

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SCOPING MEETING
ON THE
PORT OF HOUSTON AUTHORITY'S
BAYPORT CONTAINER TERMINAL COMPLEX AND
CRUISE SHIP FACILITIES
HELD ON
AUGUST 17, 1999
AT THE
PASADENA CONVENTION CENTER
PASADENA, TEXAS
AT
7:00 P.M.

1	INDEX	
2		Page
3	Opening Comment by Colonel Buechler	3
4	Comment by Ned Holmes	16
5	Comments by Elected Officials	20
6	Comment by Colonel Buechler	30
7	Comments by the Public	32
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 COLONEL BUECHLER: Good evening and welcome.
2 Thank you all for coming this evening. I'm Colonel
3 Nicholas J. Buechler, the commander and district engineer
4 of the United States Army Corps of Engineers, Galveston
5 District. For the record, let me state that this meeting
6 is being convened at -- I've got 7:17 p.m. on August 17th,
7 1999 in the Pasadena Convention Center in Pasadena, Texas.

8 The Corps is preparing an Environmental Impact
9 Study for a project proposed by the Port of Houston
10 Authority. The Port is proposing to construct a
11 containerized cargo and cruise ship terminal facility in
12 the Bayport Ship Channel located within the city of
13 Seabrook and the extra-territorial jurisdiction of
14 Pasadena and Harris County, Texas.

15 Before I discuss tonight's ground rules,
16 there's a couple of things I'd like to say to help people
17 understand what this is about. Tonight we're conducting a
18 public meeting. It's called a scoping meeting. It's
19 associated with the Environmental Impact Study that we're
20 doing. That's related but separate from the permit, if
21 you will, that the Port has also submitted to us. I think
22 it's important that everybody understands that the Corps
23 of Engineers treats every applicant the same, you know,
24 whether it's Joe Tenpeg -- Joe Tenpeg's an Army private I
25 used to have in the Army. If it was Joe Tenpeg submitting

1 the application or the Port of Houston, we treat that
2 application the same in the fair and thorough process; and
3 it's a rather lengthy process, especially when we have to
4 link it to something like we are here holding an
5 Environmental Impact Study.

6 First, I'd like to introduce the following
7 individuals. They're some of our state and federal
8 elected officials or their representatives. This evening
9 we have Mr. Ernest McGowen, Jr., representing
10 Congresswoman Sheila Jackson Lee; and we have Mr. Leney,
11 representing Congressman Nick Lampson. We also have in
12 attendance State Senator Mike Jackson, State
13 Representative John Davis and Mr. Steve Bruno representing
14 State Representative Craig Eiland.

15 Here at the head table on the right-hand
16 side, my right-hand side, is Mr. Tom Moore, my chief
17 officer counsel and to his left Mr. Doland Dunn, chief
18 regulatory branch at the Galveston district. And
19 immediately here to my left is Mr. Bill Fehring, the
20 project manager with our consultant URS Corporation. And
21 the gentleman standing over there so studious in the white
22 shirt and tie is Mark King, who's my project manager for
23 this draft EIS.

24 I suspect that you-all have registered at
25 the tables located at the entrance, since it's part of the

1 process coming in here. If you haven't and you want to,
2 please do so. You should have gotten a handout. Probably
3 got a number of handouts this evening, but you should have
4 gotten a handout from me at that registration table. If
5 you wish to speak, you should have registered at the
6 speaker's registration table. If you wish to submit
7 written comments, you may have already turned them in or
8 we'll gladly receive those anytime tonight, either at the
9 registration table area or you can bring them up here and
10 provide them to me.

11 Tonight's meeting is -- as I said, is a
12 scoping meeting. It really has a single purpose; and that
13 purpose is to answer the Corps' question, "What topics
14 need to be considered in the Environmental Impact Study?"
15 Tonight is not a time to get into long discussions over
16 those topics because we are very early on in the EIS
17 process; and we, frankly, don't have the answers to give
18 you. That's what this whole process is about. So,
19 tonight what we're trying to do is identify those topics
20 that the EIS needs to address.

21 Detailed topics or detailed comments
22 regarding those topics should be presented in writing. As
23 I said, you can turn those in this evening; or you may
24 submit them to my office within 30 days following this
25 meeting. I want to reiterate our goal tonight. I'm here

1 to get your help in establishing the topics that the Corps
2 should consider in the draft Environmental Impact Study.
3 The format for tonight's meeting will begin with
4 Mr. Fehring who will present an overview of the proposed
5 project that requires the Department of the Army permit;
6 and he will provide comment on the EIS process.

7 Then I will give Mr. Ned Holmes, the
8 chairman of the board -- the chairman of the board for the
9 Port of Houston Authority, an opportunity to make an
10 opening remark. I will then open the floor first by
11 recognizing federal and state elected officials that wish
12 to speak, and then we will call on the public to make
13 comments as they choose. And we will do that basically in
14 the order in which you signed in and registered to speak.
15 We'll begin by calling a total of six folks up. The first
16 name will go to the podium to make remarks. The other
17 five will sit there in the five orange chairs in the
18 center of the -- center of the room; and then as we
19 advance, we'll call one more person up and announce the
20 next speaker. And we do that to try and expedite the
21 process.

22 A few ground rules: You may not defer your
23 time to others. If you have additional comments you'd
24 like to provide us, please give us those in writing. Your
25 topics will be recorded on the screen immediately behind

1 me. Now, this is important because we're -- we're here to
2 capture your topics; and if we are not successful in
3 capturing what the issue is that you're addressing, then
4 we haven't completed this -- the intent of this meeting.
5 So, we're going to post that -- as you provide us that
6 information, we're going to post that on this screen up
7 here and phrase it as best we can as to what we heard you
8 tell us.

9 The second part of that -- why that's
10 important is because as we get a topic captured, there is
11 absolutely no need to repeat that topic. Whether one
12 person brings up a topic or an issue or 100 people, the
13 process is going to look at it exactly the same. As I
14 said, we're here to identify the topics that the EIS is
15 gonna look at. So, you can help us out if the topic is
16 captured on the screen, we know what the topic is. You
17 can pass on your comments.

18 I'm not sure what the total number of folks
19 is that has signed up to speak. I know it's over 100. We
20 set the time limit for three minutes. If every person
21 takes three minutes, we're going to be here a long time.
22 I'm prepared to stay here all night. If your comments are
23 less than three minutes, that'll speed the process along
24 and allow those that have -- that need three minutes to
25 use that full three minutes. As I said, written comments

1 may present -- be presented right up here to the head
2 table.

3 The last ground rule is -- and I've been
4 very pleased so far this evening -- everyone needs to be
5 courteous. Everyone needs an opportunity to be heard, and
6 I ask for your help in doing that.

7 But we're going to begin now with the
8 presentations from Mr. Fehring.

9 MR. FEHRING: I hope you-all can see the
10 overhead behind me. There's a little more light in this
11 room than we had planned with the sun still setting.
12 Thank you, Colonel Buechler.

13 My job tonight is to present very briefly
14 the proposed project that is the subject of the
15 application that has been submitted to the board -- to the
16 Corps of Engineers and to review with you, very briefly,
17 the EIS process in broader scope so that you have an
18 understanding of what it is we're trying to do this
19 evening in the context of that process. The Port of
20 Houston, as Colonel Buechler said, is proposing to develop
21 a marine terminal, marine cargo terminal, which includes
22 both marine cargo and cruise ship facilities at the
23 Bayport Terminal in Harris County. That site, the project
24 site, at the Bayport Channel is right here about halfway
25 up Galveston Bay.

1 The proposed project involves a number of
2 key components. I'll start from the water side and kind
3 of work land side. The first is a new turning basin at
4 the mouth of the Bayport Channel with a radius of 1600
5 feet. The facility is proposed to contain 7,000 feet of
6 container berths and wharves. That's seven berths and
7 eventually five cruise ship terminal berths along that
8 waterfront. There is associated with those container
9 facilities a very large container facility for the
10 processing and storage of container cargoes and an
11 intermodal rail yard, which will handle the intermodal
12 movement of containers out of the facility on a rail line,
13 which I'll talk about in just a second. There's about 100
14 acres of cruise terminal facility behind the cruise berths
15 and an associated 100 acres, approximately, of what is
16 called cruise terminal co-development area.

17 There's also another area of about over 100
18 acres of industrial co-development area, the use of which
19 has not been specified in the application so far. In
20 addition to these facilities, which all told total about a
21 thousand fifty acres. The project includes improvements
22 to Port Road for the truck traffic that will be coming off
23 of 146 and a new road corridor and rail corridor coming in
24 from the south side of the project connecting to the
25 intermodal yard and eventually connected to Todville Road

1 to provide access to the cruise ship facilities for cars
2 to keep them separate from the truck traffic.

3 Now, that's the project in a nutshell. The
4 federal action involved here this evening is the potential
5 of a permit under the Clean Water Act and the Rivers and
6 Harbors Act to be issued -- if issued by the Corps of
7 Engineers at the request of the Port of Houston Authority.
8 That's the federal action, which is the subject of the
9 EIS.

10 In the handout you were given this evening
11 as you came in, we tried to provide everybody with a
12 number of things in the information about the project.
13 There's a background discussion on the proposed project.
14 There's information in there on the evaluation criteria
15 used by the Corps of Engineers under their regulations
16 when they consider a permit application. There's a
17 statement of need developed by the Port of Houston
18 Authority establishing what the need for and purpose of
19 the proposed project is. There's also information in
20 that -- contained in that same section on the
21 responsibilities of the Corps of Engineers to evaluate the
22 need proposed by or established or discussed or by the
23 Port and establish that that need is real. It's a key
24 part of the 404 process that the Corps has to establish
25 that the need is real, that it isn't a fictitious need for

1 the new facilities. And that is something the Corps will
2 do as they go through this process.

3 The handout also includes an outline of the
4 NEPA process, a very brief, one-page outline; and then a
5 copy of it which accomplishes much of the same thing of
6 all the slides which I'm presenting tonight are in that --
7 in that handout that you have. Also included in the
8 handout is a draft list of criteria which may be used to
9 discern which of the alternatives which are identified
10 this evening or which we could identify through other
11 means become those which we call reasonable and which we
12 study in detail in the EIS.

13 And, finally, the last portion of that
14 handout is an outline of a typical port EIS for a project
15 of this size, this magnitude and of this type. I
16 encourage you to look through it. You will see that the
17 EIS is a very comprehensive document. It covers a lot of
18 issues, a lot of kinds of alternatives, a host of social
19 and biotic and physical environment situations. And
20 that's kind of the starting point that we're starting from
21 this evening. When we hear from you, that list in that
22 EIS outline will be changed.

23 Now, a little bit about what is NEPA.
24 You've heard it from a lot of folks tonight. It's the
25 National Environmental Policy Act of 1969. It's a very

1 simple act. It's about also the oldest of our
2 environmental acts that rule and really regulate
3 environmental management in this country. It requires all
4 federal agencies to evaluate and consider the potential
5 environmental impacts of their actions on the human
6 environment. The important thing here is what the Corps
7 is considering in this EIS is the impact of their action
8 in the issuance or nonissuance of the permit. It's very
9 important to understand that's the way the Corps
10 approaches the project.

11 NEPA only requires that the impacts be
12 disclosed. There is no standard for pass or fail under
13 NEPA by itself. You cannot fail the NEPA process if you
14 do the process correctly, if you do all the steps; and
15 I'll go through those in a moment. The standards for
16 passing and failing in the environmental theater are
17 involved in other laws; the Clean Air Act, the Endangered
18 Species Act, the Clean Water Act. These acts establish
19 standards and they will be discussed in the EIS but the
20 EIS does not make the decision. Those things occur
21 separately.

22 The EIS itself is simply where we pull
23 together under NEPA all of the information to disclose the
24 impacts that are to be considered by the decision maker,
25 in this case the Corps of Engineers; and it is prepared

1 for any project where there is substantial reason to
2 believe that the project may have a significant impact on
3 the human environment and that decision has been made.
4 That's why, I think, we are all here this evening. I need
5 to reiterate that the EIS is not a decision document. At
6 the end of the process is a very large document. A lot of
7 information is in that document, but it does not have a
8 conclusion. Subsequent to the EIS and subsequent to the
9 final EIS, the Corps will prepare a record of decision.
10 This is the document on which they base their -- their
11 decision. So, there are two separate things that happen.
12 Why we are here as part of this process is to get the
13 facts into writing and before the public.

14 Now I'd like to just run very briefly
15 through the NEPA process to show you where we are in the
16 process. The first step is to define the need for and
17 purpose of the proposed project. The Ports Authority has
18 submitted to the Corps their statement of need. You've
19 got it in your handout. The next step -- and that's where
20 we are really this evening -- is to define the range of
21 issues to be assessed -- to be addressed in the EIS and to
22 identify the alternatives to be addressed in the EIS. The
23 Corps needs to make the decision on which ones are
24 reasonable. Part of what we're here about tonight are
25 alternatives which should be considered in the document.

1 The next step after you've done that is
2 knowing where those alternatives are and prepare an
3 environmental base line. What are the existing conditions
4 in the areas of both the proposed project and all of the
5 alternatives? It's very important to understand that once
6 those reasonable alternatives are identified, they're all
7 looked at evenly. Then you -- only then and only then do
8 we start the evaluation of the impacts. And as I said,
9 it's all of the reasonable alternatives, including the
10 proposed project. The next step is to identify the
11 environmentally preferred alternative.

12 In the case of this EIS, which is done as a
13 part of the Clean Water Act, the test is slightly
14 different. The test is to identify the least damaging,
15 practical alternative which meets the purpose and need of
16 the project; and that's -- you'll see when the EIS comes
17 out how that process occurred. But that's the key thing
18 that needs to be identified in the EIS of this type. When
19 that process is done, then the draft EIS is prepared and
20 published. It's released for public and agency review.
21 After -- it normally runs 45 to 60 days at the end of
22 which there is a public hearing where we accept comments
23 on the draft EIS on its completeness, on its accuracy and
24 concurrently the Corps will be conducting a public hearing
25 on the permit application so that the two processes can

1 run together. So, there's a public hearing and that will
2 be held probably about mid year 2000. It's some months
3 away from us yet.

4 Once the draft EIS has been published and
5 we -- we have had a comment period and a public hearing,
6 we then begin the job of preparing a final EIS. The final
7 EIS will contain revisions as necessary and appropriate
8 and responses to each and every comment that's made on the
9 draft EIS, and that will take a bit of time. But only
10 when that is done, the Corps publishes a final EIS.
11 There's a period of time of about 45 days required
12 following the publication of the final EIS that the Corps
13 has to wait before they can finish their record of
14 decision and take any action. So, that's the whole
15 process. It does take time. It's a -- it's a very
16 method -- you know, it's a slow method, but we do reach a
17 conclusion in this process.

18 Now, tonight we're here as part of the
19 scoping process. Scoping process has three components.
20 The first is to identify and clarify, if necessary, the
21 applicant's need for and the purpose of the proposed
22 project. The second thing is to identify the key
23 environmental factors that we will look at in the EIS and,
24 finally, to identify alternatives to be evaluated at this
25 stage of the EIS as we try to identify and clarify what

1 are the reasonable alternatives which we then will study
2 in full detail.

3 With that, I'd like to turn it back to
4 Colonel Buechler.

5 COLONEL BUECHLER: Okay. If we could have
6 the lights back up, please. I'd like to begin with -- ask
7 Mr. Ned Holmes to come up and make his remarks.

8 MR. NED HOLMES: Good evening, Colonel
9 Buechler. Delighted to be here tonight on behalf of The
10 Port Authority. Want to thank you for allowing us the
11 opportunity to come and talk about Bayport. It's my hope
12 that we will be able to identify some issues and that we
13 will be able to hear some input from concerned citizens
14 and that we'll identify some common ground.

15 As a community, we face a momentous, in
16 fact, critical decision. Will we continue to build on
17 Houston's current position as a leader in foreign trade;
18 or will we surrender our international leadership to other
19 ports and other communities, ports such as those in
20 Louisiana, Alabama, South Carolina that have publicly said
21 they're going to take our business away from us, that's
22 the question. That's the choice before us. When Yogi
23 Berra was a coach, he remarked about a restaurant that was
24 so crowded nobody goes there anymore. That's a little bit
25 like the Port's predicament today. Bayport -- excuse me.

1 Barbours Cut is so crowded that we are unable to
2 accommodate any new customers or the growth of our
3 existing customers. Increasingly, the world's goods are
4 shipped in containers. Our port is handling all it can.
5 We're turning away business and unless we build a Bayport
6 facility, the shippers we're turning today -- away today
7 will take their business elsewhere, likely permanently,
8 certainly extremely difficult to get back. Our port will
9 end up just like Yogi Berra's restaurant; so successful it
10 closed its doors long before the time that he left town.

11 Standing still is really not an option. We
12 face an either/or proposition. It's not a matter of build
13 Bayport and it will grow. It's build Bayport or we will
14 shrink. And it's not just the Port; it's our regional
15 economy. We're not the only one saying this. Numerous
16 studies by organizations as diverse as Booze, Allen,
17 Hamilton, the Texas Department of Transportation, the
18 University of Texas, the Texas Transportation Institute at
19 Texas A & M and the United States Department of
20 Transportation all lead to the same conclusion.

21 Does this mean we should build it at any
22 cost? No. Does it mean we should build it without taking
23 into account more than economics? No.

24 Just as we have an obligation to plan for
25 future economic prosperity, we also have an obligation to

1 plan for future quality of life. My belief is that
2 tonight we will be able to hear concerned citizens,
3 probably about 100 of them; and there will be some
4 alternatives that are proposed.

5 Some of those alternatives that I have asked
6 the Port staff and consultants to review might well go
7 beyond the scope of an EIS, but I'll give you just a few
8 thoughts about it. And to the extent that they are
9 includible, I would appreciate their being looked at.

10 First of all, I've asked the Port staff and
11 consultants to look at moving the truck entrance gates
12 away from El Jardin and to the west, as far west as we can
13 put them. Secondly, we've asked the Port staff to
14 relocate the rail line from the southern boundary and move
15 it well into the project. Third, we've asked the Port
16 staff to look at a very extended green belt along the
17 southern boundary and as it turns -- as it turns up toward
18 the north on the east side, in order not only to provide a
19 large setback but also to preserve a stand of old oak
20 trees that is a valuable community resource and save them.
21 I think a thousand feet setback might well do that. Might
22 not have to be that extensive.

23 We'd also like to look at the concept of
24 berms and sound walls. We'd suggested this before and my
25 sense is that they've been utilized by the highway

1 department with some effect, quite a good effect, in fact.
2 And then, lastly, the areas that might well fall beyond
3 the scope of the EIS -- and I'm not sure about this; but,
4 obviously, Bayport is a large and long-term project that
5 will require various types of municipal services in order
6 to properly service it; police protection, water, sewer,
7 fire protection. All of those can be sized in a way that
8 can accommodate, to some extent, communities that are
9 located immediately -- within the immediate area and I've
10 asked the Port staff and consultants to review those types
11 of activities to see if, in fact, they are viable and if
12 they are -- if they're needed.

13 This project in some ways reminds me -- in
14 this debate in some way reminds me of the deepening and
15 widening project that was proposed by the Port of Houston
16 many, many years ago and ultimately voted on by the voters
17 in Harris County and approved it in 1989 and worked out in
18 conjunction with resource agencies in the Nineties and is
19 now well underway. Initially, that project was believed
20 to be, by many people, some in this room, to be
21 destructive of the bay. The Port made a pledge to the
22 public that it would work on that project until they -- it
23 figured out a way to make it, again, a positive
24 environmental impact to the bay; and that was, in fact,
25 achieved. And I -- I am extremely proud of that, and the

1 people that worked on that project are proud of that fact.

2 We make the same pledge that we're going to
3 work on this project so that we absolutely minimize to the
4 greatest extent possible all of the issues and the effects
5 that are perceived to result from them. It's a pledge we
6 made to the community. It's a large project. Over time
7 it can accommodate significant additional assets put in
8 place that are of great benefit to the communities that
9 are close to it.

10 We appreciate the opportunity to speak to
11 you. We believe that this discussion tonight can lead to
12 the development of a new standard for industrial
13 development that can be copied by other communities around
14 the country, just as the deepening and widening did.

15 I really appreciate your time. Thank you
16 very much.

17 COLONEL BUECHLER: Next I'd like to ask
18 Mr. Ernest McGowen, Jr., representing Congresswoman Sheila
19 Jackson Lee to come up and make remarks.

20 MR. ERNEST MCGOWEN, JR.: Colonel Buechler,
21 elected officials and mayors in our audience, residents of
22 the South Houston Gulf Coast area and Commissioner Ned
23 Holmes, my name is Ernest McGowen and I do represent
24 Congresswoman Sheila Jackson Lee, congresswoman for the
25 whole free world some people might think; but right now

1 she's the representative of District of -- District 18.

2 Now, you might say I'm a long way from home
3 but not really. I'm not really a long way from home
4 because the way of the Port of Houston goes Brazoria
5 County, goes Harris County, goes Galveston County and the
6 people -- the district of the 18th District. Now, while I
7 might be -- not be in the 18th District at this time, I'm
8 speaking for the people at the 18th. Now, very seldom in
9 a community does business and labor agree but on one thing
10 they all agree in this issue is that the Port needs to be
11 expanded in some kind of manner.

12 I'm not here to dictate your business. I'm
13 not to tell you -- here to tell you exactly how this
14 should be done, but we do know that for the sake of the
15 Harris County and all the surrounding counties and the
16 people of the 18th District, we think this is good
17 business for the port to actually be expanding. Now, let
18 me tell you why. I'm old enough to remember when a job on
19 the front -- waterfront, as they called it, was a real
20 good job. Yeah, it was hard, back-breaking work and it is
21 dirty and grimy. But let me tell you, it kept families
22 off of welfare. It sent kids to college. It started
23 businesses and thereby expanded a tax base to help you
24 through economic boom that we enjoy now, except maybe for
25 a small downturn in the Eighties. And, plus, there's no

1 calculate -- there's really no calculating the spinoff of
2 the businesses that would revolve -- evolve, if you will,
3 with the expansion of the port.

4 Now, while I'm not in the 18th -- standing
5 on the -- grounds of the 18th right now, I am speaking for
6 the people of the 18th who may not, otherwise, have a
7 voice in Pasadena. They are the ones that are gonna be
8 doing the work. They're the ones that are gonna be taking
9 the lower-paying jobs, the grimy jobs, but jobs
10 nonetheless, jobs that will feed their families. So,
11 you -- we -- right now we need to do whatever's necessary
12 to expand the Port.

13 I know that there are environmental
14 concerns. I respect those and I know what you're out here
15 for Colonel Buechler; but I heard one line in the
16 consultant's presentation was the human -- the impact on
17 the human environment. Well, I submit, sir, that -- and,
18 ladies and gentlemen, that the human environment exists
19 well beyond the marshes and the vegetation of the port.
20 The human environment exists as far as economic viability
21 of this area.

22 Thank you very much.

23 COLONEL BUECHLER: Next we'd like to hear
24 from Mr. J. Leney representing Congressman Nick Lampson.

25 MR. J. LENEY: My name is J. Leney. I'm an

1 aide for Congressman Nick Lampson, and I'd like to present
2 this letter that he sent me with.

3 I regret that I am not able to be in
4 attendance tonight due to a prior engagement. Any issue
5 concerning Galveston Bay is of deep concern to me, as it
6 is to the many people who benefit from the bay. It is
7 always important to have forums such as this which allows
8 the citizens and various government entities to openly
9 discuss the pros and cons of the issue at hand. Tonight
10 as you open this dialogue, I hope all parties will gain
11 new and valuable information. Thank you for inviting me
12 to the public hearing tonight. Two aides from my office,
13 J. Leney and Mary Kirkwood, are in attendance to relay any
14 messages that you may have concerning tonight's meeting.
15 Sincerely, Nick Lampson.

