the area surrounding the Bayport Terminal location constitutes willful and deliberate dereliction of your mandate.

The fact that exhaust from diesel engines is of the worst kind of emission; ie, small particulates, as you must know the effect of this type on anyone suffering from breathing problems is extreme.

I would welcome a response expousing your total rejection of your ~~responsibilities~~ responsibilities.

7-163

Very truly yours,
Walter E. Bates, Jr. P.E.

cc TNRCC
401 Coordinator MSC-150
PO Box 13087
Austin, TX 78711-3087

1/A11947

8-19-02

I received your Public Notice of 7-22-02, and can not belive that this project could even be considered.

(1). Not only is the air pollution bad now, what's it going to be like then?

(2). The 20 foot berm they perpose would not be enough for noise or site pollution, as they stack the containers sifty + feet high now, (check out the port at Laporte).

(3). What is going to happen to all the residenses east of this 20 foot berm during a hurricane storm surge?

(4) Digging a deeper channel is going to polute the waters for a very long time. Not to mention destablizing the shore line.

Please turn down the Port of Houstons request,

P.S. my bedroom faces this proposed mess 1/4 mile away.

R.W. Moore
609 Bayweed Dr.
Seabrook, TX.
77586

1/A11947

8-19-02

I received your Public Notice of 7-22-02, and can not belive that this project could even be considered.

(1). Not only is the air pollution bad now, what's it going to be like then?

(2). The 20 foot berm they perpose would not be enough for noise or site pollution, as they stack the containers sifty + feet high now, (check out the port at Laporte).

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(4) Digging a deeper channel is going to polute the waters for a very long time. Not to mention destablizing the shore line.

Please turn down the Port of Houstons request,

P.S. my bedroom faces this proposed mess 1/4 mile away.

R.W. Moore
609 Bayweed Dr.
Seabrook, TX.
77586

M. Justin Wilkinson
526 Surf Oaks Drive
Seabrook, TX 77586
281-474-9220

August 14, 2002

YP11948

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

Dear Mr. Standley,

RE: Revised Public Notice #2, dated July 22, 2002

Department of the Army Application Number 21520
Port of Houston Authority
Bayport Container Terminal

I write to convey dismay that there is no mitigation proposed for the impacts this proposed terminal would have on the open waters of Galveston Bay.

This bay is a major estuary. Depending upon whether one believes Revised Public Notice #1 or #2, there are either 310 acres of open water impacted or 127.3 acres of open water. These open water areas are estuarine waters and they have value, just as wetlands and marshes do. Additionally, the cruise terminal development will impact upwards of 23 acres of tidal flats. 14-128

Perhaps you are aware of the work of Dr. Robert Costanza (Costanza et al. "The Value of the World's Ecosystem Services and Natural Capital," *Nature* vol. 387, May 15, 1997, pp. 253-260). He and colleagues posit that wetlands, estuaries and tidal flats have natural value. According to their analysis, in terms of their value to the ecological system in providing essential ecosystem services (such as nursery areas for many species and clean-up filtering for the water itself), marshes are worth about $9,000 per acre per year; estuaries are worth about $11,000 per acre per year; and tidal flats are worth about $9,000 per acre per year. 14-156

YP 11943

Sally E. Antrobus

526 Surf Oaks Drive
Seabrook, TX 77586-1822
(281) 474-9220

August 15, 2002

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

Dear Mr. Standley,

RE: Bayport, Revised Public Notice No. 2 (July 22, 2002)
Department of the Army Application Number 21520

According the rules of the Council on Environmental Quality controlling the development of Environmental Impact Statements, analysis of alternative sites is at the heart of the EIS process.

For Bayport, the alternatives analysis is now obsolete. Primary factors involved in evaluation of alternative sites under NEPA and under EPA's 404(b)(1) guidelines have been changed as a result of the Port of Houston Authority's several revised permit applications. 2-188 2-193

The wetland comparison in the DEIS is incorrect. The comparison of acres of open water and tidal flats impacted is incorrect. The issue of Neotropical bird impacts has not been considered. A supplemental DEIS needs to be issued, identifying honestly the relative impacts of the various alternatives. 14-128 12-72

In this revised alternatives analysis, the issue of the necessity of an adjacent cruise terminal should be directly and honestly addressed. There is no rationale as to why the cruise terminal should not be located at a separate location from the container facility. By arbitrarily eliminating two of five cruise terminals (Public Notice #2), the Port of Houston has certainly indicated that there is nothing magical about co-location of the two kinds of facilities. It is purely 1-54 2-205

arbitrary and should not be a basis for eliminating alternatives, as was done in the DEIS.

Cruise terminals have very different land-side needs from those of container terminals, as has already become abundantly clear in the failure of several experimental cruise line ventures embarked upon by the Port of Houston Authority at its existing container port facility at Barbour's Cut.

To address these serious inadequacies in alternatives analysis for the Bayport proposal, the DEIS should be reopened and reissued based upon the changes in the cruise terminal and its impact on alternatives analysis in the DEIS. 23-256

Sincerely,

Sally Antrobus

Sally E. Antrobus

YP 11950

From : dalicew4@YAHOO.COM
To :
Cc :
Date : 20 Aug 2002 15:08 -0500
Subject:
Kerry M. Stanley, U.S.Army Corps of Engineers
P.O. Box 1229
Galveston, TX 77553-1229

Dear Sir:

We oppose the Bayport Container Port for the following reasons:

-- We have read and agree with the reports of the U.S.Fish & Wildlife Service and the Texas Parks and Wildlife

-- Alternative sites were not given a balanced review in DEIS 29-128

-- Air quality, transportation and wetland issues are not adequately addressed in DEIS.

-- The terminal would negatively impact residents.

Sincerely,

Alice and Dale Wolfe
219 Driftwood Dr.
Seabrook, TX 77586

copies to TNRCC, Cynthia Goldberg (Wetlands Defense),Chris Dorsett (Gulf Restoration), State Rep. John Davis, Cong. Nick Lampson

11952
N

From: Patricia Y. Mock
219 Sylvan St.
La Porte, Tx 77571-6439

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

Subject: Permit Application Number 21520(Revised)

I wish to voice my OPPOSITION to the granting of the above numbered permit. The Port of Houston Authority's wish to name a facility as a place of tribute to its former chairman, Mr. Ned Holmes, is reasonable, but the geographic location is flawed. 29-3 2-17

I have, in a previous communication enumerated my environmental concerns, however, new previously unknown concerns have emerged that I believe merit revisiting the Environmental Impact Statment(EIS), and/or Draft EIS.

1) The Ballast water introduction of non-native plant and animal species into the Galveston Bay and estuary system was not addressed. 12-29

2) The obvious effects due to changes in the Tidal Bore that have resulted from the recent deepening and widening of the Houston Ship Channel have not been addressed, and this reminds me of the untoward effects of draining the Everglades in Florida. 29-123

3) National security concerns that will obviously limit local recreational boating as well as the prime commercial and recreational fishing in the Upper Galveston Bay. 29-71

4) The obviously flawed assumption by your assessment that the economic impacts from transforming a surburban/residential community into a noise, light, air, and water polluted industrial setting is neglible. 18-2

5) The abject failure to assess the impact on an already air polluted nonattainment environment of emissions from ships, and the new, increased air emissions burden from the projected 9000 diesel trucks per day that will 7-90

YP 11952
AV

be required in order to move cargo and service the port.
6) The failure to address this project's effects on the tax base of the local cities and school districts, or to propose substitute revenue streams for these entities 6-38
7) The obviously unassessed prospects of a terrorist attack from a ship in the port or ship channel is mind boggling. Since less than two percent(2%) of cargo containers are inspected before their arrival in our ports, and the vast majority of ships come from international ports, any type of weapons systems including thermonuclear devices could be shipped in and detonated in the ship channel or port by remote and/or even satellite control, considering current technology, thereby rendering this entire coastal area of Texas at least temporarily uninhabitable for humans. 21-16
8) The proposed acquisition of private property that is not for sale "by condemnation" for wetlands remediation that will be vigorously opposed in the Harris Count Commissioner's Court, and may well result in further litigation. 14-161
I could continue, but I feel that enough is said above. If the above permit is granted it will be my most sincere patriotic duty as a citizen of these United States of America to assist with any and all court challenges,as I am able. Furthermore, I must ask my attorney(s) to consider whether or not the obvious coodination of this permit process, and the disregard of appropriate alternative sites, with and by the Houston Port Authority and the U.S. Army Corps of Engineers rises to the level of RICO Violation(s). 22-187

Sincerely,
Patricia Mock
Patricia Y. Mock

August 20, 2002

11953

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

Dear Mr. Stanley:

Thank you for the opportunity to submit comments regarding the Port of Houston Authority permit number 21520 (Revised). I have been a resident of the Seabrook-La Porte area since 1966 and I have lived in the El Jardin Del Mar subdivision since 1969. In June of 2001, I retired from the Texas Parks & Wildlife Department as the upper coast Regional Director of the Coastal Fisheries Division. Of my 35 plus years with the agency, 19 were spent as a marine biologist and project leader conducting studies in the Galveston Bay complex.

The Port project will adversely impact marine resources by the removal of shallow water habitat where the east turning basin for cruise ships will be located. Recreational fishing, commercial shrimping and crabbing fisheries will suffer from habitat loss. The protective levee construction may also impact surroounding habitat. However, in reviewing the EIS, I feel that the following concerns are of a great magnitude and must be addressed by the Port Authority. 12-73

1. Treatment of human and industrial waste products. I could not find any mention of a wastewater treatment facility within the project area. There is a sewage lift station (Item 29 of key notes on pg2) which will apparently serve to transfer waste from this project elsewhere. I hear about a multitude of jobs being created by the project and I must assume they will have a lot of waste to be treated. The Port must be required to present a plan for their waste treatment. 20-50
2. Our traffic (SH 146) in the Seabrook/La Porte area is already heavy during the morning and evening rush hours. Is there a comprehensive highway and rail plan in place for this project or is it to be developed later? 27-112
3. The east turning basin will reduce shallow water habitat for marine organisms. The dredging and levee construction may impact adjacent oyster reefs such as Red Bluff and Bent Pipe reefs. I will concede that with proper oversight, these reefs may not be permanently impacted. However, I question the justification for this portion of the project. I don't believe the current terminal for cruise liners at Morgan's Point terminal has been an overwhelming success. More that adequate facilities are available for ships at Galveston where there are more tourist attractions, such as the shops on the strand and many fine restaurants. The trip time is shorter for arriving and departing ships. I believe the Port is projecting 12-74 22-190

unsure benefits for the project to provide a greater positive cost benefit ratio. I don't believe this is a valid benefit to the project.

Mr. Stanley, I'm not one to say that everything is negative about the project. Jobs are necessary for the area to maintain it's economic viability. The mitigation for the wetlands loss is certainly commendable and appears to be well presented in the EIS. However, I do believe a better plan can be developed in order to assure the citizens residing in the area that the project will not degrade their lifestyle or property values. Perhaps an afterthought would be to require all of the Port Commissioners to move to with I mile of the project would help to insure a good neighbor approach. 29-129

In summary, I don't expect a project of this magnitude to be denied by the COE. The fear that I do have is that once it is approved, inadequate oversight will be implemented to insure compliance. I, like many others, would prefer the project to be relocated to Texas City or Freeport where the social and environmental impacts would be far less degrading to the surrounding areas. 29-130

Thanks again for taking time to consider my concerns about this poorly designed project.

Sincerely,

Richard L. Benefield

Richard L. Benefield
615 Youpon
Seabrook, Texas 77586
281-474-7357

YP11954

Kerry M. Stanley
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
August 20, 2002

Dear Sir:

I am a long term resident of Shore Acres since 1967and a registered voter. I am also a staunch opponent to the proposed Port of Houston's Bayport plan. Some of the reasons that I oppose Bayport are the ecological damage, noise, light and air pollution and the damage to the area's quality of life if Bayport is allowed to proceed. The traffic and relulting pollution will severely deterioate the quality of life for the surrounding residents. 29-78

I have lived in my home for 35 years as have many of my neighbors. Due to our age the air pollution that will result will severely affect us more than many of the younger residents. 29-72 The property rates have declined in our area due to the Bayport proposal and it would not be easy to replace the home that has been paid for and move to another area.

We have watched the Port destroy the charm of Morgan's Point. Cranes loom upward and can be seen five miles away. The land and trees have been stipped, concrete and containers line the road instead of trees and grass. We see the same with Bay Colony.. The Port was to reinforce the green zone but did nothing. This has been proven by the houses in Bay Colony who's foundations have suffered damage and property has shifted because of the erosion due to the traffic in the Bayport basin. 22-191

It is irresponsible for the Port to drive the senior citizens who have worked hard to pay for their homes from these homes.The Almighty Dollar seems to be more important than the human element in this case. 6145

Sincerely,

Norma Benisch

Norma Benisch
502 Meadowlawn St.
La Porte, Texas 77571

yp 11955

Stanley, Kerry M SWG

From: Robert Maddocks [rmaddocks@houston.rr.com]
Sent: Wednesday, August 21, 2002 9:26 PM
To: Stanley, Kerry M
Cc: bob.maddocks@lmco.com
Subject: Bayport (PHA Permit Application #21520)

A. and Mary Jane Maddocks

USMC (Retired)

Woodside Drive

Texas 77062

Robert

Colonel,

2110

Houston,

August

21, 2002

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

See 11942

Dear Mr. Stanley,

The following information supporting our recently expressed concerns should be included with our recent mailed correspondence to you regarding the Port of Houston Authority's proposed Bayport facility. This proposal will have extremely detrimental effects on our family here in Clear Lake. Clearly the DEIS should be reopened and reissued based upon the changes in the cruise terminal and its impact on alternative analysis in the DEIS, among other significant factors in the recent changes.

We appreciate the opportunity to comment on this project and sincerely hope that the Corps of Engineers is seriously considering all citizens' concerns regarding the Bayport proposal.

Sincerely,
Robert A. Maddocks, Jr.
Colonel, USMC (Retired)

Copies:
LtGen Robert B. Flowers, Commanding General, USACE
LtGen Jefferson D. Howell, USMC (Retired)

This is the second revision of Permit Application #21520 after the issuance of the DEIS and the close of the public comment period on the DEIS. At the least, the public comment period on the DEIS should be reopened and a public meeting should be convened to explain these changes in the project.

In the Revised Public Notice #2 (issued July 22, 2002), the Corps of Engineers states that there has been a change in the proposed project. Instead of 5 cruise berths, there are now proposed to be 3 cruise berths. In turn, the Corps states that the amount of areas proposed to be dredged is reduced by 23 acres, a reduction in open water fill to 21.3 acres and a reduction in the amount of dredged material to be placed off-site by 1,045,965 cubic yards. However, there seems to be a disconnect between that statement and Sheet 9 of 54 which shows the same exact dredged area as is shown in Sheet 9 of 28 on the Revised Public Notice #1 (issued 04 April 2002). These sheets should be different if, in fact, 23 less acres are being dredged. They are not different, either meaning an error has been

11-48
22-183

made in the public notice or there is no change. This discrepancy needs to be cleared up and if the changed dredging area was not shown on Sheet 9 of 54, then a new public notice with the correct information needs to be sent out.

11955

Second, and more importantly, no explanation is given for the dropping of 2 of the 5 cruise terminals. This is important in the context of the alternatives analysis conducted in the DEIS. A number of sites were eliminated because they could not accommodate 5 cruise terminals. Now, there are only 3, clearly making the alternatives analysis in the DEIS incorrect. More importantly, though, is the fact that 2 cruise terminals are dropped without any discussion of the functional relationship between the cruise and container terminals. We have argued that no such functional relationship exists and that the alternatives analysis should be conducted without any associated cruise terminals due to the absence of a functional connection. Clearly, if they can drop 2 of the 5 cruise terminals with no explanation, they could drop all of them. We should all urge that the alternatives analysis in the DEIS be redone to consider site development without any associated cruise terminals.

2-190
2-205
2-211

Third, a revised wetland mitigation proposal is included in Revised Public Notice #2. Revised Public Notice #1 increased the acres of jurisdictional wetlands from the 2.5 identified in the DEIS to 18.3. Revised Public Notice #1 also identified 310 acres of open water habitat as being jurisdictional for project purposes. In addition, approximately 114.5 acres of non-jurisdictional wetlands would be impacted within the project site. Revised Public Notice #2 maintains that 18.3 acres of jurisdictional wetlands would be filled but alters the open water affected by dredging to 127.3 acres, seemingly altering the open water habitat by about 190 acres. There is no explanation for this difference. In Revised Public Notice #2, there is no mention of the acreage of non-jurisdictional wetlands to be filled, which should remain at 114.5 acres.

14-128

The point here is that this Revised Public Notice #2 essentially sets forth a different mitigation concept that is unacceptable. There are many problems with this proposed mitigation plan. Let me identify a few.

1. There is no mitigation proposed for the non-jurisdictional wetlands. There are 114.5 acres of important wetlands that are not proposed for mitigation. Because these are unmitigated impacts, they should be considered as negative impacts of the proposed action. As such, this project contributes to the cumulative loss of prairie pothole wetlands along the coast. We believe that these wetlands are jurisdictional. That is, however, a separate issue. The issue here is that if these wetlands are not compensated, then the DEIS should be supplemented to discuss the role of this project regarding cumulative loss of wetlands. At this time, there is no such discussion. There needs to be. Along the same lines, the evaluation of alternatives in the DEIS should be amended to clearly note that there are wetland impacts associated with the Bayport project much greater than previously identified and that these wetlands are viable, natural wetlands. By contrast, the Spillman's Island and Shoal Point sites involve the development of spoil disposal areas that are not legally classified as wetlands.

14-160

2. There is no mitigation proposed for the impacts of the open waters of the bay. Galveston Bay is an estuary. Depending upon whether one believes Revised Public Notice #1 or #2, there are either 310 acres of open water impacted or 127.3 acres of open water. These open water areas are estuarine waters and they have value, just as wetlands and marshes do. Additionally, the cruise terminal development will impact upwards of 23 acres of tidal flats. According to Dr. Robert Costanza in his article published in the journal Nature, (Costanza et al, "The Value of the World's Ecosystem Services and Natural Capital", Nature, Vol. 387, May 15, 1997, pp. 253-260) wetlands, estuaries and tidal flats have natural value. According to Dr. Costanza, marshes are worth about $9000 per acre per year, estuaries are worth about $11,000 per acre per year and tidal flats about $9000 per acre per year in terms of value to the ecological system. From this

14-128

14-156

11955

perspective, it appears that there significant ecological values that are not being mitigated. The 114.5 acres of unmitigated wetlands are worth about $1,000,000 per year, the 310 acres of open water are worth about $3 million per year and the 23.5 acres of tidal flats are worth about $220,000 per year in terms of ecosystem productivity. That comes up to about $4.22 million per year in ecological productivity that is not proposed to be mitigated. That is an unacceptable impact to Galveston Bay. That is a basis for permit denial. This is how we are losing the battle to protect Galveston Bay, literally acre by acre converted from natural productivity to other uses such as navigation, dredging, filling. 14-156

3. There is no mitigation proposed for the loss of neo-tropical bird habitat that will be lost if the site is developed. That is an impact that is considered within the scope of EPA's 404(b)(1) guidelines and should be considered in the analysis of alternatives. There is no indication that this factor has been considered in any form or fashion. 12-72 12-71

4. Under the 404(b)(1) guidelines found at 40 CFR 230 et seq, there is a requirement that the least damaging practicable alternative be selected by the Corps of Engineers. The alternative of constructing Bayport, and its associated impacts, should be reconsidered in light of Revised Public Notices #1 and #2. This reconsideration requires the reopening of the DEIS for comments and ideally would involve the publication and circulation for comments of a Supplemental Draft EIS. 14-158 14-130

The issue of a Supplemental Draft EIS deserves additional attention at this time. The proposed Bayport container project has been substantially altered since it was proposed and discussed in the Draft EIS. Since that time, Revised Public Notices #1 and #2 have been issued. There have been multiple changes. The acreage of jurisdictional wetlands has been increased, the total acreage of wetlands has been disclosed, the noise mitigation has been changed, the number of cruise terminal berths has been changed, the land plan associated with the cruise terminal has been changed, a concrete wall is proposed to be constructed on the north side of the Bayport channel, and the number of cruise ships has been reduced from 5 to 3, to name the more notable changes. 23-251

Most importantly, the analysis of alternatives, "the heart of the EIS" according the rules of the Council on Environmental Quality that control the EIS process, is now obsolete. The primary factors controlling the evaluation of alternatives under NEPA and under the EPA's 404(b)(1) guidelines have been changed. The wetland comparison in the DEIS is incorrect. The comparison of acres of open water and tidal flats impacted is incorrect. The issue of neo-tropical bird impacts has not been considered. A supplemental DEIS needs to be issued, identifying honestly the relative impacts of the various alternatives. In this revised alternatives analysis, the issue of the necessity of an adjacent cruise terminal should be directly and honestly addressed. There is no rationale as to why the cruise terminal should not be located at a separate location from the container facility. By arbitrarily eliminating two of five cruise terminals, the Port of Houston has certainly indicated that there is nothing magical about co-location. It is purely arbitrary and should not be a basis for eliminating alternatives as was done in the DEIS. Therefore, the DEIS should be reopened and reissued based upon the changes in the cruise terminal and its impact on alternative analysis in the DEIS. 2-193 2-188

YP 11956

Mr. Stanley,

Thank you for this opportunity to respond to the proposed Bayport Container Terminal. I am ademantely opposed to this project primarily due to the negative impact to the Galveston Bay eco system, and the negative impact on the quality of life to those of us who live in this area. 29-110

The increased impact of air pollutants from trucks, trains, and ships, plus the increased amount of truck traffic in an area of small roadways, will be intolerable. 29-53 As industrialized as this area is at present, it would be a shame to allow this development to occur in one of the last remaining coastal prairies in the area. 12-67

Let them build it in an area that is already dedicated to port related industrial areas that already exist along the channel, closer to the major transportation hubs that are available. Why ruin the quality of life of many many residences and contribute to the pollution, when there are other areas and cities that are trying to attract this project, such as Texas City and Galveston. 2-213

It is time we all stood up to the Port Authority, who seems to think they have "carte blanche" and can do whatever, wherever, and whenever they want.

Thank you,

John C. Dunham

John C. Dunham
1002 So. Third St.
La Porte, Texas 77571

Julia M. Knutson
2622 Orleans Dr., Seabrook TX 77586-3379
(281) 532-1917 juliak@ghg.net

11958

8/21/02

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

Dear Mr. Stanley:

I have lived in Seabrook since 1992. My husband passed away last year after a long bout with cancer. I own my home in Lake Cove. My husband was career military, then aerospace. Yes, I've seen Long Beach. Baltimore. Seattle. And more. I know what a CONTAINER PORT looks like.

I do not believe the Port Authority has the best interests of Seabrook or other nearby communities in mind. It simply sees the last large, un-developed plot of land with easy access to the Bay, **which it has decided to exploit**. And I use that word advisedly. 29-131

1. What is the time frame for initiation of the tree-covered berms? What is the growth rate of the species they propose to use? Initial size? The Port is only NOW getting around to the "landscaping" at Barbour's Cut, and that because of sustained, determined local opposition to its announced plans.

2. At a church group's holiday lunch held at Houston Yacht Club, one of our Seabrook ladies was heard to exclaim, "What is THAT?" She was looking north at the collection of Barbour's Cut cranes. At the distance of several miles. Landscaped berm does not hide 200-foot cranes, or their diffused worklights, or noise of dropped containers and moving vehicles: (the Port Authority's figures) "up to" 7,000 idling trucks (5 of them moving, every minute, around the clock, every day of the year) and four trains a day. This activity WILL disrupt life in IMMEDIATELY ADJACENT RESIDENTIAL COMMUNITIES. 3-72

3. The Port, in the Bayport location, fosters the continued, rotating presence of seven or more cargo ships and up to three passenger liners burning bunker fuel…all of the resultant diesel and particulate pollution from those, and from the truck and train traffic referred to in #2 above, floating directly over Houston (and US). Yes, they've conceded to use electric or propane "yard donkeys". Not much of a savings. WHEN ONE CONSIDERS that the entire Harris County area is PRESENTLY under Federal environmental sanctions because of already existing pollution, with the threat of more to follow. We shall have our OWN "Brown Cloud". While the Port of Houston may maintain that they are not responsible for this "outside" pollution, they do provide an "attractive nuisance" focal point for it! Bayport is NOT THE MOST APPROPRIATE site for this emissions magnet 7-157

activity. Shoal Point would spread this pollution in an industrial area and downwind of Harris County.

4. As to the junkyards that have developed around Barbour's Cut, the Port maintains no control of THEM and will exert no control over the future ones in our area. The City of Seabrook has in place zoning requirements banning them. However, the Port Industrial Area is outside, for the most part, the City Limits. During the December EIS Public Meeting at the Brown Convention Center, evidence was introduced as to the glut of unwanted, surplus containers that builds up around a container terminal. The Port has indicated that it needs the huge parcel of real estate it has identified at Bayport in order to "store" containers…it does not want to consider a modern, automated Terminal at Shoal Point for THAT REASON (reference comments at City of Seabrook Council meeting, 20 August, 2002). **The Port must establish zoning** that deals with the problem, **FIRST**. 20-51
5. ***No one has mentioned what will happen in the event of hurricane***. Not "if", "when". I spoke with one of the Bayport senior architectural design engineers on this point at the Convention Center meeting last December. He does not come from hurricane territory. I subsequently sent him some of the hurricane literature available in our area, COPY of cover letter ENCLOSED. The cosmetic berms, **which do not form a dike**, are at 20 feet. How high are Texas City dikes (which are also closer to the Gulf and potentially subject to less surge)?
Immediately adjacent to the Port's proposed container terminal are chemical plants, which have routine shut-down plans in case of hurricane. They contain a number of "nasty" chemicals. Around the adjacent Tanker terminal is **how many millions of gallons** of bulk storage? They also have storm shut-down plans in place. The Bayport plans show six or eight small circles, not the actual tankage. They'd like us to see that area in that light. It's "not theirs". Doesn't figure in Bayport Container Terminal plans.
However, NO ONE has addressed what WILL happen with a major hurricane in the Gulf, and **thousands of loose containers** on a storm surge, wind thrust and high tide, **battering those adjacent facilities**. Can you spell "environmental disaster"? Take a good look at where that bayou across SH 146 to the west of Bayport feeds…into Clear Lake. 25-76

6. What is the Port Authority going to do when the entities (such as Lyondel), which "own" that ADJACENT tankage, run out of space for the continuing expansion at the Bayport marine tanker facility? What happens WHEN the Port Authority decides they need more marine tanker berths? The proposed Bayport Container facility land, El Jardin, city of Shore Acres, or the marshland to the west, across SH 146, are the directions those expansions could take. **Goodbye Shore Acres!** Though it is out of the scope of the present application, the Port Authority is displaying an amazing **neglect of foresight** in this matter. They forced the abandonment and moving of SH 146 right-of-way once, to form the Bayport cut. Displacement of the people who live in El Jardin, Shore Acres, and Houston Yacht Club areas, may be NEXT. "No one can stop them" is the Port's attitude.

7. There had been goals of developing Seabrook's wildlife sanctuary area from our present extensive park systems in and adjacent to the area Bayport intends to use. The targeted Bayport land, **in total more than one and one-half square miles! *has been acknowledged by the Texas Parks & Wildlife Agency*** as **the last viable piece of unique and prime Coastal Prairie Pothole land available in the area**. We should be working with the State of Texas and Harris County, along with the Nature Conservancy and other agencies, to develop this **unique and irreplaceable tract** into a County Park and wildlife sanctuary. Period. Build a hotel & conference facility at the Cameron property Bayport just purchased, inside the city limits of Seabrook and subject to its "no Container Storage permitted" zoning, to service the rapidly growing ECOTOURISM industry, which will use this unique site. (Reference Houston Chronicle articles on this subject). 32-31
8. The Port Authority **simply dismisses the Texas City site;** *they would not control it!* **There was a** presentation, at the December Convention Center meeting, of the "state of the art" container facility that COULD use Texas City? What portion of the Texas City container traffic could be expected to BYPASS Houston's already-choked roadways by going west to I35? Would a rail line, constructed with proper overpasses (Port of Houston claims they will not impede traffic by using such!) be so much worse than playing traffic roulette with, and choking on the fumes of, 7000 trucks a day on six or eight lanes through Seabrook? Would a rail line run north along 146 **exclusively**? Or would more of that traffic be split onto routes along Rt. 3, and Highway 6 to I35? **THESE are questions the Port of Houston needs to answer. They need to do an honest evaluation of the alternative, not just dismiss it as they have done.** 2-214
9. Port of Houston says they MUST HAVE all thousand acres (one and one-half square miles!) at Bayport. They will not split off the Cruise Facility, whose parking also takes up a good chunk of the **total site**. That's the OTHER reason they discount Texas City. It won't hold both. Or piles of junked containers. 22-192
Houston has consistently failed to manage to keep a cruise line. At Galveston, people get on the boat (many from a nearby hotel) and are in the Gulf. So long as gambling is one reason to cruise, that's not going to change. If the Cruise facility location at Bayport is so good, why don't they divorce it from Texas City, preserve more of the **unique ecotourism destination** that could be a drawing point, and come out an environmental WINNER? They refuse to consider this option! 6-127
10. Spillman's Island may present a unique situation because of its present too-wet reclaimed spoil instability. However, there is other vacant, despoiled industrial waste area AROUND the Harris County foot of the Hartmann bridge, directly adjacent to the Strang rail yards and Highway 225. Even if they had to use their **power of eminent domain** to displace large warehouse facilities that sit in the middle of that area, one would think the Port Authority could use its clout, IF IT WISHED, to build a workable solution, divorced from the Cruise Terminal (which could STILL be built at Bayport, see above) which would prove far more convenient to the industrial and shipping customers. It would also place the **junkyards** away from public view and proximity to populated areas. 2-215

11958

The Port of Houston is a non-elected entity USING plenty of tax dollars to enforce what they have declared they will do. They are so cockily sure of achieving their goals that they have published press releases saying that they have ALREADY ordered the huge cranes with which they will disfigure our skyline and our way of life. **MY tax dollars are being used against my home-rule city in a project in which many "best interests" do not figure.** I do believe that there are more rational ways to accomplish workable freight handling facilities adequate to the task than what the Port of Houston proposes. 22-193

Sincerely,

Julia M. Knutson

Julia M. Knutson

YP11959

DUNHAM'S TAX SERVICE
816 South First Street
La Porte, Texas 77571
(281) 471-4892
Fax (281) 470-7419

TO T. STANLEY
FROM DENNIS DUNHAM

DATE 8-21-02
PAGES 1

SUBJECT: 215 Revised

PLEASE DO EVERY THING POSSIBLE TO STOP THIS MADNESS of DESTROYING OUR GALVESTON BAY SHORE LINES

THANK YOU

29-91

D C Dunham

Resident of LaPorte 73 YEARS

From: Larry R. Petersen
10314 Belfast
LaPorte, TX 77571

YP 11960

August 20, 2002

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

Subject: Permit Application Number 21520 (revised)

I wish to indicate my opposition to the granting of the above numbered permit for the following reasons:

- The detrimental effects (water, air, pollutants) of the proposed facility on the environment immediately adjacent to that facility and the Galveston Bay System as a whole] 18-21
- The introduction on non-native plant and/or animal species into the Galveston Bay System by the discharging of ships' ballast water into the bay] 35-15, 12-29
- The physical effects of the increased tidal velocity due to the deepening and widening of the ship channel] 29-123
- The esthetically detrimental effects (light, noise, truck traffic) on the adjacent residential community] 29-124

There are additional concerns which I might express but in the hope that you will read this, I am stopping the list here.

Despite the fact that the Corps of Engineers can "ram this down our throats" why not consider one of the alternative sites which the most recent environmental impact statement indicates is more appropriate and which is even being courted by some groups?] 2-212

Thank you for your attention to this matter.

Larry R. Petersen

Larry R. Petersen

Sincerely,

From: Larry R. Petersen
10314 Belfast
LaPorte, TX 77571

YP 11960

August 20, 2002

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

Subject: Permit Application Number 21520 (revised)

I wish to indicate my opposition to the granting of the above numbered permit for the following reasons:

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- The introduction on non-native plant and/or animal species into the Galveston Bay System by the discharging of ships' ballast water into the bay] 35-15, 12-29
- The physical effects of the increased tidal velocity due to the deepening and widening of the ship channel] 29-123
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Despite the fact that the Corps of Engineers can "ram this down our throats" why not consider one of the alternative sites which the most recent environmental impact statement indicates is more appropriate and which is even being courted by some groups?] 2-212

Thank you for your attention to this matter.