16 COLONEL BUECHLER: Next would State Senator
17 Mike Jackson. Please come up.

18 STATE SENATOR MIKE JACKSON: Thank you,
19 Colonel Buechler. It's -- and I appreciate the
20 opportunity to be here today as the state senator for
21 Senate District 11, which includes all the western
22 shoreline of Galveston Bay from Baytown to the jetties
23 down in Galveston. And I've lived here for 26 years now
24 and love this part of the -- of Harris County and the bay
25 front and I'm here representing my constituents who have

1 great concerns with the project and many questions that
2 are needing to be addressed and I appreciate the Corps'
3 indulgence in a meeting and putting this meeting in a
4 facility that can house the obvious large number of people
5 that have a lot of questions with this project here
6 tonight.

7 The first -- I'm trying to itemize these and
8 keep in the time limits within which you've given us to
9 operate but I do want to outline some of the issues that I
10 hear most of and I, myself, have many questions about.
11 Number one issue is truck and rail traffic and -- and the
12 viability -- the viability or the ability of our Highway
13 146, which already is a home of Barbours Cut terminal over
14 there, to accept, which I think the numbers that we have
15 heard are 7,000 additional trucks per day, which gets into
16 hundreds per hour, the road system to handle that.
17 That -- that is a major concern to a lot of people that
18 live out in this end of the county.

19 We're -- I am unsure of the number of rail,
20 the percent of tonnage and cargo that will be shipped via
21 rail. I heard different numbers that vary. We don't know
22 what that one's gonna be, but we do know there are going
23 to be intermodal trains loaded and shipped from that
24 facility. And we have currently many problems with
25 at-grade rail crossings in our communities that we sit

1 there and wait for trains now that are of much shorter
2 length by -- we get -- we cross the line and get into a
3 transportation issue I'm -- that's outside of the
4 environmental issue with it. But it is something that I
5 think that you are going to have to cover the many bases
6 of all the issues that go into a facility like that.
7 We're gonna have to have a lot better ability to -- to get
8 across roads with rail traffic in that area.

9 Highway 146 is currently being utilized.
10 We've got some upgrading we know that will have to be done
11 with overpasses and that, if this volume of truckage goes
12 that way. High -- Red Bluff Road, which runs from
13 Pasadena to Seabrook, that also needs to be looked at very
14 well as well as Bay Area Boulevard and your access to
15 Interstate 45, if we're going over that way. As I
16 mentioned before, existing traffic at Barbours Cut needs
17 to be computed into these numbers to -- to take a look and
18 see if our highway system's gonna be capable of carrying
19 these.

20 Also, shifting over to a different mode of
21 transportation, the water depth required for this project.
22 We just talked earlier about the widening and the
23 deepening of the Ship Channel and will this at a later
24 date with -- as the container industry grows, which we --
25 we know that it is growing, is that depth gonna have to be

1 deepened and what will be the effects of salinity levels
2 in Galveston Bay in the event an additional depth would
3 have to be made for the channel to come into -- into that
4 Bayport facility?

5 Another issue that is on everyone's mind,
6 Colonel -- I'm not sure it's one that will be part of your
7 study but it needs to be addressed -- is property values
8 of homes that's going to be -- Seabrook, Shoreacres,
9 La Porte, El Jardin, El Lago, Taylor Lake Village, you go
10 on and on down the list are going to be impacted; and that
11 needs to be looked at, sir.

12 I believe we have representatives that'll be
13 coming up later on tonight that -- from the Houston Yacht
14 Club, which is the only business in the city of
15 Shoreacres. Their -- their issue is one that comes out
16 very obvious. How are we going to effect recreational
17 boating in the Galveston Bay with a facility like this?

18 I have one more issue and I will leave it to
19 you and all of your staff for -- for the many other people
20 that are more qualified than me to discuss some of these
21 issues. But I have one issue that I think is very, very
22 important and it's going to mandate that Corps of
23 Engineers evaluating this port -- this permit is going to
24 have to look at, along with our Environmental Protection
25 Agency -- but Harris County is already in a non-attainment

1 standing with the EPA in regard to the Federal Clean Air
2 Act. And I think -- I think that considerable time and
3 effort needs to be looked at to make sure that with this
4 project and your proposal to -- of whether or not to
5 permit this project, what impact is that gonna have on our
6 overall region with non-attainment of the EPA and Clean
7 Air Act. As I said before, that crosses
8 boundaries and jurisdictions; but it is very, very
9 important to our community that we work with EPA to do as
10 much as we can to come into compliance. We've already had
11 threats for a loss of federal dollars of highway funds if
12 we don't come into compliance. So, to me that issue is
13 very, very important and probably one of the most
14 important to deal with.

15 I appreciate your open -- openness and your
16 willingness to come forward tonight. Accept our concerns
17 from our community. We know that it's going to be a long
18 process. We want to be a part of the process. Thank you
19 for allowing me the time tonight and I look forward to
20 working with you in the future.

21 COLONEL BUECHLER: Would State
22 Representative John Davis please come up.

23 STATE REPRESENTATIVE JOHN DAVIS: Thank you,
24 Colonel, for having me here and allowing me to speak
25 tonight. I'm the state representative for District 129,

1 which covers about all of the communities that are
2 impacted by this bay -- by the port's Bayport Terminal.

3 I'm not here to tell you about the 7,000
4 trucks per day. I'm not here to tell you about rail
5 traffic or the concerns with NOX, sulfur dioxides and fine
6 particulate matter nor am I here to tell you about the
7 sound and the light pollution, nor am I here to tell you
8 about the impact on home values. There are plenty of
9 people here that will share those concerns with you. But
10 what I am here to tell you about is that these folks have
11 legitimate and serious questions and they do need to be
12 addressed in your Environmental Impact Statement.

13 I think once you look at all the facts and
14 apply a simple rule that Benjamin Franklin used. Get out
15 a piece of paper. Line out all the positives on one side
16 and all the negatives on the other and whichever way it
17 goes then go that way, I think you're going to find out
18 that the negatives will far outweigh the positives and a
19 permit should not be issued for the Bayport Terminal.

20 Over the 18 -- over the past 18 months I've
21 been doing a lot of watching and listening and learning
22 about this project and I'd like to just share a few
23 observations that I've made through this process. One, my
24 district office has not received one letter or one call of
25 support from any of my constituents in this project. I've

1 received numerous letters and calls in opposition, sir.
2 Also, back in November of 1998, I was asked to speak to
3 the La Porte-Bayshore Chamber of Commerce, a lot of small
4 business owners in the area; and I just took a random
5 survey. I asked them, "Please, give me a show of hands.
6 How many of you support this Bayport Terminal?" One
7 person raised their hand and about 40 or 50 raised their
8 hands in opposition to this project, sir.

9 Second thing is that this movement here
10 tonight is a grass root's effort. It's made up of regular
11 people, hard-working folks who live and work and raise
12 families in my district. I'm seeing so many people here
13 that I -- that have never been involved politically before
14 but they are now because they're realizing that this thing
15 is going to in fact impact their community and their
16 quality of life and the health of their children and it's
17 being threatened. And they're concerned and that's why
18 they're out tonight.

19 My constituents in local communities they
20 feel, and with good reason, sir, that the Port has
21 determined that this project will take place and there's
22 really not a thing they can do about it. That, most of
23 all, is most disturbing to me because it just fuels the
24 fire of cynicism within our political process. Why should
25 the people get involved in the process if some appointed

1 body is making all these predetermined decisions that will
2 have a traumatic impact on their homes and their
3 environment and their quality of life?

4 And my final observation is why hasn't a
5 serious study been done to look at a regionalization
6 approach, which includes taking an honest look at Texas
7 City, Galveston and Freeport all of -- all of which are
8 deep-water ports. A mega port needs to be built in this
9 region because we want to keep jobs in the region. A mega
10 port is a good idea but it's in the wrong location.
11 Bayport's ideal for a cruise terminal, not a mega port;
12 and I just thank you for your time and for your
13 consideration and I ask you to please to listen to the
14 people.

15 Thank you.

16 COLONEL BUECHLER: Okay. At this point I'd
17 like to reiterate the purpose of why we're here tonight.
18 The purpose of why we're here tonight is to identify
19 issues for the EIS. Okay. Not to vote or where we think
20 something ought to be. Have faith in the process to look
21 at what the issues are, the alternatives that the EIS
22 process looks at. And we'll have numerous opportunities
23 to revisit and make these, I guess, positions known of
24 where you'd like to see some particular facility.

25 We can spend a long, long time here tonight

1 and accomplish very little; or we can concentrate our
2 efforts on what we're trying to accomplish tonight and
3 accomplish a lot more. The applause that everyone wants
4 to include in the -- tonight's events only takes away from
5 the time that we have in order to capture the issues. Out
6 of respect for the folks that have been up at this point,
7 elected officials that you-all have put into office, we
8 haven't run a clock. We're going to, at this point,
9 establish three minutes for each speaker to come up and
10 make their remarks.

11 I ask each speaker to limit those remarks to
12 three minutes. You can provide me a copy of your entire
13 speech or whatever other items you'd like to provide me;
14 but if we don't do that, there will be people tonight who
15 may decide they don't want to wait to make the remarks and
16 that would be unfortunate.

17 So, as we continue this, please try and
18 respect those -- those issues and please respect anyone
19 who gets up and makes comments. I've heard some comments
20 from different people in the audience that are not
21 warranted. Everyone is entitled to make their remarks,
22 and we ought to all be courteous enough to listen to them.

23 At this time I'd like to ask Mr. Jim
24 Blackburn to come to the microphone. I'd like Mr. Tom
25 Hopkins, Natalie O'Neill, Bill Oliver, Ellyn Roof and

1 Vincent Johnson to come up to the five chairs in the
2 front.

3 Whenever you're ready, go ahead.

4 MR. JIM BLACKBURN: I'm sorry. Are you
5 ready to proceed, Colonel?

6 COLONEL BUECHLER: I'm ready.

7 MR. JIM BLACKBURN: Colonel Buechler, I'm
8 Jim Blackburn; and I appreciate the opportunity to come
9 here. I'm speaking as co-chair of the Galveston Bay
10 Conservation/Preservation Association. We're concerned
11 about the impact of the proposed Bayport container port
12 and are opposed to the currently pending application. We
13 plan to submit detailed comments on scoping. For purposes
14 of this presentation, we're just going to offer a few oral
15 comments and try to keep our time limits in -- in
16 boundaries.

17 One, sufficient documentation exists to
18 conclude that a 50-foot channel is a reasonably
19 foreseeable future action if the Bayport container port is
20 permitted. For this reason, such a 50-foot channel must
21 be analyzed as a cumulative impact associated with
22 consideration of this permit application for -- we're
23 particularly concerned about the impacts to the Galveston
24 Bay system of additional salinity. Second, the scope of
25 air pollution analysis associated with this permit

1 application must extend to the diesel trucks, hysters
2 (phonetic), trains and cranes associated with this
3 development.

4 But for the issuance of a Section 10 permit
5 by the Corps of Engineers, there would be no container
6 port allowed at Bayport. The scope of this but for
7 analysis must extend to the activities that are associated
8 with this port and general conformity analysis for ozone
9 air pollution, particularly associated with nitrogen oxide
10 emissions must be undertaken fully for this facility.

11 Third, the scope of the land-use analysis to be conducted
12 in the EIS must include noise, lighting, truck and rail
13 traffic. Again but for the issuance of the proposed
14 Section 10 permit, these impacts would not occur.

15 Peter Brown, a recognized land use expert, will
16 offer more detailed comments on land use regarding
17 position of GBCPA and our concerns. We ultimately believe
18 that the viability of the Clear Lake area as a residential
19 and recreational magnet is at stake in this permit
20 application. Finally, the analysis of alternatives is at
21 the heart of the EIS. That's straight from the CEQ
22 regulations. The alternative of locating this facility at
23 Texas City, at Freeport and other locations, must be
24 analyzed seriously and honestly.

25 We're concerned that a consultant paid by

1 the Port of Houston Authority cannot fairly and
2 independently evaluate the Texas City option. We ask the
3 Corps to hire an independent firm to evaluate the Texas
4 City alternative to try to ensure it's evaluated in an
5 unbiased manner. Nothing less than the future of
6 Galveston Bay is at stake.

7 Finally, let me say that the regulations of
8 the Council Environmental Quality identify really two
9 audiences for an EIS. One is yourself, the decision
10 maker, federal level. The second is the public.

11 Thank you very much.

12 COLONEL BUECHLER: Mr. Gerald Cooney, would
13 you, please, come and join the group up front?

14 And Mr. Tom Hopkins, would you, please, come
15 to the podium.

16 MR. TOM HOPKINS: Okay? I live in a unique
17 subdivision called El Jardin. I live about four blocks
18 from the bay; and across the street from me I can see
19 cattle growing, wild pigs, deer, raccoon and armadillo and
20 other wildlife. I have four bird feeders in my yard, and
21 I have a wide variety of birds. Now that the Port of
22 Houston wants to come in and put a container port, I would
23 like the following studies be made to ensure that my way
24 of life and my animals across the street will not change.

25 I would like to know about the noise that

1 will be created by the trucks that will be coming and
2 going, local crane equipment and a railroad yard. Will I
3 have 24 hours a day of noise? Or will it be quiet like it
4 is now at 7:00, 8:00 o'clock at night? I'd like to go
5 back to my animals. When the Port comes in and builds,
6 what's gonna happen to the deer, the wild pigs, the
7 armadillo, the birds and everything? Will I have to take
8 the future generation grandkids to the zoo to see this
9 with all the construction going on when today I can just
10 take them out in the front yard and let them watch the
11 animals?

12 I also propose the Texas City as an
13 alternate port. Right now, from what I understand, Texas
14 City is further along as far as deep channel,
15 environmental impact. They're going to be doing their
16 shipping by rail. I don't know if anybody's ever been
17 caught on 146 during a hurricane scare, but it will not
18 let the people out if the 7,000 trucks are coming. And
19 the Port of Houston has not said they are going to close
20 down the Port; and when a hurricane comes, one, what am I
21 to do? I live across the street from it.

22 Thank you.

23 COLONEL BUECHLER: Mr. Paul Myers, would you
24 please come forward; and, Natalie O'Neill, please come to
25 the podium.

1 MS. O'NEILL: Thank you, Colonel Buechler.
2 I'm Natalie O'Neill, mayor protem of Taylor Lake Village.
3 A lot of these issues have already been addressed. So, I
4 get to shorten my speech a bit.

5 But I do want to mention that the Port
6 expansion will dwarf our local communities and the cities
7 of League City, Clear Lake Shores, Kemah, Seabrook,
8 El Lago, Taylor Lake Village and Shoreacres and Humble
9 have all adopted resolutions in opposition of the Bayport
10 expansion and support a regional approach. Daily
11 emissions of these trucks that have been mentioned are not
12 our only problem. Transportation of hazardous material
13 must be addressed. Our school buses and our citizens
14 drive these same roads. When an accident -- when an
15 accident occurs -- and we know they will -- these trucks
16 will be transporting hazardous materials.

17 Our local municipalities and emergency
18 management teams are responsible for shutting down the
19 roads and call for a shelter in place. This dangerous
20 container port does not belong in a residential community.

21 An issue that has not been addressed yet is
22 that Taylor Lake has two breaches that will allow water
23 from the Bayport Channel into Taylor Lake. This means oil
24 spills, ballast water and bilge water will enter our
25 lake. I'd like that to be evaluated in your Environmental

1 Impact Statement.

2 I ask the Port to consider a regional port
3 approach. All of Galveston Bay's ports can work together
4 and specialize to the relative advantage. I agree jobs
5 should stay. I ask the Corps to objectively evaluate
6 Texas City Shoal Point as an alternative site. The
7 Burlington Northern line runs west along Highway 6 and has
8 lesser grade crossings than all other rail lines. Union
9 Pacific line runs along Highway 3 meeting the rail from
10 Barbours Cut at the Houston Ship Channel. The
11 accessibility and number of rails in Texas City will not
12 only reduce the number of trucks, it will also reduce air
13 pollution. It will also reduce damage to road
14 infrastructure, reduce road congestion issues and reduce
15 the number of possible accidents involving citizens and
16 container trucks.

17 The Texas City port has direct access to
18 I-45. The area is primarily industrial in nature, and
19 they do have the approved 50-foot deep water channel.
20 Texas City study shows a positive cost-benefit ratio of
21 6.3 to 1. Unfortunately, we do not know Bayport's
22 cost-benefit ratio. And I will quote from the Port of
23 Houston's final report, Volume I page 1.3, the conceptual
24 study does not include an analysis of market feasibility
25 or return on investment.

1 The impacts of traffic, lake, noise and air
2 pollution together with health and safety issues will
3 decrease the residential viability of our neighborhood.
4 The EIS must review the magnitude of this loss. The
5 cities and citizens are joining together. They have the
6 support of the TNRCC and the Corps to dot every "I" and
7 cross every "T." I hope that the Corps will first avoid
8 impacts. If the impacts are unavoidable, only then can
9 minimization and mitigation follow. Please move this to a
10 more appropriate location and promote sustainable
11 development.

12 COLONEL BUECHLER: Would Rusty Feagin please
13 come forward. And, Mr. Bill Oliver, please come to the
14 podium.

15 MR. BILL OLIVER: Thank you, Colonel. I've
16 been enjoying this place and my relatives here for the
17 last ten years participating in Bay Days, Earth Days at
18 Bale Elementary, kayaking Armand Bayou and time and again
19 looking for Albert the Alligator. I sure would miss
20 Albert.

21 Mega ports and Bayports don't belong in
22 Seabrook. It's a city of new neighborhoods and old story
23 books. It's by-the-way bay and, by the way, it's really
24 just quaint. Isn't this container port a bit out of
25 place?

1 Container ports are busy ports, they're
2 running all night. They make a lot of racket, and they
3 leave on the lights. The ships are floating monsters, and
4 the channel's real deep. It's not the kind of place to go
5 to get any sleep.

6 Lights and noise and traffic will be
7 Seabrook's affair, but all of Harris County will be
8 sharing the air. Pollution from the thousands of new
9 trucks every day, and don't forget the oysters when they
10 dredge out the bay.

11 It has a better place, and it's a pit. I
12 hear they even want it in Texas Cit'. And when you go to
13 sell your homes, don't expect to see Ned Holmes.

14 No Bayport in Seabrook. No Bayport in
15 Seabrook. No Bayport in Houston.

16 The Port of Houston henchmen have a
17 container plan, to gobble up the smaller ports before they
18 expand. Monopoly upon the sea is called something else.
19 The locals say the PHA should contain themselves.

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

22 Listen citizens to this Seabrook S-O-S.
23 Ditch the bonds and save us all the strife and the mess.
24 Ditch the bonds and save the bay from further distress.
25 Contain the PHA and their container complex.

1 No Bayport in Seabrook. No Bayport in
2 Seabrook. No Bayport in Seabrook. No Bayport in
3 Seabrook.

4 Mega ports and Bayports don't belong in
5 Seabrook. It's a city of new neighborhoods and old story
6 books. It's by the bay; and, by the way, it still is
7 quite quaint. Isn't this container port a bit out of
8 place?

9 COLONEL BUECHLER: Would Peter Bowman please
10 come forward and Ellyn Roof, please come to the
11 microphone.

12 MS. ELLYN ROOF: Gee, Colonel, that was
13 really -- that's tough to follow. And I've known Bill for
14 a long time and love him dearly.

15 In the interest of time, please consider the
16 usual courtesies dispensed with. I'm Ellyn Roof. I've
17 been playing on Galveston Bay since 1955, and I'd like to
18 give a little historical perspective. Bayport, back in
19 the Seventies as a shipping channel, it was a bad idea
20 then; and it's a bad idea now. Something awful happened
21 when a barge canal was revised. It was for supertankers,
22 the wave of the future. They were coming. No EIS, no
23 permit, just dredge it deeper. And that's what happened
24 in the Seventies.

25 Less than half the supertankers built served

1 their life expectancy. Will that be the fate of these
2 container ships? Are we letting the shipping lines
3 dictate our world to us?

4 Now, what about environmental impacts? What
5 about the fate of the adjacent properties? The EIS must
6 consider them. I have plenty of photos to document what
7 happens as the adjacent properties descend into container
8 storage yards and other "support facilities" with their
9 run-off, air, noise and visual impacts. Clinton Drive,
10 Port Industrial Road, Magnolia Street, those are all
11 impacted with abandoned tires, junked containers. Some of
12 of them are on Port of Houston Authority, some on private
13 property and some in the public streets.

14 The EIS must also address erosion and all
15 other harm from ship wakes. More than a decade ago I
16 asked that the Corps of Engineer address the ship wake
17 issue. Even if the project is not dredged beyond 45 feet,
18 the increase in erosion must be considered. But we must
19 assume a 50- or even 55-foot channel will be what -- what
20 will be required later for this project. No responsible
21 business would preclude this option. The safety of the
22 other constituencies of the bay must also be considered,
23 whether it is ship to ship or ship wake to wade fishermen.
24 Many of us have seen what an 8-foot wall of water can do.
25 I keep hearing that it cannot be measured or quantified.

1 Well, then perhaps this project can't be measured or
2 quantified either.

3 COLONEL BUECHLER: Would Joan McMillan come
4 forward, and Vincent Johnson please come to the podium.

5 MR. VINCENT JOHNSON: And that's me. I'm
6 Vincent Johnson, president of the Clear Lake Forest
7 Community Association; and we're a small subdivision with
8 810 people -- 810 houses in Taylor Lake Village. I've
9 talked to a number of our constituents and people in our
10 subdivision and asked them for opinions and concerns; and,
11 basically, that's what I'd like to present. Most all of
12 them are concerned to a great extent about the
13 environmental impact. I've got a little list here that
14 I'd like to present, and I'll leave it with you.

15 The following are our concerns. There will
16 be an increase in air pollution from motor exhaust as well
17 as other emission sources. And I saw some of them
18 addressed tonight; but I don't think that list was all
19 inclusive, fugitive point sources -- sources and other
20 mobile sources; and it should include the whole gamut of
21 emissions from these particular ones. Will there be water
22 contamination that will incur from marine activities as
23 well as water contamination related to run-off situations
24 on land side activities? Those have to be taken into
25 consideration. I haven't really seen this in the plans

1 that we've observed so far, the possible ground and ground
2 water contamination due to spills and/or releases of
3 chemicals and/or materials that are being shipped.
4 There's an exacerbation that occurs here, and this is a
5 fact. And that cause in a hurricane, a fire, or an
6 explosion and let's not limit the fire and explosion to
7 the port itself because there are other chemical
8 facilities in the area which conceivably could cause a
9 secondary influence by the port, which would be extremely
10 adverse.

11 Other issues that are already on the board;
12 but they should be named again are the noise/light
13 pollution that will occur. The other -- the other thing
14 that was briefly mentioned was the effect on the wildlife
15 and this -- this I've seen in other places, too, because
16 the fences that are erected, lights at night and the
17 activity, not only affects the people life but also the
18 wildlife. Increased flood potential, this is a real
19 bug-a-boo right here because that area -- I've never seen
20 a topographical map of the area yet; but it inherently
21 drained off into Taylor Lake. Taylor lake is a restricted
22 area where it exits into Clear Lake. It's actually a
23 floodway. And this particular problem should certainly be
24 addressed as a flood -- the people have been flooded
25 before, and we sure as heck hate to see that again.

1 The channel deepening and widening, history
2 has shown that that's gonna be a fact. If you look at the
3 pre-release and also other documentation on this, there's
4 been a progression of deepening, widening and widening as
5 it continued on. That's gonna happen again. There's
6 another serious concern, and that's to do with hurricane
7 and evacuation. And that is: Will we be able to get out
8 with all those people blocking the highway?