Larry R. Petersen

Larry R. Petersen

Sincerely,

Laurie Metzler
Janet Dirnberger
135 Woodhaven Lane
Seabrook, TX 77586
Aug. 21, 2002

YP 11961

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,

I agree with the following comment and I trust that you will take these into consideration before making any decision that will harm our environment.

"This is the second revision of Permit Application #21520 after the issuance of the DEIS and the close of the public comment period on the DEIS. At the least, the public comment period on the DEIS should be reopened and a public meeting should be convened to explain these changes in the project.

In the Revised Public Notice #2 (issued July 22, 2002), the Corps of Engineers states that there has been a change in the proposed project. Instead of 5 cruise berths, there are now proposed to be 3 cruise berths. In turn, the Corps states that the amount of areas proposed to be dredged is reduced by 23 acres, a reduction in open water fill to 21.3 acres and a reduction in the amount of dredged material to be placed off-site by 1,045,965 cubic yards. However, there seems to be a disconnect between that statement and Sheet 9 of 54 which shows the same exact dredged area as is shown in Sheet 9 of 28 on the Revised Public Notice #1 (issued 04 April 2002). These sheets should be different if, in fact, 23 less acres are being dredged. They are not different, either meaning an error has been made in the public notice or there is no change. This discrepancy needs to be cleared up and if the changed dredging area was not shown on Sheet 9 of 54, then a new public notice with the correct information needs to be sent out. 11-48 22-183

Second, and more importantly, no explanation is given for the dropping of 2 of the 5 cruise terminals. This is important in the context of the alternatives analysis conducted in the DEIS. A number of sites were eliminated because they could not accommodate 5 cruise terminals. Now, there are only 3, clearly making the alternatives analysis in the DEIS incorrect. More importantly, though, is the fact that 2 cruise terminals are dropped without any discussion of the functional relationship between the cruise and container terminals. We have argued that no such functional relationship exists and that the alternatives analysis should be conducted without any associated cruise terminals due to the absence of a functional connection. Clearly, if they can drop 2 of the 5 cruise terminals with no explanation, they could drop all of them. We 2-190 2-205 2-211

should all urge that the alternatives analysis in the DEIS be redone to consider site development without any associated cruise terminals.

Third, a revised wetland mitigation proposal is included in Revised Public Notice #2. Revised Public Notice #1 increased the acres of jurisdictional wetlands from the 2.5 identified in the DEIS to 18.3. Revised Public Notice #1 also identified 310 acres of open water habitat as being jurisdictional for project purposes. In addition, approximately 114.5 acres of non-jurisdictional wetlands would be impacted within the project site. Revised Public Notice #2 maintains that 18.3 acres of jurisdictional wetlands would be filled but alters the open water affected by dredging to 127.3 acres, seemingly altering the open water habitat by about 190 acres. There is no explanation for this difference. In Revised Public Notice #2, there is no mention of the acreage of non-jurisdictional wetlands to be filled, which should remain at 114.5 acres. 14-128

The point here is that this Revised Public Notice #2 essentially sets forth a different mitigation concept that is unacceptable. There are many problems with this proposed mitigation plan. Let me identify a few.

1. There is no mitigation proposed for the non-jurisdictional wetlands. There are 114.5 acres of important wetlands that are not proposed for mitigation. Because these are unmitigated impacts, they should be considered as negative impacts of the proposed action. As such, this project contributes to the cumulative loss of prairie pothole wetlands along the coast. We believe that these wetlands are jurisdictional. That is, however, a separate issue. The issue here is that if these wetlands are not compensated, then the DEIS should be supplemented to discuss the role of this project regarding cumulative loss of wetlands. At this time, there is no such discussion. There needs to be. Along the same lines, the evaluation of alternatives in the DEIS should be amended to clearly note that there are wetland impacts associated with the Bayport project much greater than previously identified and that these wetlands are viable, natural wetlands. By contrast, the Spillman's Island and Shoal Point sites involve the development of spoil disposal areas that are not legally classified as wetlands. 14-160

2. There is no mitigation proposed for the impacts of the open waters of the bay. 14-128
Galveston Bay is an estuary. Depending upon whether one believes Revised Public Notice #1 or #2, there are either 310 acres of open water impacted or 127.3 acres of open water. These open water areas are estuarine waters and they have value, just as wetlands and marshes do. Additionally, the cruise terminal development will impact upwards of 23 acres of tidal flats. According to Dr. Robert Costanza in his article published in the journal *Nature*, (Costanza et al, "The Value of the World's Ecosystem Services and Natural Capital", *Nature*, Vol. 387, May 15, 1997, pp. 253-260) wetlands, estuaries and tidal flats have natural value. According to Dr. Costanza, marshes are worth about $9000 per acre per year, estuaries are worth about $11,000 per acre per year and tidal flats about $9000 per acre per year in terms of value to the ecological system. From this perspective, it appears that there significant ecological values that are not being mitigated. The 114.5 acres of unmitigated 14-156

wetlands are worth about $1,000,000 per year, the 310 acres of open water are worth about $3 million per year and the 23.5 acres of tidal flats are worth about $220,000 per year in terms of ecosystem productivity. That comes up to about $4.22 million per year in ecological productivity that is not proposed to be mitigated. That is an unacceptable impact to Galveston Bay. That is a basis for permit denial. This is how we are losing the battle to protect Galveston Bay, literally acre by acre converted from natural productivity to other uses such as navigation, dredging, filling. 14-156

3. There is no mitigation proposed for the loss of neo-tropical bird habitat that will be lost if the site is developed. That is an impact that is considered within the scope of EPA's 404(b)(1) guidelines and should be considered in the analysis of alternatives. There is no indication that this factor has been considered in any form or fashion. 12-71 12-72

4. Under the 404(b)(1) guidelines found at 40 CFR 230 et seq, there is a requirement that the least damaging practicable alternative be selected by the Corps of Engineers. The alternative of constructing Bayport, and its associated impacts, should be reconsidered in light of Revised Public Notices #1 and #2. This reconsideration requires the reopening of the DEIS for comments and ideally would involve the publication and circulation for comments of a Supplemental Draft EIS. 14-158 14-130

The issue of a Supplemental Draft EIS deserves additional attention at this time. The proposed Bayport container project has been substantially altered since it was proposed and discussed in the Draft EIS. Since that time, Revised Public Notices #1 and #2 have been issued. There have been multiple changes. The acreage of jurisdictional wetlands has been increased, the total acreage of wetlands has been disclosed, the noise mitigation has been changed, the number of cruise terminal berths has been changed, the land plan associated with the cruise terminal has been changed, a concrete wall is proposed to be constructed on the north side of the Bayport channel, and the number of cruise ships has been reduced from 5 to 3, to name the more notable changes. 23-251

Most importantly, the analysis of alternatives, "the heart of the EIS" according the rules of the Council on Environmental Quality that control the EIS process, is now obsolete. The primary factors controlling the evaluation of alternatives under NEPA and under the EPA's 404(b)(1) guidelines have been changed. The wetland comparison in the DEIS is incorrect. The comparison of acres of open water and tidal flats impacted is incorrect. The issue of neo-tropical bird impacts has not been considered. A supplemental DEIS needs to be issued, identifying honestly the relative impacts of the various alternatives. In this revised alternatives analysis, the issue of the necessity of an adjacent cruise terminal should be directly and honestly addressed. There is no rationale as to why the cruise terminal should not be located at a separate location from the container facility. By arbitrarily eliminating two of five cruise terminals, the Port of Houston has certainly indicated that there is nothing magical about co-location. It is purely arbitrary and should not be a basis for eliminating alternatives as was done in the DEIS. Therefore, the DEIS should be reopened and reissued based upon the changes in the cruise terminal and its impact on alternative analysis in the DEIS." 2-193 2-188

Sincerely,

Laurie Metzler Janet Dirnberger

Laurie Metzler Janet Dirnberger

YP 11962

FAX COVER

AV

PE-R
(Stanley)

From: P. J. Mock, Jr.
1200 Hwy 146 So. # 250
La Porte, Tx. 77571-6151
Fax: 281-867-9241/ PHONE: 281-471-0130

To: Colonel Leonard D. Waterworth
Commanding Officer and District Engineer
U.S. Army Corps of Engineers, Galveston CESWG-DE
P.O. Box 1229
Galveston, TX 77553-1229
Fax: 409-766-3951

Please, note that I am not opposed to reasonable industrial development of our region, but this geographic location, coupled with the Houton Port Authority's disingenuious, arrogant, and outright misleading of the public needs remedy! There are plenty of locations willing to accept and assist the HPA in achieving this project without subjecting the human/recreational of the Upper Galveston Bay environment to blatant industrialization.pjm

2-3

FROM: James W. Metts
6703 Trimstone Drive
Pasadena, Texas 77505

VP 11963

TO: KERRY M. SYTANLEY
Regulatory Branch, CESWG-PE-RF
U.S., Army Corps of Engineers
P.O. BOX 1229
Galveston, TX 77553-1229

Subject: Permit application Number 21520(Revised)

I oppose this application to further devastate Galveston Bay and its estuaries! 29-91

Sincerely, James W. Metts

YP 11961

Stanley, Kerry M SWG

From: beverly van zandt [bfvz@hotmail.com]
Sent: Tuesday, August 27, 2002 1:31 PM
To: Stanley, Kerry M

This is simply one more comment regarding the DEIS for the Bayport Project. Please start over on the DEIS. This project has been substantially changed by deleting cruise ship berths. Now other sites dismissed as inadequate must be evaluated again for the smaller number of berths. 2-205

Beverly Van Zandt
Shoreacres, Texas

Send and receive Hotmail on your mobile device: http://mobile.msn.com

WD 11965

MR. STARNEY

HOPE THIS CARD IS NOT TOO LATE - I AM AGAINST THE BAYPORT CHANNEL CONT. UNLOADING FACILITY I FEEL IT COULD BE LOCATED ELSEWHERE FOR SAFETY REASONS - 29-91

EMPLOYED BY DUPONT-LA PORTE

DAVID BERNARD
3707 MASSEY TOMPKINS
BAYTOWN, TEXAS
77521

1/P 11968

Stanley, Kerry M SWG

From: Mark Shavers [omshavers@mac.com]
Sent: Wednesday, August 21, 2002 12:10 AM
To: Stanley, Kerry M
Subject: Supplemental DEIS needed for Bayport

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

Dear Kerry Stanley:

I am writing as a concerned citizen and parent living in the Brookwood Subdivision in Clear Lake City about the permit application from the Port of Houston for the Bayport Marine Terminal project. From the information available to me, it is clear to me that severe problems are evident in the original permit application (#21520) and additional discrepancies are brought to light from the first two revisions. Fundamental problems not addressed by the original DEIS are, likewise, spotlighted by the revisions. Examples have no doubt been pointed out to you by opponents to the siting of the container terminal at Bayport. Some of the confusing issues related to the cruise ship terminals, actual wetland impacts, air quality, traffic, and other environmental impacts to migratory wildlife and neighboring families (to name a few) cannot have been properly treated before the permit application was revised. Some of these factors directly impact the definition and evaluation of site selection for the proposed container terminal. Meaningful mitigation in the affected watershed no longer seems possible at Bayport. 23-261

In short, my assessment as a concerned citizen is that the existing DEIS insufficient for characterizing the revised permit application. The DEIS process can only work as intended if the DEIS is re-initiated in order to sufficiently assess environmental impacts (as well as vulnerability of adjacent neighborhoods to terrorist activity) at the Bayport site relative to alternative sites. A public meeting is needed to identify and explain problems with the revised application, and is needed to demonstrate how and if all new concerns and previous questions will be answered. Losing the ethical footing of our legal process isn't in anyone's best interest and is clearly an unjustifiable cost. 23-

Thank you.

Sincerely,

Mark Shavers, Ph.D.
11603 Orchard Mountain Dr
Houston TX 77059
281/286-5430

YP 11967

DATE: 08-21-2002

TO: KERRY M. STANLEY FAX # 409-766-3951

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!

No Privileged Information attached

Page 1 of 7 8

7 Letters attached (identical)

Y/P 11967

1200 Highway 146 South
Suite 250
LaPorte, Texas 77571

August 21, 2002

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

Subject: Permit Application Number 21520 (Revised)

Dear Sir:

I wish to voice my OPPOSITION to the granting of the above numbered permit. 29-91

The placement of the proposed facility in the midst of long-standing residential communities is definitely not in the best interest of the majority of the people who live and work in the LaPorte-Seabrook area. 29-115

The Barbours Cut Operation has imposed a tremendous volumn of unwanted noise and light pollution upon the residents of Morgan Point; and the Bayport proposal would only serve to completely inundate the Galveston Bay area as we know it and love. 22-194

The proposed facility should be developed in a MORE APPROPRIATE location.

Sincerely, Debra Sherrey

Y/P 11967

1200 Highway 146 South
Suite 250
LaPorte, Texas 77571

August 21, 2002

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

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The Barbours Cut Operation has imposed a tremendous volumn of unwanted noise and light pollution upon the residents of Morgan Point; and the Bayport proposal would only serve to completely inundate the Galveston Bay area as we know it and love. 22-194

The proposed facility should be developed in a MORE APPROPRIATE location.

Sincerely, Greg Adams

YP 11967

1200 Highway 146 South
Suite 250
LaPorte, Texas 77571

August 21, 2002

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

Subject: Permit Application Number 21520 (Revised)

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The proposed facility should be developed in a MORE APPROPRIATE location.

Sincerely,

Marshall S. Thompson

YP 11967

1200 Highway 146 South
Suite 250
LaPorte, Texas 77571

August 21, 2002

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

Subject: Permit Application Number 21520 (Revised)

Dear Sir:

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The proposed facility should be developed in a MORE APPROPRIATE location.

Sincerely,

Allison Thompson

GP 11967

1200 Highway 146 South
Suite 250
LaPorte, Texas 77571

August 21, 2002

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

Subject: Permit Application Number 21520 (Revised)

Dear Sir:

I wish to voice my OPPOSITION to the granting of the above numbered permit. 29-91

The placement of the proposed facility in the midst of long-standing residential communities is definitely not in the best interest of the majority of the people who live and work in the LaPorte-Seabrook area. 29-115

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The proposed facility should be developed in a MORE APPROPRIATE location.

Sincerely,

Chrissy Cotton

YP 11967

1200 Highway 146 South
Suite 250
LaPorte, Texas 77571

August 21, 2002

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

Subject: Permit Application Number 21520 (Revised)

Dear Sir:

I wish to voice my OPPOSITION to the granting of the above numbered permit.] 29-91

The placement of the proposed facility in the midst of long-standing residential communities is definitely not in the best interest of the majority of the people who live and work in the LaPorte-Seabrook area.] 29-115

The Barbours Cut Operation has imposed a tremendous volumn of unwanted noise and light pollution upon the residents of Morgan Point; and the Bayport proposal would only serve to completely inundate the Galveston Bay area as we know it and love.] 29-94

The proposed facility should be developed in a MORE APPROPRIATE location.

Sincerely,

Erika Cammon

11967

1200 Highway 146 South
Suite 250
LaPorte, Texas 77571

August 21, 2002

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

Subject: Permit Application Number 21520 (Revised)

Dear Sir:

I wish to voice my OPPOSITION to the granting of the above numbered permit. 29-91

The placement of the proposed facility in the midst of long-standing residential communities is definitely not in the best interest of the majority of the people who live and work in the LaPorte-Seabrook area. 29-115

The Barbours Cut Operation has imposed a tremendous volumn of unwanted noise and light pollution upon the residents of Morgan Point; and the Bayport proposal would only serve to completely inundate the Galveston Bay area as we know it and love. 22-194

The proposed facility should be developed in a MORE APPROPRIATE location.

Sincerely, Kasie Sherry

Meredith Wilson
1008 West Shoreacres Blvd.
Shoreacres, Texas 77571-7131
Home Phone 281)471-5604

YP 11969

August 19, 2002

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

Dear Mr. Stanley:

We are very pleased to have the opportunity to make some comments on Permit Application No. 21520(Revised). Both Mrs. Wilson and I have read the report and have discussed our feelings regarding several areas that we wish to make comment on.

- We feel that the environment in our locale is already challenged and that while we agree with the environmentalists who also oppose this application we are concerned that the human species and its well being needs to be addressed as well. This document seems to miss that point. 22-195
- Even at best the air quality in this area is poor. There have been studies relating information regarding trucks, trains, ships and increased traffic that seem to make this a factor for health's sake. In as much as this proposed project is practically in the residential neighborhoods of Shoreacres, La Porte, and Seabrook(El Jardine) increase in illness and disability could be expected, especially in the young and older residents. 7-36
- Economic Impact on property values will cause these afore mentioned cities some loss in tax valuation. This is primarily a concern of Shoreacres residents since we are totally a bedroom community. The Houston Yacht Club is the only "business" in the city. We believe the members there will also find other clubs more inviting if this project is approved. There will be a lot of conflict in waterways and activities of the club and the port. 6-18 6-134
- Others have said that we may have a little bit of a hard time telling when the sun actually sets. There is no substitute for the natural bio-rhythms of the human species. Fancy lights, expensive berms, lots of grass and weeds and trees are not going to save the neighborhood concept as it is now. The recreational boating from the Houston Yacht Club will be lost or perhaps decreased. Our home values will decrease and thereby making a persons largest investment of a lifetime somewhat of a financial disaster. 22-171 31-15 35-12

Please give our comments and the comments of many others strong consideration. We are not asking anything more than to be allowed to continue our lives in an area of which we have grown really comfortable and we really don't want to give this up. It's our home and we love sharing it with our neighbors and friends. We don't want to be driven out.
Thank you for allowing us the opportunity to share our feelings. Please do not grant this permit. 29-91

Sincerely,

Meredith Wilson, Mrs. Meredith Wilson

Mr. and Mrs. Meredith Wilson
1008 W. Shoreacres Blvd.
Shoreacres, Texas 77571-7131

11970

BAY COLONY PROPERTY OWNERS ASSOCIATION

P.O. Box 243, LaPorte, Texas 77572

August 20, 2002

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

Sub: USACE Public Notice, Permit Application 21520, dated July 22, 2002

Dear Sir,

The Bay Colony Subdivision is a subdivision of LaPorte, Texas and is composed of approximately 160 properties along the north shore of Bayport Channel. Bay Colony Property Owners Association exists as a homeowners association established in Harris County Deed Records, Volume 4472, Pages 519 through 523, filed with County Clerk, Harris County, Texas, August 25, 1961. As representatives of the subdivision, Bay Colony Property Owners Association offers the following comments on the Bayport Container Cargo Terminal and Cruise Terminal, USACE Permit Application 21520.

The residents of Bay Colony:

A. Oppose construction and operation of a terminal facility of the magnitude proposed in USACE Permit Application 21520. Construction and operation of the terminal facility according to the permit application will occur within 1000 feet of current residents of the subdivision. We envision the proposed 20-year construction period to be similar in nature to that imposed by the original construction of Bayport Channel during the 1970's (USACE Permit 6140). And, observation of current operations in Bayport Channel leads us to believe that 24-hour operation of the terminal facilities will be insufferable to adjacent property owners. 29-91 22-196

B. Oppose the conclusions drawn in the Draft Environmental Impact Statement (DEIS) particularly with regard to the section entitled Project Alternatives and the various subsections entitled No Action Alternative. All aforementioned sections and subsections appear to be biased in favor of construction at the Bayport site. The assumption offered in the DEIS that "If the Bayport Terminal Project is not constructed, then the property will be available and used for construction of other 'heavy industry' facilities" is without merit. 29 133

We oppose construction of any and all facilities that will result in:

A. Additional endangerment of personal safety of Bay Colony residents (transfer and shipment of hazardous chemicals, explosives and potential terrorist involvement) as will be incurred by shipping by ocean-going vessels under foreign flag in Bayport Channel. 35.7 2.198 29/132

B. Additional sources of noise from shipping and dredging in the channel. Current noises from the channel are unconscionable. Ship transit, 24-hour dredging operations and heavy engine operation during "tug layover" is without reason. 3-23

C. Additional sources of noise from proposed 24-hour operation of the container terminal. It is unbelievable that operation of such a complex terminal can be achieved without a substantial amount of noise, particularly within 1000 feet of a residential neighborhood. 20-23

D. Additional source of ground vibration induced by ship transit within 500 feet of existing homes. 3-11

E. Additional (extreme) lighting required for operation of the terminal complex on a 24-hour basis. 17-9

F. Additional truck and personal vehicle traffic required to support container terminal operation (7000 trucks per day). The DEIS offers no provision to support the proposed traffic on existing roadways. Instead, it relies on the "potential augmentation" of surface roadways to support the proposed traffic. 27-2 27-93

G. Additional rail traffic required to support container terminal operation. The DEIS offers no provision to support the proposed rail traffic on existing railways. Similar to the roadway traffic, the DEIS relies on the "potential augmentation" of railway accommodations to support the additional rail traffic. 27-2 35-3

H. Additional ship traffic into and out of Bayport Channel offers a significantly increased danger to residents of Bay Colony who elect to access Galveston Bay by way of Bay Colony Park. The park facilities are already endangered by ship transit there is no barrier to ship wake as ocean-going vessels enter Bayport from the Houston Ship Channel. As stewards of the park, Bay Colony Property Owners Association must carefully consider closure of the park due to personal dangers imposed by ship wake. 21-37 32-16

I. Additional noise barriers. Residents reject the proposed in Public Notice, Permit Application 21520 (Revised), dated July 22, 2002. Without any semblance of noise analysis, the DEIS suggested construction of 20-foot berm on the north shore of Bayport Channel to alleviate noise to north shore residents. In USACE Public Notice, Permit Application 21520, dated April 4, 2002, the Port of Houston Authority proposed construction of a 20-foot sound wall along the north shore of Bayport Channel to alleviate noise on the north shore of the channel, again without any semblance of noise analysis. And now, USACE Public Notice, Permit Application 21520, dated July 22, 2002 again proposes construction of a 20-foot noise wall on the north shore of Bayport Channel to mitigate noise to the north shore residents. 28-13 22-160

As residents on the north shore of Bayport Channel, we cannot and will not accept construction of either a 20-foot berm nor 20-foot wall as adequate suppression of noises emanating from shipping in Bayport Channel nor operations of the terminal facility without adequate analysis of the noise sources (positions) and the noise recipients (us). 29-134

Thank you,

James E. Suber

James E. Suber, President

YP11971

August 20, 2002

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

Dear Sirs,

This is in regard to the Bayport Draft Environmental Impact Statement (DEIS) and your rather cavalier treatment of the many serious and compelling comments to the draft as evidenced by your Public Notice on the subject dated 22 July 2002. Needless to say, you have completely ignored many of the salient comments submitted by myself and others with whom I have conferred on the matter. How a suppossedly responsible government organization like the Corps can fail to give due and fair consideration to all reasonable inputs from the public completely defies the imagination. Furthermore, the fact that two other government agencies, The U.S. Fish and Wildlife Service (USFWS) and Texas Parks and Wildlife (TPWD) have publicly come out vigorously against the Bayport location and noting it as being the most environmentally damaging alternative leads me to believe that the Corps is either grossly incompetent or has lost all regard for the conduct of a fair and just evaluation. 23-263

How can the Corps deny that there is a strong and compelling need for a Supplemental DEIS which will properly and completely address all of the many issues derived from the reviews by the public? Paramount in this exercise should be that the Supplement address all alternatives equally and fairly along with a clear demonstration of why the least damaging alternative has not been selected. I very strongly recommend that a new Draft or Supplemental DEIS be undertaken by the Corps as soon as possible. 23-264

Sincerely yours,

Aleck C. Bond

Aleck C. Bond
234 Driftwood Drive
Seabrook, Texas 77586-4704

yp 11972

Dear Mr. Stanley

We have been following the Bayport develop issue from the beginning and have written our concerns to you before. At this point we feel that the Port's amended permit application calls for a Supplemental DEIS . A new evaluation should be made of air quality, noise, land use, wetlands, transportation, 50 ft. Bayport channel impacts, and cumulative impacts with the concurrent proposed San Jacinto Rail project .

23-267

Thank you,

Norma Brown
Terry Brown

Norma and Terry Brown
566 Surf Oaks
Seabrook,Tx.

209 Lakeshore Circle
Seabrook, TX 77586
August 26, 2002

yp 11973

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

Dear Mr. Stanley:

23.266

Regarding the Bayport Marine Terminal, I would like to strongly suggest that the Port of Houston's amended permit application should trigger a Supplemental DEIS. The SDEIS should reevaluate air quality, noise, land use, wetlands, transportation, 50 ft Bayport channel impacts, and the cumulative impacts with the concurrent proposed San Jacinto Rail project.

Sincerely,

Dallas Ives

AUG 30 2002

August 27, 2002

YP 11974

Helen Burton
2918 Sea Ledge Drive
Seabrook, TX 77586

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,

I urge you to deny the Port of Houston's proposal to build the new container facility in Bayport or at the very least to require a new Supplemental DEIS comparing all proposed sites with the changes the Port has made since the original DEIS. My reasons for asking you to do this are: 29-5 2-206

- The Port has dropped 2 cruise terminals from their proposed plan. Potential port sites were eliminated because they could not accommodate 5 cruise terminals, now that the number of cruise terminals is reduced to 3 the prior analysis is flawed. 2-190 2-205 2-211
- There are inconsistencies between Revised Public Notice #2 issued July 22, 2002 and Revised Public Notice # 1 issued April 2002. Public Notice #2 indicates a reduction in the area to be dredged and yet gives the same acearage to be dredged as indicated in Public Notice #1. 22-183
- There is no mitigation of non-jurisdictional wetlands. The DEIS should be amended to clearly note that there are wetland impacts associated with the Bayport project much greater than previously identified and that these wetlands are viable, natural wetlands. By contrast Spillman's Island and Shoal Point sites involve the development of spoil disposal areas that are not legally classified as wetlands. 14-160
- There is no mitigation proposed for impacts in the open water of Galveston Bay though there is significant ecological impact to the bay. 14-128
- Wave power and shoreline erosion are not discussed in a comparable way for the various alternative sites. 15-39
- There is no mitigation proposed for the loss of Neo-tropical bird habitat. 12-71 12-72
- The Bayport DEIS fails to address the impact of PM2.5 (fine particle) emissions and is unclear about emissions deriving from construction work. 7-4
- Analysis of operating emissions needs to include total additional emission loads to avoid compromising the State Implementation Plan of attainment of the national ozone standard in the Houston Galveston area. 7-159

The proposed Bayport container project has been substantially altered since it was proposed and discussed in the draft DEIS. In addition to this the primary factors

controlling the evaluation of alternatives under NEPA and under the EPA's 404(b)(1) guidelines have been changed. The wetland comparison in the DEIS is incorrect. The comparison of acres of open water and tidal flats impacted is incorrect. The issue of neo-tropical bird impacts has not been considered. A supplemental DEIS needs to be issued, identifying honestly the relative impacts of the various alternatives. 2-193

Sincerely,

Helen Burton

Helen Burton

AUG 30 2002

YP 11975

August 27, 2002

Gerald Cooney
P.O. Box 2028
Friendswood, TX 77549

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

Dear Sir,

I strongly urge you to deny issuing a permit to the Port of Houston Authority for their location on the Bayport ship Channel. 29-5

This revision and amendment by the Port of Houston is in error, and as stated by you, has been furnished by the Port but "The information has not been verified". The wetland mitigation is certainly not sufficient, and the damage to the wetlands they wish to cement over has not been fully addressed. 22-183

Their must be another public meeting on this, the Corps cannot allow amendments by one party to simply be challenged by written comments. Please immediately schedule a supplemental DEIS. At the very least, this latest amendment does raise other questions and should be open to the public at a meeting. I recognize that you held a meeting in December. However, this amendment was not part of the meeting. 23-265

This is reveille for the Corp, we insist that as the Port of Houston keeps changing their application that we have the opportunity to provide complete public meeting input into their amendments.

This "oh by the way" amendment cannot circumvent the opportunity by the public to have a supplemental DEIS, so that we can continue to fully respond to the Port's "oh by the way" amendments.

Very truly yours,

Gerald A. Cooney

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

YP11976

August 29, 2002

Sirs, I respect the work you are doing – but if you were truly interested in what is best for the area around the proposed Bayport expansion you could not possibly consider allowing this to proceed in Seabrook.

I have lived in Seabrook for the past 27 years. I grew up in Deer Park, our family moving there in 1957. Since that time I have seen a lot of the 'problems' with any kind of expansion of the Houston Channel and basin.

DP10530

At the last public hearing (don't have the date) I attended at the G.R.Brown Convention Center I left a letter stating the same protest I am stating here. I received no response from your organization although we were assured our comments would be read and responded to. With that off my chest – allow me....

I use to frequent the area around the San Jacinto Monument as a teenager in the early 60's. There were a series of sand pits "between" the monument and the ship channel. High and dry before the subsidence started eating away at that whole area – I believe this was caused by the dredging/deepening of the channel.

11-6

As a teen I worked at the San Jacinto Inn – a restaurant that stood beside the Battle Ship Texas, that restaurant slowly sank into the channel in the late 60's to early 70's. A new building was build "on a hill" to the east of the old restaurant in the 70's that building also sank into the channel. The Battle Ship Texas itself had to be relocated because of the subsidence.

Another area we frequented as kids was the Clear Lake Park area – now off of NASA Road 1. The large bath house in that park use to set on a hill overlooking the lake. That building is almost at the waters edge.

When I bought my house in Seabrook in 1975 I was told my house was at 11 feet elevation. I do not even want to think at what level it is at today. The whole community of Seabrook is at risk if any major storm threatens our coast. The fish markets on the Seabrook point by the Clear Lake channel have already suffered loss – most of the businesses there have been washed away "several" times in my recent memory. I have

pictures of the Seabrook Dairy Queen on Highway 146 flooded with over 3 feet of water (available on request).

At the G.R. Brown meeting one of the speakers said something about the beautiful area around the container area in La Porte – what a laugh that was – have any of your team driven around that area (with your windows down). There is nothing beautiful about container storage yards. I fully expect the investment in my home on Aspen will be fully lost as soon as the port expansion is approved. The highway traffic on 146 through Seabrook is already a problem. The substantial loss to the area wetlands will be a nightmare to our area fishermen. Jobs? – If the plans for the port are moved to any other area – the jobs will follow… 22-197

I don't have any expectation that you will be shocked by my letter. I don't have a lot of confidence you will change your minds. I am quite sure you are fully aware of all the further complications of dredging the channel.

I am appealing to you to reconsider your decision and move to Port where it is wanted – just not in Seabrook….

Disillusioned, Disheartened, Disappointed in Seabrook,

John A. Henry
1848 Aspen Lane
Seabrook, Texas 77586

Paul C. Berner

Geologist

yp 11977

August 27,2002

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

Dear Mr. Stanley:

My home lies less than ½ mile and downwind under prevailing wind conditions from the proposed Bayport expansion project. The amount of air pollution to be caused by the thousands of large trucks expected to be entering, standing by and exiting this facility coupled with the operational diesel equipment at the port itself will have a profound impact on the AIR QUALITY of my neighborhood. It is difficult for me to understand how a project such as Bayport can be allowed to proceed when Harris County is already in non-compliance with federal clean air standards. It seems to me that this will only aggravate the existing problem. 7-10 7-2 7-33

Another concern I have is traffic congestion on Highway #146 which at "rush hour" is already at a dangerous level. Further the proposed Import/Export Storage and Transfer Park on this same highway just to the north of Bayport, having been approved by the La Porte City Council, will only add to the problem. 27-113

In conclusion I submit that there are much better sites in the area of Galveston Bay for port expansion projects than in the midst of a residential area. 2-4

Thank you for your consideration.

Yours truly,

Paul C. Berner

Paul C. Berner

3007 Carlisle St., La Porte, TX 77571— Phone/Fax (281) 471-6850

209 Lakeshore Circle
Seabrook, TX 77586
August 26, 2002

yp 11973

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

Dear Mr. Stanley:

23-266

Regarding the Bayport Marine Terminal, I would like to strongly suggest that the Port of Houston's amended permit application should trigger a Supplemental DEIS. The SDEIS should reevaluate air quality, noise, land use, wetlands, transportation, 50 ft Bayport channel impacts, and the cumulative impacts with the concurrent proposed San Jacinto Rail project.

Sincerely,

Dallas Ives

LORRAINE LEAVELL
5530 REDSTART
HOUSTON, TEXAS 77096-4920

713-723-4150

YP 11973
0

August 26, 2002

Mr. Karey M. Stanley
Corps of Engineers
P. O. Box 1229
Galveston, Texas 77553

Re: Permit 21520 Revised

Dear Mr. Stanley:

I am strongly opposed to the expansion of the Bayport Terminal. It's already congested enough in this area and this would cause much more truck and ship traffic than the area could bear. A main consideration is that it would cause the quality of the water in the Bay to decline and cause a loss of wetlands. The water quality must be preserved above everything else. 29.24

There is too much danger with the world situation the way it is today. If a nuclear weapon were to be brought to the United States, the first place that would be hit would be Houston. Keep the potential for this down by locating elsewhere. The same goes for diseases. Where there are huge concentrations of people and equipment, the likelihood of attacks is all the greater. 21-34

We do not need another cruise ship either. There is already one in Galveston. 2-21

Please halt the expansion. It's not a good idea for this area. 29-5

Sincerely yours,

Lorraine Leavell

Lorraine Leavell

LL

YP 11900

U.S. Army Corps of Engineers
Galveston District

PUBLIC HEARING COMMENT

DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED BAYPORT MARINE TERMINAL

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

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

Sept 1, 2002

Name: Jerry C. Gardner

Address: 426 Baywood Drive

City, State and Zip: Shoreacres, Texas 77571

Comment:

Dear Mr. Stanley,

This proposed Bayport terminal needs to be stopped. This is foolish. ~~Every Environmental group and or study has shown that this location~~ is bad for everyone and everything. Every one from the EPA to the US fish and Wildlife to the Texas Parks and Wildlife and on and on knows this is the wrong location. Yet the Port of Houston Authority continues to manipulate the facts and (using our tax dollars) continues to deceive the people of Texas for their own egotistical means.

I don't understand how this has even gone this far. The Clean Water Ac should have stopped this. The answer is clear. There are alternate choices that do not have this tremendous negative effect on our environment and are welcomed by the community.

23-263

Sincerely,

Jerry C. Gardner

Jerry C. Gardner

YP11951

Mark Trusty
215 Bay Colony Circle
La Porte, Texas 77571
Phone: 281-470-0365
Cellular: 713-504-2017
markt1967@aol.com

August 30, 2002

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

Dear Mr. Stanley,

I want to first thank-you for the extra time that you allowed to respond to this second revision to Permit Application #21520 as I needed the extra time to try to understand what the changes actually were and how they would come together with the DEIS on this application along with the other revision earlier in the year. I would be honest if I told you that the numbers add up in these changes and I believe that the public comment period should be reopened and a public meeting should be convened to explain these changes in the project. 23-256

I could find no reason given by the Port for dropping 40% of the cruise terminals. Why? Are these cruise terminals not important any more? If they are not then I urge that the alternative analysis in the DEIS be redone to consider site development without any associated cruise terminals as a number of sites were eliminated because they could not accommodate five cruise terminals. 2-205

Also the numbers do not add up? When comparing the sheet 9 of 28 on the revision #1 in April 2002 and the sheet 9 of 54 on the revision #2 in July 2002 I can find no difference. Where is the difference mentioned? If a new sheet 9 of 54 needs to be sent out with the correct information they a new Public Notice needs to be sent along with the proper time allowed for the public to respond. I would be at lost to comments on the subject of the revisions listed in Revision #2 dated July 22, 2002 without this. 11-48

11981

Under the 404(b)(1) guidelines found at 40 CFR 230 et seq, there is a requirement that the least damaging practicable alternative be selected by the Corps of Engineers. The alternative of constructing Bayport, and its associated impacts, should be reconsidered in light of Revised Public Notice #1 and #2. This reconsideration requires the reopening of the DEIS for comments and ideally would involve the publication and circulation for comments of a Supplemental Draft EIS. 23-260

The issue of a Supplemental Draft EIS deserves additional consideration at this time. The proposed Bayport container project has been substantially altered since it was proposed and discussed in the Draft EIS. Since that time, Revised Public Notices #1 and #2 have been issued. There have been multiple changes that in some cases has nothing but confuse the public. The acreage of jurisdictional wetlands has been increased, the total acreage of wetlands has been disclosed, the noise mitigation has been changed, the number of cruise terminal berths has been changed, the land plan associated with the cruise terminal has been changed and a concrete wall is proposed to be constructed on the north shore of the Bayport channel on top of gas lines, to name the more notable changes. 23-251

Importantly, the analysis of alternatives, " the heart of the EIS" according to the rules of the Council on Environmental Quality that control the EIS process, is now obsolete. The primary factors controlling the evaluation of alternatives under NEPA and under EPA's 404(b)(1) guidelines have been changed. A supplemental DEIS needs to be issued, identifying honestly the relative impacts of the various alternatives. Therefore, the DEIS should be reopened and reissued based upon the changes. 23-255

Sincerely,

Mark Trusty

YP 11937

705 Quintana Roo
Seabrook Texas 77586

August 30, 2002.

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

re: PROPOSED BAYPORT CONTAINER SITE.

This letter presents my comments regarding the above.

The Bayport site is far too big and vulnerable to a terrorist attack. Big does not mean better. Barbour's Cut should be developed further and container traffic should be divided between Texas City and Barbour's Cut. 2-216

Large organizations as proposed by the Houston Port Authority will be very inefficient as are so many government sponsored institutions. e.g the Houston Port Authority itself. One has only to boat up the ship channel to witness the waste and pollution there. 22-198

The cruise line traffic should be directed to Galveston which desperately needs more tourism and which has far more to offer than any dreary port up the ship channel would have to offer. 2-52

Since the U.S.A. is a net importer of containerized goods it has become the dumping ground for these containers which are not only an eyesore over acres of property but become a health hazard. A breeding ground for rats and mosquitoes. Surely the shippers or shipping agents should be made accountable for ridding the country of these hundreds of thousands of unwanted crates. What provisions had Houston Port Authority made for this disposal problem? 22-199

Signed,

Vincent Ward.

(This Attach is a copy of CP10746 by Same Author)

The Bayport Container Terminal.

At a meeting of citizens at the George R. Brown Convention Center on December 12, 2001, arranged by the Corps of Engineers and The Texas Natural Resources Conservation Committee to solicit comment by interested public on the Draft Environment Impact Study. It became clear that elected state representatives, mayors of various cities and citizens living within these cities adjacent to the proposed site for the new Bayport Terminal came out solidly against the construction of a port facility at this site. All seemed in favor of a new port but at Spilmans Island - Barbour's Cut or at Texas City.

Since The Houston Port Authority already owns the Barbour's Cut-Spilmans Island complex where there is an operating infrastructure and where waste land can be recovered to build the necessary extension, then surely it must be better to recover waste land rather than to destroy the natural country side at Bayport.Further, the promise of jobs at the new facility still remains for those wishing to be associated with port activities. 2-77

From the figures displayed at the Convention it could be seen that the main access way to Bayport would be the 146 highway that passes right by Barbour's Cut to join the 225 and the distance between Barbour's Cut and Bayport is 6.0 miles. An estimated 6000 containers per day will be moved from Bayport by road and the rest by rail. A tractor does 6 miles per gallon of diesel and the return trip on the 146 will be 12 miles so it amounts to 2 gallons per container and that adds up to 4.4 million gallons per year of unnecessary pollution . 7-46 2-11

At the Bayport site there is already a company American Acrylic involved in the production of petroleum based products and when a northerly wind blows not only is there a smell of chemicals but also a low frequency rumble of sufficient strength to rattle a window and cause a framed picture to sway against the wall. It must be assumed that the same applies to those on the north side when a southerly wind blows. The proposed twenty feet high berm will have little effect on noise reduction except for those directly under the sound shadow of the berm but it does provide a convenient place to dump dredged material. 3-10 11-8

It has been said that the cost of developing Spilmans Island will be more than that for Bayport. It has also been said that a larger and more efficient container port is necessary to handle the foreseen increase in ocean traffic destined for Texas and beyond in which case the cost should be borne by the State or the Federal Government or both but not the people and businesses of Harris County who must and do pay a Port tax which also reflects the fact that the Port Authority is unable to efficiently run a business. 22-113

Some years ago the Japanese company Mitsubishi attempted to build a copper smelter along the Galveston Bay. The citizens came out in protest and Mitsubishi withdrew despite the fact that the process was the most efficient in the industry, that the Texas Clean Air Authority, now the TNRCC, had granted a permit which was withdrawn later, and there was a loss of many new jobs. The moral of the story is that responsible Authorities should take heed of concerned people's requests.

Finally, with reference to Figure E-1 and the breakwater at the south end of the cruise ship terminal, has sufficient attention been given to the effect that this breakwater will have on the ebb and flow swirl movement that bay water will have on the adjacent coast. Further, has the effect of cruise ship thrusters been given sufficient attention. 15-9

Submitted on behalf of myself and others. Vincent C. Ward

11000

U.S. Army Corps of Engineers
Galveston District

Duplicate of YP 11907

RE: Public Notice permit application number: 21520

Sirs:

In my opinion the life along Galveston Bay will be forever destroyed by the Container Port. In my previous letter I stated many of the reasons. All towns along the bay will be disrupted and home values will fall immensely. The trucks will cause bottlenecks. So many we cannot imagine. I hope you will take a sincere look at what life will be like if this Port becomes a reality. Can a city like Houston, destroy the towns along the bay? I hope not. I hope there is more justice in this country; not justice controlled by the divisions of one city. There are so many reasons not to put the Port here as I have stated before in my first letter to you and I am sure you know them all.

Please think of our lives when you take up this matter given to you. Our children and their children lives will be even changed.

Sincerely,

Kathryn H Coleman
Thomas Coleman

Kathryn Coleman
Thomas Coleman

August 31, 2002

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

Yr 11991

Below are my comments regarding the Revised Public Notice #2 issued July 22, 2002 for Permit Application No. 21520.

1) This is the second revision of Permit Application #21520 after the issuance of the DEIS and the close of the public comment period on the DEIS. I request that the public comment period on the DEIS be reopened and a public meeting be convened to explain these changes in the project. 23-256

2) It's clear that with all the revisions that have been made since the issuance of the DEIS, the analysis of alternatives in the DEIS is flawed. As such, I request that a supplemental DEIS be issued that fairly assesses the alternative sites, and the proposed site, given the proposed revisions. This will give the public due notice before a final EIS is issued. 23-216

3) I request that the Corps analysis of alternative sites in the DEIS be redone to consider site development without any associated cruise terminal development. There is no functional relationship between the development of cruise ship terminals and the development of a container terminal. Alternative sites should not be penalized for any deficiencies they may have regarding the development of a cruise ship terminal. 2-205

4) I request that the DEIS be supplemented to include the cumulative loss of wetlands caused by the proposed project. As the DEIS stands now, there is no mitigation proposed for the loss of non-jurisdictional wetlands, which consists of approximately 114.5 acres of coastal prairie pothole wetlands. Because these are unmitigated impacts, they should be considered as negative impacts of the proposed action. And alternative sites like Spillman's Island and Shoal Point, which are not legally classified as wetlands, should be credited for not having this negative impact. 14-153

5) Regarding jurisdictional wetlands, I can not make out the maps on pages 20 of 28, and 21 of 28 on the supplemental (21520rev.pdf) to the Public Notice. I ask that the Corps supply readable maps for these wetlands, or UTM coordinates for all wetlands boundaries, or survey boundary descriptions referenced to one of the benchmarks shown in that area on the 1982 7.5' League City topographic map. 14-83

6) The Corps states that the amount of areas proposed to be dredged is reduced by 23 acres, a reduction in open water fill to 21.3 acres and a reduction in the amount of dredged material to be placed off-site by 1,045,965 cubic yards. However, there seems to be a disconnect between that statement and Sheet 9 of 54 which shows the same exact 11-48

dredged area as is shown in Sheet 9 of 28 on the Revised Public Notice #1 (issued 04 April 2002). These sheets should be different if, in fact, 23 less acres are being dredged.

7) I request that the DEIS be supplemented to include the cumulative loss of "open water" and tidal flats caused by the proposed project. As the DEIS stands now, there is no mitigation proposed for the loss of these estuaries, which consists of approximately 330 acres. 22-159

8) I request that the DEIS be supplemented to include the cumulative loss of neo-tropical bird habitat caused by the proposed project. As the DEIS stands now, there is no mitigation proposed for the loss of this habitat. This impact is considered within the scope of EPA's 404(b)(1) guidelines, but has not considered in the DEIS. 14-128 14-72

Michael Flannigan
4330 Cedar Ridge Trail
Houston, TX 77059-3114
281-286-6869
mikeflan@earthlink.net

Terms:

Corps = Army Corp of Engineers
PHA = Port of Houston Authority
DEIS = Draft Environmental Impact Statement
EIS = Environmental Impact Statement

XP 11992

September 4, 2002

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

Dear Mr. Stanley:

This letter is to comment on the Port of Houston's Bayport Channel Container/Cruise Terminal second revised permit application (Permit Application Number 21520-revised).

Permit Application #21520 has now been revised twice since the issuance of the DEIS and the close of the public comment period on the DEIS. The revised permit application requests changes in the project that were not included in the DEIS, such as the reduced number of cruise ship berths and revised wetlands mitigation plan. These flaws and omissions of the DEIS together with the changes made in the two revised permit applications are clearly far too extensive to proceed to the Final EIS. The public deserves the right for the additional review and comment on the project as it is now defined by reopening the comment period on the DEIS, followed by a Supplemental DEIS. In addition, the Corps should hold a public meeting to explain the changes in the project. 23-249 23-256

The elimination of two of the five cruise berths invalidates the alternatives analysis conducted in the DEIS. A number of potential sites were eliminated in the DEIS because they could not accommodate five cruise berths. Now that there are only three cruise berths, the alternatives analysis in the DEIS is incorrect. In fact, since there is no functional relationship between the cruise and container terminals, the alternatives analysis should have never required a site large enough to accommodate both the cruise terminal and the container terminal together. The alternatives analysis in the DEIS should be redone in a supplemental DEIS. 2-205

As one who lives nearby, I know the Bayport site includes high quality wetlands and natural habitat. By contrast, the Spillman's Island and Shoal Point sites involve the development of spoil disposal areas that are not legally classified as wetlands. The evaluation of alternatives in the DEIS should be amended in a supplemental DEIS to clearly note that there are wetland impacts associated with the Bayport project that are much greater than previously identified and that these wetlands are viable, natural wetlands. 14-130

In summary, I remain opposed to the Bayport site for a new container terminal. The Bayport Alternative would create unavoidable and unacceptable negative impacts to my community and me and should be rejected. It is clear that other alternatives would pose fewer negative impacts to far fewer people. The 404(b)(1) guidelines found at 40 CFR 230 et seq, require that the Corps of Engineers select the least damaging practicable alternative. Clearly, Bayport is not that alternative. 29-5 23-260

Thank you for your unbiased consideration in this important matter.

Sincerely,

Stanley W. Krauhs, Jr.

Stanley W. Krauhs, Jr.
1103 Shorcacres Blvd.

Stanley, Kerry M SWG

YP 11993

From: Rosebud L. Caradec [rosebudc@ev1.net]
Sent: Tuesday, September 03, 2002 3:49 PM
To: Stanley, Kerry M
Subject: Permit Application #21520

Sept 3Letter to Stanley.doc

Please consider these.

Rosebud L. Caradec SEC, EMS
Advent Waterfront Properties, Inc.
1350 Nasa Pkwy, #118
Houston TX 77058-3165
281-333-1847

YP 11993

September 3, 2002

Mr. Kerry Stanley
US Army Corps of engineers
Galveston District, Regulatory Branch

Via: email kerry.m.Stanley@usace.army.mil
Via : Fax : 409-766-6301
Re : Permit Application #21520

Dear Mr. Stanley:

The USACE has mishandled the PHA application for a new container site at Bayport to such an extent that you MUST delay closing of Public Comment period and in fact hold another public hearing. How can you ignore all the many reasons why this site may not be the best site for a new container port? 23-256

I hate to reiterate ALL the reasons for my informed conclusion. Let me just state the main reasons.

1. ALTERNATIVE SITES – Texas City of course is the most appropriate site for the new port, and very well may be the only one ever needed that has a 50' channel already in place. Spillman's Island has other good possibilities if the cost to stabilize the dredge material will be compared to the cost at Texas City and not the PHA inflated cost. 2-217
2. REVISIONS – Too many revisions have been made to the original application to let this comment period end without further public hearings. 23-249
3. APPLICATION LEGALITIES – PHA has not and does not own all the land included in their plan. And they have no right of eminent domain to put railroads in a city against that city's zoning and without approval. 23-23
4. PUBLIC SAFETY – Container ports pose immediate and constant terrorist threat to populations surrounding them. Why can you ignore this fact at Bayport which is surrounded by chemical plants and rooftops. Only 2% of offloaded containers are inspected now, and in the future the cost to increase this number is prohibitive. US Congressman Lampson makes this point. 35-1

Thank you for your time to reconsider these issues which are irrefutable.

Sincerely,

Rosebud L Caradec
1350 Nasa Pkwy, Ste. 118
Houston TX 77058
281-333-1847
email: rosebudc@ev1.net

11993

September 3, 2002

Mr. Kerry Stanley
US Army Corps of engineers
Galveston District, Regulatory Branch

Copy

Via: email kerry.m.Stanley@usace.army.mil
Via : Fax : 409-766-6301
Re : Permit Application #21520

Dear Mr. Stanley:

The USACE has mishandled the PHA application for a new container site at Bayport to such an extent that you MUST delay closing of Public Comment period and in fact hold another public hearing. How can you ignore all the many reasons why this site may not be the best site for a new container port?

I hate to reiterate ALL the reasons for my informed conclusion. Let me just state the main reasons.

1. ALTERNATIVE SITES – Texas City of course is the most appropriate site for the new port, and very well may be the only one ever needed that has a 50' channel already in place. Spillman's Island has other good possibilities if the cost to stabilize the dredge material will be compared to the cost at Texas City and not the PHA inflated cost.
2. REVISIONS – Too many revisions have been made to the original application to let this comment period end without further public hearings.
3. APPLICATION LEGALITIES – PHA has not and does not own all the land included in their plan. And they have no right of eminent domain to put railroads in a city against that city's zoning and without approval.
4. PUBLIC SAFETY – Container ports pose immediate and constant terrorist threat to populations surrounding them. Why can you ignore this fact at Bayport which is surrounded by chemical plants and rooftops. Only 2% of offloaded containers are inspected now, and in the future the cost to increase this number is prohibitive. US Congressman Lampson makes this point.

Thank you for your time to reconsider these issues which are irrefutable.

Sincerely,

Rosebud L Caradec
1350 Nasa Pkwy, Ste. 118
Houston TX 77058
281-333-1847
email: rosebudc@ev1.net

YP 11991

September 1, 2002

Mr. Stanley,

I am a professional in the technology industry and have lived in El Jardin in Seabrook, Texas for the past 13 years. I enjoy living in this area so much that the commute to Houston each day for work is worth the stress and miles to come home to this wonderful little community. And it truly is a community. A community filled with people that care about their environment, their children's ability to live in a safe neighborhood, and the wildlife that surrounds it.

The Bayport facility will destroy the way of life for so many people in this area. Some of my neighbors have lived in this neighborhood since they were children and are now in their 70's. We have children that fish on the waterfront and community celebrations there as well. All of this will change because of the destruction being planned for our area. 22-200

Not only will Bayport be destroying a way of life for so many, it will be destroying valuable wetlands, the habitat for so much wildlife and polluting our air with fumes, dust and noise. Enough is enough!

Everyone is saying to take the port somewhere else. But, will that be inflicting this same heartbreak on another community? I say we can all live without another port. This shouldn't be about money, it should be about life. God has given us just one earth, and we must begin to be good stewards of it before it's too late. 29-135

You must stop this terrible crime against our neighborhoods, our lives, our valuable wildlife and our earth. Let us live in peace. Stop the port, please.

Marta Rudy

Marta Rudy
4826 Bland Street
Seabrook, Texas 77586

Diana Moore
609 Baywood
Seabrook, TX 77586

STOP BAYPORT

YP 11295

September 3, 2002

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

Dear Mr. Stanley,

I strongly urge you to consider the following in the issuance of permit application no: 21520 (Revised), applicant; Port of Houston Authority.

1. The Port's amended permit application should trigger a Supplemental DEIS (SDEIS).
2. The SDEIS should reevaluate air quality, noise, land use, wetlands, transportation, 50 ft. Bayport channel impacts, and cumulative impacts with the concurrent proposed San Jacinto Rail project.

23-266

Sincerely,

Diana Moore

Diana Moore

302 Park Drive
Seabrook, TX 77586
August 31, 2002

YP 11996

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

Dear Mr. Stanley:

I live in the El Jardin subdivision. This subdivision will be drastically affected by the Bayport Container Facility. El Jardin is Spanish for the garden. Our garden is a beautiful area. The migratory birds come through here every fall and spring and dazzle us with their beauty. The marsh is full of all kinds of wildlife, including fish and oysters. The sight of the brown pelicans sitting on the old pier is truly wonderful. I have seen the brown pelicans driven almost to extinction but one woman, Rachael Carson, in her book, Silent Spring, brought everyone's attention to the need to protect these wonderful birds. I want to take this opportunity to do my part to bring your attention to the need to protect this wonderful area with its wildlife and wetlands. We call this lovely garden our home.

Bayport is not the best location for the proposed project. The garden, El Jardin, must be protected from the harm a container facility will bring. Please build this container facility where it will do the least harm, and that means do not build it at Bayport. 29-136

There are a number of discrepancies with the DEIS and the revisions concerning the amount of acres impacted, and the jurisdictional wetlands. It is not clear how the wetlands acreage was calculated. The wetlands are a precious resource. Currently there is a second revision of Permit application #21520. This is not enough. <u>A supplemental DEIS must be done to study this issue and clear up the discrepancies.</u> 23-266

I agree with the comments made by the Texas Department of Parks and Wildlife concerning mitigation measures. The community firmly believes there is nothing the PHA could do to make this facility agreeable to our neighborhood. The mitigations do nothing to address the environmental damage that will be done to our garden if Bayport is built. The mitigations do nothing to protect us from the potential terrorist hazard of containers from all over the world sitting at our doorstep. The mitigations do nothing to protect us and the wildlife from potential air quality hazards as a result of unknown materials within the containers. Please believe me when I say, **I am not against the port**, I am against putting the port at Bayport. I want to protect the garden that is El Jardin. 21-76 21-21 29-136

Sincerely yours,

Nan Perkins

Nan Perkins

yp 11997

September 2, 2002

Mr. Kerry Stanley
U.S. Army Corps of Engineers
Galveston District, Regulatory Branch
P.O. Box 1229
Galveston, Texas 7753-1229

Re: Revised Public Notice No. 2
Permit Application Number 21520

Dear Mr. Stanley:

This letter is to express my OPPOSITION to granting the above referenced permit at Bayport. I have addressed my concerns in previous correspondence. Because of the revisions that have been made, the public comment period on the DEIS should be reopened and a public meeting should be held to explain these changes in the project. 29-91 23-256

These are some of the concerns I have with the revisions.

Because two of the five cruise terminals were dropped, obviously there is no functional relationship between the cruise and container terminals. At least no reason as to why two terminals were dropped was given. Therefore, the alternative site analysis in the DEIS should be redone to consider site development without any associated cruise terminals. 2-205 2-211

The No Action Alternative provided is intended to describe a baseline for environmental assessments without any project. Your No Action Alternative does not provide a meaningful comparison with each of the other alternatives, as in the DEIS it is assumed that the site would be developed for activities such as port facilities. This is not consistent with the residential development around the Bayport site. 2-167

The mitigation plan is unacceptable.
*The acres of jurisdictional wetlands have been increased and the total acreage of wetlands has been disclosed. 14-128
*There is no mention of non-jurisdictional wetlands to be filled. This project contributes to the cumulative loss of prairie pothole wetlands along the coast. The evaluation of alternatives in the DEIS should be amended to note that there are wetlands associated with the Bayport site much greater than previously identified. Spillman's Island and Shoal Point involve development of spoil disposal areas. 14-160

There is no mitigation for the impacts of the project on the open waters of the Bay. 14-128

There is no mitigation proposed for the loss of neo-tropical bird habitat that will be lost if the Bayport site is developed. 12-71 12-72

A concrete wall proposed to be built on the north side of the Bayport Channel has not been proven to be effective. There is not adequate time for the residents of LaPorte and Shoreacres to conduct their studies concerning this change and how it will affect the noise over a block away from the channel, the drainage system on the north side of the channel, and the residential area during a hurricane. 3-63 3-23

There is a failure to address ballast water's introduction of non-native plant and animal species into Galveston Bay. 12-7 35-15

The prospect of terrorists using cargo containers in their methods of attacks has not been adequately addressed 21-59

The DEIS should be reopened and reissued because of the changes made through your revisions and their impacts on the analysis of alternative sites in the DEIS. 29-114

Yours truly,

Mary Beth Maher

Mary Beth Maher
3610 Miramar
Shoreacres, Texas 77571

Marcus A. Lamkin
3412 Bayou Forest Dr.
La Porte, TX 77571

yp 11998

September 3, 2002

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

Dear Mr. Stanley,

This letter is to offer comments on the current events in the POHA request for a permit to build a container terminal and a cruise terminal in the Bayport channel.

It seems that the permit application request has been revised several times since the issuance of the DEIS. How many revisions will they be granted?

The environmental agencies have been rather negative with their viewpoints. The negative comments by local citizens regarding home values, traffic disruption, fishing resources, and pleasure boating has been rather universal. The selection of any of the alternate sites suggested would reduce these negatives and hence the community opposition. 29-137

From the citizens view, the Corps seems to be doing all it can to justify the issuance of this permit. I would like to think we are mistaken, but on this point, few of us doubt the Corps' position. 23-268

Regarding the cruise terminal, their reduction of need from five to three is terribly significant. It is an admission that five was too many to start with. And now they need only three, when the Barbours Cut terminal (only four miles away) could not even support one on a continuing basis. The cruise terminal in Galveston is a more logical site but even it has been hammered with problems. The question has to be, "can a cruise terminal any place in the vicinity of Galveston be a profitable venture?" 6-127 2-201

Mr. Stanley, I am attaching a copy of my August 6th letter which speaks to other aspects of POHA's plan, but with the above makes my comments complete.

Again, I urge the Corps to deny this permit.] 29-5 11393

Sincerely,

Marc Lamkin

Marc Lamkin
Phone & Fax 281 471 2130

Attachment

Bayport13-9-5

Marcus A. Lamkin
3412 Bayou Forest Dr.
La Porte, TX 77571

~~11993~~

Copy of YP11872

August 6, 2002

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

Subject: Aug 22, Deadline Comment Period

Dear Mr. Stanley:

I am pleased to be able to comment on Permit application 21520 Revised.

I have read this report from beginning to end and would offer the following comments.

The Public Interest Review Factors (Pg4) seem to be more concerned with fish habitat, water flow, wetlands, etc. than with the economics. aesthetics and general environmental concerns of humans.

The report spends 54 pages in drawings and details of construction and wetland replacement. It says nothing about the economic impact on the surrounding communities.

The report misses completely the public's concerns regarding, noise, light, waterway traffic, fish population, pleasure boating and home values. Your only comments brush over this with the statement "the proposed action would not have a substantially adverse impact on Essential Fish Habitat or Federally managed fisheries in the Gulf of Mexico, etc". The elaborate and expensive berm and landscaping plans (3 pages) would not mitigate the above negatives. They are an added cost hoping to make the project more acceptable. The fancy design light tower lights may not shine in the eyes of the neighbors, it will just make it difficult to tell when night falls. Nothing is said about mitigating the 270' tall crane towers. (360' when dock is unoccupied). Sounds like a football field length sticking up in the air, doesn't it. (We assume the Crane/Ship drawing is to scale). There will be more

times when the cranes are up than when down.(as observed and counted in our unobstructed view of Barbour's Cut

11993

The wetlands conversation takes up the bulk of this report and is the least important environmental element in the project. Eighteen acres out of 1043? We're going to compensate for that by buying a 173 acre site, 3-4 miles away (corner Bay Area Blvd and Red Bluff)on land adjacent to the Armand Bayou Nature Center. POHA apparently is going to finance the planting of six varieties of grasses (weeds) and after a period of time transfer the site to a non profit. Who else but the Nature Center. In effect, POHA is buying their way out of a wetlands problem.

I have stayed close to this project from the beginning and it appears to me that the Corps is trying in every way it can to excuse the Container Port operation for its certain very negative effects on the surrounding communities, in quality of life, destruction of the suburban neighborhood concept, pleasure boating and fishing and perhaps worst of all, the loss in home values in sales of the future.

I urge you in the strongest terms to deny this permit

Thank you for accepting my comments.

Marc Lamkin

Phone & fax 281 471 2130
Email: mlamkin1@houston.rr.com

Bayport11-822.doc

VP 11333

I think all of you need to visit El Jardin & if you still want to put a point there you should see your psychiatrist & he/she can help you with your problems

29-91

Nona Phillips
601 Johnson
Pasadena, Tx 77506

10000

509 Baywood Drive
Seabrook, TX 77586
August 31, 2002

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

I oppose the development of "Bayport" by the Houston Port Authority (HPA). 29-91 For the sake of Texas' natural resources and beauty, it is disgusting for the HPA to insist on this needless destruction when there are less damaging alternatives. For Texas, this land — over 1,000 acres — is much more valuable left as it is: a very rare piece of coastal prairie and freshwater wetlands, in addition to Galveston Bay coastline. As the years pass, these special ecosystems will greatly increase in value. Please consider the best interests of Texas: REJECT the HPA's permit application! 22-201

Karen Sommer

Karen Sommer

yp 12001

August 31, 2002

Dear Mr. Kerry Stanley,

As an educator in Texas with 16 years of teaching in the Houston Ship Channel area, I have seen first hand the health, security, and neighborhood problems that occur living near a megaport.

The Bayport project planned for the Seabrook\Pasadena area by the Port of Houston threatens another area of Harris County –the Galveston Bay Area.

How many neighborhoods have to be sacrificed in the name of profit? 29-138

Texas is second to California in air pollution. Ships and trucks belch tons of toxic pollutants everyday into our already dirty air. The Bayport project proposed by the Port of Houston will be disastrous for the southern part of Harris County, the Galveston Bay area and the state of Texas! 7-144

Betty H. Blade
4806 Louise Street
Seabrook, Texas 77586

August 31, 2002
18206 Barbuda Dr.
Nassau Bay, Tx
77058

YP 12002

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

Dear Sir:

I would like to submit my strong objection to the current proposed location by the Port of Houston Authority on the project located along the Bayport Ship Channel for a major marine terminal complex. 29-99

This will destroy nature's environment that can never be replaced.

Texas City welcomes this project. Please leave our environment as is and let Texas City have this project. 2-9

Sincerely,
Sue Higgins

Michael A. Sommer II, Ph.D.
509 Baywood Drive
Seabrook, Texas 77586
Voice: 281-474-7188
Email: taos@ghg.net

YP 12003

August 31, 2002

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

RE: Proposed Bayport Container Terminal

Dear Mr. Stanley:

I oppose the construction of the Bayport Channel Container Cargo Port. Among the numerous reasons (see the opposition to the proposed port from the TNRCC, The United States Department of the Interior, The United States Environmental Protection Agency and many others) I am concerned about the public exposure to the fine particles that will be emitted into the atmosphere from the fuels used in the marine and rail industries (as well as truck diesel fuel). These fuels burn incompletely and emit small particles into the atmosphere. The rail and ships fuels are typically #6 Fuel oil and contain high concentrations of cancer causing Polycyclic Aromatic Hydrocarbons (PAHs) and naturally occurring radioactive materials (NORMS). The increased traffic around the proposed port complex will expose residents to high concentrations of these particles and toxins. The following information describes the environmental effects of fine particulate matter in the air. The information is taken from the USEPA.

29-99
7-61
7-151
7-157
35-1

HEALTH AND ENVIRONMENTAL EFFECTS OF PARTICULATE MATTER

Why are we Concerned About Particulate Matter?

- Particulate matter is the term used for a mixture of solid particles and liquid droplets found in the air. Coarse particles (larger than 2.5 micrometers) come from a variety of sources including windblown dust and grinding operations. Fine particles (less than 2.5 micrometers) often come from fuel combustion, power plants, and diesel buses and trucks. [Note: Carbon black is composed of fine particles less than 2.5 micrometers].
- These fine particles are so small that several thousand of them could fit on the period at the end of this sentence.
- They are of health concern because they easily reach the deepest recesses of the lungs.
- Batteries of scientific studies have linked particulate matter, especially fine particles (alone or in combination with other air pollutants), with a series of significant health problems, including:
- Premature death;
- Respiratory related hospital admissions and emergency room visits;
- Aggravated asthma;

7-165

- Acute respiratory symptoms, including aggravated coughing and difficult or painful breathing;
- Chronic bronchitis;
- Decreased lung function that can be experienced as shortness of breath; and
- Work and school absences.

7-165

How do Particulate Matter and Fine Particles Affect the Environment?