9 Thanks for your time and listening.

10 COLONEL BUECHLER: Would Barry Eiland come
11 forward, and Gerald Cooney come to the mike.

12 MR. GERALD COONEY: I'm Gerald Cooney. I'm
13 with the Houston Yacht Club. Yogi Berra never thought
14 that anyone would propose a total devastation of the bay
15 and surrounding communities. Yogi Berra -- thanks anyway.
16 Yogi Berra would have said no to the Port; and Yogi Berra
17 would have been polite enough to stay and listen to Jerry
18 Cooney, which Ned Holmes wasn't.

19 And Ned Holmes, if you were here, I would
20 like to remind you of what Yogi Berra did say. He said,
21 "It ain't over till it's over."

22 The Houston Yacht Club has the finest
23 recreational sailing and sailboat racing in the United
24 States. It takes place in the exact spot in the bay where
25 the Port Authority wants container ships to go. It has a

1 100-year history, even a historical marker. Sailors from
2 all over the world travel to the Houston Yacht Club. They
3 make a significant impact in our economy.

4 Please, Colonel, examine the historic
5 importance of the Houston Yacht Club and the historic
6 recreational uses of the bay from cruising to fishing.
7 Examine the Port Authority's request on the basis of a
8 50-foot channel, which is exactly what they're
9 constructing it for.

10 Please examine the lights, the noise, the
11 air pollution, the traffic, the water quality, the
12 diminished property values, the degradation of the quality
13 of life and the unrealistically speculative economics of
14 this project. This is, Colonel, truly a battle between
15 good and evil, between short-term greed and citizens
16 fighting for their survival of their communities and
17 Galveston Bay.

18 We -- we need the help of the Corps against
19 the rogue, unelected, all-male group of seven called the
20 Port Authority. Their plan is appalling, Colonel. A fair
21 examination -- the Port Authority has denied repeated
22 calls for modification, for citizen input, for elimination
23 of obvious errors. A fair examination by the Corps will
24 result in the rejection of this port, but here's where we
25 truly need you. When you turn down this request -- and

1 you will -- we want it turned down totally. We will not
2 accept changes and modifications to this fatally flawed
3 plan. We want this plan rejected completely.

4 COLONEL BUECHLER: Will Nan Hildreth come
5 forward? And Paul Myers come to the microphone.

6 MR. PAUL MYERS: Thank you, Colonel. I'm --
7 I'm not going to talk because everybody's covered
8 everything. I mean, we've got a hundred people to talk.
9 I just -- I'm from El Jardin. It's a community that's
10 been there 75 years. People there don't want it. Like I
11 said, that's all I've really got to say.

12 If Mr. McGowen is still here, I do want to
13 apologize to him for some of the people that were booing
14 him. We're not against jobs. We're not against expansion
15 of the port. But this plan is the wrong plan, and Bayport
16 is not the place to expand the Port. Thank you.

17 THE COURT: Would Charlotte Cherry come
18 forward? And Rusty Feagin come to the mike.

19 MR. RUSTY FEAGIN: My name is Rusty Feagin.
20 I live in El Lago. Basically, I'm just a citizen.

21 There's mainly two things I'd like to just
22 suggest or throw out there for people to think about. The
23 first I think would be -- it would fall under just
24 aesthetics. I think that overall the cumulative impacts
25 of the entire Clear Lake area and the Galveston Bay area

1 are now starting on a regional level to butt up against
2 the industrial activity that's also going on in the
3 southern Houston area. And I think that from what I've
4 studied in environmental things, even in Environmental
5 Impact Statements, you have to look at cumulative impacts
6 on communities like -- you know, at what point do we have
7 too many industrial facilities in this area and what point
8 do we have, you know, too many recreational? You know, I
9 think we need to draw a line somewhere and figure out
10 where we're going to draw it between Clear Lake, which is
11 generally a suburban, you know, recreation area, and the
12 southern Houston industrial area.

13 It's something that really needs to be
14 figured out. Maybe this is where the line will be drawn.
15 I don't know.

16 The second point I'd like to make is
17 basically I think that Clear Lake is something that people
18 put a lot of money into, that it's drawing a lot of
19 tourism to our area; and I think that, you know, to move
20 in a container port in this area would destroy what a lot
21 of other communities have already tried to build on. It
22 will like retroactively destroy what a lot of city
23 councils have put a lot of money and a lot of time into.

24 I guess the most important thing to me
25 personally would be where -- where are we gonna go when we

1 don't have anywhere to go anymore? Like, someone has to
2 step up for like the little kids and people who just want
3 to go out and -- and like when you need to clear your
4 mind, I mean, sometimes you have to go out, if you're hot
5 and you're mad and you're sad and you need somewhere to
6 go.

7 And in this area, there aren't many places
8 left to go, except for El Jardin, which is one of the few
9 places left on Galveston -- on the west -- west side of
10 Galveston Bay that you can go and sit in a park. And I
11 think that will be really adversely affected, and that's
12 part of the aesthetics. And, I mean, don't box us out.

13 That's all I've got to say.

14 COLONEL BUECHLER: Would Shannon Cherry come
15 forward? And Hubert Peter Bowman come to mike.

16 DR. PETER BOWMAN: I'm Dr. Peter Bowman. I
17 teach environmental impact assessment every semester as
18 part of the environmental management program at the U of
19 Houston-Clear Lake. I teach an undergraduate class in the
20 fall semester and a graduate class in the spring semester.
21 During this last spring semester, some of my graduate
22 students did some fine research projects on the
23 environmental impacts of the proposed container and cruise
24 terminal complex adjacent to the Bayport terminal. I'm
25 here to present copies of their studies.

1 One team of three students calculated the
2 projected air emissions of the complex using figures from
3 the Port consultant J.W.D., and they went on to research
4 the carcinogenic and noncarcinogenic health impacts of
5 these air emissions. David Posenyanic, the author of the
6 paper containing the air-emission calculations, was
7 concerned that this project will not do anything to help
8 the City of Houston achieve ozone attainment. He looked
9 at some of the mitigating options and didn't feel that
10 they helped very much. He thinks that more options will
11 have to be looked at; and, in fact, he thinks that the
12 Port may have to contribute to emission reduction projects
13 at nearby point sources to minimize the impact on the
14 community.

15 Chris Jones, the author of the paper on
16 noncarcinogenic health effects, concluded that the six
17 scenarios that he looked at in his Part A estimate
18 emissions at 2 to 53 times the threshold values of the air
19 permit. So, he says that clearly Houston policy makers
20 must carefully examine the proposed Bayport container
21 terminal and find the solution that recognizes the
22 dangerous health effects that are anticipated from its
23 operations.

24 Another student, Bob Franknic, is doing a
25 paper on carcinogenic health effects; but he's not yet

1 completed his paper. When it's complete, I'll forward a
2 copy to you.

3 Another student, Walter Cox, researched
4 maritime transportation and the industrialization of
5 Galveston Bay making use of U.S. Coast Guard's marine
6 casualty reports database for 1996 and 1997. He concluded
7 as follows: Increasing the size of the channel will
8 increase the size of vessels calling on the Port of
9 Houston. Increasing the length of transit for ships in
10 the Bay Area increases the risk of marine casualties.
11 This piling of risk upon risk creates an inevitable
12 liability, which must eventually be reconciled.

13 I thank you for being able to present my
14 student's research results to you tonight.

15 COLONEL BUECHLER: Would Marlane Orth come
16 forward? And Joan McMillan, please come to the podium.

17 MR. JOAN McMILLAN: Thank you. My name is
18 Joan McMillan. I was born in Galveston, Texas and I live
19 in El Jardin. And I have lived here in the Bay Area all
20 of my nearly 49 years. One of the things that I would
21 like for the EIS to consider is the historical value of
22 the land that Bayport is going to get built on and the
23 surrounding area. We know that there is historical value.
24 I will be submitting this in writing later.

25 The only other thing I would like to say is

1 that I understand that the Corps has been charged with a
2 new environmental mission by the assistant secretary of
3 the Army. The focus of this mission is to protect the
4 environment and to listen to your customers, which are the
5 audience here tonight. During this EIS, I ask you to
6 please, please remember to keep this mission in mind when
7 you're doing your work.

8 Thank you.

9 COLONEL BUECHLER: Would David Benson come
10 forward? And Barry Eiland come to the podium.

11 MR. BARRY EILAND: Thank you. My name is
12 Barry Eiland; and I live at 110 Bay Colony, just on the
13 northern part of the proposed Bayport Channel. Most of
14 the things that -- that I'm concerned about have -- have
15 been mentioned already tonight. I do have a written
16 statement. So, I'm not going to spend a lot of time.
17 There are a couple of items that have not yet been
18 mentioned. So, I'll focus on those; and I'll just quote
19 from my written statement.

20 First the impacts of erosion on north side
21 of the Bayport Channel. When the current channel was
22 first constructed, a 300-foot green belt and buffer was in
23 place between the channel and the neighborhoods of Bay
24 Colony and Shady Oaks, immediately adjacent to the channel
25 on the north. Today, due to the erosion caused by the

1 ship traffic currently utilizing the Bayport Channel, that
2 buffer is now less than 150 feet. With the addition of
3 the container ships projected for this facility, the
4 erosion of this buffer zone will undoubtedly increase,
5 thus, causing potential danger to the pipelines that are
6 currently located there and ultimately encroaching on the
7 residential property immediately adjacent to this zone.

8 Secondly, I'd like to point out to have
9 studied the poor economic design of the Bayport Terminal.
10 The scope should include an assessment of the failure to
11 effectively utilize rail support in its design. The
12 Bayport Terminal has no provision to more efficiently
13 utilize rail support, such as by directly off loading on
14 to rail. This is probably because there is access to only
15 one rail transport system, the very congested tail end of
16 the Union Pacific rail system. If a better location with
17 better rail system access were found, fewer trucks would
18 be required, thus, mitigating many of the previous
19 impacts.

20 In summary, there are numerous areas of
21 impact to the environment that must be included as part of
22 the scope to this EIS. These include air and water
23 pollution, channel erosion, traffic, light and noise
24 pollution and especially land-use impacts, which will
25 result in large property valuation losses and significant

1 quality-of-life impacts. But most importantly an honest
2 and open evaluation of alternative sites, which would
3 result in much less environmental impact without affecting
4 the expected economic benefits to the city of Houston and
5 Harris County must be a part of the scope of this EIS.

6 Thanks very much.

7 COLONEL BUECHLER: Would Ned Winders please
8 come forward? And Nan Hildreth come to the podium.

9 MS. NAN HILDRETH: Hi. I'm Nan Hildreth and
10 I'm in -- from District 18. It's too often we don't
11 appreciate what we have until we lose it. We have one of
12 the most productive estuary areas in the United States.
13 We want to pass this natural capital on to our children to
14 the seventh generation. Please consider the effect of the
15 proposal on finfish hatchery, shrimp and crabs.

16 COLONEL BUECHLER: Would Ginny Garrett
17 please come forward? And Charlotte Cherry come to the
18 microphone.

19 MS. CHARLOTTE CHERRY: My name is Charlotte
20 Cherry, and I live in El Jardin Del Mar. Galveston Bay
21 has many users, not only the Port of Houston Authority but
22 commercial fishermen, the oystermen, the chemical
23 industry, recreational boaters and fishermen tourist
24 industry and for families like mine. We must all share
25 the bay, and one industry should not tip the scale of

1 balance.

2 Mr. Holmes and Ms. Jackson Lee's
3 representative talked about spiraling cost impacts. Let
4 me mention just a couple of the negative side effects,
5 like contaminated ballast from ships devastating the
6 oysters harvest one season to 18 wheelers with faulty
7 brakes killing families. Put a price tag on that.

8 The Environmental Impact Statement conducted
9 regarding the prior deepening and widening project of the
10 Ship Channel clearly indicated the Port of Houston wanted
11 a 50-foot depth. This was noted as a Phase II dredge. A
12 dredge to 50-foot was denied, but permission was granted
13 for a 45-foot. In the final EIS for the same project, a
14 fish and wildlife report noted an alarming shift in
15 salinity ballast over the next 20 years with or without
16 the deepening or widening project. The report cautioned
17 that future projects that impacted Galveston Bay should be
18 looked at carefully in light of their data.

19 Despite the provestations of the PHA to the
20 contrary, there is too much evidence pointing to the fact
21 that the PHA will request a dredge of 50 feet in the
22 future after they've invested \$1.2 billion in the project.
23 Please conduct a salinity model for this project on a
24 50-foot dredge. I think the most powerful and logical
25 aspect of NEPA project is the requirement that project

1 alternatives be looked at. I have faith that if this
2 project is scrutinized under this cornerstone of NEPA, it
3 will be evident there is a better way and a better place
4 to build this facility that will be less detrimental to
5 the environment. Galveston Bay is a viable, sustainable,
6 renewable resource and so are we. I believe in progress
7 and jobs for Harris County but not progress at any cost.

8 Thank you.

9 COLONEL BUECHLER: Would Sue Hayes please
10 come forward? And Shannon Cherry come to the microphone,
11 please.

12 MS. SHANNON CHERRY: My name is Shannon
13 Cherry. I live in El Jardin, which is next to Bayport. I
14 am concerned about the diesel fumes from the diesel trucks
15 at that Bayport container facility. Diesel fumes put out
16 a lot of particulate matter. So, for my sixth-grade
17 science fair project I did a study on particulate matter
18 in my area. I learned how to do the experiment on the
19 worldwide web from the Environmental Protection Agency
20 website.

21 I hear a lot about the 7,000 diesel trucks
22 the Bayport is supposed to have. Barbours Cut gets 3,000
23 diesel trucks a day. I want you to take my project and
24 see what particulate matter from 3,000 diesel trucks a day
25 looks like under a microscope. I want people who are in

1 charge of the clean air to look at my -- look at this
2 project.

3 Is there a better way to build this so the
4 air won't be so bad? I know the Port of Houston says that
5 they must build this project for their jobs and that --
6 and that this is for their future of Houston. What about
7 me and my friends? We are the future, too. What -- what
8 kind of future am I going to have, if this -- if this is
9 what my air is going to look like under a microscope?

10 They say it will take a long time to build
11 this, maybe 15 years. I'll be 26 years old. What you do
12 today is going to change my future. Please give me my
13 chance.

14 COLONEL BUECHLER: Will Valerie Buckner
15 please come forward? And Marlane Orth come to the
16 microphone.

17 MS. MARLANE ORTH: I do not believe that
18 this project would be considered anywhere else in our
19 state, nation and few places in this world. Houston may
20 have the reputation of progress above all else but the
21 scope of this project and the far-reaching implications
22 leave people in disbelief. The currently proposed
23 location for this facility is not only densely populated,
24 it is also a premier recreational facility. It is
25 recognized as having the second highest concentration of

1 pleasure boats in the nation.

2 In the Houston area we do not have the Rocky
3 Mountains, Pacific coast, and Arizona desert or an eastern
4 shore but here we do have the Clear Lake area.

5 Industrializing this area will have a negative impact far
6 beyond Clear Lake. The loss of tourism money and the
7 related jobs will be devastating.

8 Don't leave this up to the voters. You have
9 the impact information before you. They will not. Most
10 voters will go to the polls with no information at all or
11 under the belief that they are voting on a cruise ship
12 terminal. Should this container facility become a
13 reality, I believe it will go down in Houston history and
14 Texas history as being the biggest mistake ever made in
15 the name of progress; and once you have depleted your
16 study, I believe you will agree.

17 Regardless of who has funded your study, you
18 are the U.S. Army Corps of Engineers. The Army has a duty
19 to protect its citizens, and you can do that by stopping
20 this project now.

21 Thank you.

22 COLONEL BUECHLER: Would Leslie Murphey
23 please come forward? And David Benson come to the
24 microphone.

25 MR. DAVID BENSON: Thank you. My name is

1 David Benson. I'm the community relations manager for the
2 City of Pasadena, and I'm here tonight representing Mayor
3 Johnny Isabell and the City of Pasadena. Mayor Isabell
4 sends his regrets because of a council meeting this
5 evening, he was not able to attend this session. He
6 remains extremely concerned about the ramifications of
7 this project, and he has instructed the appropriate city
8 staff to be at every hearing and meeting regarding this
9 important issue.

10 The City's proud to have furnished this
11 facility tonight. Maybe wished we would have furnished a
12 few more chairs to start with. But we feel like our --
13 our furnishing of this facility at no cost is a good
14 indicator of our concern and our interest in continuing to
15 promote dialogue on this matter, continuing to promote
16 education of the city and its citizens and promoting and
17 encouraging public input on this matter. As I mentioned,
18 we have serious concerns about the projects or proposed
19 project's impact on the surrounding neighborhoods and
20 communities, the regional mobility issues, potential
21 negative impacts raised by the volume of truck traffic and
22 the train traffic, the noise and light pollution that
23 would impact the El Jardin neighborhood, which is a part
24 of Pasadena, and other neighborhoods around the proposed
25 project.

1 We recognize and appreciate the importance
2 of the goals set of job creation and economic growth, but
3 we are hopeful that these goals can be pursued and
4 achieved in a way that yields little or no impact on the
5 quality of life to the people who live, work and raise
6 families in the area of this proposed project.

7 Thank you.

8 COLONEL BUECHLER: Would Chuck Beckner come
9 forward? And Ned Winders come to the microphone.

10 MR. NED WINDERS: Thank you. Good evening,
11 ladies and gentlemen. My name is Ned Winders. I'm a
12 retired, fixed-income individual, a property owner in
13 El Jardin. And everybody knows what impact will have as a
14 property owner and a resident in the Bay Area should this
15 thing happen. But the one thing that nobody's pointed up
16 yet is that should this happen, then every person in
17 Harris County will suffer, maybe not to the extent that we
18 do here on the bay front; but all of you in Harris County
19 will suffer tax increases and they will be substantial to
20 begin with and much more later. And it will be a
21 nonending thing, as demonstrated so far in the history of
22 the Port Authority.

23 Thank you and good night.

24 COLONEL BUECHLER: Would Richard Couch come
25 forward? And Ginny Garrett come to the microphone.

1 MS. GINNY GARRETT: Good evening. I'm Ginny
2 Garrett. I'm a commodore of the Houston Yacht Club this
3 year. We're located less than half a mile from the
4 entrance to the Bayport Channel, and we're very concerned
5 about various aspects of the planned container terminal
6 expansion and how they will affect our 102-year-old club
7 which last year was given a historical marker by the Texas
8 state legislature.

9 We would like the Corps of Engineers to
10 assess the effect of very bright lights on very high poles
11 that will burn 24 hours a day and what that quality of
12 life will be in our harbor. Will people be able to sleep
13 on their boats at night? Will they be able to see the
14 stars just for pleasure or even for navigational purposes?

15 We would like the Corps to assess the effect
16 of the noise decibel level from the loading booms, the
17 trucks and the trains. Will we be able to carry on a
18 conversation outside of the Houston Yacht Club once that's
19 happened? Will one be able to sleep on one's boat then?

20 We would like the Corps to assess the effect
21 of the diesel fumes polluting the air around our club. We
22 are a venue for a 500-family-member group; and every year
23 we have all kinds of recreational boating events, ones
24 that teach young children how to sail, ones that teach
25 women how to sail, ones that bring national and

1 international competitions to our area. None of this is
2 going to be very feasible with this kind of an --
3 distraction in our area.

4 We do some good work in this community. We
5 sponsor regattas that support funds and raise funds for
6 the Leukemia Society and Boys and Girls Harbor. We are a
7 fireworks display for the community every 4th of July to
8 celebrate our independence. I'm not sure we'll see those
9 fireworks against the cranes and the lights in the Bayport
10 Channel.

11 I would also like to say that I am a
12 neighborhood resident of the area as well. My husband and
13 I own a home that is adjacent to the Bayport Channel. We
14 look out our yard. Our yard is the bank of the Bayport
15 Channel. I heard with great interest Mr. Holmes say that
16 the Port would consider a 500-yard or foot green belt,
17 whatever he said. That is what was promised us before.
18 That 300-yard green belt -- feet green belt is now 25 feet
19 at my house. So, please consider what the words of the
20 Port are, what they think they can promise, maybe even
21 well intentioned think they can promise, but do they keep
22 those promises?

23 Thank you.

24 COLONEL BUECHLER: Would Marilyn Daniel come
25 forward? And Sue Hays come to the microphone.

1 MS. SUE HAYS: Good evening, gentlemen. I
2 would like to question the job impact on the fishing
3 industry in the bay. Could that be looked at from the
4 fishermen all the way through processing the fish and
5 sending it off to market?

6 Another job that's going to be highly
7 impacted by this is going to be the boating industry, not
8 just boat sales, not just the people coming down to their
9 boat for the weekend, the money that they spend at the bay
10 and the money that they spend on repairing their boats
11 from businesses at the bay. Those are two job impacts
12 that -- that the jobs are there now and they won't be
13 later.

14 Another question that I would like looked at
15 is the incidence of accidents with 18 wheelers. In
16 Houston, lately, we have had and on the news several times
17 and several deaths. With this high increased volume of 18
18 wheelers, what will be the accident rate and the death
19 rate?

20 Thank you.

21 COLONEL BUECHLER: Will Steve Schulz come
22 forward? And Valerie Buckner come to the microphone.

23 MS. VALERIE BUCKNER: My name is Valerie
24 Buckner. I'm a Morgan's Point city council person. I
25 didn't come here to speak for the city council but for

1 myself and other people I know and just to give you a
2 little bit of what reality is living with a port.

3 Traffic is terrible. Our -- the best way
4 out of Morgan's Point and going -- when you're going to
5 Houston is to go out Barbours Cut Boulevard but we avoid
6 it at all cost because the truck traffic is tremendous.
7 Besides that, there's a lot of dirt that is turned up by
8 the trucks as they go by. If you go through there, you'll
9 notice any plants that are surviving are often coated with
10 soot and mud and have a difficult time surviving, you
11 know, even if you do plant them.

12 Our police are diverted because of the
13 traffic. We have to pay the -- pay for this. You know,
14 we have to come up with enough police to patrol the
15 neighborhood and patrol the bay -- Barbours Cut Boulevard
16 and it's a constant discussion with us because it's
17 something we probably wouldn't have to worry about so much
18 if it weren't for all the traffic. So, I would think
19 that's something that would need to be looked at in the
20 other areas. What's the impacts going to be for those
21 cities? Are they going to have to hire more police and
22 are they going to have overtime and have to have extra
23 police cars? What all are they gonna have to have as a
24 result of this?

25 Another problem with the traffic is you

1 can't walk or bike very easily. We have a small community
2 where it would be nice to make a complete circle, but you
3 can't walk through that area down Barbours Cut Boulevard
4 because there's no bike path or anything. When the trucks
5 start coming, you have to jump into the weeds or get out
6 of the way of the truck, whatever you can do. And, in
7 fact, our former mayor was killed by one of the trucks
8 leaving the Port when he was riding his bicycle down
9 Barbours Cut Boulevard.

10 Another problem is it's very unattractive.
11 There's no landscaping to speak of. As I said, any
12 attempts that were made were very minimal and the
13 pollution seemed to kill that vegetation. When you drive
14 in, you see nothing but big stacks of trucks and the cargo
15 things. And it's -- it's kind of embarrassing, really.

16 Also the -- one of our biggest problems is
17 the erosion. Since I've been in Morgan's Point, which has
18 been about 12 or 13 years, the beach in front of my house
19 has almost disappeared. We were forced to put in a
20 bulkhead as a result and that is bad in itself because it
21 results in more erosion. When the waves hit a bulkhead,
22 it pulls back the sand even more. I know for sure that
23 the ship wakes are causing trouble because you can stand
24 there and when a ship enters the mouth of the Ship
25 Channel, the waves go rushing -- first they -- it draws

1 the sand out and then the waves come rushing back with a
2 huge impact and goes swishing down the shoreline and carry
3 the sand away with it. And over the last 12 years, what
4 used to be a very pleasant place to walk has disappeared.