- The same fine particles linked to serious health effects are also a major cause of visibility impairment in many parts of the U.S.
- In many parts of the U.S. the visual range has been reduced 70% from natural conditions. In the east, the current range is only 14-24 miles vs. a natural visibility of 90 miles. In the west, the current range is 33-90 miles vs. a natural visibility of 140 miles.
- Fine particles can remain suspended in the air and travel long distances. For example, a puff of exhaust from a diesel truck in Los Angeles can end up over the Grand Canyon, where one-third of the haze comes from Southern California. Emissions from a Los Angeles oil refinery can form particles that in a few days will affect visibility in the Rocky Mountain National Park. Twenty percent of the problem on dirtiest days in that Park is attributed to Los Angeles-generated smog.
- Airborne particles can also cause soiling and damage to materials.

7-166

Background: What is Particulate Matter and What are "Fine" Particles?

- Particulate matter originates from a variety of sources, including diesel trucks, power plants, wood stoves and industrial processes [Note: including the manufacturing of Carbon Black]. The chemical and physical composition of these various particles vary widely. While individual particles cannot be seen with the naked eye, collectively they can appear as black soot, dust clouds, or gray hazes.
- Those particles that are less than 2.5 micrometers in diameter are known as "fine" particles; those larger than 2.5 micrometers are known as "coarse" particles. Fine particles result from fuel combustion (from motor vehicles, power generation, and industrial facilities), residential fireplaces and wood stoves. Fine particles can be formed in the atmosphere from gases such as sulfur dioxide, nitrogen oxides, and volatile organic compounds. Coarse particles are generally emitted from sources such as vehicles traveling on unpaved roads, materials handling, and crushing and grinding operations, and windblown dust.
- EPA is also maintaining a national air quality standard focused on small particles less than 10 micrometers in diameter (known as "PM_{10}") to protect against coarse particle effects. Ten micrometers are about one-seventh the diameter of a human hair.
- Before 1987, EPA's standards regulated larger particles (so called "total suspended particulates"), including those larger than 10 micrometers. By 1987, research had shown that the particles of greatest health concern were those equal to or less than 10 micrometers that can penetrate into sensitive regions of the respiratory tract. At that time EPA and states took action to monitor and regulate particulate matter 10 micrometers and smaller.

7-168

- In the years since the previous standard was enacted, hundreds of significant new scientific studies have been published on the health effects of particulate matter. Recent health effects studies suggest those adverse public health effects, such as premature deaths and increased morbidity in children and other sensitive populations have been associated with exposure to particle levels well below those allowed by the current standard. 7-165
-

In order to analyze the volatile components attached to the fine carbon black particles I employed a modified thermal desorption technique for PAH determinations as detailed in the USEPA SW-846 test methods. The following is a summary of the technique as detailed in a presentation presented before laboratory personnel of the USEPA Region 6 lab and other scientists. The techniques developed for this research provide determinations of the volatiles trapped on the carbon black particles as well as the semivolatile compounds that include PAH's.

ANALYSIS AND COMPARISON OF VOLATILE ORGANIC HYDROCARBONS IN AMBIENT AIR WITH THOSE SPECIES TRAPPED WITHIN THE FINE PARTICLES OF INCOMPLETE COMBUSTION: METHOD DEVELOPMENT AND CASE STUDY, Michael A. Sommer II, Ph.D., GeoDynamics Inc., Citizens League for Environmental Action Now, and AmteK Marine and Science Inc.; Philippe Mottay, Mass Evolution Inc.; and Jane D. Owen, Citizens League for Environmental Action Now.

Mass Evolution/Brechbüler AG Seminar ***Gas Chromatography: Extend Your Analytical Performance using Additional Techniques,*** November 6, 2001, Embassy Suites Hotel, Houston, Texas.

Fine particles emitted into the air from the burning of hydrocarbons are hypothesized to act like activated charcoal and trap (either by absorption or adsorption) many free volatile species from the surrounding air. Trapping volatile hydrocarbons by the fine particles might lead conventional ambient air analysis to understate the amount of volatiles released into the air from various sources. These fine particles when breathed are known to have a deleterious effect on health and, in addition to the direct physical action of fine particles in the lungs, deliver concentrated toxic volatiles attached to the fine particles. We performed quantitative determinations of volatile hydrocarbons from samples of ambient air analyzed using a modified EPA TO-14 test method by GC/MS. Volatiles adsorbed on fine particles of incomplete combustion were analyzed using a solid phase thermal injector and quantified using the same modified EPA TO-14 test by GC/MS. We analyzed volatiles emitted both from the air and fine particles originating from the same geographically isolated chemical manufacturing facility. The results show that the same volatiles emitted into the air are concentrated in the fine particles that are deposited adjacent to the chemical plant. The methods developed for this investigation employ a modified purge-and-trap volatile concentrator coupled with solid phase thermal extraction (ASP Injector) of soil samples combined with a Brechbüler AG cryogenic focusing unit. The detection limits for the analysis of air and soil samples are in the sub parts per billion levels with the detection of a wide range of olefins,

alkanes, nitrogen- and sulfur- bearing hydrocarbons and other chemical species.

Results of my analysis have found that airborne small particles from the incomplete combustion of fuel like #6 Fuel contain numerous semivolatile organic substances including numerous highly toxic and long lived PAH compounds such as Naphthalene, Acenaphthylene, Dibenzofuran, Phenanthrene, Pyrene, Fluoranthene, Benzo[c]phenanthrene, Benzo[a]pyrene, Benzo[k]fluoranthene, and Benzo[ghi]perylene. Some of these semivolatile species are among the most toxic volatile substances reported by the USEPA.

Results of my analysis of the volatile components attached to the fine atmospheric borne particles contain numerous and highly concentrated volatile organic compounds including Propene, Carbonyl Sulfide, Chloromethane, Carbon Disulfide, Methylene Chloride, Benzene, Furfural, Toluene, p-Xylene, Nonane, Benzaldehyde, and Naphthalene. Some of these volatile species are among the most toxic volatile substances reported by the USEPA.

7-167

My data proves that the fine particles emitted from the combustion of low-grade marine and rail fuels will expose the residents around the proposed port to cancer producing toxic substances and, therefore, must be rejected.

Sincerely,

Michael A. Sommer II, Ph.D.
BayportACOE.doc

VP 12204

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

Sept 1, 2002

Name: Jerry C. Gardner

Address: 426 Baywood Drive

City, State and Zip: Shoreacres, Texas 77571

Comment:

Dear Mr. Stanley,

29-5 This proposed Bayport terminal needs to be stopped. This is foolish. ~~Every Environmental group and or study has shown that this location~~ is bad for everyone and everything. Every one from the EPA to the US fish and Wildlife to the Texas Parks and Wildlife and on and on knows this is the wrong location. Yet the Port of Houston Authority continues to manipulate the facts and (using our tax dollars) continues to deceive the people of Texas for their own egotistical means. 14-150 29-105

I don't understand how this has even gone this far. The Clean Water Ac should have stopped this. The answer is clear. There are alternate choices that do not have this tremendous negative effect on our environment and are welcomed by the community. 29-139

Sincerely,

Jerry C. Gardner

Jerry C. Gardner

DEAR MR. STANLEY,

THE QUALITY OF AIR IN THE HOUSTON AREA IS ALREDY OF POOR QUALITY. RUNNING HUNDREDS OF DIESEL TRUCKS TO THE BAYPORT CHANNEL WILL ONLY MAKE A BAD SITUATION WORSE. AND ADVERSE ~~AFFECT~~ THE HEALTH OF NEABY RESIDENTS.

21520

7-160

PLEASE — PLEASE DONT APPROVE THE PORTS REQUEST.

29.5

O J Swanson

281-478 8602

YP12005

Comments and requests for additional information should be submitted to:

Kerry M. Stanley
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-6345 Phone
409-766-3931 Fax

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS

To. Kerry Stanely and! 2002 Bruce Holzle
3542 Sunrise
To whom It may Concern, Shore Acres TX,
77571

or should I say to the unconcerned

P12006

Do you really think Anybody besides big money has a say in this matter? [How are we supposed to fight this assault on wildlife and human life when the Port of Houston is using our own tax money against us.] I won't go into the details as you have already been informed over & over and obviously decided to Ignore them. Instead let me tell you a few things you might not know yet. we live in Shore Acres about 1 1/2 years ago when the Port "raped" the Corridor on the North side of the Bay Port channel a wounded Coyote crossed our yard disoriented and limping, they are a sentinel of wildlife. Our son also found an aligator snapping turtle in the byou behind our house last year, but why take an Ameteur's word for your Comments, ask Texas Parks & wildlife. It is the "worst" of 5 sites environmentally. (The Army is supposed to protect its people, Don't shame them, and us with a with a selfish, bad decision like Port of H.A. you know the facts, Protect us, Stop Bay Port now!

Food for thought

12066

Bay Runner

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Eleven Questions

By Sally Antrobus

Some of us are wondering more and more what all the public comments on the proposed Bayport container terminal project look like, and what exactly happens to these comments once they are received by the U.S. Army Corps of Engineers.

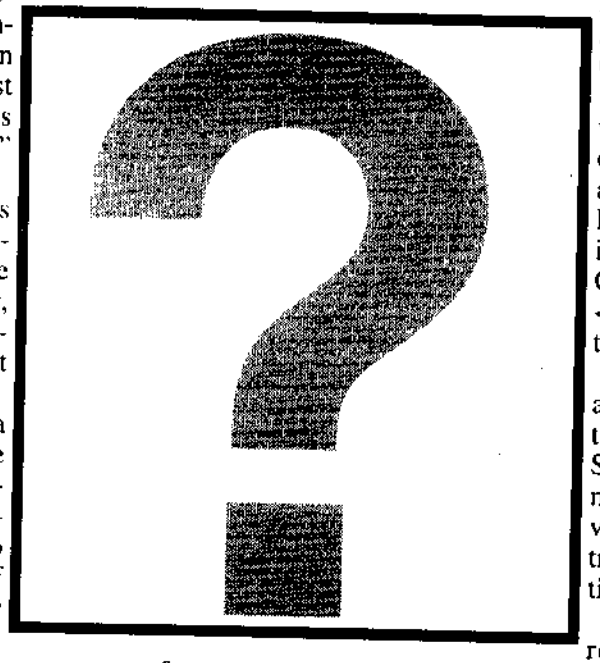
We have had no newsletter from the Corps of Engineers in many months. Updates to their website fell so far behind that on August 17, 2002 it still gave August 15, 2002 as the release date for the final Environmental Impact Statement—even though there was also an August 22 deadline for public comments on a new "Public Notice No. 2" from the Corps.

(For the record, August 17 was the third anniversary of the exciting 1999 Scoping Meeting at the Pasadena Convention Center, where so many people first expressed their qualms about Bayport as a site.)

Public Notice No. 2 involves a revised permit application by the Port of Houston Authority, dropping the number of cruise terminal berths proposed from five to three, and altering acreages of wetlands impacted, among other changes. The deadline for comments on Public Notice No. 2 was

permit application have been replaced during the Bayport EIS process. Does anyone at the Corps know how this compares with past projects? The historic size of the crowds at public meetings suggests that the volume of comments may far surpass anything ever received before.

6. How many requests have there now been for a supplemental draft EIS? Is anyone tracking the number? Is there a formula for how many re-



address citizen and environmental concerns might have told us these things in a newsletter, without even being asked. As it is, we have heard nothing and there is nothing on the Corps' website about this. Can we get some answers? Or do we have to submit a formal Freedom of Information Act request?

Another Battle for Answers

Even a Freedom of Information Act request might not get us too many answers, if the experience of an anti-container-port group in South Carolina is anything to go by.

Comments by the Southern Environmental Law Center (SELC) on the DEIS for a proposed port at Daniel Island in Charleston outline problems people have faced in getting information out of the Corps of Engineers. (See <www.containtheport.com/contain/info/selc/htm>.)

In January 2000, SELC began asking the Corps for information they needed to understand the State Ports Authority's traffic modeling for Daniel Island. Obviously you need to know about traffic to make sense of air pollution projections.

The State Ports Authority directed its consultants—(none

Graphics:
Linda Boyer

Writers:
Dr. Larry Fleming DVM
Pepper Montague
Jack Nolan
Annabelle Ruch
Jim Shortt

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items on Public Notice No. 2 was eventually extended until early September, and the new scheduled release date for the final EIS is January 3, 2003.

What are we to make of this kind of dithering and fiddling about? Here are some of the things I wonder.

Questions for the Corps of Engineers

1. How many people and organizations submitted comments on the Bayport draft Environmental Impact Statement (DEIS) by the original March 22 deadline? Comments from the Galveston Bay Conservation an Preservation Association alone ran to about an eight-inch-high stack of paper. How much more was there—10, 12, 18, 24 inches?

2. How many of the comments were delivered at the big December 2001 public meeting on the DEIS, how many were given privately to the court reporter present that night, and how many were received later by mail, email, or fax?

3. Among comments received, which issues were paramount?

4. Are we permitted to see the comments? If not, how can we be confident that they have been addressed when the final EIS comes out?

5. How does the activity level compare with anything that the Corps' Galveston District has ever seen before? Both the district commander and the person riding herd on the Bayport quests for a supplemental DEIS are needed for the Corps to decide to order one? Do they need 50 requests, 100, 500? Do they need 20 requests from the public plus five from state legislators plus three from federal legislators? Or can they just say no, there will be no supplemental DEIS? Is this entirely at the discretion of the district commander?

7. How exactly are public comments processed? Is someone tabulating incoming the material on a clipboard? How many sets of eyes see them?

8. How has the Corps of Engineers directed the environmental consulting firm URS, which prepared the DEIS for the Port Authority, to address the comments?

9. How many revised permit applications has the Port submitted since its original permit application? How does this compare with other projects? Is there a formula for how many revised permit application are allowed, or is this a never-ending road? Is there a cutoff point? Are we there yet?

10. Are comments on Public Notices from the Corps (like the newest one with the August 22-deadline-later-extended) coordinated in some way with DEIS comments? Or are they viewed as entirely separate?

11. One might think answers to questions of this kind should be available from any government agency's public affairs office. One might think an agency operating in good faith to other than a branch the same URS that is the consulting firm for Bayport)—not to release the information unless the Corps of Engineers gave its approval. The State Ports Authority said "unilateral contact with URS Greiner might be seen as inappropriate given that the DEIS is under review."

SELC then placed a formal request with the Corps. "The Corps responded *one day before the close of the [DEIS] comment period* to say that these requests would not be granted," notes SELC; emphasis mine. The Corps said the material was exempt from disclosure because it was "pre-decisional"—that is, it was "exempted as deliberative information, the release of which is not required under the federal Freedom of Information Act."

Hey, this was just nuts-and-bolts *traffic modeling*. Since when does traffic modeling qualify as secret and privileged information? So much for transparency in the EIS process.

The good news is that the citizens of Charleston nevertheless succeeded in preventing the container port they don't want, despite the systematic stonewalling. The State Ports Authority has been directed to develop its container port at a more suitable location.

We Can See the Future

In case you remain in any doubt about what the future would look like if a mega container port were built at

Continued on pg. 4

4727 Bland Street, Seabrook, TX 77586

Fax

YP12007

To:	Kerry Stanley	**From:**	Owen Brotherton
Fax:	409-766-6301	**Pages:**	2
Phone:	281-474-4089	**Date:**	9/5/2002
Re:	PHA Permit #21520 Rev 2	**CC:**	

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

• **Comments:**

This is the second revision I have received and after reviewing it and the others, I realize that there are several issues that have been changed which have altered the original permit and thus, the Draft Environmental Impact Statement significantly.

I live in El Jardin and the use of the lands directly north of us makes a tremendous impact on us. In this latest revision, there is a significant change in the cruise terminals including reducing from 5 berths to 3. This was one of the reasons the PHA needed so much land (which they do not own) and there were alternate sites which could have accommodated the smaller need.

2-205

Because of the many changes which have been made, I firmly believe that the Corps should reevaluate the entire permit application and submit a Supplemental Draft EIS to be revued and compared to the alternate sites which should be given further analysis.

Thank you for giving my comments your attention.

Sincerely,

Owen Brotherton

Owen Brotherton

Response to Public Notice, Permit Application 51520, (Revised) dated July 22, 2002

12008

James E. Suber
3902 Bonita Ln
LaPorte, Texas 77571

September 3, 2002

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

References:
1) Public Notice, Permit Application 21520 (Revised), dated July 22, 2002
2) Public Notice, Permit Application 21520 (Revised), dated April 4, 2002
3) Draft Environmental Impact Statement, Permit Application 21520 by PHOA, date (unknown) entitled Construction of a Container Cargo Terminal and Cruise Terminal.
4) James E. Suber, Comments to Draft Environmental Impact Statement, dated March 11, 2002.
5) James E. Suber, Public Notice, Permit Application 21520 (Revised), dated April 30, 2002.

Dear Mr. Stanley,

I see nothing in the most recent Public Notice (Reference 1) that would alter comments previously submitted by myself with regard to the proposed Bayport Terminal Complex (References 4 and 5). It appears to me that POHA is attempting to exclude or preclude the environmental analysis process and to "sell" the project to USACE and to the public. It also appears that "selected mitigation measures" have been chosen to induce acceptance of the project.

Also, your statement regarding "Close of Comment Period" (Reference 1), infers that a lack of comment to this Public Notice, includes "no objection" to the proposed project in total. To this end, I feel that I must summarize my comments concerning the project , the DEIS, References 1 and 2 as provided below.

Vibration - Previously submitted comments prevail. Vibration of nearby home foundations is not mentioned in the DEIS. There is no mention of ship induced vibration (within 500 feet of existing homes) nor construction or project operation induced vibration to nearby homes within 1000 feet of the proposed project. Neither Reference 1 nor 2 address this issue. 20-23

Parks and Recreation - The DEIS (Reference 3) and subsequent documentation (References 1 and 2) ignore the existence of Bay Colony Park and its proximity to Bayport Channel (within 1000 feet of land entrance). Current danger due to ship wake to 32-16

12008

persons visiting the park is a major concern. Both current danger and the danger of additional shipping is ignored by the DEIS and subsequent documentation (References 1 and 2).

Noise - The DEIS suggests construction of a 20-foot berm on the North shore of Bayport Channel to mitigate noise from construction and operation of the Bayport Container Cargo facility. References 1 and 2 suggest construction of a 20-foot wall to mitigate noise. Neither the DEIS nor subsequent documentation (References 1 and 2) provide any analysis of noise mitigation by either the berm or wall. Nor do any of the references address the aesthetic impact to adjacent homes. 3-21

All noise mitigation should be subjected to noise analysis. Noise mitigation proposed in the DEIS and both Reference 1 and Reference 2 should be discarded as "sales" literature.

Air Quality - No above reference (DEIS, Reference 1, Reference 2) consider the pollutants produced at low elevations near adjacent homes. Analyses offered by the DEIS appear to consider the effect of pollutants on an expanded area (five-county area) without consideration for nearby residents. References 1 and 2 do not address this issue. 7-169

None of the above references address the potential health hazard of particulate matter of 2.5 microns or less to persons residing within 1000 feet of the project.

Shoreline Erosion - This subject must be considered in two phases as follows:

1) North Shore Slope Protection - Thanks for the "sales brochure" in References 1 and 2 regarding "North Shore Slope Protection". The published statements from POHA (References 1 and 2) state that "While the riprap portion of the project addresses past, current and future erosion, the permitted project was expanded to include tree and shrub planting designed to minimize the impacts of the terminal project on nearby residential areas". The fact is that USACE accepted at face value the statement in Permit Application 6140 in which POHA stated "NONE" in the erosion statement. Neither USACE nor POHA had considered erosion of the North Slope of Bayport Channel until nearby residents considered erosion into the pipeline corridor as a life-threatening potential. 15-42

   The missing element is that while the original channel (Bayport Channel) was excavated with the agreement that there would be a 300-foot "land buffer zone", subsequent disregard by USACE and POHA allowed that buffer zone to erode to less that 75 feet in some areas. There is also the fact that USACE approved permit for the ARCO terminal facility near "Old HWY 146" on the North Shore of Bayport Channel that would have placed extremely large vessels within 150 feet of existing homes (Permit Application 21858). 15-43

   Of course, none of this is mentioned in the DEIS, Reference 1, Reference 2 nor Permit Application 21858. It appears that USACE wants to let "by-gones" be "by-gones" and to let responsibility fall to ensuing layers of irresponsibility.

1200F

2) Erosion along the eastern shore of Galveston Bay within 2000 feet of Bayport Channel was ignored in the DEIS and subsequent documentation (References 1 and 2). The DEIS again considered the broader aspect of erosion i.e., that the entire Eastern Shore line of Galveston Bay was a stable shoreline. It failed to consider the impact of wake of incoming ships at the land entrance of Bayport Channel. 15-44

   Since the DEIS did not consider this a problem, then why should POHA? This is an EIS problem. Of course they would not address a "non-problem" in subsequent documentation (References 1 and 2).

Unavoidable, Long-Term and Cumulative Effects - The DEIS predisposes that if the Bayport Terminal Complex is not constructed, then equally environmentally destructive use will be made of the "prime" property. I disagree with the concept. Further, the concept must be considered on its own merit - not a predisposition by USACE or PHOA. 19-15

The DEIS is at fault in this respect. I can understand why PHOA would not attempt to address a "non-issue" in their "sales brochure".

Wetlands - What are the facts? The DEIS says that there are only 2.5 acres of jurisdictional wetlands. Reference 1 indicates existence 18.3 acres. Then what? 14-87

In summary, I feel that a "Supplemental EIS" should be provided as part of the environmental analysis process. There are many questions which may (or may not) be answered in a "Final EIS" statement.

Thank you for your attention to these matters.

James E. Suber

Stanley, Kerry M SWG

VP 12008

From: James Suber [jimsuber@earthlink.net]
Sent: Wednesday, September 04, 2002 4:34 PM
To: Stanley, Kerry M
Subject: Public Notice, Permit Application 21520 (July 22, 2002)

PUBNOTICE 072202.doc

--- James Suber
--- jimsuber@earthlink.net.
Dear Mr. Stanley

Please find the attached comments to the Subject Public Notice.

Thank You

Jim Suber

YP 12009

613 Baywood Drive
Seabrook, TX 77586
September 4, 2002

Mr. Kerry Stanley
Regulatory Branch
U.S. Army Corps of Engineers
P.O. BOX 1229
Galveston, Tx 77553-1229

RE: Permit # 21520 Rev.2

One of the greatest challenges we face in the 21st. Century is a balance between economic development and the natural environment. A viable life for humans is dependent on this balance. Economic development itself is dependent on natural resources. An enriched life for humans is dependent not only on economic well being but also on those things which the economic world cannot provide. One of those things is the pristine natural environment. The pristine natural environment existed eons before the Industrial Revolution!

The development of a Container Port at the proposed site on Bayport Channel would unfortunately destroy one of the few remaining pristine sites of its type in the United States. This is surely an alarming situation for those of us for whom family is important and who would like to leave some portion of pristine areas for future generations. 14-151

Therefore, I applaud the observations of the United States Fish and Wildlife Service, the Texas Parks & Wildlife Department, and the EPA that the proposed site is not in the best public interest. I further recommend that the proposed site be preserved in some way for future generations. 29-117

Thank you for your consideration of my comments.

Sincerely,

Teresa Eidt

Teresa Eidt

613 Baywood Drive
Seabrook, Texas 77586

12009

facsimile transmittal

To:	Mr. Kerry Stanley	Fax:	409-766-6301-
From:	Teresa Eidt	Date:	9/5/2002
Re:	PHA Permit #21520 Rev.2	Pages:	2 (including cover)
CC:			

☐ Urgent X For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

HOUSTON YACHT CLUB

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Yp 12011

August 21, 2002

Colonel Leonard D. Waterworth
District Engineer
Mr. Kerry M. Stanley
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
Galveston District
Regulatory Branch
P.O. Box 1229
Galveston, Texas 77553-1229

Re: Houston Yacht Club's Preliminary Comments to Bayport Channel **Second Revised Permit Application**, No. 21520.

Sirs:

Houston Yacht Club ("HYC") is in receipt of the Port of Houston's Second Revised Permit Application for the Bayport Channel/Cruise Terminal dated July 22, 2002. The HYC remains opposed to the Bayport project, and hereby incorporates by reference its previously filed letter pertaining to scoping (and attachments) dated 1999, and its response (and attachments) to the Draft Environmental Impact Statement dated March 9, 2002, and its response to the Revised Application (and attachments) dated May 3, 2002. Having reviewed the Second Revised Permit Application in its entirety, HYC has the following preliminary comments:

As a matter of procedure, HYC respectfully requests **an additional thirty (30) days** in which to respond to the Corps Revised Public Notice No. 2, which was issued July 22, 2002. This Revised Notices makes such substantial changes to the Draft Environmental Impact Statement (DEIS) with such insufficient notice so as to make meaningful study and research very difficult, if not impossible. As before, HYC is particularly concerned about the stated "new information" referenced in the revised Notice of Permit Application No. 21250, issued July 22, 2002. 23-269

In the interests of complying with the Corps stated deadline, however, HYC gives this preliminary response, and requests that HYC (and all affected local parties) be granted a 30-day extension of time to file a more complete response.

At this time, HYC makes the following comments:

3620 MIRAMAR DRIVE • P.O. BOX 1276 • LA PORTE, TEXAS 77572-1276 • PHONE 281/471-1255

First, the Revised Public Notice alters size of the areas slated from dredging -- although – significantly— Sheet 9 of 54 reflects that the area has not been altered. Additionally, the Revised Public Notice fails to explain the reason(s) behind the change from five (5) to three (3) cruise ship berths. Given this significant change in the plans for, and the scope of, the Bayport project, the Corps should reconsider the feasibility of the several Alternative Sites. A number of alternative sites were eliminated from serious consideration because they could not accommodate 5 cruise ship berths or the area to be dredged. But the criteria have now changed. **Put simply, the Alternative Sites were considered under one set of criteria, only to have the criteria change after the fact.** Given the significant alterations in the project's plans, HYC respectfully requests that a Supplemental Draft Environmental Impact Statement (DEIS) be undertaken. 11-48 22-183 2-190 2-205 2-211

As an additional example, the Revised Permit Applications request significant alterations to the project that were not mentioned in the DEIS. For example, the revised proposals now feature a "sound wall" and provisions for directing additional outfall into Pine Gully. These changes affect the public's use of the local area, and thus they must be submitted to the public for the same opportunity for comment as the original proposals. The comment period must be extended in order for the public to be adequately appraised of the changes so as to provide meaningful input. 23-186

Second, a revised wetland mitigation proposal is included in Revised Public Notice No. 2, and the amount of affected open water is altered without any explanation. Given that the amount of jurisdictional wetlands was altered in the Revised Public Notice # 1, followed three months later by an alteration to the area of affected open water, it is clear that further time for study and evaluation of the Bayport project is needed. 14-156

Third, the wetland mitigation project reflects a significant change to that previously stated. The proposed mitigation plan has several problems:

(1) There is no mitigation plan for the 114.5 acres of supposedly non-jurisdictional wetlands affected by the Bayport project. The proposal fails to account for this negative impact to the region's ecosystem. At very least, the DEIS must be supplemented to reflect this negative impact. Again, the alternative sites –including Spillman's Island and Shoal Point—need to be reevaluated in light to the changes to wetlands affected the project. 14-128

(2) There is no mitigation proposed for the impact on the open waters of the Galveston Bay. The open waters of the Bay are also an important part of the region's ecosystem, and deserve to be addressed in a Supplemental DEIS. 14-156

(3) There is no mitigation proposed for the loss of the neo-tropical bird habitat that will doubtless be lost if the site is developed. This impact should be considered within the scope of the Environmental Protection Agency 404 (b)(1) guidelines and should be included within the analysis of a Supplemental DEIS. 12-71 12-72

(4) The guidelines set forth in 40 CFR 230, et seq., contain a requirement that the least damaging practical alternative be selected by the Corps. Given the changes to the overall plans for Bayport as discussed above, HYC requests that the Corps reopen the DEIS from comments and consider the issuance of a Supplemental DEIS. 14-155 14-130

In summary, the fact the Port of Houston has now altered its plans for the Bayport Container Terminal means that the DEIS which has been completed to date is no longer accurate or meaningful. Revised Public Notices Nos. 1 and 2 have introduced significant changes from the original project, and require a fresh analysis of alternate sites. The last-minute changes to the application, coupled with the significant alterations to the findings of wetlands, raise serious concerns about the research that was supposedly conducted before the project was concerned.

As we stated before, "The primary function of an environmental impact statement under NEPA is to ensure a fully informed and well-considered decision." *Sierra Club v. United States Army Corps of Engineers*, 701 F.2d 1011, 1029 (2nd Cir. 1983). In this case, a fully informed and well-considered decision can only come with further study.

Conclusion

The second revised permit application again raises significant issues that were previously unaddressed. Further study is necessary. The Club reurges its previous comments, and respectfully requests that its comments and evidence be considered in light of the changes. In addition, the Club renews its request that the matter be subjected to additional study, and a Supplemental DEIS be produced that addresses the effect of Bayport on: 23-270

- Local Property Values
- Local Land Usage (residential, recreation, and business)
- Wetlands and mitigation

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,

Charles O. Buckner
Commodore
Houston Yacht Club

August 18, 2002 **Address Change Enclosed**

YP 12023
JDM

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

Dear Mr. Stanley,

Enclosed are the comments of the Texas Committee on Natural Resources (TCONR) regarding the Section 10/404 Permit Application No. 21520 (Revised), Bayport Ship Channel marine terminal complex (1,043 acres), as proposed by the Port of Houston Authority (PHA).

Please note I have a new address. Please send all further correspondence, information, and the Final Environmental Impact Statement and Record of Decision regarding this proposal to the address that is found at the end of this letter.

TCONR continues to oppose this project, as the comments that were provided orally at the public hearing on this proposal and that were submitted in writing state. We incorporate by reference those comments, which are found in the Corps of Engineers (COE) project record for the Bayport proposal.

On sheet 34 of 54, mitigation plan, Wetland Enhancement, Chinese Tallow control needs to be conducted for the life of the project and not just the first five years. The PHA must commit to a Chinese Tallow control program for the entire life of the conservation easement on the wetland enhancement mitigation site. 14-139

On sheets 35 and 36 of 54, mitigation plan, Coastal Prairie Enhancement, the PHS must commit to a Chinese Tallow control program for the entire life of the conservation easement on the coastal prairie enhancement. The sprigging density is much too low for native prairie grasses. Currently, one sprig/20 feet is proposed. A more intense density of one sprig/3 to 5 feet is needed. In addition, other prairie grasses should be sprigged included Little Bluestem and Big Bluestem. 14-140

On sheet 35 of 54, mitigation plan, Habitat Protection, the PHA must dedicate a permanent conservation easement or give the mitigation site after complete restoration to an appropriate conservation entity who agrees to protect the site in perpetuity. 14-141

On sheet 50 of 54, Beneficial Use of Dredged Material, there is no detailed narrative and plan for the use of beneficial dredged material on 200 acres. TCONR does not favor any in bay disposal whether labeled for beneficial use or in bay disposal. Past projects have resulted in continuing sediment deposition in Galveston Bay due to soil erosion and sediment containing water flow even with rip rapped islands. Flood flows, storms, and hurricanes will overtop a part or all a dredge disposal island and will carry large amounts 11-40 11-41

YP12023
JDM

of sediments into the bay. The best mitigation for the bay is to have no dredge material enter it, whether in the form of in bay dredged disposal material or beneficial use dredged disposal material. 11-41

On sheet 53 of 54, Environmental Management System, there is no explanation which details what an environmental management system is, its components, how it works, and how it will assist in reducing the impacts that this proposal will have. 14-143

On sheet 53 of 54, Stormwater Pollution Prevention Plan/Construction BMPs, there is no explanation which details what construction BMPs are, the components that make up these BMPs, how they work, and how they will assist in reducing the impacts that this proposal will have. 25-73

The TCONR continues to have grave reservations about the Bayport Container/Cruise Ship Port proposal. We oppose this proposal as outlined in the comments we submitted to the COE and provided orally at the Draft Environmental Impact Statement public hearings. We reference those comments as an integral part of these comments.

We appreciate this opportunity to comment. Thank you.

Sincerely,

Brandt Mannchen

Brandt Mannchen
Texas Committee on Natural Resources
5431 Carew
Houston, Texas 77096
H713-664-5962, W713-640-4313

BLACKBURN CARTER
A Professional Corporation
of Lawyers

James B. Blackburn, Jr.
Mary W. Carter
Richard R. Morrison, IV

2900 Weslayan, Suite 400
Houston, Texas 77027
Telephone (713) 524-1012
Facsimile (713) 524-5165

August 12, 2002

YP 12025

Via Facsimile 409-766-3951 and Certified Mail/RRR 7001 2510 0001 6262 5503

Col. Leonard D. Waterworth
District Commander
Galveston District, U.S. Army Corps of Engineers
P. O. Box 1229
Galveston, TX 77550

Re: Request for Extension of Time
Response to Second Revised Public Notice
Permit Application No. 21520 (Revised)

Dear Col. Waterworth:

I am writing seeking an extension of time to respond to the second revised public notice regarding the Port of Houston's proposed Bayport container port permit application number 21520. I am writing this letter on behalf of the Galveston Bay Conservation and Preservation Association which has submitted extensive comments during scoping, in response to the DEIS and in response to the first revised public notice. Now we are again facing another situation where we are being asked to submit yet another set of responses to yet another change in this proposed project by the Port of Houston. 23-217

There are several issues that lead to this request for more time to respond to this public notice. The most recent revision alters in a significant manner the relationship of the cruise terminal to the container terminal. The basis for the analysis of alternatives contained in the DEIS and required under the 404(b)(1) guidelines relevant to processing of permits has been altered. No longer must an alternative site have five cruise berths. Now, only three are required if that site is to mimic the Bayport proposal. However, a more significant issue is the arbitrary alteration by the Port of Houston Authority in the number of cruise berths. This arbitrary change argues that no cruise terminal is required adjacent to the container terminal, totally altering the basis of the alternative analysis, at least as described in the DEIS. 2-188

GBCPA wishes to submit comments on the change in the cruise terminal and on the relationship of the cruise terminal to the container terminal. Even if the Corps refuses to reopen the DEIS, these comments are germane to the 404(b)(1) analysis that must be conducted by the Corps. In order to submit cogent comments, GBCPA needs additional time to retain a consultant that is 23-218

12025

knowledgeable about the cruise business and the necessity for co-location with a container port. This goes to the heart of the analysis of practicable alternatives under the 404(b)(1) guidelines. We have contacted several consultants and are in the process of trying to retain one with adequate credentials. We anticipate completing this hire by the end of the week of August 12. We should have a report ready for submission to the Corps by the end of September. For this reason, we ask for an additional 45 days to respond to this public notice. 23-218

Additionally, GBCPA is preparing comments on wetlands and wetland mitigation. Our consultant is already engaged on this effort and I anticipate that we can have a suitable set of comments prepared if an additional 45-day extension period is granted.

GBCPA has been a participant in this process from the beginning. We have attempted to provide meaningful input to the Corps' permitting process. Each time that we have played by the rules, the Port of Houston has modified their permit application, making changes that change the basis upon which our prior analysis was based. They have done this regarding emissions of air pollutants by altering the number of cruise ships, they have altered their noise mitigation plan, they have changed the layout of the area behind the cruise terminal, they have altered the number of jurisdictional and non-jurisdictional wetland acres affected by the proposed action and they have changed the wetland mitigation. The basis for comparison of alternatives has absolutely been changed. A separate submission regarding these changes and the need for a Supplemental DEIS will be filed with the Corps in the coming weeks. 2-189

At this point, we simply must voice our objection to what we perceive to be a continuing unfair process, one where all of the advantages are given to the Port of Houston in violation of our right to due process. At the least, grant us the additional time to make cogent comments to this second change in the permit application since the publication of the DEIS. 23-219

Thank you for considering this request. Please let me know as soon as possible as to whether or not GBCPA has been granted this additional time to respond to the second revised public notice regarding permit application 21520.

Sincerely,

James B. Blackburn, Jr.

BLACKBURN & CARTER
A PROFESSIONAL CORPORATION
LAWYERS
2900 WESLAYAN, SUITE 400
HOUSTON, TEXAS 77027

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Col. Leonard D. Waterworth
Galveston District, USACE
P. O. Box 1229
Galveston, TX 77553-1229

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YP 12026

FAX TRANSMITTAL SHEET

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Date: 8-12-02 **Time:** 4:45

To: Col. Leonard Waterworth
USACE

Fax No.: 409-766-3951

From: Jim Blackburn
BLACKBURN & CARTER, P.C.

Client/Matter: Beyport **No. of Pages Including the Cover Sheet:** 3

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Telephone: (713) 524-1012
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BLACKBURN CARTER
A Professional Corporation
of Lawyers

James B. Blackburn, Jr.
Mary W. Carter
Richard R. Morrison, IV

2900 Wesleyan, Suite 400
Houston, Texas 77027
Telephone (713) 524-1012
Facsimile (713) 524-5165

YP 12026

(fax duplicate of YP 12025)

August 12, 2002

Via Facsimile 409-766-3931 and Certified Mail/RRR 7001 2510 0001 6262 5503

Col. Leonard D. Waterworth
District Commander
Galveston District, U.S. Army Corps of Engineers
P. O. Box 1229
Galveston, TX 77550

Re: Request for Extension of Time
Response to Second Revised Public Notice
Permit Application No. 21520 (Revised)

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12026

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Sincerely,

James B. Blackburn, Jr.

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A Professional Corporation
Lawyers

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SEP 0 5 2002

September 5, 2002

YP 12029

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

RE: Second Revised Public Notice 21520

Dear Mr. Stanley:

Please find attached the comments of Galveston Bay Conservation and Preservation Association (GBCPA) to the Second Revised Public Notice that has been issued with regard to Permit Application 21520.

Included with the comments are attachments A-D.

Sincerely,

BLACKBURN CARTER, P.C.

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

RE: Public Notice 21520 (Revised)

Dear Mr. Stanley:

This letter constitutes the comments of the Galveston Bay Conservation and Preservation Association (GBCPA) to the Second Revised Public Notice that has been issued with regard to Permit Application 21520, the application for the Bayport container port and cruise terminal by the Port of Houston Authority.

I. UNFAIRNESS OF REVISED PUBLIC NOTICES/CONSTITUTIONAL DUE PROCESS

Before we get into our detailed comments, I want to express our dismay and concern about the changes to this proposal that have occurred since the close of the comment period on the Draft Environmental Impact Statement (DEIS) on the proposed Bayport container and cruise terminal. This is the second change in the project since the close of the comment period on the DEIS. GBCPA submitted extensive comments regarding the DEIS in good faith. (GBCPA also submitted comments on the first revised public notice as well as initial scoping comments). These comments are incorporated by reference. We have tried to participate in the process as good citizens, attempting to have our voices heard through the legal process. I believe, however, that the process that has been undertaken by the Corps of Engineers subsequent to the close of the comment period on the DEIS has been unfair and deprives us of our Constitutional due process rights.

Under NEPA, we have a right to submit comments on a Draft EIS. That Draft EIS is no longer valid. The project has been changed. Many of the comments that we submitted to the DEIS are no longer valid. They address a project that has been changed. Unless the DEIS process is reopened, a Supplemental DEIS is issued and we are allowed to amend our comments to make them applicable to the project that is currently proposed, it is my opinion that the Constitutional rights of the citizens to due process of law has been violated by the actions of the U.S. Army Corps of Engineers.

73-220

The unfairness of these amendments to the proposed action is profound. The Port of Houston Authority had more than ample opportunity to get their proposal together. They have waited until after the close of the comment period on the DEIS to make not just one but two major changes to the proposed action. That is simply unfair.

II. COMMENTS ON REVISED PUBLIC NOTICE

Our comments on the Revised Public Notice are offered in the context of the EPA's §404(b)(1) Guidelines. The Corps is bound to follow these guidelines by its own regulations. Our comments concern three major issues. The first issue involves two aspects regarding wetlands – the extent of jurisdictional wetlands and acceptability of the wetland mitigation plan. The second issue involves the determination of "practicable alternatives" under Section 404(b)(1) in light of the change in the cruise ship terminal. The third issue involves the "national security" issue associated with processing this application. These issues are discussed sequentially.

A. WETLAND ISSUES

1. EXTENT OF JURISDICTIONAL WETLANDS

GBCPA has previously submitted comments regarding the scope of jurisdictional acreage that has been found by the Corps. The Corps has revised their acres of jurisdictional wetlands from 2.5 acres to 18.3 acres. GBCPA strongly disagrees with this jurisdictional determination in several respects. There are several elements to our disagreement. First, we believe that more wetland acreage is directly connected to Pine Gully by ditches than is indicated in the Revised Public Notice. Second, we believe that all of the wetlands south of Port Road and west of Todville Road on the Port of Houston Authority property are connected by stormwater runoff into Pine Gully regardless of whether or not ditches actually touch these wetlands. They are adjacent wetlands due to this connection. As such, these wetlands are jurisdictional and they perform a direct water quality service to Galveston Bay. . Third, GBCPA disagrees with the extent of these wetlands. According to the Corps, there are 132 acres of wetlands on the property. GBCPA believes the more likely number is 550acres rather than 132. These are not trivial differences. These are important differences. 14-121

In support of our position, GBCPA is submitting a new wetland analysis and a new drainage analysis that documents a connection between the wetlands south of Port Road and west of Todville Road and Pine Gully. These studies are supplemental to all previous filings by GBCPA submitted to the Corps including comments to the Draft Environmental Impact Statement, comments to the original public notice and comments to the first revised public notice. All of these previous submissions are incorporated by reference into these comments.

The wetland analysis was performed by Dr. John Jacob and is included as attachment A. This analysis sets forth several factual findings. First, more than 18.3 acres of wetlands are adjacent by the test being used by the Galveston District of the U.S. Army Corps of Engineers. At least two different drainage ditches connect the inner portions of the site to Pine Gully. These ditches are shown on the delineation performed by the Corps but the ditches are shown stopping at the first wetland ponds when in fact these ditches extend almost to Port Road across the bulk of the "inner portion" of the proposed Bayport site. These drainage ditches are shown on U.S.G.S. 7.5 minute quadrangle maps as shown in the report of Dr. Jacobs. They are also clearly visible in aerial photography. There was absolutely no reason for the Corps failure to follow these ditches further up into the site. By Dr. Jacobs calculation, 350 acres of wetlands are jurisdictional by their "connection" to these ditches and thereby to Pine Gully. 14-122

However, GBCPA argues that it is not necessary for these wetlands to be physically connected to the ditches in order to be considered adjacent wetlands. Indeed, the wetlands on this site, particularly those south of Port Road and west of Todville Road, drain through overland flow to Pine Gully. Rainwater falling on this land area is collected in the wetland ponds and prairie potholes and move overland to Pine Gully, following the natural topography. In this manner, these wetlands perform a function of purifying the stormwater prior to its discharge into Pine Gully and thence into Galveston Bay. These are adjacent wetlands in the sense of the U.S. Supreme Court case of Riverside Bayview Homes. They are clearly jurisdictional. None of them lie more than one mile from either the bay or a tidal tributary of the bay. All of them drain directly to the bay or a tidal tributary of the bay. 14-123

Next is the issue of the scope of the wetlands on the site. Dr. Jacobs' report summarizes the acreage of wetlands that have been identified by various parties, including two consultants working for the Port of Houston. The recent re-analysis by the Corps identified 114 acres of "non-jurisdictional" wetlands, a figure that is very low compared to the estimates of Dr. Jacobs who finds approximately 550 acres of wetlands. Dr. Jacobs estimate of wetland acreage is similar to the estimates made by the U.S. Fish and Wildlife Service. 14-124

GBCPA is very disappointed that this issue of jurisdictional wetland still lingers after two rounds of submitting comments that continue to raise legitimate questions about the methodology used by the Corps. In an effort to resolve this issue and make a determination consistent with the law, GBCPA requests that the Corps assemble a special team of experts to reconsider the scope of jurisdictional wetlands on this site. The failure of the Corps to find more than 18.3 acres of jurisdictional wetlands on this site is a huge error if not an outright derogation of duty. If the Galveston District continues to delineate wetlands in this manner, the Gulf Coast of Texas will lose virtually all wetlands that are not Spartina alterniflora or within 100 year flood plains. That is not what the SWANCC decision stood for. That is not what the Supreme Court stated. Riverside Bayview Homes is still valid and it is being swept aside in the Galveston District's abdication of responsibility. Please critically review this important issue and re-evaluate these wetlands. Nothing less than the ecological future of the Galveston Bay watershed is at stake. 14-125

2. EXTENT OF MITIGATION (wetlands)

GBCPA is opposed to the mitigation that is currently proposed because we believe it to be totally inadequate. GBCPA believes this mitigation to be inadequate for several reasons, including the fact that the full extent of jurisdictional wetlands has not been correctly determined. There are at least 114 acres of wetlands that will be destroyed and for which there is no proposed mitigation as I understand the latest revision of the proposed action. At the least, these 114 acres should be mitigated at a minimum of a 3:1 ratio, meaning that, at the least, 342 additional acres of wetlands should be created. 14-126

The wetland loss here is essentially unmitigated. There are cumulative impacts associated with the loss of wetland that must be considered in the decision-making process, including the loss of non-jurisdictional wetlands. However, before the impact of non-jurisdictional wetland loss can be considered, the loss must be quantified, at least within the Galveston Bay area, if not within the Texas coast. To date, there has been no such quantification and there must be. 14-127

Ideally, this quantification would be revealed in the environmental impact statement process. There was no non-jurisdictional wetland loss quantification included in the DEIS that was produced by the Corps. As such, it was and remains deficient. 14-127

Consideration of cumulative loss is mandated in the regulations of the Corps of Engineers. In 33 CFR 320.4(b), the effect on wetlands of a particular action must be considered. 33 CFR 320.4(b)(3) specifically addresses cumulative wetland loss. These losses are not limited to jurisdictional wetlands. These losses are discussed in terms of wetlands that perform functions important to the public interest and there is no doubt that the "non-jurisdictional" wetlands at the site perform functions important to the public interest. Therefore, the loss of these wetlands, in conjunction with the losses associated with past, present and reasonably foreseeable future actions, must be considered by the Corps in its public interest review. That is the nature of cumulative impact review. 18-32

B. PRACTICABLE ALTERNATIVES

GBCPA is of the opinion that the changes contained in Public Notice Revision #2 raise the issue of the relationship of the container terminal and the cruise terminal. In this permit revision, the Port of Houston Authority has arbitrarily reduced the number of cruise berths from five to three. To date, there has been no explanation of the necessity or desirability of co-locating cruise and container terminals. The Port of Houston Authority has simply said that they wish to co-locate these facilities and the public notice has gone out as requested by the Port of Houston Authority. 2-190

It is time for the Corps of Engineers to impose themselves into this permit action. The Corps has not been lobotomized by the permitting process. Indeed, the opposite is true. The Corps has been given a grave responsibility in the permitting process. The Corps must attempt to balance environmental protection with economic development, wetland protection versus necessary growth. A key concept in the balancing process is the definition of "practicable alternative". The question in this permit application is – what is a "practicable alternative" for permitting purposes for this application. Implicit in this question is whether or not the cruise and container terminals should be sited independent of one another for practicable alternative analysis purposes. 2-191

It is the strong opinion of GBCPA that there is no logical explanation for co-locating the cruise and container facilities. In the interest of better understanding this issue, GBCPA hired the firm of Indigo Service Corporation of Miami, Florida, to assist in the evaluation of this question. Ricardo Fernandez is the President of Indigo Service Corporation and he developed the report that is included as Attachment C. Mr. Fernandez has 27 years of experience in the maritime and cruise industry, working with clients such as Admiral Cruises, Carnival Cruise Line, Costa Cruises, Holland America Line, Hvide Shipping, Kloster Cruises, Ltd., Lorentzen Shipping Lines, Nopal Agency, Norwegian Cruise Line, Princess Cruises, Royal Caribbean International and Scandanavian World Cruises. . 2-192

The findings of Mr. Fernandez are clear. There is no reason for co-locating cruise and container terminals if land adjacent to deepwater channels is otherwise available. In the case of Galveston Bay, there is no limitation of land available for either an independent cruise terminal or an independent container terminal. Co-location of these facilities is not necessary. Co-location of the cruise and container terminal in the Port of Houston's Bayport revised public notice is simply not required. 2-192

This finding is extremely important. In the analysis of alternatives in the DEIS, co-location of cruise and container terminals was considered to be a requirement for screening alternative sites. In this manner, more land was required for co-location than was required for either a container terminal alone or a cruise terminal alone. In this manner, numerous otherwise eligible sites were eliminated. According to Revised Public Notice #2, the DEIS process has not been reopened. However, under the 404(b)(1) Guidelines, when a permit application requires the filling of wetlands, the presumption exists that other practicable alternatives exist that are less environmentally damaging. 2-193

The point here is that there are a number of less damaging practicable alternative sites if the container and cruise terminals are split apart and not co-located. The container facility could be located by itself on Shoal Point, as indicated in the application by the Port of Texas City. The container facility could be located by itself on Spillman's Island. Without the need for co-location, the container facility at Spillman Island could be located on the north side of Spillman's Island where much less dewatering is required, thereby making the cost of development lower.

A cruise terminal could be independently located in Galveston, either at the existing wharf or on the land currently owned by the Port of Houston. ~~As described by Mr. Fernandez,~~ it makes much more sense to locate these cruise terminals in Galveston rather than in the midst of industrial and commercial activity. 2-194

The proposal submitted by the Port of Houston just does not make sense. The Corps should insert itself in this process and split these alternatives apart, making a separate siting inquiry for the container port and the cruise terminal. The Port is simply using the cruise terminal and is not being honest about the necessity for, or the utility of, a co-location strategy. 2-195

C. THE NATIONAL SECURITY ISSUES

Since September 11, 2001, the nation has been focused upon its security. Our armed forces are in combat across the globe in Afghanistan. As we continue to assess our vulnerability as a nation, the issue of container port security moves higher and higher on the list of national concerns. It is clear that some type of weapon could be transported into the United States in a container. It does not take much imagination to see the potential. The question is – can the vulnerability of an individual container port be decreased through siting and/or design considerations? If so, then shouldn't the Corps of Engineers consider this issue in the permitting process? 21-63

Let's consider the second question first. The Corps has clear legal authority and indeed the responsibility to consider national security issues in the permitting process. 33 CFR 320.4(a)(1) clearly establishes that the pubic interest review process is a balancing process where the benefits which reasonably may be expected to accrue must be balanced against its reasonably 21-64

foreseeable detriments. The public interest review must reflect the national concern for both protection and utilization of important resources. Among the specific issues to be considered in the public interest review are, at the least, safety and land use, both of which encompass the national security concerns associated with the location and design of a container port. 21-64

Second, there is no doubt that port location and/or design can make a difference from a national security perspective. As set out in the report by Mr. Fernandez of Indigo Services Inc., there are serious national security issues implicit in co-location of a container and a cruise terminal. Container terminals should be isolated, and the public should be kept away from these facilities. It makes no sense to bring thousands of people right next to a container terminal who are only interested in taking a cruise. 21-65

Spoil islands make ideal container port locations under this scenario. The traffic onto and off of the spoil island can be monitored. The gamma ray technology can be built right into the roadway. If there is a need to shut down the container port, it can be easily accomplished. With a single road providing both egress and ingress, security is extremely tight and the port can be immediately isolated.

We cannot move existing container ports but we can prevent mistakes from being made in the location of new container ports. A new container port should not be permitted immediately adjacent to neighborhoods with populations over 5000 persons as is the case with Bayport. People live immediately to the north and east of Bayport as discussed in the DEIS comments submitted by GBCPA. Another 10,000 or more persons live within two miles. More generally, where possible, container facilities should be removed from populated areas Container facilities are no longer benign. They are a very real danger, both to the country and to those living nearby. They should be secured and isolated. 21-66

GBCPA has hesitantly raised this national security issue. Until the recent work by the Immigration and Naturalization Service, which is affixed as attachment appendix DC, GBCPA was hesitant to raise this issue. However, we are now convinced that this issue is bona fide and that this issue should be considered in the permitting process. We have taken a first step toward providing documentation on this important issue. We hope to provide more as information develops. 21-70

III. CONCLUSION

GBCPA recommends that the permit be denied.

Granting the permit is wrong for several reasons. First, it is a violation of the constitutional right to due process to deny citizens the right to comment on a Draft EIS of the currently proposed project. Second, there are two very large discrepancies regarding wetlands; the amount of acreage and the mitigation proposed. Third, a full review of alternatives, including the separation of container and passenger terminals, has not been done as required by NEPA. And lastly, the issue of national security was also left out of the proposal. 23-227

A fair analysis under the 404(b)(1) guidelines would separate the cruise and container terminals, leading to denial of the application as filed. A serious public interest review would address national security issues. A fair analysis will lead to rejection of this permit.

In closing, GBCPA requests that the public comment period on the DEIS be re-opened for 90 days to allow our comments to be taken into the record. We need to make a number of changes due to the applicant's changes in revised notices #1 and #2. if we have not heard back from you in two weeks regarding this request, we will assume that you have decided not to alter the position on reopening the DEIS stated in the Second Revised Public Notice. 22-228

Sincerely,

BLACKBURN CARTER, P.C.

by _____
James B. Blackburn, Jr.

Attachment to
-/P 12029

Comments on Proposed Bayport Permit (No. 21520 Revised)

John S. Jacob, Ph.D.

Professional Wetland Scientist and Certified Professional Soil Scientist
Environmental Quality Specialist, Texas Sea Grant and Texas Cooperative Extension

The huge change in the reported acreage of jurisdictional wetlands in the recent revised public notice for the Port of Houston Authority's Bayport Project suggests that the evaluation of these very important wetlands has been less than rigorous. Initially, the Public Notice No. 1 and the Draft Environmental Impact Statement reported a total of 2.475 acres of jurisdictional wetlands. But Public Notice No. 2 (1st Revision, 2 April 2002) reported 18.3 acres of jurisdictional wetlands a 700% increase, in addition to another 114.5 acres of "non-jurisdictional" wetlands. The 2nd Revision (22 July 2002) reported the same 18.3 acres, but made no mention of the non-jurisdictional wetlands. While some variation is to be expected among investigators looking at the same wetlands, and even by the same investigator looking at the same wetland at different times of the year, a thorough and meticulous investigation would not be subject to such a striking revision. Given the inherently transitional nature of wetlands, and thus the difficulty of finding a precise boundary, one could reasonably expect a variation of 5%, perhaps even 10%, in the reported acreages between professional investigators, but nowhere near 700%.

Wetlands by definition are transition zones between wholly aquatic habitats and wholly terrestrial habitats. Transition zones are by nature fuzzy and without precise boundaries. Nonetheless, a protocol has been established, and documented in Environmental Laboratory (1987), for using 3 parameters to determine the presence of a wetland: hydric soils, hydrophitic vegetation, and wetland hydrology. While professional expertise is needed to accurately evaluate these parameters, there is wide agreement that reasonably precise delineations can be accomplished by experts with some regional and local grounding. Reasonably precise being defined roughly as within a 5-10 percent variation of wetland extent.

The wetlands on this site are of national significance. These wetlands are part of a unique prairie pothole – pimple mound complex that is becoming perilously rare. If the

Attachment to

YP 12029

Analysis of Drainage Features at Proposed Bayport Container Terminal Site

by

Lawrence G. Dunbar, P.E.

August, 2002

I have analyzed the drainage features of the site where the proposed Bayport container terminal is being considered to be constructed. I have performed this analysis in the context of whether the various wetlands that exist on the site should be classified as "adjacent wetlands", and thus jurisdictional under Section 404 of the Clean Water Act.

"Adjacency" for jurisdictional purposes can be established in a number of ways, according to the Galveston District of the Corps of Engineers, including by showing a "hydrologic connection" between the wetland itself and "waters of the U.S."

"Hydrologic connections" are defined by the Corps as surface tributary systems, surface water connections (e.g. ditches), or waters that are part of a surface tributary system during normal flows or predictable flood events. Therefore, I reviewed aerial photographs, authoritative material and other documentation to determine if a "hydrologic connection" could be established for the wetlands located on the Bayport site.

The Corps of Engineers prepared a Draft Environmental Impact Statement (DEIS) on the proposed Bayport container terminal. Contained therein is information regarding the site of the proposed terminal. For example, there are over 100 acres of wetlands identified to exist on the proposed Bayport site in the Corps DEIS. Furthermore, it is stated on page 3-16.15 of the DEIS that, "Under existing conditions, approximately 600 acres of the Bayport terminal location alternative drain to Pine Gully, about 287 acres drain to the Bayport Ship Channel, and about 287 acres drain to Galveston Bay." Pine Gully is a tidally-influenced tributary to Galveston Bay and

ATTACHMENT B

Attachment to

VP12029

CRUISE TERMINAL FACILITIES TECHNICAL REPORT & EXECUTIVE SUMMARY:

Port of Houston Authority Proposed Bayport Terminal Project

Prepared for:

Galveston Bay Conservation & Preservation Association

Attention:
Blackburn Carter Law Firm
c/o: Jim Blackburn, Esq.
September 3, 2002

Indigo Service Corporation

ATTACHMENT C

Attachment to
YP12029

Indigo SM

CRUISE TERMINAL FACILITIES TECHNICAL REPORT & EXECUTIVE SUMMARY:

Port of Houston Authority Proposed Bayport Terminal Project

Appendix C

U.S. Department of Justice Immigration and Naturalization Service

INS Sea Ports-of-Entry Technical Requirements (STR), February 2002 Draft

Note: Only one (1) copy made and included from the original document loaned to us by Mr. John V Garofano, Assistant District Director of Inspections, U.S. Immigration and Naturalizatic Services

ATTACHMENT D

Bernard and Sally Legrand
3115 Layne Court
La Porte, Texas 77571.

YP 12030

Dear Mr. Stanley

The following constitute our response and our comments concerning the Port of Houston Authority (PHA) EIS permit application for the Bayport container and cruise ships project. I respectfully ask of you great care and attention when reading this document; lots of hope for ourselves, our kids and grand kids, neighbors and friends rest on the final outcome and the favorable resolution of this nightmare scenario. We want to believe that your agency was created for the good of the people in general and not for the profit of a few.

Obviously, due to the large proportion of space reserved for wet land mitigation by the PHA in their latest attempt to convince anybody of their new found honesty toward the permitting process, one as to wonder what happened to the rest of the contentious issues such as air, water, noise, light pollution. How was this addressed, corrected or even mitigated ? All we saw was a re-hashed copy of the previous EIS paragraph pertaining to these subjects, nothing new, only cosmetic camouflage. 23-272

Perhaps the most significant documents concerning the environmental issue of wet lands, jurisdictional and otherwise are one, the article published by Mr. Peter Griffiths in the Bayshore Sun edition of Wednesday, August 21, 2002 and second, the three letters addressed to you and Mr. Mark Fisher of the TNRCC dated March 8, May 2 and August 22, 2002 by Texas Park and Wildlife.

Mr. Griffiths response is a verbatim copy of the official response by GCBPA who has been involved since day one in the opposition of this project with the neighboring communities. In this manner, it was at least published in the local newspaper and showed that this position had some support with the La Porte City Council. As you are certainly aware, this council has already opposed the Bayport project earlier and the neighboring community elected officials met with the representatives of the USACE in Galveston recently to communicate their own opposition to that same project. As a matter of fact, I am not aware of any City Council representative of the local population in favor of the project. We support and endorse the article in its entirety, in particular the following points:

- Because of the many changes since the ill conceived original application, a new public meeting should be convened, if nothing else to clarify, explain and justify these changes. 23-257
- If PHA can dispose so easily of two cruise ship berths at this location, short of going all the way and getting rid of all of them, the plan should be reviewed for other possible locations, which now would be suitable. As recent events have proven, the idea of cruise ships that far from the gulf is an economic "no brainer". Who wants to take a cruise in the middle of a pile of rusty containers ? 2-205
- Why is the proposed lay out of the dredged area the same as what it was at the beginning of the project ? 11-51
- The wetland issue is too cumbersome to be replicated here. What happened ? How do we go from less than three acres to 18.3, just like that ? We pointed out then that PHA was less than truthful but were met with denials. If they were lying then, why should anybody trust them now ? Why should anybody be satisfied when the proposal is to sacrifice about 200 acres of bay, over 1500 acres of bay front property for a very few acres up the road, filling up a drainage ditch where nobody cares ? 14-165

Now is the time to review the whole project in view of these proposed changes since we are finally getting closer to the truth.

The Texas Park and Wildlife letters reinforce and clarify the danger and pitfalls of this project and clearly demonstrate that by their absence PHA ignored their concerns. On that basis alone, the permit application should be denied in total. If one still has doubts, one should continue reading the list of other good reasons, for two more pages, reinforcing the conclusion that this permit application should indeed be denied. 29-108

Interestingly enough, last evening, I learned while attending at a public meeting at the Armand Bayou Nature Center, set up by American Acryl, a chemical plant next to the proposed site, that PHA wants to use Public Domain and expropriate this plant from a tract of land next to Pine Gulley. This would obviously be a death sentence for this bayou and would ruin the efforts and investments made by this plant to control and dispose properly of their rainwater effluents, which would compromise the agreements made with TNRCC. We were told that, at this point, the plant is resisting the effort and has turned down some offer from the PHA for acquisition of the land in question. This is very typical of the attitude of this organization toward the local communities. If at first you do not succeed playing by the rules, you throw your weight and the taxpayers money around. 4-63

As far as the environmental impact due to pollution of any kind, the pending application does not mention much less resolve anything. The 7000 diesel trucks a day did not go away, the long trains are still there, the stationary sources will be still emitting NOx and unburned VOC's, so will the ships burning bunker fuel rich in sulfur stationed there which, like the trucks, never shut their engines off while waiting as demonstrated in a recent article in the Houston Chronicle. I am amazed along with a great number of people that, this project is still under consideration in view of the nationally known problems that the Houston area has with atmospheric pollution, in particular ground ozone concentrations which already exceed the US EPA set standards and the newly implemented SIP. The Houston area is non-attainment area ! It includes the eight surrounding counties, and Bayport is located in South East Harris County ! Another directly related matter is the large if not insurmountable traffic congestion that such a project would bring to the area already suffering from heavy congestion. If you have doubts, attempt to drive on SH 146 between La Porte and Clear lake City, especially during morning or evening rush hour. Make sure you have plenty of time to spare.

7-157 7-155 12030 27-113

The infrastructure is not there. It is the wrong place for such a large-scale project for an area, which is trying to rely more and more on the tourist attraction and recreation. We cannot create bay front recreational area, we have been too busy destroying and misusing the one we had. Should you have any doubt, go look at what happened to Morgans Point run over by mountain of rusty containers (the new ones do not look much better), the historic places lost in parking places, nature buried under concrete. For fun and cheap excitement, try to drive around this place or on SH 225 when container ships come in. If you are not still convinced, go look at Long Beach or Miami like I did, one look and you will agree. PHA is not mentioning these real problems much less attempt to resolve them for a very good reason: Being responsible, directly or indirectly for creating more pollution within an already bad environment obviously will not solve our non-attainment problem. Everybody in this area, from the worker on his or her way to work who must drive at 55 MPH, what's left of the tourist here for vacation and even the local industries have been asked and are made to conform to the latest requirements at great expense from TNRCC in an attempt to bring the level of ozone within the nationally mandated requirements. Everybody must pitch in, everybody except the Port of Houston Authority who's pitiful excuse is that they are not directly responsible for the projected increase in NOx levels. All they add are the emissions of three forklifts on site (they shall use a clean fuel, propane). What about the trucks, trains and ships necessary for the operation of such an enterprise ? If they are taken out of the equation, Bayport will no longer exist. PHA is not responsible ? Then who is ?

2-218 7-23 7-41 7-24

Last but not least, the safety issue. In these days of post September the 11, one has to worry about the possibility of some terrorist organization using container(s) to bring in, distribute and use weapons of mass destruction such as a lot of conventional explosives, strictly nuclear or dirty bombs or bacteriological devices, all that can be distributed nation-wide and remotely or timer detonated. No one wonder about the damage that nuclear devices can do but if one think that a coffee can of anthrax can do a lot of damage, what would a container full of that stuff do ?

21-34

Latest news, add the US-EPA to the list of agencies opposing this project for the reasons expressed above and a lot of others, see the article concerning Diesel Exhaust attached.

14-114

Sincerely, Bernard Legrand Sally Legrand

Bernard and Sally Legrand, president and first secretary of Bayside Terrace Civic Club, a south La Porte neighborhood association, a community directly and negatively affected by this proposed project.

Cc: Rep. John E. Davis
Rep. Rick Noriega
Rep. Edmund Kuempel
Sen. Mike Jackson

Cyndi and Reggie Carroll
3122 Bonner
La Porte, Texas 77571.