5 We -- I have spoken with someone at one
6 point about what were they doing with the dredgings
7 with -- at the -- you know, dredging, going to dredge the
8 channel. And no one ever spoke to -- to us at Morgan's
9 Point or -- or anything. And I was told that the
10 dredgings were already spoken for. Now, you know, if
11 someone put up some kind of little islands or something,
12 some kind of -- something to break that wave action, that
13 would be -- that might be helpful and that may be useful
14 as an alternative in the Bayport area. Although I would
15 rather not see any more ship traffic. I mean, that -- the
16 ships going in the Bayport create a wake that doesn't quit
17 until it hits our shoreline.

18 Our air and water quality is affected.
19 We -- like they said, we have 3,000 trucks going through
20 there that you have to breathe the fumes. In the winter
21 you hear the noise from the Port, especially because of
22 the -- we're downwind. You get tremendous noise and
23 light. It's like the northern lights. It lights up the
24 whole sky.

25 The water quality I'm worried about. We

1 were just beginning to see dolphins in the bay. We
2 haven't seen dolphins in the bay -- I don't even know when
3 the last time until recently. Now, they're almost coming
4 up near the shoreline. They're that far in; and with more
5 ship traffic, more wave action, I don't know what will
6 happen to that.

7 I hate to be -- I hate to fight any more
8 traffic also on the 146. You go in and you're wedged. I
9 have been wedged many times between four trucks and I'm in
10 the middle. The property values --

11 COLONEL BUECHLER: Valerie, I need you to
12 wrap up your comments, please.

13 MS. VALERIE BUCKNER: Okay. And, anyway,
14 the property value and the peripheral industry that may
15 come in is also a problem. I just ask that you consider
16 these and talk to the people in Morgan's Point, some of
17 the old timers; and they can tell you how it was.

18 Thank you.

19 COLONEL BUECHLER: Would Marilyn Eiland come
20 forward? And Leslie Murphey come to the microphone.

21 MS. LESLIE MURPHEY: I'd like to ask the
22 Corps of Engineers to take a long-term view of this, not
23 just the impacts in the next two to three years but look
24 10 or 20 years into the future. And also don't just look
25 at the impacts on the immediate area but the whole

1 eight-county region. And with that in mind, look at the
2 effects on Galveston Bay of a channel dredged to 50,
3 possibly 55 feet, coupled with what's projected to be
4 reduced inflow of freshwater from the Trinity River, which
5 will definitely effect the salinity.

6 Also the emissions from what we hear going
7 to be 7,000 trucks, 2,000 cars, plus ships, trains, cranes
8 and tow motors will not just stay in the area. Prevailing
9 winds will carry that through Pasadena, Houston and north
10 and northwest Houston. I'd ask that you do a baseline
11 study of the air quality in all of these areas so that
12 that can be compared with a computer model of what the --
13 where the emissions will go and what they will be.

14 Perhaps this will also help you determine
15 how this increase in emissions will help Houston achieve a
16 decrease in the NOX currently mandated by the federal
17 government to be 65 to 85 percent by the year 2007. If we
18 do not meet that, we will lose federal highway funds. We
19 will also lose jobs because they will restrict any more
20 industrial expansion; and in light of that, I ask that you
21 look at the -- the sustainability of the Bayport operation
22 when the highways cannot even be repaired because we don't
23 have the funds to do it.

24 I'd also like for you to look at the
25 cumulative effects of the run off from oil, transmission

1 and other fluids from the trucks, the cars and the ships
2 into the bay. And since the plans call for filling
3 wetland and destroying forested areas, I believe it is a
4 requirement that you also look at alternate sites. I
5 would ask that you do a very detailed study of the
6 proposed Texas City site, which because of its location
7 and its increased reliance on rail, should not have the
8 same negative environmental impacts.

9 Thank you.

10 COLONEL BUECHLER: Would Alistair Macnab
11 come forward? And Leslie -- I'm sorry. Chuck Beckner
12 come to microphone.

13 MR. CHUCK BECKNER: Well, everyone tonight
14 seems to agree that this facility is going to be a major
15 source of air pollution for this region. I think one of
16 the things that needs to be looked at, keeping in mind the
17 prevailing winds are out of the south and southeast, that
18 puts the entire La Porte Independent School District
19 downwind from this facility; and I think the EIS needs to
20 include what kind of impact that's gonna have on our
21 children in the La Porte Independent School District.

22 Thank you.

23 COLONEL BUECHLER: Would Gary Poulson come
24 forward? And Richard Couch come to the microphone.

25 MR. RICHARD COUCH: Thank you, gentlemen. I

1 actually represent a little different body here from most
2 of the people. My name is Rick Couch. I'm here on behalf
3 of the Sealand Corporation. I'm also here on behalf of
4 the Carrier's Container Council will represents 24 of the
5 largest steamship lines in the world. Collectively, we
6 control over 80 percent of the container cargo that moves
7 locally, including the Houston area.

8 If I could, I would like to focus on three
9 areas. I've got a little bit more pragmatic approach
10 probably than most although I am a resident of the Clear
11 Lake area. First of all, with respect to the other
12 available locations, I hope you take into account the fact
13 that we certainly have looked at other locations. We've
14 done a significant commercial analysis over a period of
15 the last ten years. I personally have met with the mayor
16 of Texas City, looked at their proposal, met with
17 Freeport. We've looked at Galveston heavily. And in that
18 context I'd like to tell you that the Carrier's Container
19 Council and Sealand clearly supports the Bayport Project,
20 clearly. It's not even a question.

21 I hope you look at that. I'd be happy to
22 make any of the data available to you. It'd be great if
23 you picked a place that was local -- you know, the
24 location perfect. But, unfortunately, if we're not
25 willing to go there and can't make it work on a business

1 plan, then what's the point?

2 On a second point about the draft, we
3 currently don't have ships that need any need for draft.
4 I'm unaware of any plans for ships at my company that need
5 a need for draft. I know of no company that has plans in
6 the Gulf of Mexico to bring anything that needs more than
7 45 feet. Now, you can do what you like; but I'm telling
8 you as an industry, we don't need it in the Gulf now or
9 foreseeable future. I'd be happy to make that data
10 available as well.

11 Third issue, the jobs, the jobs that people
12 are talking about, they're real. The families that we
13 support are real. Unfortunately, they are not located in
14 the burbs, per se. A lot of the people that work for me
15 are not overly educated. They're somewhat disadvantaged
16 maybe with respect to the crowd that's here, but I can
17 tell you that the jobs are -- the jobs are good. The jobs
18 are significant. The average wage at my facility is over
19 \$50,000 a year and less than 10 percent have a college
20 degree.

21 These are significant impacts to areas that
22 need to be considered before you, you know, take too much
23 of an, if you would, emotional approach. Lastly, I urge
24 you to come to Barbours Cut. I'll make my facility open
25 to anyone who would like to of your body and instead of

1 giving you speculation and analysts' reviews, I'll give
2 you the actuals. You can come out there. You can count
3 the trucks. I am appalled at the numbers I'm hearing. I
4 had no idea I was doing this much business. If I was
5 doing this much business, I assure you, I assure you, I'd
6 be significantly richer than I am today.

7 I will make any information you'd like
8 available personally. I urge you to take advantage of
9 that offer.

10 Thank you.

11 COLONEL BUECHLER: Would Page Williams
12 please come forward? And Marilyn Daniel come to the
13 microphone.

14 MS. MARILYN DANIEL: My name is Marilyn
15 Daniel and I've lived for 11 years in El Lago. And I
16 really don't have anything else to add. Most of my
17 concerns have already been addressed. So, thank you.

18 COLONEL BUECHLER: Thank you, Marilyn.
19 Would Mark Bailey come forward? And Steve Schulz come to
20 the microphone.

21 MR. STEVE SCHULZ: Thank you, Colonel
22 Buechler. My name is Steve Schulz. I'm chairman of the
23 Galveston Chamber of Commerce, Port Issues Committee and
24 I'd like to read a resolution of the board of directors of
25 the Galveston Chamber of Commerce.

1 Whereas, the Port of Houston Authority has
2 commissioned a report to be made of the proposed Bayport
3 cruise terminal and, whereas, such final report was made
4 and published May 20th, 1998 and, whereas, page 2-4 of
5 such report contains the following statement -- and I'll
6 quote -- Port of Galveston has seen some intermittent
7 cruise business but has proven unsuccessful for several
8 short comings which continue today. Galveston depends on
9 Houston's population and airlift. It is too far from the
10 airport for reliable passenger scheduling and ship
11 servicing. Also, Galveston had the misfortune of having
12 poorly financed and managed a cruise ship operation which
13 failed to establish itself as a successful cruise service.
14 And, whereas, such statement is at present incorrect and,
15 whereas, the board of directors of the Galveston Chamber
16 of Commerce deem it advisable to place a true set of facts
17 before the public and the responsible governmental
18 authorities at the scoping meeting to be held August 17th
19 with respect to the cruise ship terminal complex to be
20 developed by the Port of Houston Authority. Now,
21 therefore, it is resolved: One, that members of the Port
22 Issues Committee of the Galveston Chamber of Commerce are
23 authorized to communicate to the public and responsible
24 governmental authorities conducting such scoping meeting
25 the fact that the Port of Galveston has, since the date of

1 the report, contracted with Carnival Cruise Lines, the
2 largest cruise line operator in the world, for a five-year
3 agreement to operate cruises out of the Port of Galveston
4 cruise terminal and that the Port of Galveston does not
5 have a poorly financed and managed cruise ship operation
6 inasmuch as \$4.4 million in bonds are to be sold to
7 finance such operations, nor has the Port of Galveston
8 failed to establish itself as a successful cruise service
9 and further that Galveston is obviously not considered by
10 the world's largest cruise line, Carnival Cruise Lines, to
11 be too far from airports for reliable passenger scheduling
12 and ship servicing; number two, that the Galveston Chamber
13 of Commerce as a supporter of the successful Port of
14 Galveston cruise ship operations, encourages the Port of
15 Houston Authority to pursue its cruise ship terminal plan
16 in a manner that both ports can cooperatively enhance
17 their present cruise ship operations and in a manner where
18 each port and the Galveston-Houston regional economy can
19 prosper from the location of additional cruise line
20 operations to Galveston Bay ports adopted by a majority
21 vote of the board of directors on August 10th, 1999,
22 signed by C. C. Rabber, chairman of the board, and John
23 Tindel, secretary. I'd like to enter this in the record.

24 Thank you.

25 COLONEL BUECHLER: Would Daniel Nickelson or

1 Nickeson come forward? And Marilyn Eiland come to the
2 microphone.

3 MS. MARILYN EILAND: Hello. My name is
4 Marilyn Eiland. I live at 110 Bay Colony. That's on the
5 north side. I'm general manager of Gary Greene Realtors,
6 which is a firm with offices throughout the Houston area.
7 So, my first area of concern that I would like to bring
8 before you has been mentioned; but I want to emphasize the
9 impact on property value, the homes that will be
10 absolutely affected. When we hear of 24-hour-a-day
11 lights, 12 stories high, traffic noise, with decibels that
12 are -- with the noise at the port with decibels level, the
13 pollution, the diesel, we know that there will be an
14 impact.

15 I have a listened to speakers who have
16 represented the Port of Houston Authority and they say we
17 can look forward to raising property value because there
18 will be all these jobs, but now we found out that District
19 18's going to have all those jobs. And so, we need to let
20 time to drive. I think what I would like for the scope to
21 include will be very specifically about 2500 homes that I
22 have identified that are within about a mile and a half
23 radius of the entire Bayport complex.

24 I am no longer worried about just loss of
25 value. The realtors in this area will tell you we're

1 already being required by our attorneys to disclose to
2 anyone buying a home everything we know or have read about
3 the potential container cargo increase. So, with this,
4 buyers are walking from offers that have been made. It is
5 gonna have an impact. It is already having an impact.
6 What I'm worried about are all the homes in this market
7 will probably find this, but the immediate 2 to 3,000
8 homes in that area are not gonna just have the problem of
9 lowered value. There is the risk they will have no value.

10 I think that as long as there is any
11 reasonable alternative for the container port that is not
12 surrounded by homes, then the scope has to look at, is
13 bound to look at those alternatives rather than to take
14 away that many homes.

15 One other quick point that I wanted to bring
16 up, with the trucks and all the talk -- and, of course,
17 everything is of record with you and you're so dutifully
18 making those notes. Thank you -- we know that -- because
19 I do have offices all over town, I'm also concerned about
20 all of Harris County. I think most of Harris County
21 thinks this is just another dirty little industry down in
22 the southeast corner. We'll foot the hassles. They will
23 derive the jobs and the revenue. But it isn't like that.

24 What I think needs to be studied are what
25 will the routes be that those 7,000 trucks will take? You

1 know, Houston was born in the port, as Ned is proud of
2 saying, and Houston lives by the port; but Houston doesn't
3 need to die by the port. We -- we have so many other
4 opportunities for -- this is a proud city, this Houston,
5 Texas. There are so many opportunities to increase jobs
6 that don't require 7,000 trucks on the very few freeways
7 that come into the city.

8 When the residents of Memorial, the Heights,
9 Katy, Texas all recognize that they are going to have
10 hundreds of more trucks per day mixed in with their
11 traffic, I believe that they will recognize that this is
12 not the right way to add jobs to this region and I
13 appreciate your consideration.

14 COLONEL BUECHLER: Would Mary Ellen Oliver
15 come forward? And Alistair Macnab come to the microphone.

16 MR. ALISTAIR MACNAB: Good evening. I'm
17 Alistair Macnab and I'm executive vice-president of the
18 Greater Houston Port Bureau. And don't let the foreign
19 accent fool you. I've been here 22 years and I'm very
20 much involved with the maritime activities here.

21 But tonight I'm representing the Greater
22 Houston Port Bureau, which is the organization that I -- I
23 am vice-president of, the Marine Exchange of the U.S.
24 Gulf, the U.S. Gulf International Commerce Club, the
25 Houston Customhouse Brokers and Freight Forwarders

1 Association and A. W. Smith & Company. All of these are
2 maritime-related activities that do business and would
3 hope to prosper in -- in the Port of Houston.

4 Now, I've heard -- in fact, I thought
5 perhaps until -- until Rick Couch got up here that I was
6 going to be the first person to talk in favor of the
7 terminal because everybody we spend two hours listening to
8 why the terminal should not be placed at bay -- at this
9 location. And, you know, I know all about concerned
10 citizens and how they don't want these things to be in
11 their backyard. But, you know, a comment was made that
12 Ned Holmes didn't wait to hear the response of some folks,
13 but I notice that the place now is less than half full.
14 So, an awful lot of people didn't wait to hear any
15 contrary point of view.

16 The world wants to do business with Houston.
17 This is not really a choice so much as an economic fact,
18 and I regret to say that the world does not want to do
19 business with my good friends in Galveston or Texas City
20 or Freeport and this is -- this is a fact because when you
21 do business with any marit -- ocean transportation
22 anywhere, you take the ship as near to the market as you
23 can get. And 50 percent of the trade that comes to the
24 Port of Houston is destined for the city of Houston or
25 Harris County. There is no getting away from that fact.

1 They are -- the rest of the business, of course, goes
2 further afield; but some 50 percent of the business, 50
3 percent of the reason for ships to come here in the first
4 place is because of the city and -- for the city of
5 Houston and the Harris County, then that's where the port
6 has to be.

7 From an economic standpoint, it is my view
8 the Port of Houston Authority has demonstrated the
9 terminal at Bayport is necessary and it's in the right
10 place. Yes, there is a human environment question; and
11 it's most important. But the importance of the human
12 environment is jobs, small businesses, education and a
13 quality of life brought on by -- by economic stability and
14 progress. The Port has asked for advice from the
15 communities, through the Citizens Advisory Panel; and I
16 would like to see that panel do its work so we can get the
17 best possible terminal for the benefit of all the
18 citizens.

19 Thank you.

20 COLONEL BUECHLER: Would Howard Harper come
21 forward? And Gary Poulson come to the microphone.

22 MR. GARY POULSON: Good evening. My name is
23 Gary Poulson. I'm a pharmacist from the Galleria area. I
24 came here today concerned that a bad idea, this Bayport
25 proposal, might be muscled through by an abusive power.

1 After briefly meeting Mr. Bill Fehring of URS and Mr. Mark
2 King of the Army Corps of Engineers earlier this evening
3 my fears have been eased. A fair and honest, thorough
4 evaluation with a regional perspective is what we deserve.
5 I was happy to hear that -- that URS will study in full
6 detail viable alternatives.

7 Thank you.

8 COLONEL BUECHLER: Sue Ann Scruggs come
9 forward. And Page Williams come to the microphone.

10 MS. PAGE WILLIAMS: Yes. I'm Page Williams
11 and some of you know me as a member of the Executive
12 Committees of the Houston Sierra Group and the Galveston
13 Bay Foundation. But tonight I'm speaking only as a
14 citizen of Harris County who does not want my tax money
15 used to harm Galveston Bay and who does not think
16 Houston's agenda is more important than the agendas of the
17 other communities along the bay.

18 As a citizen of west Houston, I share most
19 of the concerns expressed so eloquently by Senator Jackson
20 and Representative Davis. The West Loop is two blocks
21 from my home and already choked with traffic jams and
22 accidents, spewing toxic emissions, noise and nonpoint
23 source pollution. It doesn't need any more trucks.

24 There is a railroad track one block from my
25 home standing between me and the nearest fire trucks,

1 ambulances and hospital. Already I have finished an
2 entire take-home supper while waiting for the Sealand
3 containers to pass along this track, and I do not -- I
4 don't want any more trains.

5 West Houston fishes on bay, sails on the bay
6 and consumes seafood from the bay. Our mayor is quoted in
7 a key magazine saying what a viable, wonderful city
8 Houston is. Why does he want to screw it up? Please
9 extend your EIS at least as far as west Houston, if not to
10 the Katy Prairie. Please consider only the no action
11 alternative until there is a Port of Galveston Bay
12 authority that makes decisions that are best for the
13 health and safety of all the communities around the bay.

14 And I would remind the lucky Sealand
15 employees that you can't eat, drink or breathe money.
16 Thank you.

17 COLONEL BUECHLER: I understand some wonder
18 how far we are through the list. We're about to start
19 with Number 32 speaker. We've got 127. So, again, I
20 would reiterate if your comments have already been made,
21 you are in complete control of how long we stay here
22 tonight.

23 Would Gerald Guerrieri come forward? And
24 Mark Bailey come to the microphone.

25 Appears Mark Bailey is not here. Would

1 Daniel Nickeson come to the microphone.

2 MS. MARY ELLEN OLIVER: He's left also.

3 That hems.

4 COLONEL BUECHLER: Okay. That helps. Are
5 you Mary Ellen Oliver?

6 MS. MARY ELLEN OLIVER: Yes. That was my
7 son. He had homework.

8 COLONEL BUECHLER: I wish I did.

9 MS. MARY ELLEN OLIVER: My name is Mary
10 Ellen Oliver and I live in Taylor Lake Village. My
11 husband is a pulmonary physician treating lung diseases in
12 the area and our children attend school in the area and we
13 all participate in family lifestyles in the area. We came
14 to this region ten years ago specifically for that purpose
15 and I -- in fact, our neighborhood is made up of families
16 who did the very same thing. Thus, we feel we have just
17 cause to be very concerned about this project that could
18 very well pollute our air and recreational waterways. We
19 really ask you to be very -- very careful about looking at
20 specific impact on the families that are already here and
21 that have been living and giving to the economy of the
22 area.

23 The other thing I would ask is that you also
24 take into consideration that most of the neighborhoods in
25 the area have one maybe two exits out of any of those

1 subdivisions and those exits in and out leave right on to
2 either Red Bluff, Todville, or 146. And if we're gonna be
3 trapped in there by these diesel trucks coming in and out,
4 especially when the kids are trying to get to school in
5 the morning on the school buses or the teenagers are
6 learning how to drive on these streets, it can become
7 extremely risky and very frightening for parents like us.

8 I understand the importance of progress and
9 growth for this area and -- and I know we've been accused
10 of the NIMBY attitude. But it seems that in this case
11 when there are viable alternative sites to seriously
12 consider, this port does not have to be in anybody's
13 backyard. It can be developed in areas that already have
14 some ground work laid and most importantly where
15 neighborhoods could -- would not be so adversely affected.

16 Now, there's one other impact that's not on my
17 list that I thought about. Could you look -- please look
18 at the impact of the construction. Now, this isn't
19 gonna -- if this goes through, this isn't gonna happen
20 overnight; and the construction of all of these terminals,
21 of all of these rail lines, the improvements of the roads
22 are gonna take years and they're going to make our
23 situation, our quality of life, our travel extremely
24 dangerous. And I would really like you to look at that.

25 Thank you.

1 COLONEL BUECHLER: Would Tamara Maschino
2 and Noah Phillips come forward? And Howard Harper come to
3 the microphone.

4 MR. HOWARD HARPER: My name is Howard Harper
5 and I have lived in Seabrook for the better part of 24
6 years. I realize there are -- the night is drawing long.

7 One item that has not really been raised, I
8 think, is we know what the truck count is that has been
9 given to us by the Port Authority, somewhere between 5 and
10 7,000. They've also given us a count that I haven't heard
11 here tonight of somewhere in the neighborhood of 24,000
12 employees. I don't know if that's correct or not; but I'd
13 like, you know -- to have 24,000 people going to work
14 every day and leaving every day.

15 The second thing is that if you see today's
16 newspaper, front page, city of Houston is vying for the
17 Number 1 position against Los Angeles for pollution in the
18 United States. One-fifth the size of Los Angeles, second
19 in pollution. I would like the Corps of Engineers to hold
20 permitting until such time as the state officials, who are
21 supposed to meet in the fall this year with the EPA, just
22 try to resolve the -- the air pollution, the ozone problem
23 that we have in Houston and see what their recommendations
24 are before we put 7,000 trucks and 28,000 people into the
25 Bay Area. I can't believe that this is something that can

1 be allowed. I -- we were supposed to be going the other
2 direction. Los Angeles has, at least, found some solution
3 to holding their pollution. Houston seems to be just a
4 wildfire ahead. So, I'd like for this to be addressed and
5 that's -- other than that I think most of the other
6 comments that I have have been covered.

7 Thank you very much.

8 COLONEL BUECHLER: Would Linda Shead come
9 forward? And Sue Ann Scruggs come to the microphone,
10 please.

11 MS. SUE ANN SCRUGGS: Hello. I'm Sue Ann
12 Scruggs. I live in Seabrook and I have some rather
13 specific questions. I hope this is appropriate. But with
14 the additional truck and cargo traffic, I'd like to know
15 how frequently we can expect traffic accidents to occur
16 and what percentage of the accidents are going to involve
17 fatalities. I'd also like to know of these accidents how
18 many can we expect that -- to involve a chemical spill and
19 of these chemical spills how many can we expect that will
20 require evacuations or any other health hazard? Also I'm
21 curious about our -- all of our -- in our area most of our
22 fire departments are volunteer, and our emergency medical
23 people are volunteer. Are these volunteer fire
24 departments trained to clean up chemical spills and are
25 they trained to put out chemical fires? And do they do

1 chemical cleanups? I talked to one fireman in Seabrook.
2 He told me no that they did not have the equipment and
3 they were not trained. And if that is the case, how will
4 the equipment be provided to the volunteer fire
5 departments and how will they be trained to take care of
6 any chemical problems that undoubtedly will occur. I
7 don't know how frequently. But, you know, they're going
8 to happen and I'd just like to know how that is going to
9 be taken care of.

10 Also I'd like to know what the proposed
11 evacuation routes would be for the community when a
12 chemical evacuate -- a chemical spill occurs and
13 evacuation might be called for. I'd like to know how many
14 jobs are going to be lost, the decreased tourism in the
15 Galveston/Clear Lake/Kemah area. I'd also like to know
16 for the elderly population how will the pollution effect
17 their life expectancy?

18 Also last year in August of 1998 there was a
19 chemical release at the Boyer Truck Washing facility.
20 When this happened this demonstrated that our current
21 interagency coordination is questionable. And I'd just
22 like to know how this problem's going to be addressed
23 because with the Port -- if the Port happens how that will
24 be addressed in the case of chemical emergencies. One
25 other thing I'd like for you to consider is that I think

1 we have a responsibility to consider the impact of the
2 possible Indian artifacts, artifacts that might be on
3 sight there. Right down the road is a park called Pine
4 Gully. There are some middens which are oyster rows are
5 being invaded to the water. So, Indian artifacts have
6 been found very, very close by to this site and I'm
7 wondering if anyone's looked into the possibility that
8 Indian artifacts might be located here.

9 I just want to say one last thing. I
10 appreciate your time very much and there's only going to
11 be 120 of us speaking tonight. But there are 425 seats in
12 each of these eight sections; and if my math is correct,
13 there's about 3400 people, plus all the floor seats. The
14 majority of us are deeply, deeply concerned about what is
15 going to happen to our environment, our community and our
16 quality of life. Thank you so much for listening.

17 COLONEL BUECHLER: Okay. Will Joe Mock and
18 Gene Scott please come forward? And Gerald Guerrieri come
19 to the microphone.

20 MR. GERALD GUERRIERI: Thank you, gentlemen.
21 My name is Gerald Guerrieri. I live in El Jardin and I
22 can cut out about half of my speech here. But there's one
23 word up on that big list that hasn't appeared yet and I
24 would like to see it up there. Nobody's mentioned this
25 word. I don't know if maybe it's not politically correct

1 or maybe somebody will think it's -- it sounds selfish or
2 self-serving but the one word I'd like to see up there is
3 people. All we've got up there is things. I want to see
4 people. I want to see the issue about we the people.

5 I'm a good example of the American dream,
6 Colonel. I came from immigrant parents living in an
7 Italian ghetto. I worked hard. I saved my money and then
8 I bought my dream home in El Jardin, the garden by the
9 sea. Me and my neighbors settled there because it was out
10 of the way of city traffic, city lights. It was quiet,
11 safe. At night you can see all the stars. You can smell
12 the water, and you can bathe in the breeze of the bay.

13 If the Port expansion project is placed
14 where it presently is proposed, less than a quarter of a
15 mile from my house, my dream house, it will drastically
16 change my neighborhood and my way of life. And that's why
17 we're all here tonight. We can talk about a lot of
18 issues, Colonel, but we're all chiefly concerned about our
19 way of life.

20 And with the truck traffic, the trains, the
21 switching 24 hours a day, it will never be quiet again,
22 nor will it ever be safe again. With the huge
23 floodlights, we will never see the stars again. With the
24 air pollution, we will never smell the bay waters again;
25 and my grandchildren will not want to come to grandpa's

1 dream house again, ever again.

2 Why the Corps would consider building a
3 project so -- that's so large a scope and so very close to
4 residential areas is beyond my comprehension.

5 Thank you for your patience.

6 COLONEL BUECHLER: Would Jim Morrison and
7 Diana Rodgers please come forward? And Tamara Maschino
8 come to the microphone.

9 MS. TAMARA MASCHINO: I live at the
10 intersection of Red Bluff and 146, which is in Lake Point
11 Forest in Seabrook, which will be a hot zone for many of
12 the activities if this port facility is built. But for
13 the issuance of this permit by the Corps of Engineer, we
14 would not have these anticipated problems. I am
15 requesting that the Corps examine all aspects of a
16 complete pollution analysis of the fine particle emissions
17 of the port development, such as the associated diesel
18 tugs, vessels, trains, cranes, hydense and trucks.

19 The Bayport area is home to over 53 chemical
20 plants which have their own complex suit of pollutants.
21 Before the issuance of the Corps permit, the Corps needs
22 to address the added levels of pollutants to this complex
23 suit and it's effect at ground level emissions near many
24 of the residential neighborhoods, including mine and Lake
25 Point Forest. A complete traffic flow of the area must be

1 analyzed. Traffic levels now are unbearable at Highway
2 146 and Red Bluff; but for the issuance of this permit, we
3 must anticipate almost total gridlock.

4 Also due to the poor current highway designs
5 of 146, Red Bluff and Todville, homes and businesses are
6 located close to these highways making accidents an
7 unacceptable certainty. Our quality of life must be added
8 to the equation. Most of us had never anticipated a major
9 mega port to be built across from our homes. But for the
10 issuance of this permit, the effects of night lighting
11 will block out the night's sky. The noise from the
12 traffic and mega port business will ruin our quiet
13 neighborhoods, diminish desirability of our area and
14 bringing down property values.

15 I will just add a few things. One thing I
16 had found out, I did some research, in New Jersey when
17 they were dredging, they had a problem with bringing
18 dioxin to the surface. What will happen if they start to
19 dredge here in our bay. Okay?

20 In Seabrook we currently have one rail
21 system running, which is extremely noisy and blocks the
22 flow of traffic. What will happen when you added 53?

23 According to the Chronicle the Ship Channel
24 area is partially run down as it is. Why are we expected
25 to have -- to help them build more only to let their other

1 areas run down? Also, but for the issuance of this
2 permit, I want to add the increased incidence of crime to
3 our area. So far that hasn't really been addressed and I
4 would like to make sure that we have no more crime in
5 Seabrook.

6 COLONEL BUECHLER: Will Michael Dickens and
7 Ronnie Raspberry please come forward? And Nona Phillips
8 come to the microphone. I guess Nona is gone and Linda is
9 up.

10 MS. LINDA SHEAD: My name is Linda Shead.
11 Thank you. I'm the executive director of the Galveston
12 Bay Foundation. As many of you know the Galveston Bay
13 Foundation is a nonprofit organization dedicated to the
14 preservation, enhancement of the Galveston Bay for its
15 multiple uses through education, conservation, research
16 and adversity. We are particularly concerned when one of
17 those many uses of the bay, in this case container
18 shipping and the proposed Bayport Project, proposes
19 changes that could threaten the health of the bay's
20 resources and severely encroach on the bay's other uses.

21 We've been monitoring this project for many
22 months now and have on a number of occasions requested
23 changed in the way that Port of Houston Authority is
24 addressing many issues and concerns associated with the
25 project. While some of these requests have been honored,

1 we are not at all confident that the way they have been
2 honored will lead to success.

3 We're here this evening to advocate to the
4 Corps of Engineers, along with everyone else, for a
5 thorough investigation of the impacts of the proposed
6 project and comparison with a number of potentially
7 feasible alternatives. We have prepared a matrix of the
8 minimum alternatives and potential impacts that need to be
9 evaluated. Twenty-five general categories of impacts,
10 seven or eight different alternatives not just Bayport not
11 just Texas City but Galveston, Cedar Bayou, Spillman
12 Island, the upper channel and most particularly a
13 combination of alternatives. For the alternatives
14 analysis to be meaningful, it must take into consideration
15 one or more alternatives of a combination sites in the
16 Galveston Bay system; and each alternative must be
17 evaluated based on whether a 45-foot or a 50-foot terminal
18 is built. That -- that is it is not acceptable to say
19 that a terminal will accommodate 50 feet but the study
20 only evaluate impacts with a 45-foot channel.

21 Too many Corps documents indicate that a
22 50-foot channel is anticipated. It is either a 45-foot
23 project or a 50-foot project. Not part one, part the
24 other. More simply a 50-foot terminal must include
25 evaluation of the impacts of a 50-foot channel for every

1 alternative. So far insufficient information has been
2 available to allow for an independent evaluation of the
3 impacts and alternatives. The Galveston Bay Foundation
4 cannot support any container terminal expansion in
5 Galveston Bay until that information is available.
6 Without that information, a good decision is not possible.

7 Furthermore, any container terminal
8 expansion for the bay should demonstrate that it is
9 compatible with the principles of sustainable development
10 for the Galveston Bay region.

11 We will provide more extensive comments and
12 questions in writing before the end of the scoping period
13 and we appreciate the opportunity to be here tonight.
14 Thank you.

15 COLONEL BUECHLER: Would Mary Beth Maher and
16 Bob Buddingh come forward? And Joe Mock come to the
17 microphone.

18 DR. JOE MOCK: Thank you, Colonel, for the
19 opportunity to address this body. I'm a family physician
20 from La Porte. I was born in this area, raised in this
21 area, have lived on the bay since 1976. I have, as a
22 child, played on the bay. I've watch the subsidence of
23 the industry adversely impact our bay. I left to go to
24 college. Came back and where I used to wade fish, the
25 water was neck deep instead of waist deep.

1 This thing is going to impact a number of
2 people. It's going to be a great number of people who are
3 stressed. As a practicing physician I would like to urge
4 the Corps to also consider the personal impact of the
5 stressful level -- stress levels of the human population
6 in this vicinity related to this proposed facility. You
7 had about 3,000, probably, people here today. Majority of
8 the reason that they were here most of them was some
9 stress level involved in their lifestyle in their life. I
10 have people already having anxiety problems from this.

11 As a long-term resident, when the Barbours
12 Cut facility was put in, I appreciated the fact that the
13 light pollution would be a detriment to the bay front.
14 This was brought up at that time and was laughed at. I
15 think at this point in time it certainly has become a
16 viable issue. We do not see the stars well now. Certain
17 navigation by the stars is difficult. Someone coming
18 northbound -- inbound in the Houston Ship Channel in small
19 boats in the evening or at night doesn't have the benefit
20 of the ranges there is some -- in the Ship Channel as well
21 as they did before because of the fact that the Barbours
22 Cuts lights completely block off the sites.

23 The rest of the facility -- the rest of the
24 comments I've made were made very eloquently by other
25 people, especially Senator Jackson and Representative

1 Davis. Thank you very much.

2 COLONEL BUECHLER: Would Mayor Charles Doyle
3 come forward? And Gene Scott come to the microphone.

4 I take it, Mr. Morrison, that Gene Scott is
5 not here; and you must be Jim Morrison.

6 MR. JIM MORRISON: Mr. Morrison's here. My
7 name is Jim Morrison. I represent the West Gulf Maritime
8 Association. The Association represents the interests of
9 the shipping industry for the western Gulf of Mexico
10 region from the U.S. Mexican border to Lake Charles,
11 Louisiana. The Port's compromising this region provide a
12 major component of the economy and the essential
13 transportation link to markets in the U.S. and around the
14 world. Our members support the Bayport Project. We
15 support -- we thank you for having this hearing. The Port
16 and its staff are looking at these issues. We are working
17 with the Port and the staff to provide answers and will
18 support meetings in the future. We hope the CAP Committee
19 can address some of these issues and bridge some of the
20 gap between the different ideas that are here tonight.

21 Thank you for speaking.

22 COLONEL BUECHLER: Would Stan Krauhs and I
23 believe it's Samra Jones-Bufkins please come forward? And
24 we'll here from Diana Rodgers.

25 MS. DIANA RODGERS: Thank you.

1 My name is Diana Rodgers. I'm here as the
2 president of the Seabrook Association, which is a 501(c)3
3 nonprofit organization with a membership of over 200
4 business owners and residents, not only from Seabrook but
5 the entire Bay Area. Our members agreed last year that we
6 would remain neutral on Bayport's expansion project in
7 accordance with our bylaws. However, we are forced to
8 address this issue as property owners as a 16-acre tract
9 of land located at the intersection of Old Highway 146 and
10 Red Bluff Road currently known as the Seabrook Festival
11 Park and Amphitheater.

12 Current proposed rail plans for the Bayport
13 expansion project will make our property unusable for its
14 intended purpose. Nearly four years over half a million
15 dollars and countless volunteer manhours have already been
16 invested in the festival park and amphitheater. Now, we
17 learn that the Bayport Expansion Project plans to build
18 additional rail lines which will parallel the south side
19 of our property and run directly behind our main stage,
20 which is used for performances in the amphitheater. Our
21 patrons will be exposed to unsightly view of trains
22 passing by and irritating noise they create while trying
23 to enjoy the performance. Additionally, this track will
24 be on the west side of our property near the main entrance
25 of the festival park. This will, obviously, create a very

1 hazardous situation for persons attempting to enter and
2 exit events. Not only will the rail impact the visual
3 atmosphere and create sound problems but the enormous
4 amount of air pollution and light pollution will further
5 destroy the ambiance and enjoyment of this outdoor
6 facility.

7 The festival park and amphitheater will
8 provide a valuable regional attraction for the Houston and
9 the Galveston Bay Area as it is the only facility of its
10 kind in this area, which is a prime destination for
11 tourists. We have a unique -- unique opportunity to
12 create a wonderful outdoor environment where citizens can
13 enjoy a wide variety of activities. In addition to
14 cultural art performances, we will be hosting other
15 recreational activities such as company picnics, weddings,
16 sporting events, scouting camp outs and the like. In fact
17 we have already held several of these events.

18 We currently hold a major fund raising event
19 at this site the first weekend of October each year known
20 as the Seabrook Music Festival. Literally hundreds of
21 volunteers come together to host this family event, which
22 has generated over \$200,000 into the local economy to
23 support numerous community projects and worthwhile causes
24 over the past few years. Our fundraising efforts for
25 completion of the festival park and amphitheater are at a

1 standstill until this rail issue is resolved.

2 Mr. Holmes said that the Port is considering
3 relocation of the rail; however, nothing has been agreed
4 upon at this point. We certainly hope that they will
5 relocate so that we can move forward with this valuable
6 asset for the community.

7 COLONEL BUECHLER: Would Barbara Suber come
8 forward? And Michael Dickens come to the microphone.

9 MR. MICHAEL DICKENS: Yes, sir. My name is
10 Michael Dickens. I'm a concerned citizen from locally
11 here in Deer Park, Texas. I, too, also share with any of
12 the concerns that were shared here tonight by many of the
13 residents of Harris County. Certainly I hope with all the
14 cooperation from all the entities that be that we can
15 resolve some of these issues. However, I believe that the
16 modernization of the Houston Ship Channel is imperative if
17 Houston is to maintain its competitive edge against other
18 deep-channel gulf ports and to remain that international
19 port that it is said to be.

20 We citizens of Harris County depend upon the
21 jobs and economic impact it provides. Out of 80,000 jobs
22 directly affiliated with the Port of Houston activity,
23 nearly 90 percent are held by Houston and Harris County
24 residents. We believe Houston geographic location has
25 been a strategic asset while the Port must modernize.

1 Houston lies within close reach of one of
2 the nation's largest concentration of consumers. More
3 than 17 million people live within 300 miles of the city and
4 approximately 60 million people live within 700 miles of
5 this port, which, in turn, has ample intermodal service to
6 transport goods to inlet destinations. Dredging is
7 imperative, as we know, along with building of modern
8 container facilities and cruise terminals to accommodate
9 more cargo and new services, which will also benefit the
10 community.

11 Building a modern port facility will help
12 Houston develop as a center for international business and
13 trade. International companies find Houston attractive
14 because of its well-developed skilled industrial and
15 financial infrastructure, skilled work force and its
16 diverse population. Although dredging is certainly an
17 environmental issue, we must recognize for years 90
18 percent of the top 50 ports in the United States require
19 regular maintenance dredging and yet these ports are
20 responsible for nearly 93 percent of all U.S. water-borne
21 commerce annually.

22 We must not let the Port be stymied of being
23 building a modern port facility that will embrace growing
24 trade and tremendous economic impact by supplying jobs for
25 our future. The working citizens of Harris County must

1 work together to see that Houston becomes the most modern
2 and progressive port in the gulf region. The
3 environmental commitment of the Port Authority to be in
4 compliance with environmental regulations and the emphasis
5 on ecology with the preservation of Galveston Bay in mind
6 should help us make that decision on modernization and
7 enhancement of our port facility so that we might all
8 benefit from the economic impact that it will provide for
9 jobs in our community.

10 As chairman of the Houston Dock Marine
11 Council, sir, which is an entity of 70 international
12 longshoreman association members, I want to go on record
13 to say that we all stand unanimously in support of the
14 Bayport bond issues for the building of Bayport Terminal
15 and I will say also that I believe when all, and I say
16 all, concerned citizens of Harris County have their right
17 and their say in this particular statement, I believe that
18 there will be more positives than there will be negatives.

19 Thank you for your time.

20 COLONEL BUECHLER: Will Ron -- Ronnie
21 Raspberry please come to the microphone.

22 MR. RONNIE RASPBERRY: Thank you,
23 Mr. Moderator. My name is Ronnie Raspberry. I'm the
24 executive secretary of the Houston Gulf Coast Building
25 Trades Council.

1 Is that too loud? I'm sorry I offended
2 somebody already. I didn't doubt that I was going to.

3 As I understand it at the very beginning you
4 were talking about environmental impact. And I'm a
5 representative of workers, construction workers over an
6 18-county area here. Now, over the last -- all my life,
7 as a matter of fact, we've had three main arteries in the
8 Houston area one being that port, one being oil and one
9 being NASA. And that port -- port and that channel has
10 been there longer than NASA, maybe not longer than oil;
11 but it has been a mainstay of the economy and the Houston
12 area up until the early Eighties.

13 Now, I've heard that a number of people were
14 moving into the Bay Area down there 10, 12 years ago. Let
15 me tell you, when the oil industry shut down and shipping
16 stopped back in the Eighties, my people were moving.
17 Okay? But they didn't lead -- they didn't need any real
18 estate dealer. They needed trailer salesmans (sic) to buy
19 something from and live in, and we had to start food banks
20 to help because there was not any jobs, no jobs available
21 for them.

22 So, I'm here on behalf of the Houston Gulf
23 Coast Builders Traders Council in total support of
24 construction. Of course, that's what our -- our -- we're
25 all about, jobs, jobs for working people. And we don't

1 have any yachts down there, not too many of us live down
2 there. As a matter of fact, we're lucky to have john
3 boats; but we're citizens here. We pay our taxes here,
4 and we deserve just as much consideration in your
5 environmental study. In fact, I think we should be number
6 one in -- in your environmental impact, the workers and
7 how it will affect them.

8 I've seen scripted presentations tonight;
9 and, obviously, mine's not and -- and obviously, I don't
10 know near as much about this as I should, just as,
11 obviously, as nobody else that's been here before me has
12 either. So, I know I'm going to be hissed; and I really,
13 really do take exception to that way. And that's fine
14 over there. I've been a labor leader for 27 years here.
15 So, y'all are nothing compared to what I've been through.
16 Okay?

17 So, we'll -- we would like to see you do
18 your survey, do it right, do it by the law. Come back
19 with your -- your recommendation, whatever it is and then
20 we will all meet you at the polls and we will vote on
21 whether or not Houston continues growing and we keep our
22 people working or we don't. It's simple as that.

23 And I appreciate the time. Thank you.

24 COLONEL BUECHLER: Mary Beth Maher please
25 come to the microphone.

1 MS. MARY BETH MAHER: My name is Mary Beth
2 Maher. I have lived in the Bayshore area for 30 years,
3 the last 17 in the City of Shoreacres. Most of my
4 concerns have been addressed tonight. But the area
5 bordering Galveston Bay from Morgan's Point to Kemah is
6 the only portion of Galveston Bay in Harris County that is
7 residential. Studies must be conducted to show the effect
8 from this project on this area. How will this affect the
9 tax base of the surrounding cities and school districts,
10 if the values of homes are reduced?

11 Shoreacres is a residential city, except for
12 the Houston Yacht Club. Within a four-mile distance from
13 the proposed project and downwind will be four La Porte
14 schools, the high school, junior high and two elementary
15 schools. Our children, too, will be involuntarily
16 affected tremendously. Involuntarily we are being asked
17 to give up a unique quality of life. I am distressed that
18 the Port of Houston Authority would consider the word
19 "authority" to mean that they can rob us of the serenity
20 and peace we have found in the area we choose to live in.

21 Thank you.

22 COLONEL BUECHLER: Would James Suber come
23 forward? And Bob Buddingh come -- come to the microphone.

24 MR. BOB BUDDINGH: Thank you, Colonel.

25 I think most of my concerns have been

1 addressed already tonight. One thing I would like to
2 request is it's my understanding that the Port will
3 operate 24 hours a day. The trucks will only be allowed
4 into the facility during daylight hours. I feel that this
5 greatly adds to the congestion and will also add to the
6 idling time of these trucks. Diesel engines are
7 inherently dirty, but the emissions greatly go up during
8 idling. I would request that you -- your study include
9 these added -- added emissions from extended idling due to
10 congestion.

11 I also request that a 12-month study be
12 performed to establish the baseline levels for fine
13 particulate matter. Thank you.

14 COLONEL BUECHLER: Would Beverly Mickley
15 come forward? And Mayor Doyle come to the microphone,
16 please.

17 MS. SAMRA JONES-BUFKINS: He's evidently not
18 here.

19 COLONEL BUECHLER: He's coming behind you.

20 MAYOR CHARLES DOYLE: Colonel Buechler.
21 Texas City has a vision for the 21st Century. We want to
22 build a container mega port at Shoal Point. We don't want
23 to build it there because it's just in Texas City. We
24 think that the whole Galveston Bay area should be looked
25 at as one unit and planned and developed as a regional

1 port facility area. We've advocated that from Day One
2 when I was elected in 1990. We haven't got a lot of
3 reception from that from the Port of Houston; but by the
4 same token, I think when we're dealing with taxpayers,
5 money, United States Government's money, we have an
6 obligation to look on behalf of the entire community.

7 People do business with Houston. They do
8 business with the Houston-Galveston area; and most of all
9 they do business with Texas. I think that it's very
10 important from the standpoint of Texas City that we be
11 given a strong consideration as an alternative site. We
12 own 80 square miles within our city limits of Galveston
13 Bay. We have over 3,000 acres dedicated to habitats, more
14 than any community in the Houston-Galveston area. We have
15 within the city over 500 square miles of parks. Some of
16 those are also habitats. So, we believe in protecting the
17 environment.

18 We are concerned that we get fair and
19 impartial treatment as an alternative site in this EIS
20 process. When we met with you on April the 21st, you told
21 us that this was the beginning of that process; and we
22 want to be involved substantially in the beginning and
23 throughout its entire course. We feel that you can
24 construct a port of this size on dredged soil. We have
25 hired a consulting firm to prove that point. We feel that

1 vessel crafts of 50 feet and above are demanded by today's
2 environment, not the future environment. REGINA MERITS
3 sailed into the Port of Houston in -- the Port of New York
4 and New Jersey to make that point last year, and now
5 they've made a commitment to deepen their port from 50 to
6 52 feet.

7 Land-side access impacts are important, and
8 we want you to look carefully at ours because our proposed
9 site is not adjacent fence to fence to residential areas.
10 We have a master plan and a land-use plan and zoning that
11 prohibits that. And our goals for 2000 provides for our
12 industry to spend millions of dollars relocating
13 residential residents to other areas.

14 We're approximately -- we also feel that we
15 should minimize the impacts to communities. We think it's
16 inappropriate that Shoal Point and the NIA statements
17 should have any reference to our port without a full
18 analysis that might be detrimental to future investments
19 in our community and jeopardize our product -- project for
20 the future.

21 We feel that the purpose of government is
22 the health, safety and welfare of its citizens. We have a
23 community that has addressed that time and again. Our
24 community also began with the Port, but we have the state
25 of the art in dealing with emergencies that might occur

1 because of a mega port. Texas City offers its resources
2 to ensure the full, complete evaluation of Texas City
3 Shoal Point as an alternative and we have our consultants,
4 Joe Mosley and John Vicarman (phonetic) with us here
5 tonight to hear all the statements made by these citizens
6 so that we can assist you in evaluating our site.