YP 12031

September 5, 2002

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

Dear Mr. Stanley:

My husband and I are very active members of our community's civic club: Bayside Terrace Civic Club. As a member of the Civic Club I work closely with Mr. Bernard Legrand, our president. He has been a wealth of information regarding the concerns we all have for the proposed Bayport. This is our response and own concerns regarding the application for the permit for the Bayport container and cruise ships projects. We ask that you carefully pay attention in the reading of this. We all a lot depending on the outcome: the future of our families and friends. The outcome of this project needs to reflect the overall population not just a few who what to profit from something that physically does not affect them. (They live on the west side of the county and will not personally be affected by the additional traffic, pollution, etc.)

Obviously, due to the large proportion of space reserved for wet land mitigation by the PHA in their latest attempt to convince anybody of their new found honesty toward the permitting process, one as to wonder what happened to the rest of the contentious issues such as air, water, noise, light pollution. How was this addressed, corrected or even mitigated? All that was seen was a re-hashed copy of the previous EIS paragraph pertaining to these subjects, nothing new, only cosmetic camouflage. 23-272

There are several documents with strong significance concerning the environmental issues of the wetlands (jurisdictional and otherwise). One: the Bayshore Sun Wednesday, August 21, 2002 article by Mr. Peter Griffith, and two: three letters addressed to you and Mr. Mark Fisher of the TNRCC dated March 8, May 2 and August 22, 2002 from the Texas Park and Wildlife.

Mr. Griffith's response is a verbatim copy of the official response by GCBPA who has been involved since day one in the opposition of this project with the neighboring communities. In this manner, it was at least published in the local newspaper and showed that this position had some support with the La Porte City Council. This council has already opposed the Bayport project earlier. Neighboring community elected officials met with the representatives of the USACE in Galveston recently to communicate their own opposition to that same project.

As a matter of fact, we are not aware of any City Council representative of the local population in favor of the project. We support and endorse the article in its entirety, in particular the following points:

- Due to the many changes since the ill-conceived original application, a new public meeting should be convened, if nothing else to clarify, explain and justify these changes. 23-251
- If the Port of Houston Authority can dispose so easily of two cruise ship berths at this location, short of going all the way and getting rid of all of them, the plan should be reviewed for other possible locations, which now would be suitable. As recent events have proven, the idea of cruise ships that far from the gulf is an economic "no brainer". What is so scenic and inviting about cruising down a waterway with industrial facilities? 2-205
- Why is the proposed lay out of the dredged area the same as what it was at the beginning of the project? 11-51
- What happed to the wetland issue? It is much too involved to be discussed here. How do we go from less than three acres to 18.3, just like that? We pointed out then that PHA was less than truthful but we were met with denials. If they didn't tell the truth then, why should we believe them now? How can anybody be satisfied when the proposal is to sacrifice about 200 acres of bay, over 1500 acres of bay front property for a very few acres up the road, filling up a drainage ditch where nobody cares? 14-165

Now is the time to review the whole project in view of these proposed changes since we are finally getting closer to the truth.

The Texas Park and Wildlife letters reinforce and clarify the danger and pitfalls of this project and clearly demonstrate that by their absence PHA ignored their concerns. On that basis alone, the permit application should be denied in total. 29-108

Mr. Legrand passed on what he learned in a recent public meeting at the Armand Bayou Nature Center. This meeting was set up by American Acryl; a chemical located next to the proposed site. Apparently the PHA wants to use Public Domain and expropriate this plant from a tract of land next to Pine Gulley. This would obviously be a death sentence for this bayou and would ruin the efforts and investments made by this plant to control and dispose properly of their rainwater effluents, which would compromise the agreements made with TNRCC. The meeting attendees were told that, at this point, the plant is resisting the effort and has turned down some offer from the PHA for acquisition of the land in question. This is very typical of the attitude of this organization toward the local communities. If at first you do not succeed playing by the rules, you throw your weight and the taxpayers' money around. 4-63

As far as the environmental impact due to pollution of any kind, the pending application does not mention this much less resolve any thing. The 7000 diesel trucks a day did not go away, the long trains are still there, the stationary sources will be still emitting polluting fumes as will the ships. The ships, like the trucks, never shut their engines off while waiting as demonstrated in a recent article in the Houston Chronicle. It is just overwhelming that with all of the concerns regarding the Houston area pollution problem (consistently listed as #1 now – by passing Los Angeles) this project is still under consideration. 7-152 7-155

In an area where we are trying to develop in a positive manner for tourism and recreation, we cannot do this with the expansion of the port. Already we are dealing with traffic problems based on the current industry much less having to deal with additional traffic and ultimately the vehicle emissions that will be added accordingly. How can the people who support this project claim they are not responsible for the projected increases in the pollution levels? If there is no expansion, the increases pollution levels will not be there. 2-218

We also understand that the EPA is also opposed to this project. 14-114

So in summation, we respectively request that this project be reviewed again and with more objective consideration. Our neighborhood (Bayside Terrace) is very much directly affected by these issues. 23-240

Sincerely,

Cyndi Carroll

Cyndi and Reggie Carroll
2nd Vice President
Bayside Terrace Civic Club
South La Porte

Response To Port Baypo

(Editor's Note: As reported on today's front page, the U.S. Army Corps of Engineers has extended the deadline for public response to the Port of Houston Authority's amendment to its original request for a permit to begin construction on its proposed container terminal at the Bayport channel just south of both La Porte and Shoreacres. We have called various individuals and groups who responded to the original Port permit request, and will print as many responses to this amended request as space permits. The following is the response offered by La Porte Councilman Peter Griffiths.)

This is the second revision of Permit Application #21520 after the issuance of the DEIS and the close of the public comment period on the DEIS. At the least, the public comment period on the DEIS should be reopened and a public meeting should be convened to explain these changes in the project.

In the Revised Public Notice #2 (issued July 22, 2002), the Corps of Engineers states that there has been a change in the proposed project. Instead of five cruise berths, there are now proposed to be three cruise berths. In turn, the Corps states that the amount of areas proposed to be dredged is reduced by 23 acres, a reduction in open water fill to 21.3 acres and a reduction in the amount of dredged material to be placed off-site by 1,045,965 cubic yards.

However, there seems to be a disconnect between that statement and Sheet 9 of 54 which shows the same exact dredged area as is shown in Sheet 9 of 28 on the Revised Public Notice #1 (issued 04 April 2002). These sheets should be different if, in fact, 23 less acres are being dredged. They are not different, either meaning an error has been made in the public notice or there is no change. This discrepancy needs to be cleared up and if the changed dredging area was not shown on Sheet 9 of 54, a new public notice with the correct information needs to be sent out.

Second, and more importantly, no explanation is given for the dropping of 2 of the 5 cruise terminals. This is important in the context of the alternatives analysis conducted in the DEIS. A number of sites were eliminated because they could not accommodate 5 cruise terminals. Now, there are only 3, clearly making the alternatives analysis in the DEIS incorrect. More importantly, though, is the fact that 2 cruise terminals are dropped without any discussion of the functional relationship between the cruise and container terminals.

We have argued that no such functional relationship exists and that the alternatives analysis should be conducted without any associated cruise terminals due to the absence of a functional connection. Clearly, if they can drop 2 of the 5 cruise terminals with no explanation, they could drop all of them. We should all urge that the alternatives analysis in the DEIS be redone to consider site development without any associated cruise terminals.

Third, a revised wetland mitigation proposal is included in Revised Public Notice #2. Revised Public Notice #1 increased the acres of jurisdictional wetlands from the 2.5 identified in the DEIS to 18.3. Revised Public Notice #1 also identified 310 acres of open water habitat as being jurisdictional for project purposes. In addition, approximately 114.5 acres of non-jurisdictional wetlands would be impacted within the project site. Revised Public Notice #2 maintains that 18.3 acres of jurisdictional wetlands would be filled but alters the open water affected by dredging to 127.3 acres, seemingly altering the open water habitat by about 190 acres. There is no explanation for this difference. In Revised Public Notice #2, there is no mention of the acreage of non-jurisdictional wetlands to be filled, which should remain at 114.5 acres.

The point here is that this Revised Public Notice #2 essentially sets forth a different mitigation concept that is unacceptable. There are many problems with this proposed mitigation plan. Let me identify a few:

1. There is no mitigation proposed for the non-jurisdictional wetlands. There are 114.5 acres of important wetlands that are not proposed for mitigation. Because these are unmitigated impacts, they should be considered as negative impacts of the proposed action. As such, this project contributes to the cumulative loss of prairie pothole wetlands along the coast.

We believe that these wetlands are jurisdictional. That is, however, a separate issue. The issue here is that if these wetlands are not compensated, then the DEIS should be supplemented to discuss the role of this project regarding cumulative loss of wetlands. At this time, there is no such discussion. There needs to be. Along the same lines, the evaluation of alternatives in the DEIS should be amended to clearly note that there are wetland impacts associated with the Bayport project much greater than previously identified and that these wetlands are viable, natural wetlands. By contrast, the Spillman's Island and Shoal Point sites involve the development of spoil disposal areas that are not legally classified as wetlands.

2. There is no mitigation proposed for the impacts of the open waters of the bay. Galveston Bay is an estuary. Depending upon whether one believes Revised Public Notice #1 or #2, there are either 310 acres of open water impacted or 127.3 acres of open water. These open water areas are estuarine waters and they have value, just as wetlands and marshes do. Additionally, the cruise terminal development will impact upwards of 23 acres of tidal flats.

According to Dr. Robert Costanza in his article published in the journal Nature, (Costanza et al, "The Value of the World's Ecosystem Services and Natural Capital", Nature, Vol. 387, May 15, 1997, pp. 253-260) wetlands, estuaries and tidal flats have natural value. According to Dr. Costanza, marshes are worth about $9000 per acre per year, estuaries are worth about

Letter To The Editor

Dear Editor:

Many times I have written about voter apathy and the citizens of La Porte not getting more involved politically. Well, here is the chance to get involved, La Porte.

With the help of any volunteers, who can contact me through the City, I am starting a "La Porte Votes!" voter registration drive.

We are the fourth largest city in Harris County, yet we don't vote like a city that could have more weight in state and national politics. So here we go, my fellow La Portians, starting on Labor Day, Sept. 2, I will be manning a table at the local Kroger store, handing out voter registration cards as well as other goodies if you fill out a voter card or can show me your voter registration card.

Since I am not up for re-election, I am not doing this for any other reason but to get us out there and be involved. We have a lot at stake, with Bayport still looming above us, our Texas highway funding, educational

Port Bayport Plan...

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The 114.5 acres of unmitigated wetlands are worth about $1,000,000 per year, the 310 acres of open water are worth about $3 million per year and the 23.5 acres of tidal flats are worth about $220,000 per year in terms of ecosystem productivity. That comes up to about $4.22 million per year in ecological productivity that is not proposed to be mitigated. That is an unacceptable impact to Galveston Bay. That is a basis for permit denial. This is how we are losing the battle to protect Galveston Bay, literally acre by acre converted from natural productivity to other uses such as navigation, dredging, filling.

3. There is no mitigation proposed for the loss of neo-tropical bird habitat that will be lost if the site is developed. That is an impact that is considered within the scope of EPA's 404(b)(1) guidelines and should be considered in the analysis of alternatives. There is no indication that this factor has been considered in any form or fashion.

4. Under the 404(b)(1) guidelines found at 40 CFR 230 et seq, there is a requirement that the least damaging practicable alternative be selected by the Corps of Engineers. The alternative of constructing Bayport, and its associated impacts, should be reconsidered in light of Revised Public Notices #1 and #2. This reconsideration requires the reopening of the DEIS for comments and ideally would involve the publication and circulation for comments of a Supplemental Draft EIS.

The issue of a Supplemental Draft EIS deserves additional attention at this time. The proposed Bayport container project has been substantially altered since it was proposed and discussed in the Draft EIS. Since that time, Revised Public Notices #1 and #2 have been issued. There have been multiple changes. The acreage of jurisdictional wetlands has been increased, the total acreage of wetlands has been disclosed, the noise mitigation has been changed, the number of cruise terminal berths has been changed, the land plan associated with the cruise terminal has been changed, a concrete wall is proposed to be constructed on the north side of the Bayport channel, and the number of cruise ships has been reduced from 5 to 3, to name the more notable changes.

Most importantly, the analysis of alternatives, "the heart of the EIS" according the rules of the Council on Environmental Quality that control the EIS process, is now obsolete. The primary factors controlling the evaluation of alternatives under NEPA and under the EPA's 404(b)(1) guidelines have been changed. The wetland comparison in the DEIS is incorrect. The comparison of acres of open water and tidal flats impacted is incorrect. The issue of neo-tropical bird impacts has not been considered.

A supplemental DEIS needs to be issued, identifying honestly the relative impacts of the various alternatives. In this revised alternatives analysis, the issue of the necessity of an adjacent cruise terminal should be directly and honestly addressed. There is no rationale as to why the cruise terminal should not be located at a separate location from the container facility. By arbitrarily eliminating two of five cruise terminals, the Port of Houston has certainly indicated that there is nothing magical about co-location. It is purely arbitrary and should not be a basis for eliminating alternatives as was done in the DEIS. Therefore, the DEIS should be reopened and reissued based upon the changes in the cruise terminal and its impact on alternative analysis in the DEIS.

Letter To The Editor

Editor:

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EPA: Diesel Exhaust Can Cause Cancer

Wed Sep 4, 3:29 AM ET

By H. JOSEF HEBERT, Associated Press Writer

WASHINGTON (AP) - Inhaling diesel exhausts from large trucks and other sources over time can cause cancer in humans, an Environmental Protection Agency (news - web sites) report concludes after a decade of study.

The EPA finding, released Tuesday, is expected to buttress the government's push to reduce truck tailpipe emissions by requiring cleaner-burning engines and diesel fuel with ultra-low sulfur content.

While acknowledging uncertainties about the long-term health effects of exposure to diesel exhausts, the EPA report said studies involving both animal tests and occupational exposure suggest strong evidence of a cancer risk to humans.

"It is reasonable to presume that the hazard extends to environmental exposure levels" as well, the report said. "The potential human health effects of diesel exhausts is persuasive, even though assumptions and uncertainties are involved."

The report mirrors conclusions made previously in documents from various world health agencies and studies in California and is particularly significant because the EPA is the federal agency that regulates diesel emissions under the Clean Air Act.

Some environmentalists have raised concerns recently that the Bush administration might try to back away from a Clinton-era regulation that would establish tougher requirements on emissions from large trucks and a separate rule that virtually would eliminate sulfur from diesel fuel.

EPA Administrator Christie Whitman repeatedly has promised to go ahead with the tougher truck and diesel rules. Last month, with White House approval, the EPA rebuffed attempts by some diesel engine manufacturers to postpone the requirements, approving new penalties against manufacturers who fail to meet an October deadline for making cleaner-burning truck engines.

The engine rule does not affect emissions from trucks already on the road, although the separate regulation cutting the amount of sulfur in diesel fuel is expected to produce pollution reductions.

The EPA's 651-page diesel health assessment did not attempt to estimate the probability of an individual getting cancer, given certain exposure to diesel exhaust. Such a risk assessment is commonly made by the EPA when gauging

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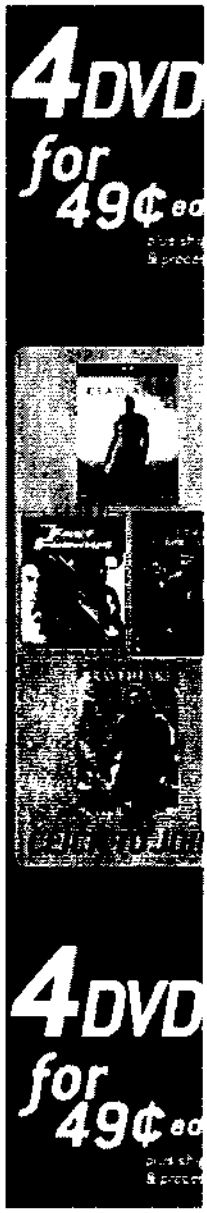

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exhaust. Such a risk assessment is commonly made by the EPA when gauging pollution health concerns.

But in this case, the report said, "the exposure-response data are considered too uncertain" to produce a confident quantitative estimate of cancer risk to an individual.

12031

Nevertheless, said the report, the "totality of evidence from human, animal and other supporting studies" suggests that diesel exhaust "is likely to be carcinogenic to humans by inhalation, and that this hazard applies to environmental exposure."

The report reiterated that environmental exposure to diesel exhausts poses short-term health problems and in the long term has been shown to be a "chronic respiratory hazard to humans" contributing to increased asthma and other respiratory problems. In some urban areas diesel exhausts account for as much as a quarter of the airborne microscopic soot, the report said.

Environmentalists welcomed the study as clear evidence that pollution needs to be curtailed not only from large trucks but also from off-road diesel-powered vehicles. EPA spokeswoman Steffanie Bell said the agency expects to publish a rule early next year dealing with those diesel exhaust sources, which include farm tractors and construction equipment.

Emily Figdor of the U.S. Public Interest Research Group, a private environmental organization, said: "To reduce the public's exposure to harmful diesel emissions, the Bush administration should ... fully implement clean air standards for diesel trucks and buses and should pass equivalent standards for diesel construction and farm equipment."

Allen Schaeffer, executive director of the industry group Diesel Technology Forum, said the EPA's report "focused on the past," whereas "the future is clean diesel. Diesel trucks and buses built today are more than eight times cleaner than just a dozen years ago."

The report acknowledged that its findings were based on emissions levels in the mid-1990s, but said the results continued to be valid because the slow turnover of truck engines has kept many of these vehicles on the road.

On the Net: Environmental Protection Agency site: http://www.epa.gov

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P12036

AUG 20 2002

P. J. Mock, Jr., M.D.

Family Practice • American Board of Family Practice

From: P. J. Mock, Jr.
219 Sylvan St.
La Porte, Tx 77571-6439

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

Subject: Permit Application Number 21520(Revised)

I wish to voice my OPPOSITION to the granting of the above numbered permit. The Port of Houston Authority's wish to name a facility as a place of tribute to its former chairman, Mr. Ned Holmes, is reasonable, but the geographic location is flawed. 29-3 2-17

I have, in a previous communication enumerated my environmental concerns, however, new previously unknown concerns have emerged that I believe merit revisiting the Environmental Impact Statment(EIS), and/or Draft EIS.

1) The Ballast water introduction of non-native plant and animal species into the Galveston Bay and estuary system was not addressed. 12-27

2) The obvious effects due to changes in the Tidal Bore that have resulted from the recent deepening and widening of the Houston Ship Channel have not been addressed, and this reminds me of the untoward effects of draining the Everglades in Florida. 29-123

3) National security concerns that will obviously limit local recreational boating as well as the prime commercial and recreational fishing in the Upper Galveston Bay. 21-71

4) The obviously flawed assumption by your assessment that the economic impacts from transforming a surburban/residential community into a noise, light, air, and water polluted industrial setting is neglible. 18-2

5) The abject failure to assess the impact on an already air polluted nonattainment environment of emissions from ships, and the new, increased air emissions burden from the projected 9000 diesel trucks per day that will 7-90

1200 Highway 146, Suite 250 • La Porte, Texas 77571 • (281) 471-0130 • Fax: (281)867-9241 • E-mail: pjmlptx@aol.com

12036

be required in order to move cargo and service the port.
6) The failure to address this project's effects on the tax base of the local cities and school districts, or to propose substitute revenue streams for these entities 6-38
7) The obviously unassessed prospects of a terrorist attack from a ship in the port or ship channel is mind boggling. Since less than two percent(2%) of cargo containers are inspected before their arrival in our ports, and the vast majority of ships come from international ports, any type of weapons systems including thermonuclear devices could be shipped in and detonated in the ship channel or port by remote and/or even satellite control, considering current technology, thereby rendering this entire coastal area of Texas at least temporarily uninhabitable for humans. 21-16
8) The proposed acquisition of private property that is not for sale "by condemnation" for wetlands remediation that will be vigorously opposed in the Harris Count Commissioner's Court, and may well result in further litigation. 14-161
I could continue, but I feel that enough is said above. If the above permit is granted it will be my most sincere patriotic duty as a citizen of these United States of America to assist with any and all court challenges,as I am able. Furthermore, I must ask my attorney(s) to consider whether or not the obvious coodination of this permit process, and the disregard of appropriate alternative sites, with and by the Houston Port Authority and the U.S. Army Corps of Engineers rises to the level of RICO Violation(s). 22-87

Sincerely,

P. J. Mock, Jr.

Phil Gramm
Texas

United States Senate

YP12036

MEMORANDUM

8-27 2002

Army Corps of Engineers
Box 1229
Galveston, Texas 77553

A constituent has sent the enclosed communication. A response which addresses his/her concerns would be appreciated.

Please send your response to the following address:

Office of Senator Phil Gramm
2323 Bryan Street, #2150
Dallas, Texas 75201

Attention: Jason Meyer
(214) 767-5217
(214) 767-8754 (fax)

EMAIL: Jason_Meyer@gramm.senate.gov

TOM DELAY
22D DISTRICT, TEXAS
MAJORITY WHIP
COMMITTEE ON
APPROPRIATIONS
SUBCOMMITTEES:
TRANSPORTATION
VA/HUD/INDEPENDENT
AGENCIES

VP12036

2370 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-4322
(202) 225-5951

10701 CORPORATE DRIVE, SUITE 118
STAFFORD, TX 77477
(281) 240-3700
(800) 759-5748

One Hundred and Seventh

Congress of the United States
House of Representatives

Washington, DC 20515–4322

September 5, 2002

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

Dear Mr. Stanley:

Enclosed is a copy of a letter I received from my constituent, Mr. P.J. Mock, Jr., regarding his concerns with the Proposed Bayport Container Facility, USACE Permit Application No. 21520.

I would appreciate your taking his comments into consideration and providing the information which will help me respond to my constituent further. I know that these concerns will be carefully and objectively reviewed and I am grateful for any assistance you will be able to render.

Please direct all correspondence to my District Office. The address is: 10701 Corporate Drive, Suite 118, Stafford, Texas 77477. The phone number is 281/240-3700 and the fax number is 281/240-2959.

Sincerely,

Tom DeLay

Tom DeLay
Member of Congress

TD:td
Enclosure

TOM DeLAY
22D DISTRICT, TEXAS
MAJORITY WHIP
COMMITTEE ON
APPROPRIATIONS
SUBCOMMITTEES:
TRANSPORTATION
VA/HUD/INDEPENDENT
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YP 12036

September 5, 2002

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

Dear Mr. Stanley:

Enclosed is a copy of a letter I received from State Representative John E. Davis, regarding his concerns with the Proposed Bayport Container Facility, USACE Permit Application No. 21520.

I would appreciate your taking his comments into consideration and providing the information which will help me respond to Representative Davis further. I know that these concerns will be carefully and objectively reviewed and I am grateful for any assistance you will be able to render.

Please direct all correspondence to my District Office. The address is: 10701 Corporate Drive, Suite 118, Stafford, Texas 77477. The phone number is 281/240-3700 and the fax number is 281/240-2959.

Sincerely,

Tom DeLay

Tom DeLay
Member of Congress

TD:td
Enclosure

08-05-02 12:31pm FROM-CONG TOM DELAY 281 240 2959 T-437 P.018/020 F-281
9- 5-02;12:27 ; 2812402959;# 18

-CP22

Marcus A. Lamkin
3412 Bayou Forest Dr.
La Porte, TX 77571

12038

August 5, 2002

Congressman Tom DeLay
10701 Corporate Dr Ste 118
Stafford, TX 77477

Subject: Proposed Bayport Container Terminal

Dear Congressman DeLay,

Let me begin by reprinting an excerpt from the Port of Houston Authority's own literature.

"The Port of Houston has been and continues to be one of the primary catalysts for the future strength and development of not only Harris County, but all of Southeast Texas.

The Port is a large and diverse economic entity of private and public terminals, both of which contribute $7.7 billion annually to the region's economy. Nearly 205,000 jobs are related to cargo moving along the Houston Ship Channel. Since becoming a deep draft port, the Port of Houston has grown to become one of the largest ports in the world in terms of volume and value of cargo handled. During 1998, nearly 7,100 ships called on the Port and over 100,000 barges navigated the Houston Ship Channel.

As the nation's leading port in foreign cargo, the Port of Houston's commercial prominence helps to solidify Houston's status as an international city."

If I may, let me clarify their real economic impact on the area. POHA has about 500 employees, operates 2-3 commercial wharves, a grain elevator and the container port at Barbour's Cut. Their revenues were about $108 million in the year 2000. The receipts and shipments by all the industries along the ship channel were 194 million tons in 2000. POHA handled 10 million tons of containers in 2000. They cite the value of the total commerce as if they were responsible for it. PHOA may represent 5-10 % of that total. Their operating revenues come from general merchandise traffic at the public wharves, grain elevator

shipments, and the container port operation at Barbour's Cut. The Port of Houston Authority has some regulatory function, but has nothing to do with private enterprise operating along the channel. They are the public promotional arm of the "Port of Houston". They maintain and serve the public wharves, but do not police anything.

As you know, the Port of Houston Authority has been attempting for more than a year to obtain a permit from The US Corps of Engineers to build a container port on their Bayport property. (Only 3.5 miles from their Barbour's Cut container terminal) The damage to the community will be tremendous if it is allowed to be built. At a public hearing in mid December last year, 4000 Bay Area citizens went to Brown Convention Center, in the evening, to voice disapproval of the application. We can cite many negatives that would occur if the container port is allowed to proceed. Unfortunately, the bay area is sufficiently removed from Houston and most of the citizens thereof have no idea regarding the negative impact on the bay. We are fighting several bureaucracies, The Port of Houston Authority, the US Corps of Engineers, County Commissioners and the other collections of movers and shakers in Harris County. 29-142 29-143

Since their approval process with the Corps of Engineers has been further delayed by the opinions of Texas Parks & Wildlife, (see attached) POHA has embarked upon a TV ad campaign to convince the public of their impact and importance to the economy of the area. This campaign is essentially a propaganda technique they have utilized for years. 22-202

The citizens of the area would appreciate very much your active support in preventing the building of another container port so far up Galveston Bay. Texas city has permitted the building of a **privately financed** container port in their city. A tax paying enterprise. 29-144

I have included several attachments, among which is an article in the Texas City Sun, July 26, concerning Nick Lampson's concerns.

Mr. DeLay, we need the help of an influential Congressman who has demonstrated a lack of fear of the special interests. Should you desire, a 2-3 hour private boat tour of the area showing the negative impact of a container port at Bayport can be arranged. The citizens of the area would appreciate very much a decision to take a close look at the problem.

Citizens have until August 22, to file letters of comment with the Corps of Engineers.

Very truly yours,

Marc Lamkin
Phone & Fax 281 471 2130

The following is my background. My parents came to Houston in 1932 or 33. My wife and children moved to the bay 31years ago and I have been active in Galveston Bay activities ever since. I have been an active sailor and am a Past Commodore of the Houston Yacht Club

GBCPA Press Release

FOR IMMEDIATE RELEASE
CONTACT: Katie Chimenti 281-326-3343
Larry Tobin 281-326-1687
August 2, 2002

TEXAS PARKS AND WILDLIFE ATTACKS BIAS IN BAYPORT DEIS

The Texas Parks and Wildlife Department has delivered a stinging critique of the draft Environmental Impact Statement (DEIS) for the proposed Bayport container port, calling it "inaccurate and misleading."

"The DEIS gives the false impression that the impacts at the preferred site are not as great as impacts at the alternative sites ," says the Texas Parks and Wildlife Department (TPWD) in official comments submitted to the U.S. Army Corps of Engineers. TPWD further notes that "overall, the information presented in this document does not appear to be in compliance with the requirements" of the National Environmental Policy Act, or NEPA.

"The federal wildlife agency, the U.S. Fish and Wildlife Service, has already expressed concern that the Bayport site would be the most environmentally damaging among the alternatives," said Jim Blackburn, chair of the Galveston Bay Conservation and Preservation Association. "These comments by the state wildlife agency, the Texas Parks and Wildlife Department, underscore that view."

In particular, Parks and Wildlife challenges the DEIS analysis of the "No Action Alternative." Under the NEPA review process, the No Action Alternative is intended to describe a baseline for environmental assessments without any project.

But as the TPWD comments point out, there is no analysis of a No Action Alternative in the DEIS because it is assumed that "the site would be developed for other types of port facilities," likely to include "liquid bulk terminals, petrochemical facilities, and similar industrial facilities." Far from being a No Action Alternative, this is an assumption that "would constitute a major federal action" and would require a separate Environmental Impact Statement of its own.

As a result, TPWD concludes, "The No Action Alternative provided

does not allow a meaningful comparison with any of the other alternatives."

Treatment of wetlands is an aspect of the DEIS especially sharply challenged by the Parks and Wildlife Department. The DEIS figures of some alternative sites indicate certain lands as "non-forested wetlands" when in fact some are uplands, and some are active dredge spoil disposal areas--not wetlands at all. "A more descriptive designation for many of these figures would be active or inactive dredged material placement area," says TPWD. For example, all of the Shoal Point site in Texas City is depicted as "non-forested wetlands," when that site actually contains no wetlands considered jurisdictional under the Clean Water Act--that is, no wetlands requiring compensatory mitigation.

By contrast, although the Bayport site has significant wetland areas, "The applicant (the Port of Houston Authority) does not depict any area within the Bayport Study Area as 'non-forested wetlands.' These figures give the perception that the Bayport Study Area has far less wetlands than other study areas," says TPWD. "The applicant should describe and label the wetland habitats on all alternative sites as what they are instead of what they are not."

TPWD notes that such inaccuracy means "a major portion of the subsequent information provided by the applicant is incorrect." Other components of the DEIS criticized in 13 pages of TPWD comments include misleading treatment and inconsistencies regarding noise, water quality issues arising from stormwater runoff, impacts on Neotropical migratory birds, introduction of nonindigenous species through ballast water, and impacts on plant species of concern.

TPWD notes: "In the DEIS's discussion of protected plant species, the applicant lists only two species of concern known to occur in Harris County for the Bayport site but lists four species of concern . . . for the Spilman's Island site"--even though this is a dredge spoil disposal site, whereas the land at Bayport has never even been plowed.

Galveston Bay Conservation and Preservation Association
P.O. Box 323, Seabrook, Texas 77586
Phone: 281-326-3343
E-mail: gbcpa@gbcpa.org
Website: www.gbcpa.org

Marcus Lamkin

From: "Laurence W. Tobin" <lwtobin@msn.com>
To: "GalvestonBayConservancy" <GalvestonBayConservancy@yahoogroups.com>
Sent: Saturday, July 27, 2002 2:34 PM
Attach: Laurence W. Tobin.vcf
Subject: [GalvestonBayConservancy] Lampson: Corps' port study not fair

Lampson: Corps' port study not fair

By Lora Bernard lora.bernard@texascitysun.com
Texas City Sun

Published July 26, 2002

A federal elected official is claiming the review of the proposed Bayport facility does not adequately address the public's concerns or present a balanced view of alternative sites.

U.S. Rep. Nick Lampson sent a letter Thursday to Col. Leonard D. Waterworth of the U.S. Army Corps of Engineers.

In it, Lampson states that the corps has not adequately addressed several issues or totally ignored issues that residents, cities, local elected officials and government agencies have asked officials to review.

Corps spokespersons were not available for comment Thursday afternoon.

Lampson also states the corps environmental impact study does not present a balanced or adequate review of alternative sites, which include Texas City's Shoal Point.

Shoal Point, which is owned by the state and the City of Texas City, is the site of a proposed private container terminal. Current proposed plans call for Stevedoring Services of America's Texas City terminal to contain six berths at build out.

The corps study also ignores security measures, he said.

"Neither the Army Corps of Engineers, nor any other federal agency, has conducted a thorough review of the security concerns for the Bayport project," he said. "Operations at Bayport will mean a very large number of closed containers from foreign ports transported through and near many local residential areas."

The bulk of the review, which focuses on environmental issues, requires further study, Lampson states.

The corps needs more studies relating to how the terminal would affect the residents and businesses, he said

Air quality issues; wetlands and transportation issues were also not adequately addressed, he said.

His challenge directly opposes statements that Houston port officials made in November. At that time port officials claimed the corps environmental study was a declaration that the city's Bayport property is the best site for a Gulf of Mexico container terminal.

The corps quickly disputed the statement and claimed port officials were drawing their own conclusions.

"We released a draft EIS," said Phyllis Bledsoe, corps spokesperson. "We are far from the final document and we have not come to any conclusions."

During that same announcement, port officials said they concluded the draft's information shows that the Houston port could also provide significant environmental benefits.

For example, the port's proposal includes the creation of 106 acres of freshwater wetlands, which is a more than 5 to 1 ratio of compensation for jurisdictional wetland areas, said James Edmonds, chairman of the Port of Houston Authority.

"We believe we have demonstrated by the scores of significant modifications made during the design process to accommodate residents' requests on subjects ranging from traffic flows to buffer zones and noise-stopping 20-foot-tall berms," Edmonds said.

It was unknown Thursday how Lampson's position would affect the approval of the Bayport construction permit. An environmental impact study is part of that approval process.

In the meantime, the Port of Houston has begun seeking construction bids for the site and Texas City officials who are watching the project said they believe the construction permits for both terminals could be awarded within weeks of each other.

Texas City leaders have said they hope the permit for the proposed Texas City International Terminal could be awarded before the end of the year.

Lora-Marie Bernard is a Texas City Sun reporter. She can be reached at (409) 945-3441 or by email at lora.bernard@texascitysun.com.

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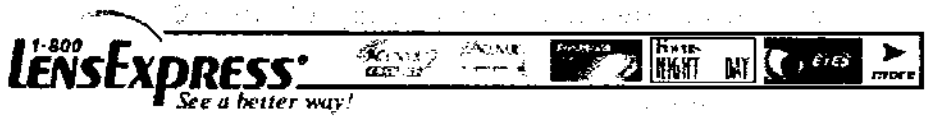

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VP 12:52

Kerry M. Stanley
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, TX 77559-1229
Fax: 409.766.3931

Permit Application No; 21520 (Revised)
Applicant: Port of Houston Authority

September 5, 2002

I am opposed to the location of the proposed Bayport Container Facility.

Please refer to the past and present comments submitted by: myself, Dr. C.S. Wells, GBCPA, the City of Shoreacres, HYC, GHASP, Sierra Club, USFWS, EPA, and Texas Parks & Wildlife.

Comments on the July 22, **Public Notice for Permit Application # 21520** (Revised **AGAIN**)

1. WETLANDS: The wetland functions cannot be replaced and are important to Harris County as a means for flood control, filtration, and recreation. 14-149

2. Cruise Ships:. More than three cruise ships vacated the Barbour's Cut market, intimating that it was not profitable, yet the PHA plans to build 3 more berths in Bayport. Bayport is ugly. It's worse than Barbour's Cut. Where would you go for a nice cruise, Galveston's Strand area or a 70 unit chemical complex which legally emits hundreds of thousands of carcinogenic toxins? If the cruise ships are not viable at the Bayport site.....the container port could/should be relocated to another site. 6-127

3. Container Ships are a security risk. They are located too close to residential communities. 21-75

Once again, Bayport Container Facility is not the best interest of the citizens of Harris County.

Thank you,
Donald Belgau
3342 Miramar
Shoreacres, TX 77571
281.842.7764

VP : 12053

Kerry M. Stanley
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, TX 77559-1229
Fax: 409.766.3931

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Once again, Bayport Container Facility is not the best interest of the citizens of Harris County.

Thank you,
Donald Belgau
3342 Miramar
Shoreacres, TX 77571
281.842.7764

[redacted]

12653

Don Belgau

phone: 281.842.7764
fax: 281.842.7763

FACSIMILE

Date: 9/5/02

To: Kerry Stanley - Army Corps

Fax Number: 409.766.3931

From: Don Belgau

Fax Number: 281.842.7763

Phone Number: 281.842.7764

Comments: Permit Application #21520
(Revised)

Applicant : Port of Houston Authority

OCT 2 5 2002

Mark Lord

From: "Mark Lord" <mdlord@earthlink.net>
To: "Kerry M Stanley" <kerry.m.stanley@swg02.usace.army.mil>
Sent: Wednesday, January 02, 2002 1:48 PM
Subject: DEIS Bayport

YP 12:54

January 2, 2002

Mr. Kerry M. Stanley/ COL LEONARD D. WATERWORTH
United States Army Corps of Engineers
Galveston District, Regulatory Branch
P.O.Box 1229
Galveston. TX 77553-1229

Reference: Permit Application, Port of Houston, Bayport Development, Seabrook Texas

Dear Mr. Stanley/COL LEONARD D. WATERWORTH

Being a life long member of this community and growing up in the Seabrook Texas area it is concerning to me that the Port of Houston would consider developing the Bayport facility. I attended the meeting held at the GRBCC last month to get a better understanding of the general publics views both for and against the referenced permit.The views about the Bayport facility are in my opinion muddy. Those against are not against the Building of Bayport , ***but are against the location***. Those for the port feel threatened economically that the port if declined will not be built. It seems to me that the Port of Houston Officials have recruited support from the shipping industry to combat those against. However it should be noted that ***those against are only against the LOCATION as presented.***

I would like in introduce the following comments for your response:

1.The recent vote in Galveston shows that even a established port where history is long rejected the idea of the Port of Houston taking over. Why then would the Army Corp of Engineers (ACE) grant a right for the same Port of Houston to develop an area where the citizens surround the effected area are also not supportive? 22-202

2. Why would the ACE not considered the development of the ***Spillmans Island Area.*** It would not effect Seabrook and surrounding communities , ***it has the infrastructures, Highway, Rail Road, and a Existing Ship Channel*** to support it. It boarders the North Side of The Port of Houston's Barbour's Cut. I ask why this location has not been studied ? 2-22

3. With Houston rating vary high on air pollutants. Why has the ACE not analyzed the effects of fine particle and hazardous air pollutants that would be imposed on the Seabrook / Bayport site. As mentioned I have spent all my life here in the Seabrook area. I can remember the days before the Barbors Cut facility and I have witnessed many changes to the La Porte area. Some may argue the benefits to the area. However the quality of life from air pollutants has surely been the demise. 7-27 7-100

4. The ACE should deny the Bayport application for sections 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. Please deny the Application for the Bayport development by the Port of Houston. 29-29
Consider other locations that will not divide a community. Seek Council and Support from our communities and put an end to the current dividing those who are either for or against.

Thank you for your time and God Bless America !

Mark Lord
PO Box 890012

10/23/2002

* JANUARY 2002

Houston TX 77289

ADDitional points:

A Supplemental DEIS is NEEDED:

1. Port of Houston twice REVISED PERMit!
2. Container Ports RAISE NATIONAL SECURITY ISSUES!
3. What impact involves the SAN JACINTO Rail Project!

23-5
35-6

Thank you!

Mark

10/23/2002

OCT 2 5 2002

YP32.56

Thursday, October 24, 2002

Col Leonard Waterworth
USACE, Galveston District
PO Box 1229
Galveston, TX 77553-1229

Dear Colonel Waterworth:

To be as brief as possible, you MUST issue a supplemental DEIS for the Bayport project. There have been too many changes made by the PHA since their original application for the USACE to ignore. And these changes are significant. 23-251

In addition, there are changes that will have to be made soon because it is evident that the PHA cannot take land that certain landowners are refusing to sell. Since the PHA does not have the authority to condemn land or impose eminent domain in the City of Seabrook their entire site plan is so flawed that they perhaps cannot even build a container port at the Bayport site. 23-23 35-16

Please consider this while reviewing their application. Too many lives, incomes and property values are at stake in this project.

Sincerely,

Rosebud L. Caradec

Rosebud L. Caradec
1730 Nasa Pkwy. Ste. 200
Houston TX 77058-3165

OCT 25 2002

NED VAN MAANEN
6919 BENT BRANCH
HOUSTON, TEXAS 77088

YP 12:57

October 23, 2002

Col. Leonard D. Waterworth, District Commander
US Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

Dear Colonel Waterworth,

I have written before about the Environmental Impact Statement on the proposed Bayport Container Facility. Unfortunately, the Port of Houston keeps changing the proposal and it is hard to keep my comments current with an ever changing proposal.

In the interest of receiving true community comment I think it is now necessary to go back to the beginning and circulate a Sup0plemental EIS for everyone to see and comment upon. Anything less serves to circumvent the letter and intent of the regulations that call for public comment.

23-251

Todays Bayport Facility is looking very different from the one originally proposed. Please let us see these new plans and have the opportunity to comment. To do otherwise is to perpetuate the perception of the backroom deal and diminish the reputation of the Corps of Engineers.

Sincerely,

Ned Van Maanen

Ned Van Maanen

OCT 2 5 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

Yp 32160

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

I am writing this letter to request that the U.S. Army Corps of Engineers prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Port of Houston Bayport container port. Full disclosure has not occurred to date and a supplemental EIS is required for the reasons stated below. 23-216

1) The Port of Houston has revised this proposed action twice since the close of the comment period on the DEIS. It is simply not fair for the Port to be able to alter its project and for us not to have a chance to comment on the impacts of those changes.

2) We have new information about two important issues that have not been addressed at all in the DEIS. a) The risk to national security and surrounding residential areas from container ports is great and must be addressed. b) The EPA has just released a lengthy assessment of diesel exhaust which finds that long-term exposure is likely to cause cancer and short-term exposure exacerbates allergies and asthma. 85-7 21-59 7-170

3) Bayport and the San Jacinto Rail are both federalized projects which impact wetlands and land use in southeast Harris County. In fact these projects literally intersect and cover some of the same geography. They should be analyzed in the same EIS. 23-258

4) A number of alternative sites were rejected because the Port of Houston Authority insisted there had to be room for a container and cruise terminal. There is no reason these two must be co-located, and in fact, security would be greatly improved by locating them separately. The alternative sites should be reconsidered. 2-205 2-206

5) Certain issues, particularly air quality and land value impact, are being studied now by the Corps and/or the Port. The results of these studies should be reported to the public for comment and review. 23-271

Sincerely,

George Laski

George Laski
4522 Albatross Dr.
Seabrook TX 77586

OCT 25 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP 12063

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

I am writing this letter to request that the U.S. Army Corps of Engineers prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Port of Houston Bayport container port. Full disclosure has not occurred to date and a supplemental EIS is required for the reasons stated below. 23-216

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Sincerely,

Eunice M. Cherry
OCTOBER 23, 2002

Eunice M. Cherry
4703 Hawthorne St.
Seabrook, TX 77586-2029

OCT 2 1 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

Yr 12064

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

I am writing this letter to request that the U.S. Army Corps of Engineers prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Port of Houston Bayport container port. Full disclosure has not occurred to date and a supplemental EIS is required for the reasons stated below. 23-216

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Sincerely,

FRED Cantu

201 yacht club lk
Seabrook TX 77586

OCT 2 1 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

Yp 12065

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

I am writing this letter to request that the U.S. Army Corps of Engineers prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Port of Houston Bayport container port. Full disclosure has not occurred to date and a supplemental EIS is required for the reasons stated below. 23-216

First, the Port of Houston has revised this proposed action twice since the close of the comment period on the DEIS. The first revisions showed an increase in the acreage of wetlands and alterations in the noise mitigation. The second revision increased the wetland mitigation and removed two cruise terminals. These revisions altered the impact analysis that had been included in the DEIS. The public should have been given a chance to see the impact of these revisions in a Supplemental DEIS and then comment upon the Corps' analysis of these changes. That never happened. It is simply not fair for the Port to be able to alter its project and for us not to have a chance to comment on the environmental impact of those changes.

Second, compelling new information should be considered in a SDEIS. As Congressman Nick Lampson and others have indicated, national security issues are raised by container ports yet these issues were not discussed in the DEIS. Alternative locations and alternative designs are important from a national security standpoint. Containers may carry weapons of mass destruction. These ports should be removed from residential areas. But most importantly, the issues should be discussed and disclosed in an environmental full disclosure document. Additionally, the U.S. Environmental Protection Agency has just released a several hundred page health assessment for diesel exhaust that concludes "that long-term (i.e. chronic) inhalation exposure is likely to pose a lung cancer hazard to humans as well as damage the lung in other ways depending upon exposure". The assessment also identified short-term lung irritation of a transient nature and also identified evidence that diesel exhaust exacerbates existing allergies and asthma. Bayport will bring numerous sources of diesel exhaust adjacent to residential areas. Over 5000 persons live within a mile of this facility. No analysis of the impact of this diesel exhaust on human health was presented in the DEIS and it should have been. An SDEIS should specifically address these two issues. 35-7 21-59 7-170

Third, the SDEIS for the Bayport facility should be expanded to include the DEIS for the San Jacinto Rail project. These two federalized projects – one by the Corps and 23-258

one by the Surface Transportation Board – are both in various stages of EIS preparation. These projects literally intersect. They cover some of the same geography and they both impact wetlands and land use in southeast Harris County. These two projects are cumulative actions. According to the regulations of the Council on Environmental Quality, they should be analyzed in the same EIS. At this time, these two projects are being analyzed separately even though the San Jacinto Rail Line extends to the Atofina plant immediately adjacent to the proposed Bayport facility. San Jacinto Rail will be required to take containers from Bayport if requested by shippers. These two projects should be analyzed in the same EIS and they have not been. 23-258

Fourth, the analysis of alternative sites should be reconsidered. A number of alternative sites around Galveston Bay were rejected in the alternative screening because the Port of Houston Authority insisted that an alternative site must have room to co-locate container and cruise ships. No rationale has been put forward justifying the co-location of container and cruise terminals. Indeed, emerging national security data indicates that container terminals should be isolated from the public rather than co-located with cruise terminals. Further, the Port of Houston recently revised their permit application to remove two cruise terminals without giving any explanation for such a change. It is clear that the cruise terminals are independent from the container terminals. It is clear that no rationale exists for five much less three cruise terminals to be co-located. The screening of alternatives needs to be redone to include consideration of only container terminals at various sites rather than co-located facilities. 2-205 2.206

Fifth, certain issues are currently being studied by consultants to the Corps and/or the Port that were not evaluated and disclosed in the DEIS. Among these issues are PM2.5 air pollution and hazardous air pollutants emitted by the pollution sources at Bayport. A land value impact analysis also was promised that we have not seen and a study analyzing the impact on tourism and recreation was promised and has not been seen. We have a right to review and comment upon these analyses. That is what a DEIS is about – full disclosure and public discussion. If studies are undertaken, then we should see and comment on it. The current plan by the Corps does not provide us that opportunity. That is wrong. 23-271

My suggestion would be that the proposed FEIS be converted to a SDEIS and circulated for public review and comment. If the Port of Houston Authority revised their project after the close of the DEIS comment period, then fairness dictates that the public has a right to review and comment on these changes by the Port. If new data exist that shed light on cancer and national security impacts, the public has a right to see this information. If San Jacinto Rail cumulatively impacts wetlands and land use in southeast Harris County, it should be evaluated with Bayport. If new studies exist concerning our health and our ability to co-exist with Bayport, then we should have a chance to comment on it.

Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Jimmie M. Ketchey
Jerry Ketchey

OCT 2 1 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP 12066

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

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Dear Col Waterworth, we certainly dont need hundreds of diesel engines pouring exhaust in our neighborhood

O S Swanson
3518 MIRAMAR
SHORE ACRES TX 77571

Mr. Oscar Swanson
3518 Miramar Dr.
La Porte, TX 77571-7342

12067

\|P OCT 22 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

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Clayton & Michele Moliver (Moliver)
4106 Tidwille Road
Seabrook, Tx 77586

OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP 12068

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Port of Houston Proposed Bayport Container Port

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Carstens
2601 Dr Fox Trace
Seabrook TX
77586

YP 12069

OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

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Tom Hopkins, (Tom Hopkins)
4708 Geraldene
Seabrook, Tx 77586

OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

Yp 12070

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Dori Nelson
642 Bay Club
Seabrook TX 77586
281 474-482

12071

yp OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
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Galveston District
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Gerry Guerriero
4705 Donald St
Seabrook, TX 77586
President - EJCA

KP 12072 OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
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Third, the SDEIS for the Bayport facility should be expanded to include the DEIS for the San Jacinto Rail project. These two federalized projects – one by the Corps and 23 258

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My suggestion would be that the proposed FEIS be converted to a SDEIS and circulated for public review and comment. If the Port of Houston Authority revised their project after the close of the DEIS comment period, then fairness dictates that the public has a right to review and comment on these changes by the Port. If new data exist that shed light on cancer and national security impacts, the public has a right to see this information. If San Jacinto Rail cumulatively impacts wetlands and land use in southeast Harris County, it should be evaluated with Bayport. If new studies exist concerning our health and our ability to co-exist with Bayport, then we should have a chance to comment on it.

Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Einar H. Goerland (Einar Goerland)
202 Lake Shore Dr.
Taylor Lake Village, TX 77586

OCT 2 2 2002

YP 12073

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

I am writing this letter to request that the U.S. Army Corps of Engineers prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Port of Houston Bayport container port. Full disclosure has not occurred to date and a supplemental EIS is required for the reasons stated below. 23-216

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Jim Alexander
1748 Islander Way
Seabrook, TX 77586

OCT 2 2 2002

YP 12074

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Karen Lake
4818 Oleander
Seabrook TX 77586

JP 12075 OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Gary E. [illegible]
4826 Louise
Seabrook, TX 77586
Eldardin Del Mar Subdivision

OCT 2 2 2002

1/P 12076

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

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Jeff Southard
618 Bay Cove
Seabrook, TX 77586

YP 12077

OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Sincerely,

Jane Nickeson MD

(Nickeson)

ADDRESS:
1003 LAKE COUNTRY DR
SEABROOK, TX 77586

YP 12078

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

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104 Lakeshore Drive HARVEY TIDWELL
Seabrook, TX 77586

one by the Surface Transportation Board – are both in various stages of EIS preparation. These projects literally intersect. They cover some of the same geography and they both impact wetlands and land use in southeast Harris County. These two projects are cumulative actions. According to the regulations of the Council on Environmental Quality, they should be analyzed in the same EIS. At this time, these two projects are being analyzed separately even though the San Jacinto Rail Line extends to the Atofina plant immediately adjacent to the proposed Bayport facility. San Jacinto Rail will be required to take containers from Bayport if requested by shippers. These two projects should be analyzed in the same EIS and they have not been. 23-258

Fourth, the analysis of alternative sites should be reconsidered. A number of alternative sites around Galveston Bay were rejected in the alternative screening because the Port of Houston Authority insisted that an alternative site must have room to co-locate container and cruise ships. No rationale has been put forward justifying the co-location of container and cruise terminals. Indeed, emerging national security data indicates that container terminals should be isolated from the public rather than co-located with cruise terminals. Further, the Port of Houston recently revised their permit application to remove two cruise terminals without giving any explanation for such a change. It is clear that the cruise terminals are independent from the container terminals. It is clear that no rationale exists for five much less three cruise terminals to be co-located. The screening of alternatives needs to be redone to include consideration of only container terminals at various sites rather than co-located facilities. 2-205 2-206

Fifth, certain issues are currently being studied by consultants to the Corps and/or the Port that were not evaluated and disclosed in the DEIS. Among these issues are PM2.5 air pollution and hazardous air pollutants emitted by the pollution sources at Bayport. A land value impact analysis also was promised that we have not seen and a study analyzing the impact on tourism and recreation was promised and has not been seen. We have a right to review and comment upon these analyses. That is what a DEIS is about – full disclosure and public discussion. If studies are undertaken, then we should see and comment on it. The current plan by the Corps does not provide us that opportunity. That is wrong. 23-271

My suggestion would be that the proposed FEIS be converted to a SDEIS and circulated for public review and comment. If the Port of Houston Authority revised their project after the close of the DEIS comment period, then fairness dictates that the public has a right to review and comment on these changes by the Port. If new data exist that shed light on cancer and national security impacts, the public has a right to see this information. If San Jacinto Rail cumulatively impacts wetlands and land use in southeast Harris County, it should be evaluated with Bayport. If new studies exist concerning our health and our ability to co-exist with Bayport, then we should have a chance to comment on it.

Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

JP 12079

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

I am writing this letter to request that the U.S. Army Corps of Engineers prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Port of Houston Bayport container port. Full disclosure has not occurred to date and a supplemental EIS is required for the reasons stated below. 23-216

First, the Port of Houston has revised this proposed action twice since the close of the comment period on the DEIS. The first revisions showed an increase in the acreage of wetlands and alterations in the noise mitigation. The second revision increased the wetland mitigation and removed two cruise terminals. These revisions altered the impact analysis that had been included in the DEIS. The public should have been given a chance to see the impact of these revisions in a Supplemental DEIS and then comment upon the Corps' analysis of these changes. That never happened. It is simply not fair for the Port to be able to alter its project and for us not to have a chance to comment on the environmental impact of those changes.

Second, compelling new information should be considered in a SDEIS. As Congressman Nick Lampson and others have indicated, national security issues are raised by container ports yet these issues were not discussed in the DEIS. Alternative locations and alternative designs are important from a national security standpoint. Containers may carry weapons of mass destruction. These ports should be removed from residential areas. But most importantly, the issues should be discussed and disclosed in an environmental full disclosure document. Additionally, the U.S. Environmental Protection Agency has just released a several hundred page health assessment for diesel exhaust that concludes "that long-term (i.e. chronic) inhalation exposure is likely to pose a lung cancer hazard to humans as well as damage the lung in other ways depending upon exposure". The assessment also identified short-term lung irritation of a transient nature and also identified evidence that diesel exhaust exacerbates existing allergies and asthma. Bayport will bring numerous sources of diesel exhaust adjacent to residential areas. Over 5000 persons live within a mile of this facility. No analysis of the impact of this diesel exhaust on human health was presented in the DEIS and it should have been. An SDEIS should specifically address these two issues. 35-7 21-59 7-170

Third, the SDEIS for the Bayport facility should be expanded to include the DEIS for the San Jacinto Rail project. These two federalized projects – one by the Corps and 23-258

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Gary W. Byrd
Jeannette Byrd

1006 S COUNTRY CLUB DR
SHORE ACRES, TX 77571

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP 12000

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

I am writing this letter to request that the U.S. Army Corps of Engineers prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Port of Houston Bayport container port. Full disclosure has not occurred to date and a supplemental EIS is required for the reasons stated below.

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Sincerely yours

Marylin Hopkins (Hopkins)

4702 Geraldine

[illegible]

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP 12081

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

I am writing this letter to request that the U.S. Army Corps of Engineers prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Port of Houston Bayport container port. Full disclosure has not occurred to date and a supplemental EIS is required for the reasons stated below.

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Charles Griffey
3316 Miramar Dr.
Shoreacres, Tx 77571

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP 12082

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

I am writing this letter to request that the U.S. Army Corps of Engineers prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Port of Houston Bayport container port. Full disclosure has not occurred to date and a supplemental EIS is required for the reasons stated below.

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Third, the SDEIS for the Bayport facility should be expanded to include the DEIS for the San Jacinto Rail project. These two federalized projects – one by the Corps and

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Mary Ellen Oliver

Mary Ellen Oliver
1003 Lake Country Dr.
Taylor Lake Village, TX
77586

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP12083

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

M.J. WILKINSON PH. D.
526 SURF OAKS DR.
SEABROOK TX 77586

YP 12084

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

RE: Request for Supplemental Draft Environmental Impact Statement
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My suggestion would be that the proposed FEIS be converted to a SDEIS and circulated for public review and comment. If the Port of Houston Authority revised their project after the close of the DEIS comment period, then fairness dictates that the public has a right to review and comment on these changes by the Port. If new data exist that shed light on cancer and national security impacts, the public has a right to see this information. If San Jacinto Rail cumulatively impacts wetlands and land use in southeast Harris County, it should be evaluated with Bayport. If new studies exist concerning our health and our ability to co-exist with Bayport, then we should have a chance to comment on it.

Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Sally Antrobus (Sally Antrobus)

526 Suff Oaks Dr., Seabrook, TX 77586

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP 12085

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

I am writing this letter to request that the U.S. Army Corps of Engineers prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Port of Houston Bayport container port. Full disclosure has not occurred to date and a supplemental EIS is required for the reasons stated below.

23-216

First, the Port of Houston has revised this proposed action twice since the close of the comment period on the DEIS. The first revisions showed an increase in the acreage of wetlands and alterations in the noise mitigation. The second revision increased the wetland mitigation and removed two cruise terminals. These revisions altered the impact analysis that had been included in the DEIS. The public should have been given a chance to see the impact of these revisions in a Supplemental DEIS and then comment upon the Corps' analysis of these changes. That never happened. It is simply not fair for the Port to be able to alter its project and for us not to have a chance to comment on the environmental impact of those changes.

Second, compelling new information should be considered in a SDEIS. As Congressman Nick Lampson and others have indicated, national security issues are raised by container ports yet these issues were not discussed in the DEIS. Alternative locations and alternative designs are important from a national security standpoint. Containers may carry weapons of mass destruction. These ports should be removed from residential areas. But most importantly, the issues should be discussed and disclosed in an environmental full disclosure document. Additionally, the U.S. Environmental Protection Agency has just released a several hundred page health assessment for diesel exhaust that concludes "that long-term (i.e. chronic) inhalation exposure is likely to pose a lung cancer hazard to humans as well as damage the lung in other ways depending upon exposure". The assessment also identified short-term lung irritation of a transient nature and also identified evidence that diesel exhaust exacerbates existing allergies and asthma. Bayport will bring numerous sources of diesel exhaust adjacent to residential areas. Over 5000 persons live within a mile of this facility. No analysis of the impact of this diesel exhaust on human health was presented in the DEIS and it should have been. An SDEIS should specifically address these two issues.

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Third, the SDEIS for the Bayport facility should be expanded to include the DEIS for the San Jacinto Rail project. These two federalized projects – one by the Corps and

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one by the Surface Transportation Board – are both in various stages of EIS preparation. These projects literally intersect. They cover some of the same geography and they both impact wetlands and land use in southeast Harris County. These two projects are cumulative actions. According to the regulations of the Council on Environmental Quality, they should be analyzed in the same EIS. At this time, these two projects are being analyzed separately even though the San Jacinto Rail Line extends to the Atofina plant immediately adjacent to the proposed Bayport facility. San Jacinto Rail will be required to take containers from Bayport if requested by shippers. These two projects should be analyzed in the same EIS and they have not been.

Fourth, the analysis of alternative sites should be reconsidered. A number of alternative sites around Galveston Bay were rejected in the alternative screening because the Port of Houston Authority insisted that an alternative site must have room to co-locate container and cruise ships. No rationale has been put forward justifying the co-location of container and cruise terminals. Indeed, emerging national security data indicates that container terminals should be isolated from the public rather than co-located with cruise terminals. Further, the Port of Houston recently revised their permit application to remove two cruise terminals without giving any explanation for such a change. It is clear that the cruise terminals are independent from the container terminals. It is clear that no rationale exists for five much less three cruise terminals to be co-located. The screening of alternatives needs to be redone to include consideration of only container terminals at various sites rather than co-located facilities. 2-205 2-206

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My suggestion would be that the proposed FEIS be converted to a SDEIS and circulated for public review and comment. If the Port of Houston Authority revised their project after the close of the DEIS comment period, then fairness dictates that the public has a right to review and comment on these changes by the Port. If new data exist that shed light on cancer and national security impacts, the public has a right to see this information. If San Jacinto Rail cumulatively impacts wetlands and land use in southeast Harris County, it should be evaluated with Bayport. If new studies exist concerning our health and our ability to co-exist with Bayport, then we should have a chance to comment on it.

Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Janice Owens
6 Harbor Lane
Kemah, TX 77565

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP12086

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

I am writing this letter to request that the U.S. Army Corps of Engineers prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Port of Houston Bayport container port. Full disclosure has not occurred to date and a supplemental EIS is required for the reasons stated below.

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First, the Port of Houston has revised this proposed action twice since the close of the comment period on the DEIS. The first revisions showed an increase in the acreage of wetlands and alterations in the noise mitigation. The second revision increased the wetland mitigation and removed two cruise terminals. These revisions altered the impact analysis that had been included in the DEIS. The public should have been given a chance to see the impact of these revisions in a Supplemental DEIS and then comment upon the Corps' analysis of these changes. That never happened. It is simply not fair for the Port to be able to alter its project and for us not to have a chance to comment on the environmental impact of those changes.

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Third, the SDEIS for the Bayport facility should be expanded to include the DEIS for the San Jacinto Rail project. These two federalized projects – one by the Corps and

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

(John Jay)

3542 Meramar
Shoreacres TX 77571

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP 12087

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

I am writing this letter to request that the U.S. Army Corps of Engineers prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Port of Houston Bayport container port. Full disclosure has not occurred to date and a supplemental EIS is required for the reasons stated below.

First, the Port of Houston has revised this proposed action twice since the close of the comment period on the DEIS. The first revisions showed an increase in the acreage of wetlands and alterations in the noise mitigation. The second revision increased the wetland mitigation and removed two cruise terminals. These revisions altered the impact analysis that had been included in the DEIS. The public should have been given a chance to see the impact of these revisions in a Supplemental DEIS and then comment upon the Corps' analysis of these changes. That never happened. It is simply not fair for the Port to be able to alter its project and for us not to have a chance to comment on the environmental impact of those changes. 23-216

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Third, the SDEIS for the Bayport facility should be expanded to include the DEIS for the San Jacinto Rail project. These two federalized projects – one by the Corps and 23-258

(Julia Jay)

Julia Jay
3542 Meadow Dr.
Shoreacres, TX 77571

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

YP 12088
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Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

I am writing this letter to request that the U.S. Army Corps of Engineers prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Port of Houston Bayport container port. Full disclosure has not occurred to date and a supplemental EIS is required for the reasons stated below.

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First, the Port of Houston has revised this proposed action twice since the close of the comment period on the DEIS. The first revisions showed an increase in the acreage of wetlands and alterations in the noise mitigation. The second revision increased the wetland mitigation and removed two cruise terminals. These revisions altered the impact analysis that had been included in the DEIS. The public should have been given a chance to see the impact of these revisions in a Supplemental DEIS and then comment upon the Corps' analysis of these changes. That never happened. It is simply not fair for the Port to be able to alter its project and for us not to have a chance to comment on the environmental impact of those changes.

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Third, the SDEIS for the Bayport facility should be expanded to include the DEIS for the San Jacinto Rail project. These two federalized projects – one by the Corps and

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one by the Surface Transportation Board – are both in various stages of EIS preparation. These projects literally intersect. They cover some of the same geography and they both impact wetlands and land use in southeast Harris County. These two projects are cumulative actions. According to the regulations of the Council on Environmental Quality, they should be analyzed in the same EIS. At this time, these two projects are being analyzed separately even though the San Jacinto Rail Line extends to the Atofina plant immediately adjacent to the proposed Bayport facility. San Jacinto Rail will be required to take containers from Bayport if requested by shippers. These two projects should be analyzed in the same EIS and they have not been. 23-228

Fourth, the analysis of alternative sites should be reconsidered. A number of alternative sites around Galveston Bay were rejected in the alternative screening because the Port of Houston Authority insisted that an alternative site must have room to co-locate container and cruise ships. No rationale has been put forward justifying the co-location of container and cruise terminals. Indeed, emerging national security data indicates that container terminals should be isolated from the public rather than co-located with cruise terminals. Further, the Port of Houston recently revised their permit application to remove two cruise terminals without giving any explanation for such a change. It is clear that the cruise terminals are independent from the container terminals. It is clear that no rationale exists for five much less three cruise terminals to be co-located. The screening of alternatives needs to be redone to include consideration of only container terminals at various sites rather than co-located facilities. 2-205 2-206

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Eddie & Deena Taylor
3534 Miramar
La Porte, Tx. 77571

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP 12089

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

I am writing this letter to request that the U.S. Army Corps of Engineers prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Port of Houston Bayport container port. Full disclosure has not occurred to date and a supplemental EIS is required for the reasons stated below.

23-216

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Third, the SDEIS for the Bayport facility should be expanded to include the DEIS for the San Jacinto Rail project. These two federalized projects – one by the Corps and

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

DONI MCCORQUODALE
4509 S. FLAMINGO
SEABROOK, TX
77586

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP 12030

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

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First, the Port of Houston has revised this proposed action twice since the close of the comment period on the DEIS. The first revisions showed an increase in the acreage of wetlands and alterations in the noise mitigation. The second revision increased the wetland mitigation and removed two cruise terminals. These revisions altered the impact analysis that had been included in the DEIS. The public should have been given a chance to see the impact of these revisions in a Supplemental DEIS and then comment upon the Corps' analysis of these changes. That never happened. It is simply not fair for the Port to be able to alter its project and for us not to have a chance to comment on the environmental impact of those changes.

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Lisa M. McCorquodale
4509 S. Flamingo Dr.
Seabrook, TX 77586

YP 12091

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

I am writing this letter to request that the U.S. Army Corps of Engineers prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Port of Houston Bayport container port. Full disclosure has not occurred to date and a supplemental EIS is required for the reasons stated below.