7 Thank you.

8 COLONEL BUECHLER: Marilyn Eiland please
9 come forward and Stan Krauhs.

10 How about Samra Jones-Bufkins? Excuse me.

11 MS. SAMRA JONES-BUFKINS: Thank you,
12 Colonel. My name is Samra Jones-Bufkins. I'm a resident
13 of Clear Lake City where I've lived for 12 years. While I
14 have a number of concerns with this project, I'm going to
15 stick to a couple of them that are a particular concern.

16 Several months ago, while en route to a
17 meeting. I was caught in a thunderstorm. I barely made
18 it down Barbours Cut Boulevard due to high water and I
19 had a three-quarter-ton truck with ground clearance.
20 Large container trucks were creeping or stopped by the
21 side of the road because of unsafe conditions because --
22 caused by the huge volume of rainwater pouring out of the
23 Barbours Cut terminal into the roadway and flooding yards
24 and property across the street from the Port. The
25 vehicles that were moving caused wave action that probably

1 damaged the submerged property. Residents of Morgan's
2 Point say that kind of flooding is a common occurrence
3 during rainstorms.

4 The proposed Bayport Project, whether built
5 currently as planned or scaled back, will increase the
6 volume and velocity of stormwater runoff in the
7 surrounding towns and be cause for the potential of
8 residence flooding. This growing, densely-populated area
9 already has a limited number of evacuation routes and an
10 extensive paved surface at Bayport will increase street
11 and residential flooding, nonpoint source pollution and the
12 effects of tidal flooding.

13 At a time when Harris County is being
14 threatened with a loss of federal highway construction
15 funds unless we reduce our vehicular emissions, adding
16 thousands of diesel trucks and their pollution to the area
17 will not only damage the air quality, it could jeopardize
18 our ability to evacuate bay area neighborhoods safely and
19 in a timely manner during floods because we won't have the
20 money to rebuild the roads. Please look carefully at
21 stormwater damage and the effects.

22 Additionally, in my previous employment
23 position a few years ago, I was invited by a Port of
24 Houston employee to speak to the American Association of
25 Port Authorizities presenting a citizen's perspective on

1 the Ship Channel Deepening and Widening Project and,
2 specifically, the success of the Beneficial Uses Group and
3 the Interagency Coordinating Team. That talk led to other
4 presentations and resulted in the Western Dredging
5 Association's first technical article entitled "Overcoming
6 Obstacles to Dredging Problems." I think I was
7 representing the obstacle. I found myself in the unusual
8 position of saying nice things about the Corps of
9 Engineers, while I was an environmentalist. I can't do
10 the same thing about this project.

11 The Port and the Corps did not learn from
12 the Deepening and Widening Project. The manner in which
13 the Port of Houston has arrogantly shoved this project
14 down the throats of its neighbors and the taxpayers of
15 Harris County is a disgrace to the public process.
16 Instead of acting like a 900-pound gorilla that can sit
17 anywhere it can, I strongly urge the Port and the Corps to
18 institute a meaningful, effective public planning process
19 replacing the sham committee in place now and actively
20 including all affected entities and all Bay user groups,
21 facilitated by a non-bias team. Only then and with the
22 input of all interested parties could a regional port be
23 designed with the best environmental and economic interest
24 of the region.

25 Thank you for your time, Gentlemen.

Jana L. Martin & Associates, Inc.
(800) 640-3549 * (409) 762-2222

1 COLONEL BUECHLER: Would Mike Hendryx come
2 forward? And Barbara Suber come to the microphone.

3 MR. STAN KRAUHS: Hi. I'm Stan Krauhs.

4 COLONEL BUECHLER: Okay. Mr. Krauhs, go
5 ahead.

6 MR. STAN KRAUHS: My name is Stan Krauhs.
7 I'm a citizen of the city of Shoreacres. I'm here tonight
8 to state my opposition to the Port of Houston Authority
9 Bay. I will begin by stating I support all written and
10 oral communications that will be given by the Galveston
11 Bay Conservation & Preservation Association and their
12 representative Jim Blackburn. I am in full agreement with
13 the points they have raised and ask that each one be
14 responded to in the EIS.

15 In addition, I want to emphasize two related
16 items, those being air pollution and the analysis of
17 alternatives in the Bayport site for the project. But for
18 the issuance of a permit by the Corps of Engineers under
19 Section 10 of the Rivers and Harbors Act, no navigation
20 facility could be constructed at Bayport. The geographic
21 area within which the Bayport Project will be built is
22 currently an EPA nonattainment area with no plan for
23 compliance by the 2007 federal deadline. There's not even
24 a regional plan of action for meeting the 2001 in terra
25 goal. It is unconscionable that Mr. Ned Holmes, with his

1 various positions and responsibility in the community and
2 knowledge, would propose a project that will create new
3 sources of air pollution. It will also be unconscionable,
4 in my opinion, for a permit to be granted to construct the
5 Bayport Project before this is resolved, taking into
6 account all new emissions from the Bayport.

7 So, what I want to ask is is that the EIS be
8 put aside until this larger issue can be resolved before
9 this project goes any further.

10 With regard to the local air pollution issue
11 stated above, all possible alternatives for the site of
12 such a project must be investigated. I propose that all
13 sites include other regional sites in the Gulf Coast in
14 the Port of Houston. Manager Mr. Corby, executive
15 director of PHA, in talking about expanding capacity
16 refers to, and I quote, "our hungry competitors across the
17 Gulf," unquote. The competitor is addressed as the Lou
18 Delm in New Orleans.

19 New Orleans is the reasonable alternative
20 site because the need for a new container facility is not
21 specific to Houston, only to the western Gulf of Mexico.
22 New Orleans is currently in compliance with all EPA
23 regulations and should be given equal consideration in all
24 studies. To perform an evaluation of the Bayport site
25 EIS, the alternative of no action may be the best decision

1 for the Houston area. Let's let businesses that make up
2 the Port of Houston and the magnificence of the free
3 market system determine the course of commerce without
4 interference by the Port of Houston Authority and without
5 my tax dollars.

6 Thank you.

7 COLONEL BUECHLER: I'll probably butcher
8 this last name George Paulissen, P-a-u-c-i-s-s-e-n (sic),
9 possibly. Barbara Suber come to the microphone.

10 MS. BARBARA SUBER: My name is Barbara
11 Suber. I live in Bay Colony, a subdivision of La Porte
12 located on the north bank of the Bayport Channel. It has
13 been hard to select the most important issue to present
14 for my concerns, but I would like to address the
15 unregulated vehicular emissions. While there may be some
16 mitigation of the other concerns, I do not believe that
17 the Port of Houston Authority can do anything about the
18 vehicle emissions. Locally the proximity of the site to
19 Bay Colony residences is as close as 600 feet; and schools
20 as close as eight-tenths of a mile is frightening in terms
21 of exposure to the emissions from trucks, trains, ships,
22 yard equipment, et cetera onsite and in the emissions
23 corridor created by the trucks and trains traveling to the
24 site and then again outbound to their final destination.
25 On a broader scale, long portions of Harris County, again,

1 residents and schools will be impacted by these emissions
2 corridors created by the trucks and trains. This will be
3 exacerbated by the prevailing winds.

4 The emissions problem has serious impact in
5 several areas, health concerns, loss of federal road funds
6 due to nonattainment of emissions goals and property
7 valuations.

8 I don't know who originated the statement
9 but I find it appropriate here: Breathing should not be
10 hazardous to your health. Thank you.

11 COLONEL BUECHLER: James Suber.

12 MR. JAMES SUBER: Thank you. I'm James
13 Suber. I'm also a resident of Bay Colony and I'm also the
14 president of Bay Colony Property Owners Association. We
15 represent approximately 130 homes in Bay Colony, and we're
16 all concerned about the new facility. We're gonna -- I'm
17 going to talk about three issues that are dear to us
18 because of our proximity to the Bayport Channel.

19 First is -- has already been discussed as
20 it's the erosion of the northern embankment of Bayport
21 Channel. The second, of course, is noise and lighting.
22 The third, which has not been mentioned is the shaking of
23 our windows and walls when ships pass through the jetties.
24 Citizen protests against the original development of
25 Bayport Channel was smaller or less because at the time a

1 lot of oil refineries promised a 300-foot green zone.
2 That has been mentioned. Now that green zone is gone,
3 practically.

4 We had finally gotten the permit applicant's
5 attention to this problem in 1997. At that time the
6 permit applicant says, "We will have a design in '98 and
7 we will probably implement that design during the year
8 1998."

9 In 1998, we did not even get a design. This
10 is 1999. We still don't have a design. So, be careful
11 what a project applicant tells you.

12 The erosion we're discussing is due to
13 passing of ships. There may be some small component of
14 that erosion that's due to natural weather conditions, but
15 we estimate less than 5 percent -- contributes less than 5
16 percent to the erosion. So, it's passage of ships; and as
17 ships are added with this new project, so will the erosion
18 increase.

19 The next item is noise and lighting. And
20 many folks thinks --think this is simply a nuisance item.
21 Let me tell you, it's not. This brings to mind
22 maintenance dredging which occurred in May and June of
23 1989. This was a 24-hour operation which involved a large
24 dredge machine, large diesel engine and several small
25 tugs, or whatever, with smaller diesel engines; and they

1 went all night long, beep-beep on the horns, whine of the
2 small engines.

3 Thank you.

4 COLONEL BUECHLER: Beverly -- Beverly
5 Mickley.

6 MS. BEVERLY MICKLEY: Hi. I'm Beverly
7 Stills and I'm 13 and I live on Galveston Bay sailing. I
8 like swimming, fishing and just enjoying life around here.
9 I'm opposed to the Port expansion because that way of life
10 would be changed. I'm here because I'm one of the younger
11 people here who will be around to see the effects and know
12 the detriment on nature it will have, as well as on way of
13 life. Beauty -- nature and beauty of the way of life
14 around here is very important to all of us, and we need to
15 preserve it.

16 Just not long while ago I had to do a
17 project on endangered brown pelicans. And, lately, out in
18 front of my house, I've seen them flying around; and that
19 has been such a relief to see the wildlife come back to
20 us. Here we are trying to bring it back. Pollution and
21 that cannot be allowed. It does not help. Seabrook and
22 La Porte are where I find my home, not my house, my home;
23 and that should not be taken away from me and nor from
24 anyone else.

25 Thank you.

1 COLONEL BUECHLER: Marilyn Eiland. Mike
2 Hendrix.

3 MR. MIKE HENDRIX: Thank you, Colonel.

4 I'm the senior officer of the Texas Crate &
5 Yacht Club. It's a small group of sailors in Kemah, but I
6 think I also speak for thousands of recreational boaters
7 and sailors on Galveston Bay.

8 Colonel, it is our request that the
9 Environmental Impact Statement look at the effects on
10 recreational boating because of this project. The
11 proposed terminal will have a devastating impact on the
12 Houston Yacht Club, which has been addressed to you; but I
13 want to talk about why that impact affects the rest of us,
14 if I may.

15 The Houston Yacht Club is really the
16 foundation of recreational and competitive sailing on the
17 entire bay. Its location is unique, and its size allows
18 it to be the center of and really the linchpin for
19 hundreds of sailors locally and has served through the
20 years to be the center for sailing for hundreds of sailors
21 from around the country and the world. At first blush you
22 may say, Colonel, that it's only sailing; and that can't
23 be very important because there's not that many sailors
24 around. But I submit to you that that's not true.

25 There are some 7,000 boat slips on Clear

1 Lake alone and, of course, that doesn't even address the
2 people who bring boats to fish and bring their sailboats
3 down to Galveston Bay and the Clear Lake area. But
4 because of Houston Yacht Club, literally hundreds of
5 sailors of all ages compete.

6 And I keep talking about Houston because the
7 venue that it has, the place that they sail is right in
8 the middle of where the expansion's planned. With your
9 permission, I have some blowups of pictures that I'll
10 leave with you; and they are pictures of young sailors.
11 For example, not long ago the Houston Yacht Club sponsored
12 the U.S. Championship of Optima Sailors. They had some
13 150 sailors ages 8 through 15 from all over the United
14 States. And the race course that they used comes right up
15 to where the planned expansion and the new eastern ship
16 turning basin is planning for. In June of this year we
17 had the U.S. Junior Olympics; and the race course, again,
18 was right there.

19 Finally, I think that, Colonel, there is a
20 great effort to bring the Olympics to Houston in the year
21 2012; and Houston will also be the source for summer
22 sailing for the sailing events for the summer events. If
23 successful and we get it here, there will be tremendous
24 amount of sailing in the Houston Yacht Club and they need
25 that venue and those sailing right there will be crossing

1 in that area.

2 I respectfully request that you include
3 these issues in the Environmental Impact Statement and
4 that you look at Texas City as an alternative and that we
5 retain the economic growth by that and continue to enjoy
6 the bay.

7 Thank you, sir.

8 COLONEL BUECHLER: Unless George Paulissen
9 is behind the podium, I propose we take a short break.
10 It's been about three hours, and my bladder's going to
11 burst. I promise we'll take about ten minutes. We are
12 through with 60 presenters. We have just slightly more
13 than that remaining.

14 I will read for you real quickly the first
15 six: When we return, Cynthia Evans will be the next
16 speaker, John C. DePaolo, Fred Scrivner or Shrivner,
17 Schrivner, Kelly Reed and William Griffin, Eleanor Childs.
18 I may have read an extra name, but those are the next
19 group of folks on the list.

20 So, we're going to take a short break and be
21 right back with you.

22 (Recess)

23 COLONEL BUECHLER: Cynthia Evans. A last
24 call for Cynthia Evans. John C. DePaolo.

25 MR. JOHN C. DePAOLO: Thank you, Colonel.

1 My name is John C. DePaolo. I'm a 22-year union
2 longshoreman with ILA Local 24, Houston, Texas. I thank
3 you, Colonel, and the Corps of Engineers for the chance to
4 speak. It makes me proud to be an American to see
5 participatory democracy at work. I have -- here tonight.
6 I have served my union in the past as an elected official.
7 I'm an enthusiastic supporter of the Bayport
8 Project, which cannot go forward if it does not meet and
9 pass the environmental standards of the law of the land.
10 I have listened respectfully to all the issues presented
11 here tonight. A project of this magnitude would have a
12 multitude of similar challenges wherever it is built.
13 However, American ingenuity and capacity for hard work
14 required to meet these challenges are unequalled anywhere
15 in the world, as the Corps of Engineers has so ably proved
16 during its history.

17 The question of return on investment was
18 raised. The Port has always produced a healthy return for
19 investment on bond holders, the taxpayer and a capital
20 generated into the regional economy. It has been an
21 economic engine for Harris County, and we have workers in
22 every district in Harris County and beyond. What I hear
23 tonight is; take these issues and challenges to Texas
24 City, to Galveston, to Freeport, anywhere but not here,
25 not in my backyard.

1 My issue that I would wish you to consider
2 was touched upon by Texas Representative John Davis of
3 District 129. This is about families. Well, sirs and
4 madams, I have four children to raise and educate. My
5 youngest turned 3 this past May 20th. Our families and
6 children matter, too. Please don't jeopardize the future
7 of our jobs so we, too, can support our families and raise
8 our children. We have family values.

9 For every honorable fellow citizen that
10 spoke here tonight, there are literally hundreds, perhaps
11 thousands, of direct and related port jobs, small and
12 large businesses, whose futures are depending on our port,
13 not losing our business because we cannot accommodate the
14 needs of our customers and someone else did.

15 We are working people; and while we may not
16 all be able to afford to have yacht club memberships or
17 yachts, please, let us have an economic future to support
18 and educate our children with some reasonable degree of
19 dignity.

20 And, by the way, the take-out dinner
21 referred to earlier eaten while waiting for a Sealand
22 train to pass may have been shipped in a Sealand
23 refrigerated container. Thank you.

24 COLONEL BUECHLER: Eleanor Childs and
25 Evangeline Whorton please come forward. And Fred

1 Scrivner, I believe. Are you Kelly Reed? Okay.

2 Mr. Scrivner was not here. Go ahead, Kelly.

3 MS. ELEANOR CHILDS: My name is Eleanor
4 Childs, and I'm a resident of Galveston County. And I
5 resent the fact that all the negative effect of the
6 Bayport Project will fall on Galveston County and we have
7 no voting voice on this issue. Our seafood industry,
8 estuaries, recreation and basic environmental issues are
9 at stake, and we cannot react. This is in regard to the
10 bond issue. If the Corps of Engineers approves this
11 Bayport, if Harris County wishes to impose this
12 unnecessary burden on its taxpayers, that is their
13 decision.

14 We are not so naive as to believe that this
15 channel will not be dredged to 50 feet depth and widened
16 as it has to happen to accommodate the container ships you
17 want.

18 Thank you for your consideration.

19 COLONEL BUECHLER: I've got a couple of
20 names here in front of me. Eleanor -- I want to make sure
21 that those folks are not here, if they've already made
22 their remarks. Is Kelly Reed here?

23 MS. KELLY REED: Right here.

24 COLONEL BUECHLER: Okay. Kelly, you're up
25 next.

1 MS. KELLY REED: Thank you, Colonel. I'm
2 not going to stand here and list everything I want to
3 study tonight. I have my concerns documented and I'm
4 turning them in as part of the record. What I want to say
5 is I have heard it said by the people for the project that
6 we are NIMBYs, not in our backyards. This is far from the
7 truth.

8 This project is not only an eye sore; it
9 will truly place lives at risk. Nothing in this world is
10 more important than the preservation of human health and
11 the ecological balance of the earth. Please set an
12 example for the rest of the world to follow by being
13 extremely thorough and fair in your studies of all the
14 issues.

15 In the past three months in the city of
16 Houston, there have been nine fatalities in automobile
17 accidents involved with 18-wheelers. There almost is not
18 a day that goes by when a tractor-trailer truck is not
19 involved in an accident in Harris County. Enough is
20 enough. Do not allow 7,000 more a day on our roads. Rail
21 is the key.

22 It would be morally wrong to permit the
23 conditions the proposed container port would inflict upon
24 the citizens, the wildlife and the upper Galveston Bay.
25 People should not have to live in fear of breathing, of

1 traveling with their families in automobiles, or sending
2 their children to school on the bus. No one's health or
3 quality of life is expendible, and no one has the right to
4 upset the delicate balance of the ecologically productive
5 upper Galveston Bay.

6 Thank you.

7 COLONEL BUECHLER: Ramona Shoup, Nancy
8 Dietrich and Natalie Ong, please come forward. And is
9 this William Griffin?

10 MR. WILLIAM GRIFFIN: Thank you, Colonel.
11 My name is William Griffin. I'm here representing myself,
12 my wife and my three children. We live approximately 2
13 miles from the waterfront, and this proposed project is
14 about a quarter of a mile from the southwest corner of
15 the -- of the proposed project. Our concerns focus on
16 several areas, including traffic, air pollution, other
17 source of pollution, including water pollution, quality of
18 life and decreasing property values; but I only touch on a
19 couple of those specifics.

20 Red Bluff Road is a narrow, two-lane road
21 that runs east to west through our -- adjacent to our
22 neighborhood. It accepts and feeds an expanded three-lane
23 portion of itself that feeds up into Pasadena. It also is
24 the only access to my neighborhood. There is no other way
25 to get to or out of my -- my subdivision. It currently

1 gets congested to the point where it can take 10 or 15
2 minutes to travel one mile from the Taylor Lake Bridge to
3 State Highway 146 because of its proximity to the major
4 arterioles in the area.

5 It is not inconceivable that 50 to 100 of
6 those 7,000 trucks per day will be using Red Bluff Road
7 either accidentally or as an intentional bypass to the
8 traffic on Port Road. Additionally, almost all of the
9 cruise terminal traffic is going to use Red Bluff Road
10 because of the secondary access, the separate access
11 planned for the cruise passengers. Why should they have
12 to dally with all those nasty trucks anyway? The
13 inevitable congestion will severely impact our homes in
14 nominal circumstances and during emergencies.

15 Also Houston experienced four out of the
16 five worse smog days in the country in the last year.
17 This project will not make it any easier to alleviate that
18 situation. To the contrary, with increased congestion on
19 Red Bluff and concentrated source 2 1/2 miles away, my
20 neighborhood will probably continue.

21 Two of my three children have already been
22 diagnosed with reactive airway disease, which is the
23 precursor to asthma, now considering asthma does not run
24 in my family, that has been generally indicated to the
25 doctor. Should they have to get used to the environment,

1 to the new environment proposed by this project? I don't
2 think so.

3 Earlier tonight Mr. Holmes referred to his
4 directions to his staff. The Port Authority has had many
5 months to review these options; yet the proposed project,
6 as it stands before you tonight, does not include them.
7 Don't be distracted by these smoke screens. These things
8 are not before you because they are not real. They will
9 not materialize. Those of you who have spoken in favor of
10 the port tonight will not suffer significantly if the
11 permit is not granted. Those of us who live in the area
12 have nothing to gain and everything to lose.

13 A vast majority of the population in the
14 immediate area and a significant portion of the county as
15 a whole do not desire this facility as evidenced by the
16 opinions expressed here tonight and at all previous
17 meetings. We believe that development will adversely
18 affect the entire area, the quality of the air we breathe,
19 our safety on roads we drive on, our view of the night sky
20 and the beautiful vitality of the upper Galveston Bay.
21 I'm urging you to take all this into consideration when
22 developing Environmental Impact Study.

23 Thank you.

24 COLONEL BUECHLER: Evangeline Whorton.

25 MS. EVANGELINE WHORTON: I am Evangeline

1 Whorton, a long-time resident of Galveston and chairman of
2 Scenic Galveston and the Friends of the I-45 Estuary. I
3 will introduce the remaining few of my executive board.
4 We all came to this scoping meeting. If they would stand,
5 please. Some have gone. Scenic Galveston, a scenic and
6 habitation -- habitat conservation group, owns almost 5
7 miles on both sides of I-45 -- between the Texas City
8 interchange and the Santa Fe overpass on this very major
9 transportation gateway to Galveston Island. Scenic
10 Galveston's project since 1993 has acquired 98 percent of
11 the 900 acres of these spectacular marshlands known as the
12 John Emerald Quinn I-45 Estuarial Corridor, and we've
13 restored major degraded parcels therein. We've raised
14 \$2.4 million, all private monies, except for \$400,000 that
15 the North American Wetlands Conservation Act supplied to
16 help us purchase wetlands for habitat conservation.
17 Therefore, we proclaim that our citizen members and the
18 public users of our habitat conservation reserve are
19 stakeholders in what the Port of Houston Authority does to
20 Galveston Bay.

21 We have a vested interest in Galveston Bay.
22 Texas has lost 8,400,000 acres of it's total estuarial
23 wetland areas. In 1960, just 12 remained. By the mid
24 Seventies, 35 percent of these marshes were lost; and
25 saltwater intrusion has degraded much of that.

1 The productivity of Galveston Bay is
2 enormous and primarily due to its estuarine character.
3 Estuary productivity is directly related to the
4 maintenance of the balance between freshwater river
5 inflows and saline inflows from the Gulf of Mexico. As
6 channel depth and width are increased, more and more
7 saltwater is allowed to enter Galveston Bay. That
8 directly threatens oysters, blue crabs, brown and white
9 shrimp and numerous juvenile fin fish.

10 The proposal reflects a depth designed for
11 50 feet of channel depth. You can bet that the Port will
12 be requesting that depth at a later date. Scenic
13 Galveston insists that the EIS includes a study of the
14 widening and deepening of the Bayport Channel to 50 feet.
15 Galveston Bay's at stake. There are much better sites for
16 a container facility than the Bayport, which is in the
17 upper fresher portion of the bay. In this case the
18 argument certainly exists that Texas City Shoal Point
19 facility will have less environmental impact than would
20 the Bayport facility. Texas City is already with an
21 industrial area, not a residential one, as Shoal Point has
22 proved. A 50-foot channel has been approved for Texas
23 City as has the Port of Galveston and Freeport. This
24 Bayport proposal is a potential expensive route to take.
25 Scenic Galveston and the friends of the estuary urge you

1 to say no to a permit to Bayport.

2 Thank you.

3 THE COURT: Would Billy Reed, Lalise Mason
4 and Christopher Guen come forward. And would Mona Shoup
5 come to the microphone. Nancy Dietrich.

6 MS. NANCY DIETRICH: In the poem Always Have
7 a Dream, Amandras advises to forget the bad, rejoice at
8 the good but through all, always have a dream.

9 Dreams are important in order to establish
10 the communities, businesses and the futures of our world.
11 The job that the Corps of Engineers is undertaking tonight
12 is extremely large and serious in nature about the
13 decisions which are made, based on an Environmental Impact
14 Study that will set the course for the future and possibly
15 alter the dreams for several surrounding communities.
16 Dreams come in many different sizes and from many
17 different perspectives.

18 The Port's dream is to develop a large
19 Bayport container facility, but those who live around this
20 proposed port have different dreams. These citizens have
21 high standards for quality of life in their community.
22 These standards have allowed these communities to develop
23 their own character and uniqueness. The proposed
24 development of the Bayport-container facility threatens
25 the fundamental structure that is the basis of these

1 tranquil communities.

2 The Port Authority proposes a project that
3 utilizes over a thousand acres and will generate a peak
4 general build-out at approximately 7,000 trucks, 2,000
5 cars and 8 -- 8,000-foot-long trains per day. The impact
6 of this increased traffic will affect a very large area,
7 including Highway 146, Red Bluff and other interconnecting
8 paths, such as Fairmont Parkway, Port Road, Bay Area,
9 Todville Road and NASA. As these paths become
10 destructive, cars and trucks will seek out other
11 alternatives. The surrounding communities bolster their
12 small-town atmosphere. Due to this increased traffic
13 flow, from the land-use standpoint, noise and lighting at
14 the proposed Bayport facility, it will impact adjacent
15 neighborhoods. Together with noise, lighting and the soul
16 of this mobility, it will decrease property values in
17 certain areas.

18 Each citizen dreams of a future better for
19 their children than what they had. Therefore, the
20 children have a right to clean air. The Houston area's
21 already violating national standards for ozone.
22 Therefore, the amount of NOX emissions and the effects on
23 ozone, Bayport container facility construction operation
24 cannot be overlooked. This general conformity analysis
25 should include but not be limited to trucks, trains,

1 cranes, ships and tugs. These diesel vehicles are a major
2 source of the fine particle pollution, as well as
3 hazardous air pollutants. This fine particle pollution is
4 currently not regulated significantly under current Texas
5 law, but it can be deadly.

6 As part of these diesel emissions, there are
7 constituents beyond fine particles. An analysis of
8 current exposure and future exposure risk with the
9 decision of the Bayport facility must be done on hazardous
10 air pollutants. The future health of our communities
11 depends on these issues being fully explored and analyzed.
12 An analysis of deepening the Houston Ship Channel to
13 50-foot needs to be done.

14 Galveston Bay is one of the more popular
15 places for fishing. If this balance is disrupted, not
16 only will bay juvenile fin fish be no longer but those
17 fishermen may no longer be also.

18 This project will destroy other wetland
19 areas. Viable alternatives should be explored such as
20 Shoal Point, Texas, the utilization of Barbours Cut, the
21 Port -- particular expansion of the Port of Galveston or
22 Freeport as possible places for constructing the port.
23 Surrounding communities are in agreement that this quality
24 of life started many decades ago. These citizens in these
25 communities want to continue this legacy. The footprints

1 which we make today will not be washed away. The
2 decisions made based on the EIS will impact future
3 generations. It is to this end the citizens of these
4 communities communicate character and uniqueness.
5 Although progress is necessary, it should not be done with
6 detrimental effects.

7 Thank you.

8 COLONEL BUECHLER: I would like to take the
9 time to remind folks that we're trying to limit our
10 comments to three minutes. When you hear the beep go off,
11 that means if you have something new, please share it. If
12 you don't, please wrap your comments up.

13 Would Martin McNair, Paul Berner and Jim
14 Delane please come forward and Natalie Ong come to the
15 microphone. How about Billy Reed? Lalise Mason.

16 MS. LALISE MASON: Hi. My name is Lalise
17 Mason.

18 COLONEL BUECHLER: I'm sorry.

19 MS. LALISE MASON: It's okay. I'm an
20 architectural designer and land planner. I'm on the
21 executive committee of Scenic Galveston. I'm also with
22 the Galveston Bay Foundation. I'm also the current
23 president of the Gulf Coast Bird Observatory. I've been
24 following this Bayport container proposal since early last
25 year and weighing what PHA representatives have said to

1 us. A few key ideas, the Port not has a long history of
2 incremental use of our local air and water but for now
3 let's just say that PHA really wants to do the right thing
4 and this time create an environmentally-sound, new
5 facility. Let's look at the Port's actions with respect
6 to their Bayport to the furtherance of this Bayport
7 proposal. In evaluating the Port's environmental
8 responsibility to our tranquil bay, as many, first it came
9 to the public's attention that a full EIS would not be
10 done on the Bayport plan; instead, attempting to get by on
11 a facility of this magnitude with a simpler EA. This was
12 immediately troubling to those of us who were paying
13 attention.

14 Second, when it became apparent that the
15 full EIS would be required, the Port attempted to propose
16 their own consultant, the same engineering firm who had
17 been renting on Bayport to prepare this EIS. A third
18 party should prepare it if it is to be credible. Third,
19 we've talked a lot this evening about the inclusion or
20 lack thereof of the 50-foot depth. The Port is wisely
21 designing, in my opinion, the Bayport facility to a 21st
22 Century ship draft standard. It will -- it would be an
23 injustice to not look at this and certainly any taxpayer
24 funds to do otherwise.

25 I prepare land use on facility master plans

1 professionally and I feel comfortable in charging that if
2 the whole Bayport is looking at deeper draft ships, it is
3 equally irresponsible for them to not look at the 50-foot
4 dredge issue from the EIS whether it's on the boards or
5 not technically mandated or not at this time. The 50-foot
6 channel is potentially the single most environmentally
7 disruptive element in this project and must be included.
8 If it is, the EIS should also consider alternative
9 minimize salinity change impacts to all marine fisheries
10 in the perimeter of the project.

11 The command analysis is excluded from the
12 current EIS. It ought to be self-evident to this
13 community that the Port is doing a minimum to get by
14 environmentally speaking. Actions, after all, speak
15 louder than words.

16 Fourth and last, I challenge you and the
17 audience to also consider the environmental track record
18 of our Port how vigorously in favor to this project you
19 may be. Colonel, I know we've all broken the rules here
20 tonight. We've asked the Corps to think about a lot of
21 things. We could adopt a wait-and-see attitude toward
22 Bayport. To build a sustainable, environmental-friendly
23 and industrial container facility for the region is a good
24 idea. The problem of it's being successfully implemented
25 at this site who knows. Actions speak louder than words.

1 For myself, who just spent the past five years assisting
2 my organization on a pro bono basis and painstakingly
3 rehabilitated 900 acres of abused wetlands, I feel alarmed
4 for Galveston Bay and it's natural resources.

5 Thanks.

6 COLONEL BUECHLER: Susan Sedwick.
7 Christopher Guen please come to the microphone.

8 MR. CHRISTOPHER GUEN: Thank you, Colonel.

9 The first comment I would like to make is
10 with the advent of the Internet, I respectfully request
11 that all Corps proceedings here today, essentially
12 official records and all future Bayport EIS, be posted on
13 the Galveston website. There's a lot of additional points
14 I would like to make.

15 One wetland, as just previously been
16 mentioned, there's 209 acres of wetlands that are impacted
17 by this. Pipelines, there's pipelines that crisscross the
18 entire project area. Petrochemical oxygen and nitrogen
19 pipelines and all the -- the easement of these things need
20 to be analyzed as well because essentially the Port is
21 trying to claim that pipeline easements are representing
22 legitimate greenway buffer zones, and I greatly disagree
23 with that conclusion.

24 Essentially, we need to have a container
25 yard pavement. Needs to be a world-class, heavy,

1 load-bearing design. A rehash of the Barbours Cut design
2 is not acceptable. Hazardous waste containment facilities
3 and/or other facilities need to be placed in detail in the
4 EIS. I have seen no mention of the port providing a
5 hazmat team onsite. Rainwater runoff, I don't see
6 anything in the provisions concerning a surge pond and
7 treatment at the Gulf Coast Waste Disposal Authority
8 before being released in Galveston Bay.

9 Alarm system, Texas City got into this a
10 little bit. Certainly Texas City has a very integral
11 alarm system with all their industry down there. I don't
12 see anything being proposed here for the Port of Houston
13 to provide that. That would need to be provided since
14 it's in a residential area. Loading and storage areas,
15 you know, what -- what exactly are they going to do on the
16 pavement designed to curb spills and other types of
17 treatment of hazardous materials. Barbours Cut, the vast
18 majority of their containers are hazardous.

19 Also, industrial fire-fighting folks, none
20 of the local cities have -- they all have fire crews.
21 None of them are trained for industrial fire fighting.
22 Port of Houston Authority should provide their own fire
23 crew. Emergency response, again, what kind of emergency
24 response system does the Port have for hurricanes and
25 other types of storms?

1 Methodology for stacking of containers, my
2 understanding is they can be stacked up five high or 48
3 feet. Security, anti-terrorism provisions, I don't see
4 anything in there for that. Extensive traffic, I am
5 pun- -- traffic impact analysis, all these analyses need
6 to be done on a peak basis, not an averaging basis because
7 there's going to be a peak in the morning and a peak in
8 the afternoon. And that needs to be analyzed.

9 The noise impact needs to be analyzed,
10 analyzed on a peak basis. There needs to be a Category I
11 truck inspection and weigh station. There needs to be --
12 and that needs to be done by the Port, not have Pasadena
13 and other towns do that. There needs to be medical
14 facilities for quarantine, containment of ship-born
15 diseases and other medical emergencies. There's an
16 outbreak of Japanese encephalitis in July of 1997. What's
17 going to be done to prevent certain other outbreaks?
18 There's reptiles.

19 Essentially, there's many federally
20 threatened and endangered species in this general area.
21 Green sea turtles, the loggerhead, the kempley, Atlantic
22 Rigby Sea Turtle. There's also the alligator, snapping
23 turtle. There's the brown turtle, and there's the
24 Snaildar.

25 Essentially, I think there's -- at a

1 minimum, as far as analyzing the channel depth, we've been
2 looking at doing this to a 50- to 55-foot channel depth.
3 There's eight studies done on the 45-foot dredging. I
4 think all those studies need to be done, this -- study on
5 this as well. And as far as economics, I mean, this thing
6 is being built in Harris County based on political
7 boundaries rather than the superior geographic boundaries.

8 And the operation and maintenance costs of
9 the -- of the port, none of that has been analyzed. I
10 mean, even assuming that they built a world-class port,
11 which given their record is very much in doubt, I think
12 that the operation and maintenance I don't think they
13 would be capable of doing. So -- and, you know, in
14 general, I think there should be an unbiased economic
15 analysis of all the port's operations; and I think they
16 would fail in every single analysis.

17 Thank you.

18 COLONEL BUECHLER: Michael Potts come
19 forward please. And Marty McNair.

20 MR. MARTY McNAIR: Thank you, Colonel. My
21 name is Marty McNair. A lot of the issues that I had
22 written down have already been mentioned by other people
23 tonight, and I want to reiterate that I support those.

24 As I'm sitting here listening to people, I
25 realize that I came here with a very narrow

1 not-in-my-backyard mentality when I wrote my speech to
2 come up and speak with you. I'm leaving here with many
3 more issues to consider of which that I will write and
4 submit within the allotted time frame. One thing that I'm
5 now sure of is that quality of life and ecological damage
6 can never be replaced by economic impact. You are charged
7 with a very difficult task of fully analyzing the concerns
8 of our communities. I have to believe that you're honest
9 men with families of your own and would not let politics
10 and big money decide the fate and quality of our lives.

11 COLONEL BUECHLER: Bob Herrera please come
12 forward. Paul Berner.

13 MR. PAUL BERNER: My name is Paul Berner. I
14 live and represent an area of La Porte called Bayside
15 Terrace. It's less than a mile from this proposed
16 expansion, and I have filed our resolution in opposition
17 to the expansion of this port. I would like to say one
18 thing further -- and I'm sorry that so many have left. It
19 might be like preaching to the choir. But everyone is
20 assuming that this bond issue's going to pass. Now,
21 notoriously low turnouts on all bond issues is a fact; and
22 we, as a relatively small group, can have a great impact
23 if we get out to vote and vote no. After all, Truman beat
24 Dewey.

25 COLONEL BUECHLER: Taylor Moore and Terry

1 Ayre please come forward. Jim Delane.

2 MR. JIM DELANE: Thank you for the
3 opportunity to speak. Most of the issues that I wanted to
4 cover have been covered by other people. There's a couple
5 of things I would like to bring up.

6 First off, I'd like the Corps of Engineers
7 to do a comprehensive air-quality study to determine the
8 potential air -- air pollution impact of the new facility,
9 which means I would like to see a 12- to 24-month
10 monitoring of the Bayport area as it currently is to
11 develop baseline pollution levels and at the same time do
12 a study of the Barbours Cut area to determine what 3,000
13 or whatever's coming out of there is producing and perhaps
14 use that perhaps as a determinant to provide data to give
15 an idea of how much added pollution will come out of this
16 additional proposed 7,000 trucks.

17 Another thing I'd like to see is the Corps
18 of Engineers do a comprehensive study of the flow patterns
19 in the city. I know that's been mentioned, but I'd like
20 to see not just this area but throughout Houston.
21 I'd like to know what -- for example, how much drive time
22 would be added to somebody who perhaps is trying to get
23 down I-10 during rush hour or out I-45 or anywhere else in
24 Houston for that matter. I'd like to know statistically
25 how many accidents and highway deaths can be expected on a

1 yearly basis due to this large increase in the number of
2 trucks.

3 Also I'd like to see the Corps of Engineers
4 evaluate the number sites for this mega port. I believe
5 Texas City or Freeport would probably be a good
6 alternative. Texas City is, after all, less than or about
7 20 miles from this, where this port is; but it's going to
8 make a significant difference how much is going to be
9 dredged, the impact to Galveston Bay as a bay and estuary
10 system; and I'd like to see the Corps of Engineers
11 evaluate that.

12 Also, you know the opponents here have been
13 talking about the number of jobs this is going to create.
14 Yeah, it's going to create some jobs. The thing about it
15 is whether it's built in Texas City or built in Harris
16 County, I mean, it's -- jobs are going to be there and
17 we're not talk -- many of us travel over 20 minutes a
18 day -- 20 miles a day to go to work. You're not talking
19 about a great distance, and the job is going to be here.
20 Texas City is also a good alternative also.

21 They say 50 percent of the cargo that comes
22 in is bound for Houston; and the other 50 percent is 3,000
23 trucks. They go -- if they got all the cargo coming in
24 from Houston, they'd only get, basically, you know, 1500.
25 If they double their size, they'd only get 3,000. So, you

1 get a port here that can handle outbound and Port of
2 Houston that handles the Houston, you've got it covered.
3 I don't know. It seems to me there's room for both ports,
4 and I think Bayport's a real bad idea.

5 And that's basically all I have to say.

6 COLONEL BUECHLER: Ned Van Maanen and Susan
7 Sedwick.

8 MS. SUSAN SEDWICK: Thank you, Colonel.

9 Most of the issues that I'm concerned about have been
10 covered concerning I would like to emphasize the 50- to
11 55-foot channel. I think this is an issue because it does
12 address future needs if this facility is built. The other
13 issue I would like to address is our ability for Harris
14 County and Houston to meet the 2007 deadline. From my
15 understanding, if we do not meet this, we will lose jobs,
16 jobs, jobs due to the fact that we will not be allowed to
17 attract certain new industries; and also we'll be known as
18 a city that is not a good city to locate a new business
19 to.

20 Thank you.

21 COLONEL BUECHLER: Bill Ohsie please come
22 forward. Michael Potts.

23 MR. MICHAEL POTTS: Thank you. My name is
24 Michael Potts, and I've been in the safety health
25 environmental management industry for 24 years. And an

1 evaluation very quickly of this project, it looks like all
2 the risk factors for the communities are going to get
3 worse. Many of the things that I address or have comments
4 on have already been addressed, but I have certain
5 technical issues with things that have not been addressed.

6 For instance, we talk about traffic loading
7 and safety on 146 and Red Bluff. I think it needs to be a
8 regional traffic study, both what's going on and what this
9 impact is going to be, because those truck drivers,
10 they're going to want fuel -- they're gonna want fuel and
11 they're gonna want rest. So, they're going to be Nasa
12 Road 1 and Bay Area Boulevard and Kirby and anywhere else
13 a truck is allowed to drive when not carrying hazardous
14 materials.

15 These trucks are not maintained well
16 typically. When you consider your air pollution, some of
17 the air pollution's going to be based on AB42 factors.
18 AB42 addresses point sources, stationary sources. You
19 need to consider the mobile sources, the same types of
20 sources, source factors that are used in the development
21 of the state of Texas state implementation plan for
22 federal requirements. And that can be obtained through
23 the Houston-Galveston Area Council. And not just AB42,
24 typically the AB42 is a stationary diesel engine.
25 Stationary diesel engines in most of these facilities are

1 very finely tuned motors. They are not allowed to
2 deteriorate because there are emergency generators.
3 They're how we stop our plants, bring them down safely;
4 and the types of engines you're going to be seeing are
5 diesel engines at idle under load at least 50 to 75
6 percent of the time that they're in our area. And so, the
7 air pollution factors there are this -- these vehicles
8 under these conditions are quite different than what is --
9 what are going to be available just under AB42.

10 Storm water run-off from the roads and the
11 rails that are going to be manufactured from the
12 percentage of leaking containers, from the diesel exhaust
13 deposition and from the fuel and lubricant leaks that
14 you'll find typically in large industrial environment.
15 The destruction of non-native and animal plant species
16 including reptiles, rodent, insects, the mollusks.

17 The construction emissions, we talked about
18 construction activity and construction traffic. We need
19 to also address construction emissions and the run-off
20 from construction emissions, what environmental risk that
21 proposes to the wetland areas and the environment of
22 Galveston Bay. Typically these things are not well
23 controlled. The risk from potential violations of
24 environmental regulations and what would happen on the
25 wetland -- on effect of -- of the wetland should the

1 environmental violations occur from the hazardous
2 materials that are being stored.

3 And then the operational viability of the
4 Union Pacific Railroad is being sued by the chemical
5 industry right now for it's inability to transport our
6 materials. I believe one company's got \$25 million suit
7 against this one railroad for this purpose. And I think
8 that you're going to end up seeing the Bayport Terminal be
9 the storage facility rather than a support facility.

10 And I guess that's really about it. Also
11 the noise, continuation of subject housing, I know that
12 the -- the study will involve noise continuation factors;
13 but this a -- subject housing is quite old in some
14 instances, and it's not going to be the same as the
15 factors as listed in your study posters.

16 Thank you very much.

17 THE COURT: Thomas Phelps please come
18 forward. Bob Herrera.

19 MR. BOB HERRERA: Thank you, Colonel. I am
20 Speaker Number 79 for the rest of you in the audience.

21 Colonel, my name is Bob Herrera. I'm the
22 city manager for the city of La Porte, Texas. I've been
23 asked to represent this extended community of
24 approximately 34,000. The City has adopted a position
25 paper, which I will present you with. Many of the items

1 that were raised tonight, I can say ditto to for the city
2 of La Porte. The city of La Porte is naturally concerned
3 of the impact of Bayport proposal as it will affect the
4 quality of our life for our residents and for our
5 businesses. We have several major concerns and
6 reservations. They're broken down into maybe five major
7 aspects.

8 For brevity, I will just talk very slightly
9 about each one. We believe the development will bring
10 about changes in our community that are disruptive in more
11 than just nuisance. We heard earlier some individuals
12 talk about real estate and what that means to the property
13 that's going to be adjoining this. That is a major
14 concern for the city of La Porte, and we believe it's an
15 area that should be looked at. Number 2, the proposed
16 development which will impact the city of La Porte and
17 will affect the neighboring community. It's very
18 important that if this project were to go forward that
19 some effort and design work be considered for State
20 Highway 225, 146 and all the major thoroughfares that
21 affect La Porte, Seabrook and the other major communities
22 nearby. This is a problem we currently have today with
23 growth and we're trying to plan ahead for it; but if a
24 project of this magnitude were to come in, it would be
25 very difficult for growth to be managed in any possible

1 sense. Therefore, it's going to be imperative that the
2 Port, along with the Corps of Engineers, look at future
3 traffic problems that will come about.

4 We have talked about and we've heard today
5 that the proposed development will add significant air
6 pollution issues that cannot be ignored. We know that
7 this area has some problems with the NOX, and we wonder
8 what will that do for future involvement in there if the
9 Port is allowed to come in with this type of development
10 without any type of effort being addressed. Look at
11 different approaches. Prepare a cleaner alternate
12 environment. The Port of Houston should also be required
13 to complete an Environmental Impact Study and be performed
14 by this group than required the Corps of Engineers itself.

15 That's probably one of the things that if
16 there's a criticism that we have of the port is that it
17 caught a lot of people by surprise. We're hoping that
18 when an Environmental Impact Study is done that the Corps
19 will continue to seek public input and keep all the
20 surrounding entities involved from Day One until the final
21 decision, whatever that may be.

22 And, lastly, the City's concerned with
23 proposed development which may be done in a detrimental
24 manner. Changes' impacts must be understood. We keep
25 hearing about the need to go to a 50-foot, and we

1 understand that's what's been asked in the application is
2 45. Let's just bite the bullet, and let's look at what 50
3 feet will do to this particular problem. We've also heard
4 about regionalization. The city of La Porte's position is
5 perhaps we should look at regionalization and the strategy
6 associated with it.

7 We recognize your position, and we recognize
8 what you must do in order to make the final decision. And
9 we ask that you conduct a fair and unbiased environmental
10 impact study on the request prepared by the Port.

11 Thank you.

12 COLONEL BUECHLER: Tom Smith, would you
13 please come forward? And Taylor Moore come to the
14 microphone, please.

15 MR. TAYLOR MOORE: My name is Taylor Moore.
16 I live in Bayside Terrace also. I've lived there since
17 1975. Kaboom! I wanted to welcome you, Colonel, to the
18 deathtrap issue. The Bayport industrial district has a
19 fatal defect in its design. The defect is it traps the
20 residents of these many communities who have one way in
21 and one way out, especially the residents of El Jardin and
22 those communities right down there. It traps them between
23 the bay and these old chemical companies that are right up
24 next to 146.

25 In the event of a chemical upset, they have

1 no place to go except down Todville Road or to go through
2 the source of the chemical cloud coming their way or the
3 explosion that hit the chemical companies.

4 We have had this last year three major near
5 misses. I don't have time to discuss each one of those
6 near misses with you, but I'm going to leave with you a
7 document which is sent to somebody else, but it does
8 describe each one of those three near misses. It is
9 almost insane for these people -- for the port to put this
10 project right in the middle of a deathtrap and make it
11 worse for the rest of us.

12 Mr. Holmes is a mere magician. He can raise
13 \$900,000 for a mayor that he opposed in the last election
14 in two hours at his house; but he can't get those trucks
15 out of there in the event of a chemical incident. What do
16 you think that a truck driver's gonna do when he hears
17 that a chemical incident has occurred at one of those old
18 plants? Do you think he's gonna try to take off and go up
19 Port Road through the chemical plants? Do you think he's
20 going to sit there in his truck and wait for the chemical
21 cloud to come to him? Or do you think he's gonna try to
22 take off down Todville Road where a couple of them have
23 tried last year.