First, the Port of Houston has revised this proposed action twice since the close of the comment period on the DEIS. The first revisions showed an increase in the acreage of wetlands and alterations in the noise mitigation. The second revision increased the wetland mitigation and removed two cruise terminals. These revisions altered the impact analysis that had been included in the DEIS. The public should have been given a chance to see the impact of these revisions in a Supplemental DEIS and then comment upon the Corps' analysis of these changes. That never happened. It is simply not fair for the Port to be able to alter its project and for us not to have a chance to comment on the environmental impact of those changes. 23-216

Second, compelling new information should be considered in a SDEIS. As Congressman Nick Lampson and others have indicated, national security issues are raised by container ports yet these issues were not discussed in the DEIS. Alternative locations and alternative designs are important from a national security standpoint. Containers may carry weapons of mass destruction. These ports should be removed from residential areas. But most importantly, the issues should be discussed and disclosed in an environmental full disclosure document. 35-7 21-59 Additionally, the U.S. Environmental Protection Agency has just released a several hundred page health assessment for diesel exhaust that concludes "that long-term (i.e. chronic) inhalation exposure is likely to pose a lung cancer hazard to humans as well as damage the lung in other ways depending upon exposure". The assessment also identified short-term lung irritation of a transient nature and also identified evidence that diesel exhaust exacerbates existing allergies and asthma. Bayport will bring numerous sources of diesel exhaust adjacent to residential areas. Over 5000 persons live within a mile of this facility. No analysis of the impact of this diesel exhaust on human health was presented in the DEIS and it should have been. An SDEIS should specifically address these two issues. 7-170

Third, the SDEIS for the Bayport facility should be expanded to include the DEIS for the San Jacinto Rail project. These two federalized projects – one by the Corps and 23-258

one by the Surface Transportation Board – are both in various stages of EIS preparation. These projects literally intersect. They cover some of the same geography and they both impact wetlands and land use in southeast Harris County. These two projects are cumulative actions. According to the regulations of the Council on Environmental Quality, they should be analyzed in the same EIS. At this time, these two projects are being analyzed separately even though the San Jacinto Rail Line extends to the Atofina plant immediately adjacent to the proposed Bayport facility. San Jacinto Rail will be required to take containers from Bayport if requested by shippers. These two projects should be analyzed in the same EIS and they have not been.

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My suggestion would be that the proposed FEIS be converted to a SDEIS and circulated for public review and comment. If the Port of Houston Authority revised their project after the close of the DEIS comment period, then fairness dictates that the public has a right to review and comment on these changes by the Port. If new data exist that shed light on cancer and national security impacts, the public has a right to see this information. If San Jacinto Rail cumulatively impacts wetlands and land use in southeast Harris County, it should be evaluated with Bayport. If new studies exist concerning our health and our ability to co-exist with Bayport, then we should have a chance to comment on it.

Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Janet Southard
6618 Bay Club Dr
Seabrook, Tx 77586

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

1/P 12092

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

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Chuck & Grace Gardner
Shoreacres TX 77571
426 Baywood

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP12093

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

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MAGGIE ASHER
1835 Raintree Cr.
Seabrook, TX 77586
Maggie Asher

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

12094

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

John Therrell (Therrell)
1010 W Flaming DR
Seabrook TX 77586

OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

VP 12095

RE: Request for Supplemental Draft Environmental Impact Statement
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Marjorie Therrell (Therrell)
1010 W. Flamingo
Seabrook, TX 77586

YP 12096
e

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
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(Lawrence Tobin)
317 LAKESHORE DR
TAYLOR LAKE VIL, TX 775

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP 12097

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Pete Frank
4015 Peach Country Ct.
Houston, TX 77059

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP12098

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

I am writing this letter to request that the U.S. Army Corps of Engineers prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Port of Houston Bayport container port. Full disclosure has not occurred to date and a supplemental EIS is required for the reasons stated below.

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Jill Turala
402 S. Carroll
LaPorte, TX 77571

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

1P12099

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Debbie Austin (Debbie Austin)
606 Brooley
Seabrook Texas 77586

OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

VP 12100

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Dan Stoltzfus (Stoltzfus)
2804 Sandpebble Ct
Seabrook, TX 77586

YP 12101

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

RE: Request for Supplemental Draft Environmental Impact Statement
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John Eschber
217 Lakeshore Circle
Taylor Lake Village, Tx 77586

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

yp 12102

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

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Ross Griffey

(Ross Griffey)

3316 miramar
Shoreacres, Tx 77571

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

yp 12103

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

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Mark Westerman
717 Quintana Rd
Seabrook TX 77586

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Fifth, certain issues are currently being studied by consultants to the Corps and/or the Port that were not evaluated and disclosed in the DEIS. Among these issues are PM2.5 air pollution and hazardous air pollutants emitted by the pollution sources at Bayport. A land value impact analysis also was promised that we have not seen and a study analyzing the impact on tourism and recreation was promised and has not been seen. We have a right to review and comment upon these analyses. That is what a DEIS is about – full disclosure and public discussion. If studies are undertaken, then we should see and comment on it. The current plan by the Corps does not provide us that opportunity. That is wrong. 23-271

My suggestion would be that the proposed FEIS be converted to a SDEIS and circulated for public review and comment. If the Port of Houston Authority revised their project after the close of the DEIS comment period, then fairness dictates that the public has a right to review and comment on these changes by the Port. If new data exist that shed light on cancer and national security impacts, the public has a right to see this information. If San Jacinto Rail cumulatively impacts wetlands and land use in southeast Harris County, it should be evaluated with Bayport. If new studies exist concerning our health and our ability to co-exist with Bayport, then we should have a chance to comment on it.

Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

12104

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

I am writing this letter to request that the U.S. Army Corps of Engineers prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Port of Houston Bayport container port. Full disclosure has not occurred to date and a supplemental EIS is required for the reasons stated below. 23-216

First, the Port of Houston has revised this proposed action twice since the close of the comment period on the DEIS. The first revisions showed an increase in the acreage of wetlands and alterations in the noise mitigation. The second revision increased the wetland mitigation and removed two cruise terminals. These revisions altered the impact analysis that had been included in the DEIS. The public should have been given a chance to see the impact of these revisions in a Supplemental DEIS and then comment upon the Corps' analysis of these changes. That never happened. It is simply not fair for the Port to be able to alter its project and for us not to have a chance to comment on the environmental impact of those changes.

Second, compelling new information should be considered in a SDEIS. As Congressman Nick Lampson and others have indicated, national security issues are raised by container ports yet these issues were not discussed in the DEIS. Alternative locations and alternative designs are important from a national security standpoint. Containers may carry weapons of mass destruction. These ports should be removed from residential areas. But most importantly, the issues should be discussed and disclosed in an environmental full disclosure document. Additionally, the U.S. Environmental Protection Agency has just released a several hundred page health assessment for diesel exhaust that concludes "that long-term (i.e. chronic) inhalation exposure is likely to pose a lung cancer hazard to humans as well as damage the lung in other ways depending upon exposure". The assessment also identified short-term lung irritation of a transient nature and also identified evidence that diesel exhaust exacerbates existing allergies and asthma. Bayport will bring numerous sources of diesel exhaust adjacent to residential areas. Over 5000 persons live within a mile of this facility. No analysis of the impact of this diesel exhaust on human health was presented in the DEIS and it should have been. An SDEIS should specifically address these two issues. 35-7 21-59 7-170

Third, the SDEIS for the Bayport facility should be expanded to include the DEIS for the San Jacinto Rail project. These two federalized projects – one by the Corps and 23-258

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

George Nasser
Mary Nasser

4514 Tharp Dr.
Seabrook, TX 77586

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

12105

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Stanley W. Krauhs, Jr.
Jane M. Krauhs
(Krauhs)

1103 Shoreacres Blvd
Shoreacres, TX 77571

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP 12106

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Mark Suchon

(Mark Suchon)
4313 Egret Dr.
Seabrook, TX 77586

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP 12107

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Lahaug
Norm and Linda Lahaug
203 Harborcrest
Seabrook, TX 77586

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

VP 12108

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Respectfully

(Sandra Lochner)

3512 Bayou Forest Dr
Shoreacres, TX 77571

OCT 2 2 2002

YP 12109

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

RE: Request for Supplemental Draft Environmental Impact Statement
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My suggestion would be that the proposed FEIS be converted to a SDEIS and circulated for public review and comment. If the Port of Houston Authority revised their project after the close of the DEIS comment period, then fairness dictates that the public has a right to review and comment on these changes by the Port. If new data exist that shed light on cancer and national security impacts, the public has a right to see this information. If San Jacinto Rail cumulatively impacts wetlands and land use in southeast Harris County, it should be evaluated with Bayport. If new studies exist concerning our health and our ability to co-exist with Bayport, then we should have a chance to comment on it.

Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Joann Kopfer (Kopfer)
1311 Lake Way
Seabrook, TX 77586
281-474-2015

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP 12110

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

I am writing this letter to request that the U.S. Army Corps of Engineers prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Port of Houston Bayport container port. Full disclosure has not occurred to date and a supplemental EIS is required for the reasons stated below. 23-216

First, the Port of Houston has revised this proposed action twice since the close of the comment period on the DEIS. The first revisions showed an increase in the acreage of wetlands and alterations in the noise mitigation. The second revision increased the wetland mitigation and removed two cruise terminals. These revisions altered the impact analysis that had been included in the DEIS. The public should have been given a chance to see the impact of these revisions in a Supplemental DEIS and then comment upon the Corps' analysis of these changes. That never happened. It is simply not fair for the Port to be able to alter its project and for us not to have a chance to comment on the environmental impact of those changes.

Second, compelling new information should be considered in a SDEIS. As Congressman Nick Lampson and others have indicated, national security issues are raised by container ports yet these issues were not discussed in the DEIS. Alternative locations and alternative designs are important from a national security standpoint. Containers may carry weapons of mass destruction. These ports should be removed from residential areas. But most importantly, the issues should be discussed and disclosed in an environmental full disclosure document. Additionally, the U.S. Environmental Protection Agency has just released a several hundred page health assessment for diesel exhaust that concludes "that long-term (i.e. chronic) inhalation exposure is likely to pose a lung cancer hazard to humans as well as damage the lung in other ways depending upon exposure". The assessment also identified short-term lung irritation of a transient nature and also identified evidence that diesel exhaust exacerbates existing allergies and asthma. Bayport will bring numerous sources of diesel exhaust adjacent to residential areas. Over 5000 persons live within a mile of this facility. No analysis of the impact of this diesel exhaust on human health was presented in the DEIS and it should have been. An SDEIS should specifically address these two issues. 35-7 21-59 7-170

Third, the SDEIS for the Bayport facility should be expanded to include the DEIS for the San Jacinto Rail project. These two federalized projects – one by the Corps and 23-258

one by the Surface Transportation Board – are both in various stages of EIS preparation. These projects literally intersect. They cover some of the same geography and they both impact wetlands and land use in southeast Harris County. These two projects are cumulative actions. According to the regulations of the Council on Environmental Quality, they should be analyzed in the same EIS. At this time, these two projects are being analyzed separately even though the San Jacinto Rail Line extends to the Atofina plant immediately adjacent to the proposed Bayport facility. San Jacinto Rail will be required to take containers from Bayport if requested by shippers. These two projects should be analyzed in the same EIS and they have not been. 23-258

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

TAYLOR LAKE Village John A. Koppen
SEABROOK, TEXAS 77586 1311 LAKE WAY DR.

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP 12111

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

I am writing this letter to request that the U.S. Army Corps of Engineers prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Port of Houston Bayport container port. Full disclosure has not occurred to date and a supplemental EIS is required for the reasons stated below. 23-216

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819 Genoa Red Bluff
Pasadena, TX 77504

P12112 OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Anthony Woolchielge (Anthony WOOLDRIDGE)
218 Seagrove
Shoreacres TX 77571

YP 12113

OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Meloney Garrett

Meloney R Garrett
414 Bayewood
Jacinto TX 77354

OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP 12114

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

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M. J. Reschke
221 Fairfield
Shoreacres, TX 77571
MILLARD RESCHKE

OCT 22 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

VP12115

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

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Roland Doyal Roland Doyal

777 SOUTH R #601
LAPORTE, TX 77571

OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP 12116

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

I am writing this letter to request that the U.S. Army Corps of Engineers prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Port of Houston Bayport container port. Full disclosure has not occurred to date and a supplemental EIS is required for the reasons stated below. 23-216

First, the Port of Houston has revised this proposed action twice since the close of the comment period on the DEIS. The first revisions showed an increase in the acreage of wetlands and alterations in the noise mitigation. The second revision increased the wetland mitigation and removed two cruise terminals. These revisions altered the impact analysis that had been included in the DEIS. The public should have been given a chance to see the impact of these revisions in a Supplemental DEIS and then comment upon the Corps' analysis of these changes. That never happened. It is simply not fair for the Port to be able to alter its project and for us not to have a chance to comment on the environmental impact of those changes.

Second, compelling new information should be considered in a SDEIS. As Congressman Nick Lampson and others have indicated, national security issues are raised by container ports yet these issues were not discussed in the DEIS. Alternative locations and alternative designs are important from a national security standpoint. Containers may carry weapons of mass destruction. These ports should be removed from residential areas. But most importantly, the issues should be discussed and disclosed in an environmental full disclosure document. Additionally, the U.S. Environmental Protection Agency has just released a several hundred page health assessment for diesel exhaust that concludes "that long-term (i.e. chronic) inhalation exposure is likely to pose a lung cancer hazard to humans as well as damage the lung in other ways depending upon exposure". The assessment also identified short-term lung irritation of a transient nature and also identified evidence that diesel exhaust exacerbates existing allergies and asthma. Bayport will bring numerous sources of diesel exhaust adjacent to residential areas. Over 5000 persons live within a mile of this facility. No analysis of the impact of this diesel exhaust on human health was presented in the DEIS and it should have been. An SDEIS should specifically address these two issues. 35-7 21-59 7-170

Third, the SDEIS for the Bayport facility should be expanded to include the DEIS for the San Jacinto Rail project. These two federalized projects – one by the Corps and 23-258

one by the Surface Transportation Board – are both in various stages of EIS preparation. These projects literally intersect. They cover some of the same geography and they both impact wetlands and land use in southeast Harris County. These two projects are cumulative actions. According to the regulations of the Council on Environmental Quality, they should be analyzed in the same EIS. At this time, these two projects are being analyzed separately even though the San Jacinto Rail Line extends to the Atofina plant immediately adjacent to the proposed Bayport facility. San Jacinto Rail will be required to take containers from Bayport if requested by shippers. These two projects should be analyzed in the same EIS and they have not been. 23-258

Fourth, the analysis of alternative sites should be reconsidered. A number of alternative sites around Galveston Bay were rejected in the alternative screening because the Port of Houston Authority insisted that an alternative site must have room to co-locate container and cruise ships. No rationale has been put forward justifying the co-location of container and cruise terminals. Indeed, emerging national security data indicates that container terminals should be isolated from the public rather than co-located with cruise terminals. Further, the Port of Houston recently revised their permit application to remove two cruise terminals without giving any explanation for such a change. It is clear that the cruise terminals are independent from the container terminals. It is clear that no rationale exists for five much less three cruise terminals to be co-located. The screening of alternatives needs to be redone to include consideration of only container terminals at various sites rather than co-located facilities. 2-205 2-206

Fifth, certain issues are currently being studied by consultants to the Corps and/or the Port that were not evaluated and disclosed in the DEIS. Among these issues are PM2.5 air pollution and hazardous air pollutants emitted by the pollution sources at Bayport. A land value impact analysis also was promised that we have not seen and a study analyzing the impact on tourism and recreation was promised and has not been seen. We have a right to review and comment upon these analyses. That is what a DEIS is about – full disclosure and public discussion. If studies are undertaken, then we should see and comment on it. The current plan by the Corps does not provide us that opportunity. That is wrong. 23-271

My suggestion would be that the proposed FEIS be converted to a SDEIS and circulated for public review and comment. If the Port of Houston Authority revised their project after the close of the DEIS comment period, then fairness dictates that the public has a right to review and comment on these changes by the Port. If new data exist that shed light on cancer and national security impacts, the public has a right to see this information. If San Jacinto Rail cumulatively impacts wetlands and land use in southeast Harris County, it should be evaluated with Bayport. If new studies exist concerning our health and our ability to co-exist with Bayport, then we should have a chance to comment on it.

Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Tom Coleman TOM COLEMAN

207 Shoreacres Blvd
LaPorte, TX. 77571

OCT 2 2 2002

VP 12117

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Paulette Chapman

937 Mystic Village Lane
Seabrook, TX 77586

OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

1/P 12118

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

C. Marie Meehan
3510 - Brookside
Shoreacre, TX 77571

OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

12119

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Mary Becker 2814701572
202 Fairfield
Shoreacres, Tx 77571

OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP12120

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Laura Dougherty
2103 Sierra
Kemah TX 77565

OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP 12121

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Port of Houston Proposed Bayport Container Port

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Marcia A. Lambert
8842 Bayou Forest
Shoreacres, TX 77571

YP12122

AV

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
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Second, compelling new information should be considered in a SDEIS. As Congressman Nick Lampson and others have indicated, national security issues are raised by container ports yet these issues were not discussed in the DEIS. Alternative locations and alternative designs are important from a national security standpoint. Containers may carry weapons of mass destruction. These ports should be removed from residential areas. But most importantly, the issues should be discussed and disclosed in an environmental full disclosure document. Additionally, the U.S. Environmental Protection Agency has just released a several hundred page health assessment for diesel exhaust that concludes "that long-term (i.e. chronic) inhalation exposure is likely to pose a lung cancer hazard to humans as well as damage the lung in other ways depending upon exposure". The assessment also identified short-term lung irritation of a transient nature and also identified evidence that diesel exhaust exacerbates existing allergies and asthma. Bayport will bring numerous sources of diesel exhaust adjacent to residential areas. Over 5000 persons live within a mile of this facility. No analysis of the impact of this diesel exhaust on human health was presented in the DEIS and it should have been. An SDEIS should specifically address these two issues. 35-7 21-59 7-170

Third, the SDEIS for the Bayport facility should be expanded to include the DEIS for the San Jacinto Rail project. These two federalized projects – one by the Corps and 23-258

one by the Surface Transportation Board – are both in various stages of EIS preparation. These projects literally intersect. They cover some of the same geography and they both impact wetlands and land use in southeast Harris County. These two projects are cumulative actions. According to the regulations of the Council on Environmental Quality, they should be analyzed in the same EIS. At this time, these two projects are being analyzed separately even though the San Jacinto Rail Line extends to the Atofina plant immediately adjacent to the proposed Bayport facility. San Jacinto Rail will be required to take containers from Bayport if requested by shippers. These two projects should be analyzed in the same EIS and they have not been. 23-258

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Fifth, certain issues are currently being studied by consultants to the Corps and/or the Port that were not evaluated and disclosed in the DEIS. Among these issues are PM2.5 air pollution and hazardous air pollutants emitted by the pollution sources at Bayport. A land value impact analysis also was promised that we have not seen and a study analyzing the impact on tourism and recreation was promised and has not been seen. We have a right to review and comment upon these analyses. That is what a DEIS is about – full disclosure and public discussion. If studies are undertaken, then we should see and comment on it. The current plan by the Corps does not provide us that opportunity. That is wrong. 23-271

My suggestion would be that the proposed FEIS be converted to a SDEIS and circulated for public review and comment. If the Port of Houston Authority revised their project after the close of the DEIS comment period, then fairness dictates that the public has a right to review and comment on these changes by the Port. If new data exist that shed light on cancer and national security impacts, the public has a right to see this information. If San Jacinto Rail cumulatively impacts wetlands and land use in southeast Harris County, it should be evaluated with Bayport. If new studies exist concerning our health and our ability to co-exist with Bayport, then we should have a chance to comment on it.

Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

281-842-8250
John & Mary Cherry
516 Shoreacres Blvd.
Shoreacres, Tx. 77571

Mary H. Cherry

Yp12123

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

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3-216

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7-170

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13-238

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Alma Sosa Garza
223 Forest Ave
Shoreacres, TX 77571

Yp12124 AV

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Vicki H. Ellis
414 Baywood
Ta Porte 247571

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP12125

AV

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

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Vivian Parmenter
509 Shadylawn
La Porte TX 77571

OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP 12126
AV

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

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J. O. Washington

202 Forest Ave Shoreacres 77571

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

Yp 12127

AN

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

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Cathy Emrick (Emrick)
3807 Barracuda Lane
La Porte, Tx 77571-7903

12129

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

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one by the Surface Transportation Board – are both in various stages of EIS preparation. These projects literally intersect. They cover some of the same geography and they both impact wetlands and land use in southeast Harris County. These two projects are cumulative actions. According to the regulations of the Council on Environmental Quality, they should be analyzed in the same EIS. At this time, these two projects are being analyzed separately even though the San Jacinto Rail Line extends to the Atofina plant immediately adjacent to the proposed Bayport facility. San Jacinto Rail will be required to take containers from Bayport if requested by shippers. These two projects should be analyzed in the same EIS and they have not been. 23-258

Fourth, the analysis of alternative sites should be reconsidered. A number of alternative sites around Galveston Bay were rejected in the alternative screening because the Port of Houston Authority insisted that an alternative site must have room to co-locate container and cruise ships. No rationale has been put forward justifying the co-location of container and cruise terminals. Indeed, emerging national security data indicates that container terminals should be isolated from the public rather than co-located with cruise terminals. Further, the Port of Houston recently revised their permit application to remove two cruise terminals without giving any explanation for such a change. It is clear that the cruise terminals are independent from the container terminals. It is clear that no rationale exists for five much less three cruise terminals to be co-located. The screening of alternatives needs to be redone to include consideration of only container terminals at various sites rather than co-located facilities. 2-205 2-206

Fifth, certain issues are currently being studied by consultants to the Corps and/or the Port that were not evaluated and disclosed in the DEIS. Among these issues are PM2.5 air pollution and hazardous air pollutants emitted by the pollution sources at Bayport. A land value impact analysis also was promised that we have not seen and a study analyzing the impact on tourism and recreation was promised and has not been seen. We have a right to review and comment upon these analyses. That is what a DEIS is about – full disclosure and public discussion. If studies are undertaken, then we should see and comment on it. The current plan by the Corps does not provide us that opportunity. That is wrong. 23-271

My suggestion would be that the proposed FEIS be converted to a SDEIS and circulated for public review and comment. If the Port of Houston Authority revised their project after the close of the DEIS comment period, then fairness dictates that the public has a right to review and comment on these changes by the Port. If new data exist that shed light on cancer and national security impacts, the public has a right to see this information. If San Jacinto Rail cumulatively impacts wetlands and land use in southeast Harris County, it should be evaluated with Bayport. If new studies exist concerning our health and our ability to co-exist with Bayport, then we should have a chance to comment on it.

Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

J A Emrick
3807 Barracuda Ln
La Porte, Tx 77571

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

12129

A1

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

I am writing this letter to request that the U.S. Army Corps of Engineers prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Port of Houston Bayport container port. Full disclosure has not occurred to date and a supplemental EIS is required for the reasons stated below:

First, the Port of Houston has revised its proposed action twice since the close of the comment period on the DEIS. The first revisions showed an increase in the acreage of wetlands and alterations in the noise mitigation. The second revision increased the wetland mitigation and removed two cruise terminals. These revisions altered the impact analysis that had been included in the DEIS. The public should have been given a chance to see the impact of these revisions in a Supplemental DEIS and then comment upon the Corps' analysis of these changes. That never happened. It is simply not fair for the Port to be able to alter its project and for us not to have a chance to comment on the environmental impact of those changes.

23-214

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23-258

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Kelly C. Henrick
607 Shady Lawn St.
Shoreacres, TX 77571

12130

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

N. Jangman 414 Bay Colony Dr.
La Porte TX 77571

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

YP 12131

AV

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

STEVE GALVESTON
811 Oak Leaf
La Porte 77571

Yf 12132

AV

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

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Third, the SDEIS for the Bayport facility should be expanded to include the DEIS for the San Jacinto Rail project. These two federalized projects – one by the Corps and 7-258

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EARL ALLEN
415 SEAGROVE
SHOREACRES TX 77571

OCT 2 2 2002

YP 12133 OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

RE: Request for Supplemental Draft Environmental Impact Statement
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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Graham Sells

GRAHAM SELLS
214 OAKDALE ST
LA PORTE
TX 77571-7307

YP 12134

OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

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Fourth, the analysis of alternative sites should be reconsidered. A number of alternative sites around Galveston Bay were rejected in the alternative screening because the Port of Houston Authority insisted that an alternative site must have room to co-locate container and cruise ships. No rationale has been put forward justifying the co-location of container and cruise terminals. Indeed, emerging national security data indicates that container terminals should be isolated from the public rather than co-located with cruise terminals. Further, the Port of Houston recently revised their permit application to remove two cruise terminals without giving any explanation for such a change. It is clear that the cruise terminals are independent from the container terminals. It is clear that no rationale exists for five much less three cruise terminals to be co-located. The screening of alternatives needs to be redone to include consideration of only container terminals at various sites rather than co-located facilities.

Fifth, certain issues are currently being studied by consultants to the Corps and/or the Port that were not evaluated and disclosed in the DEIS. Among these issues are PM2.5 air pollution and hazardous air pollutants emitted by the pollution sources at Bayport. A land value impact analysis also was promised that we have not seen and a study analyzing the impact on tourism and recreation was promised and has not been seen. We have a right to review and comment upon these analyses. That is what a DEIS is about – full disclosure and public discussion. If studies are undertaken, then we should see and comment on it. The current plan by the Corps does not provide us that opportunity. That is wrong.

My suggestion would be that the proposed FEIS be converted to a SDEIS and circulated for public review and comment. If the Port of Houston Authority revised their project after the close of the DEIS comment period, then fairness dictates that the public has a right to review and comment on these changes by the Port. If new data exist that shed light on cancer and national security impacts, the public has a right to see this information. If San Jacinto Rail cumulatively impacts wetlands and land use in southeast Harris County, it should be evaluated with Bayport. If new studies exist concerning our health and our ability to co-exist with Bayport, then we should have a chance to commen on it.

Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Charlene Jamail
123 Shadylawn Ave
Shoreacres, Tx 77571 281 8671474

X

YP 12135 AV OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

I am writing this letter to request that the U.S. Army Corps of Engineers prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Port of Houston Bayport container port. Full disclosure has not occurred to date and a supplemental EIS is required for the reasons stated below.

First, the Port of Houston has revised this proposed action twice since the close of the comment period on the DEIS. The first revisions showed an increase in the acreage of wetlands and alterations in the noise mitigation. The second revision increased the wetland mitigation and removed two cruise terminals. These revisions altered the impact analysis that had been included in the DEIS. The public should have been given a chance to see the impact of these revisions in a Supplemental DEIS and then comment upon the Corps' analysis of these changes. That never happened. It is simply not fair for the Port to be able to alter its project and for us not to have a chance to comment on the environmental impact of those changes. 23-216

Second, compelling new information should be considered in a SDEIS. As Congressman Nick Lampson and others have indicated, national security issues are raised by container ports yet these issues were not discussed in the DEIS. Alternative locations and alternative designs are important from a national security standpoint. Containers may carry weapons of mass destruction. These ports should be removed from residential areas. But most importantly, the issues should be discussed and disclosed in an environmental full disclosure document. Additionally, the U.S. Environmental Protection Agency has just released a several hundred page health assessment for diesel exhaust that concludes "that long-term (i.e. chronic) inhalation exposure is likely to pose a lung cancer hazard to humans as well as damage the lung in other ways depending upon exposure". The assessment also identified short-term lung irritation of a transient nature and also identified evidence that diesel exhaust exacerbates existing allergies and asthma. Bayport will bring numerous sources of diesel exhaust adjacent to residential areas. Over 5000 persons live within a mile of this facility. No analysis of the impact of this diesel exhaust on human health was presented in the DEIS and it should have been. An SDEIS should specifically address these two issues. 35-7 21-59 7-17c

Third, the SDEIS for the Bayport facility should be expanded to include the DEIS for the San Jacinto Rail project. These two federalized projects – one by the Corps and 23-2-2X

one by the Surface Transportation Board – are both in various stages of EIS preparation. These projects literally intersect. They cover some of the same geography and they both impact wetlands and land use in southeast Harris County. These two projects are cumulative actions. According to the regulations of the Council on Environmental Quality, they should be analyzed in the same EIS. At this time, these two projects are being analyzed separately even though the San Jacinto Rail Line extends to the Atofina plant immediately adjacent to the proposed Bayport facility. San Jacinto Rail will be required to take containers from Bayport if requested by shippers. These two projects should be analyzed in the same EIS and they have not been. 23-208

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

(Vee Groos)

Vee Groos
1017 So. Country Club
La Porte Tx. 77571

YP 12136 OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

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Third, the SDEIS for the Bayport facility should be expanded to include the DEIS for the San Jacinto Rail project. These two federalized projects – one by the Corps and 23-258

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

306 Oakdale
Shoreacres, TX
77571
Toni + Joel Graham
(Toni & Joel Graham)

YP12137 OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Sharri Tart (Tait)
245 Edgewater
Lake Columbia, Tx. 77486

OCT 2 2 2002

YP 12133

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

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Third, the SDEIS for the Bayport facility should be expanded to include the DEIS for the San Jacinto Rail project. These two federalized projects – one by the Corps and 23-221

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Suzette & Doug Gunter
510 Meadowdawn
Shoreacres
281 842 1186 77571

12139 OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Mary Reed
214 Shoreacres Blvd
Shoreacres TX 77571

OCT 2 2 2002

YP 12140 AV

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

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Port of Houston Proposed Bayport Container Port

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My suggestion would be that the proposed FEIS be converted to a SDEIS and circulated for public review and comment. If the Port of Houston Authority revised their project after the close of the DEIS comment period, then fairness dictates that the public has a right to review and comment on these changes by the Port. If new data exist that shed light on cancer and national security impacts, the public has a right to see this information. If San Jacinto Rail cumulatively impacts wetlands and land use in southeast Harris County, it should be evaluated with Bayport. If new studies exist concerning our health and our ability to co-exist with Bayport, then we should have a chance to comment on it.

Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Mary Beth Nakes
3610 Miramar
Shoreacres TX 77571

YP 12141 OCT 2 2 2002

Col. Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, Texas 77553-1229

RE: Request for Supplemental Draft Environmental Impact Statement
Port of Houston Proposed Bayport Container Port

Dear Col. Waterworth:

I am writing this letter to request that the U.S. Army Corps of Engineers prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Port of Houston Bayport container port. Full disclosure has not occurred to date and a supplemental EIS is required for the reasons stated below.

First, the Port of Houston has revised this proposed action twice since the close of the comment period on the DEIS. The first revisions showed an increase in the acreage of wetlands and alterations in the noise mitigation. The second revision increased the wetland mitigation and removed two cruise terminals. These revisions altered the impact analysis that had been included in the DEIS. The public should have been given a chance to see the impact of these revisions in a Supplemental DEIS and then comment upon the Corps' analysis of these changes. This never happened. It is simply not fair for the Port to be able to alter its project and for us not to have a chance to comment on the environmental impact of those changes. 23-216

Second, compelling new information should be considered in a SDEIS. As Congressman Nick Lampson and others have indicated, national security issues are raised by container ports yet these issues were not discussed in the DEIS. Alternative locations and alternative designs are important from a national security standpoint. Containers may carry weapons of mass destruction. These ports should be removed from residential areas. But most importantly, the issues should be discussed and disclosed in an environmental full disclosure document. Additionally, the U.S. Environmental Protection Agency has just released a several hundred page health assessment for diesel exhaust that concludes that long-term (i.e. chronic) inhalation exposure is likely to pose a lung cancer hazard to humans as well as damage the lung in other ways depending upon exposure. The assessment also identified short-term lung irritation of a transient nature and also identified evidence that diesel exhaust exacerbates existing allergies and asthma. Bayport will bring numerous sources of diesel exhaust adjacent to residential areas. Over 5000 persons live within a mile of this facility. No analysis of the impact of this diesel exhaust on human health was presented in the DEIS and it should have been. An SDEIS should specifically address these two issues. 35-7 21-59 7-170

Third, the SDEIS for the Bayport facility should be expanded to include the DEIS for the San Jacinto Rail project. These two federalized projects – one by the Corps and 23-25

one by the Surface Transportation Board – are both in various stages of EIS preparation. These projects literally intersect. They cover some of the same geography and they both impact wetlands and land use in southeast Harris County. These two projects are cumulative actions. According to the regulations of the Council on Environmental Quality, they should be analyzed in the same EIS. At this time, these two projects are being analyzed separately even though the San Jacinto Rail Line extends to the Atofina plant immediately adjacent to the proposed Bayport facility. San Jacinto Rail will be required to take containers from Bayport if requested by shippers. These two projects should be analyzed in the same EIS and they have not been. 23-258

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Charlotte Wells
3342 Miramar
Shoreacres, TX 77571

YP 12142 AN OCT 2 2 2002

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U.S. Army Corps of Engineers
Galveston District
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Given these compelling arguments, I respectfully request that an SDEIS be prepared and circulated to the public for comments.

Jane Reschke
221 Fairfield
Shoreacres, Tx. 77571