24 My time's up. I have more to say. I'll say
25 it in writing to you in a letter. Thank you.

1 COLONEL BUECHLER: Roy Heaton please come to
2 the front. And, Terry Ayre, please come to the podium.

3 MR. NED VAN MAANEN: He's not here.

4 COLONEL BUECHLER: Not here. Are you Ned
5 Van Maanen?

6 MR. NED VAN MAANEN: That's me.

7 COLONEL BUECHLER: Okay.

8 MR. NED VAN MAANEN: Thank you, Colonel,
9 very much for staying to this late hour. We really
10 appreciate your willingness to stay here and listen to our
11 concerns. I was very concerned when Ned Holmes didn't
12 stay to listen; but then I was doubly disturbed when
13 during the break Mr. Kornegay, the executive director,
14 took his leave with the -- without having the courtesy to
15 listen to our concerns. His comment was he didn't need to
16 stay and listen to this.

17 This really shouldn't surprise us because
18 those of us who have been looking at this project have
19 gotten used to this attitude, but you should consider this
20 attitude as you consider this permit. Most of my concerns
21 have been mentioned, all except one. So, I'd like to
22 specifically put up there the issue of the economic impact
23 or the lack of economic impact of the 2012 Olympic games.
24 Let me explain.

25 I'm a member of U.S. Sailing and a senior

1 race officer with that organization. U.S. Sailing is the
2 governing body for the sport of sailing and sailboat
3 racing in the United States. I've also fish holed for the
4 sport of yachting at the 1996 Atlanta Olympics games.
5 It's well known that Houston is bidding for the Olympic
6 games in 2012. One part of the bid is the immediate
7 proximity of Galveston Bay, which is known as one of the
8 premier sailboat racing venues in the United States.

9 For example, in just the next five weeks
10 Galveston Bay will host one national championship and one
11 international championship. However, if the Bayport
12 Channel container port were approved and built, using
13 Galveston Bay as a sight for their Olympic competition
14 would be impossible. I happen to know U.S. Sailing would
15 take one look at the heavy industrial nature of the area,
16 along with the heavy ship traffic and veto the election as
17 an Olympic venue. Their negative recognition to that
18 would mean that the closest possible venue for the eight
19 events that comprise the sailing events in the Olympics
20 would be in Corpus Christi, if acceptable local facilities
21 could be built since they don't now exist in Corpus
22 Christi Bay. Where the current sailing facilities of
23 Galveston Bay constitute a major advantage in Houston's
24 bid for the 2012 Olympic games, the consideration of the
25 construction of the Bayport Channel container port would

1 turn this advantage into a major and probably deadly
2 disadvantage. This would well mean the Olympics would be
3 more favorable to other cities, which will also be bidding
4 to host these games. These other cities are ones that
5 have made it a priority to maintain the recreational
6 nature of their waterways for the benefit of citizens and
7 recreational sports.

8 Quick claim, you can have this facility with
9 its pollution, noise, traffic, navigational hazards; or
10 you can have a first-class recreational facility for all
11 the citizens that might attract the Olympic games to
12 Houston, but you can't have both. Thank you again for
13 staying till this late hour.

14 COLONEL BUECHLER: Rawly Billingsley and
15 Wayne Gamble please come forward. Bill Ohsie. Thomas
16 Phelps.

17 MR. THOMAS PHELPS: Good evening. My name
18 is Thomas Phelps. I'm the presiding officer of the
19 Houston Pilots. The Houston Pilots are charged by the
20 state of Texas with the responsibility of protecting the
21 environment and the infrastructure of Harris County from
22 maritime accidents. More often than not, the Houston
23 Pilots are the opposition in the Corps of Engineers
24 permits for development on the Houston Ship Channel out of
25 our navigational safety concerns.

1 Over the past three years, the Houston
2 Pilots have consulted with the Port of Houston on a
3 development of Bayport. We believe that the proposed plan
4 is navigationally safe and will serve the Port of Houston
5 well into the future. The Houston Pilots support the
6 development of Bayport as a passenger port in the Seabrook
7 area and they would rather see a passenger
8 terminal/container terminal development versus more
9 petrochemical facilities. The controlled development of
10 Bayport as a passenger and container facility would be a
11 great boom to the city of Houston and keep Houston a
12 leading port in the world.

13 Thank you.

14 COLONEL BUECHLER: Jackie Tingle. LaRue
15 Burbank. And would Mr. Chuck Smith come to the podium?

16 MR. CHUCK SMITH: Colonel, gentlemen, having
17 lived one block from the Barbours Cut terminal for five
18 years, I have an obligation to inform the citizens of
19 Seabrook and surrounding areas that their fear of noise
20 and other disruptions are totally unfounded. I would
21 never have known the facility existed if I did not
22 personally turn around and look over about half a block of
23 trees that were in between me and the terminal. It's a
24 very quiet operation. It's far removed from the back
25 streets that the trucks run up and down during the day,

1 and at nighttime you don't even know that anything's going
2 on. I could hear the high school band on Friday nights.
3 I did not hear that terminal at all.

4 Thank you.

5 COLONEL BUECHLER: James Watson and Frank
6 Blake please come forward. And Mr. Rawly Billingsley.

7 MR. RAWLY BILLINGSLEY: My name is Rawly
8 Billingsley, president Local 28, Pasadena, Texas. First,
9 I do hope that y'all will address the individuals'
10 complaints for they did have some legitimate ones here
11 tonight and did raise some concern myself from listening
12 to them. But I do support, along with all the members of
13 Local 28, the building of Bayport. If you do build a port
14 in Galveston, Texas City, these trucks that they're
15 talking about, they're still going to come down 146 from
16 I-10 and Highway 59. They can't kid themselves there.
17 They're not gonna purposefully come all the way around to
18 45 and drive an extra 30, 40 to 50 miles.

19 The Port is being blamed here tonight for
20 the pollution of cars, trucks, trains; and we all know, as
21 you do, the Port has no control over pollution of
22 anybody's automobiles or anyone's trucks or anyone's
23 trains or ships, for that matter. The EPA are the ones
24 who control these issues. So, let's get on to the EPA to
25 get these cars off the roads or get them legitimately to

1 pass inspections. That's not y'all's problem. It's
2 someone else's. So, let's don't be throwing stones at
3 people who don't have any control over these cars and
4 trucks.

5 Were -- these same individuals that we hear
6 tonight speaking on this issue, were they here to complain
7 when Celanese put in this plant out there in their
8 neighborhoods? Were y'all's developers that built y'all's
9 subdivisions, were they concerned about the birds, the
10 deer, the squirrels and other wildlife that we're
11 complaining about here tonight? Did anyone complain when
12 they built the towers to use your cellular phones with?
13 They built them anyway. They built the subdivisions
14 anyway. They built Celanese anyway.

15 I bet you some of our ancestors complained
16 about the automobiles taking the place of the horses, but
17 we're still driving those cars and those trucks and those
18 trains. We're complaining about the trains and the ships
19 and the cars. The cars were built in 1903, was one of
20 your first ones. They were definitely here before we
21 were, and we're still driving them today.

22 I had a whole lot more; but everyone has to
23 give up something to gain a future for our children, our
24 grandchildren and their children. Change is evident and a
25 way of everyday life, and we all have to realize that.

1 Thank you for your time. And long live
2 Bayport.

3 THE COURT: Robert Plaumann and D. Marrack
4 please come formed. Wayne Gamble.

5 MR. WAYNE GAMBLE: Thank you, Colonel. As
6 being mayor of the city of Shoreacres, I do know of the
7 Bayport Channel. We have put into effect Resolution
8 Number 9907 opposing Bayport. You should have all this on
9 file.

10 A couple of things I would like to talk
11 about tonight is the 146 traffic. Pulling from our police
12 files today, we have had 11 major accidents where an
13 injury has been claimed. We have had 19 minor accidents
14 where there were no injuries. Six of these accidents were
15 from large trucks. Of these accidents, that main artery
16 keeps 146 shut down anywhere from an hour to five hours.
17 This last month we have had a major truck accident there
18 which lost his load. That artery was shut down for five
19 hours. At the same time, when that artery is shut down,
20 Union Pacific comes right next parallel to 146 and shuts
21 down any arteries in that area. The intersection of
22 Fairmont, Choate Road and Port Road are our only accesses
23 to Bay Area Boulevard coming from 146. This needs to be
24 looked at in a serious way.

25 Also, the next thing I would like to talk

1 about, at the present time we have a problem with our
2 pollution in the area. As you-all know, when you go to
3 get an inspection sticker in Harris County, you have to
4 get an environmental sticker. I plead with this study
5 that we look at the pollution problem and not add to it.

6 Thank you very much.

7 COLONEL BUECHLER: Jesse Revis and George
8 Baylis come forward and Jackie Tingle. Are you Jackie?

9 MS. LaRUE BURBANK: I'm LaRue Burbank.

10 COLONEL BUECHLER: Okay. You're next. Go
11 ahead, LaRue.

12 MS. LaRUE BURBANK: First, am I too close?

13 COLONEL BUECHLER: No. You're fine.

14 MS. LaRUE BURBANK: First, Ned Holmes
15 leaving early is much more significant than any other
16 individual leaving because of his prominent position in
17 this project; and I think it was impolite on his part.

18 In 1962 my husband and I, along with our
19 daughter, moved to this area from Langley Research Center
20 as engineers in Virginia. We immediately looked for
21 property in Galveston Bay area. We purchased property in
22 Taylor lake Village where I have lived for 36 years. My
23 husband died in 1996. My daughter still lives here.

24 I live 3 miles from the Bayport basin and 1
25 mile from Red Bluff Road. So, where I live is going to be

1 very affected by this project. Most of my concerns have
2 been addressed, but I would like to stress that the EIS
3 take into consideration the amount of idling time and
4 pollution that will occur when all these trucks are
5 waiting to be unloaded and also on the backup of the track
6 will be on the arteries coming into this area. I would
7 like to say that I, too, have accomplished the American
8 dream. I was born to North Carolina sharecroppers who
9 worked themselves up to being farm owners and able to send
10 two children to college in the 1940s.

11 I can't leave this podium without giving a
12 small offense of NASA's influence on Houston. I think the
13 words of NASA's first astronauts on the moon, "Houston the
14 Eagle has landed," had a big impact on millions in the
15 world that had never heard of the Port of Houston and
16 maybe and probably never heard of the city of Houston.
17 More important, there are probably few people in Houston,
18 Harris County and surrounding counties that have not
19 benefitted from the medical fallout from NASA's space
20 effort. I think that may be as important as the economic
21 influence of the Port of Houston. That includes CT scans,
22 MRIs, remote monitoring, linear set regulators for
23 radiation treatment of prostate cancer -- you men can
24 shake a little bit there -- heart pumps and so on and on.

25 Most of NASA-JSC live in the Bay Area, and I

1 certainly don't like the disdain with which a few people
2 have spoken of NASA tonight.

3 COLONEL BUECHLER: Ray Burgess and Peter
4 Brown come forward, please. James Watson. Frank Blake.

5 Are you Blake?

6 MR. BOB PLAUMANN: No. I'm Bob Plaumann.

7 COLONEL BUECHLER: Okay.

8 MR. BOB PLAUMANN: Thanks for the
9 opportunity to address the meeting, Colonel. My name
10 again is Bob Plaumann and I reside in Shoreacres and I'm
11 the former mayor of the city. And I'm also opposed to the
12 Bayport Project. People have spoken about a lot of things
13 tonight. I'd like to cover a couple of items that really
14 haven't been covered.

15 One is low frequency vibration from ship
16 propellers. I think that the -- I am specifically
17 requesting that the EIS include the impact of low
18 frequency vibrations from ship propellers on structures
19 nearby, in this instance the homes of both Shoreacres and
20 La Porte residents whose homes are directly bordered by
21 Bayport Channel and are located immediately adjacent to
22 it. According to PHA briefings, if you can believe them,
23 ships will come all the way up to the channel to the
24 turning basin far west end where they will be turned
25 around for dock on the south side of the channel. This

1 provides for ease of departure.

2 This means the homes the entire length of
3 the channel would be impacted. As a past example, I and
4 other residents of Shoreacres have personally had problems
5 with vibrations from existing Bayport industrials.
6 Vibrations from pipe purgings and flares have been so
7 intense I've had to stuff towels in my sliding patio door
8 to dampen the vibrations in order to keep it from shaking
9 apart. These were resolved by working with the existing
10 Bayport industries who mitigated the source of the
11 vibrations.

12 This cannot happen and will not happen by
13 the ships since their major form of propulsion and form
14 will be rounded by the tugs required to turn the vessels.
15 There have been various vibration Japan studies that were
16 done by the Global Environmental Center Foundation and in
17 Sweden by the Department of Structural Engineering and
18 Charles University of Technology. I tried to get copies
19 of these studies; but, unfortunately, I haven't been able
20 to do that yet. If I can get them before the end of the
21 reporting period, I will certainly turn them in to you.

22 The other thing I'd like to discuss is
23 something that was alluded to tonight, particularly by
24 Ellyn Roof; and that is crime and the upsurge of
25 undesirable elements. Nothing I've seen in PHA literature

1 to date addresses this concern of an upsurge in crime and
2 the attraction of undesirable elements in the area. All
3 one has to do is tour the roads along the Port of
4 Houston's current operations in town and see the effects
5 of some of this. Bars, shoddy establishments, drunks,
6 prostitution, criminal elements and other could possibly
7 be attracted to this type of operation in our area. To
8 expose our citizens and children to the possibility of and
9 intensification of this type of activity in our areas is
10 not warranted and requires an impact and evaluation. I
11 also urge this to be included in the EIS.

12 And thank you very much for your
13 consideration. One question, Colonel, will you accept
14 comments via e-mail; or does it have to be by letter?

15 COLONEL BUECHLER: Sir, you can send them
16 any way you'd like. We'll be happy to take them.

17 MR. ROBERT PLAUMANN: Thank you.

18 COLONEL BUECHLER: Glenda Cox and B. R.
19 Williams, Sr., please come forward. D. Marrack.

20 DR. D. MARRACK: Mayors, councilpersons,
21 Colonel, I'm Dr. Marrack. I will point out to you and to
22 the Corps that this area, the west side of Galveston Bay,
23 south of La Porte had residents, weekend residents and
24 homes long before the aggressive intrusion of industry and
25 the Port. The 3 to 5,000 trucks going into the Port, the

1 proposed port, each day with immeasurable stop-and-go
2 traffic would present a considerable emissions problem.
3 Idling truck engines, diesel truck engines emit three to
4 five times more pollution than the standard emission
5 factors predict. Further, each time the truck moves
6 forward in the congestion, he emits about ten times more
7 emissions than I calculated from the standard emission
8 factors of diesel trucks.

9 The state limitation plan suggests we might
10 be into compliance for ozone by 2007. It's quite clear
11 with the additional curative purging proposed or produced
12 will be produced by these additional trucks and the 2,000
13 other vehicles coming in for workers, many of them also
14 diesels we will not be into compliance. Now, that will
15 mean -- by 2007 and that will mean lose federal frund
16 (sic) -- federal funds and there will be a containment of
17 new industrial construction. They have much more impact
18 on us than anything that the Port has to offer on the
19 economics of the Houston region.

20 Further, if we don't get our air cleaned up,
21 we will continue to have an extraordinary economic cost to
22 the health of our citizens. The Senoman (phonetic) report
23 of the city of Houston this year, it is -- like to point
24 out that the cost is about 2.8 billion to about 3 billion
25 a year because our air is so dirty. And that is an issue

1 which will have to be in the -- addressed in the EIS.

2 At least one year's more background
3 monitoring data will be required of the air with four
4 monitoring sites around it that will be monitoring or
5 BOC's, B010 or hazard air pollutants all 807 of them and
6 there will be area air data for continuously recording
7 systems. They absolutely deserve to be addressed in the
8 EIS.

9 Thank you, sir.

10 COLONEL BUECHLER: Would Einar Goerland,
11 Kathy Pierpoline, P-i-e-r-p-o-l-i-n-e, I think, please
12 come forward as well as Michael Knives or Nieves. Jesse
13 Revis?

14 MR. JESSE REVIS: Yes. Thank you, Colonel.

15 My name is Jesse Revis. I came here tonight
16 to listen to some of them and share with you some of the
17 concerns that you have here in this community. And I
18 listened to a lot of remarks that were given here tonight
19 about the environmental impact that this project would
20 have on this community. I share with you a lot of your
21 concerns but not to the point that we should kill off a
22 project of this magnitude. I think the positive aspects
23 of bringing online a facility such as Bayport will have a
24 tremendous impact in a positive sort of way, and it
25 certainly will outweigh the negative impact.

1 I don't care what you do in today's world.
2 Anytime that you are attempting to build something of this
3 magnitude, it's going to have some difference --
4 differences that are viewed from a negative point of view
5 according to where you sit. There are statements that
6 were made here tonight about the trucking. It seems to me
7 that trucks are going to have a severe negative impact and
8 you think that the air pollution that -- and that you will
9 see by the diesel trucks that are moving in and out of the
10 community such as 146. I just want to say one thing.
11 When containers come in -- remember that the new Bayport
12 facility's only going to be an extension of Barbours Cut.
13 So, when a container comes into Barbours Cut, it will
14 move down the line of the Bayport. By killing off Bayport
15 and saying, "Well, let's take it on out to Texas City and
16 Galveston," that's not going to solve the problem. That
17 container still has to move, and it's still going down 146
18 whether it's in Bayport, Texas City or Galveston.

19 So, this is just a small area; and I just
20 thought I would throw that out there for comment,
21 something to think about.

22 I'm here to really talk about the other side
23 of the issue, and that has to do with the workers. I have
24 been on the Houston waterfront all my life. I've spent
25 about 35 years down here, and I know what it means and

1 what the effects will have on the working people on the
2 waterfront. We need this project. We need it. It
3 produces good-paying jobs for workers who would otherwise
4 have no way of being able to provide for themselves and
5 their families with the wages that they can earn because
6 of the collective-bargaining agreements that we have. If
7 we take these workers out and throw them back out into the
8 job market, all we're gonna do is put them into a battle
9 of where they're going to have to go out and search for
10 type of jobs like McDonald's. And there's nothing wrong
11 with that. But very few jobs exist for workers like this.

12 Where your concerns about -- I listened to
13 concerns such as my yacht having to share the waterways
14 with container ships. I know that my time is up, but I do
15 want to say this. We need this project. I hope that the
16 Corps of Engineers can move expediently, as quickly as
17 possible and get as many of these issues taken care of and
18 wrapped up. And let us voters of Harris County decide
19 where this project needs to be, and that is we're going to
20 vote to bring Bayport online. We've got to have it.

21 Thank you.

22 COLONEL BUECHLER: George Baylis, Ray
23 Burgess, Peter Brown, Glenda Cox, B. R. Williams, Sr.,
24 Einar Goerland, Kathy Pierpoline, Michael Nieves.

25 MR. MICHAEL NIEVES: Good evening, Colonel.

1 My name is Michael Nieves. I live in El Jardin; and as
2 everyone else from El Jardin has already expressed their
3 opinions and concerns about this project, I -- I'm not
4 unlike them. I tend to look at that community as my
5 recluse, my safety net, if you will, from all the hustle
6 and bustle of the rest of Houston.

7 I work for the space industry. I could have
8 chosen any other place, probably; but, in fact, being
9 close to the sea was very important to me and my family.
10 Over the years, I've seen gradual improvements in spite of
11 the fact that the petrochemical industries have been
12 actually growing in the area. My concern with this
13 project is the fact that it's so big. You know, one thing
14 is to talk about Barbours Cut; and there has been several
15 people making references to it in various ways. But the
16 fact is we're looking at a facility that's twice as big as
17 that and the magnitude of it in such a small area is going
18 to basically cause major impacts to our lives.

19 My daughter goes down the street to the only
20 park that's actually in Galveston Bay, belongs to
21 Pasadena. Pasadena is basically a poor town. It's not a
22 Houston. But it has a park there, and the residents
23 pretty much keep it up because the City doesn't have money
24 for it. A lot of minorities go there from La Porte,
25 Baytown, Texas City because it's close in; and they make

1 use of it. My fear is that by putting the Port in such a
2 close proximity to the one and only park in existence that
3 the wakes from the ships are basically going to erode
4 what's remaining of the beach area and the grassland, the
5 wetland just south of it. I would like the EIS to take
6 some of those issues in consideration when they do their
7 evaluation.

8 Thank you.

9 COLONEL BUECHLER: James Mooring will you
10 come to the microphone? William Radney come down to the
11 stage or the center floor, if you will. Pete Braccio,
12 Steve Gallington, Jimmy Sylvia, Claudia Cox. Let's have
13 Richard Morrison the Third, Captain John Ralston. William
14 Radney? You are --

15 MS. DIANE CHEADLE: Colonel, my name is
16 Diane Cheadle. I was Number 118 on the list and I haven't
17 heard --

18 COLONEL BUECHLER: It's because I was to
19 Mr. Braccio.

20 MS. DIANE CHEADLE: So, I didn't know that,
21 if I was missed or not.

22 COLONEL BUECHLER: No, you haven't been
23 missed.

24 MS. DIANE CHEADLE: Thank you, sir.

25 COLONEL BUECHLER: But you did screw me up.

1 I don't know where I'm at now. Okay. Pete Braccio is not
2 here. Steve Gallington.

3 MR. PETE BRACCIO: I'm sorry. I'm Pete
4 Braccio. I'm a current resident in the city of Seabrook,
5 a past council member of the city of Seabrook up until
6 this past May; and that is only because of term limits.

7 And listening to all this this evening I
8 think it may be a good idea that some of our appointed
9 officials have term limits. I want to state for the
10 record and, hopefully, you already have it in a file, that
11 the city of Seabrook, the Council that I served on passed
12 two resolutions, one of which opposed the expansion of the
13 port into its current -- into its proposed location. The
14 other resolution was demanding a comprehensive
15 Environmental Impact Statement be generated. Unusually
16 the proposal was only for the environmental assessment.
17 So, the city of Seabrook went on record opposing the
18 expansion in its current location and demanding a
19 comprehensive Environmental Impact Statement.

20 Why did we do this? We did this because we
21 feel at the time -- and the current Council ratified again
22 our resolutions within the past couple of weeks -- we feel
23 that the location of the proposed port is not a good place
24 to begin with because in that particular area you have
25 highly residential areas. True, you have a couple of

1 chemical plants that get in there; but that's another
2 story. You would have had three if the people in that
3 area did not get up and fight against the third, like
4 they're fighting against this port expansion in that area.
5 Therefore, the third plant -- and it was called Goodyear
6 Chemical -- decided not to go there.

7 But the area is highly residential. There
8 would be significant impact to the citizens' quality of
9 life within our municipality and within the surrounding
10 municipalities. It would have a serious impact on our bay
11 on the waterfront. The proposed 45-foot is a farce. You
12 really need to look at 50, 52, 53, from what we were told
13 or they're building larger and larger container ships; and
14 also the quality of the air would significantly be
15 affected.

16 We believe that there's an alternative site,
17 and that site is Texas City. They want it. They're
18 asking for it. People from this area, from Houston, can
19 still commute down there and work. So, we absolutely have
20 a problem.

21 One other thing I'd like to point out. The
22 proposed use of some of the Seabrook area is contrary to
23 our zoning laws. Our zoning does not permit that type of
24 activity within our city limits that's being proposed. My
25 question to the port is how you intend to get around that.

1 I can answer that question for you. It's called Lindsey's
2 Senate Bill 1502. To show you the ethics of this,
3 Colonel, Senator Lindsey has a bill on file just waiting
4 to see what happens around here that's called 1502. What
5 that bill does is it allows appointed officials to bypass
6 elected city officials and municipalities and completely
7 ignore their zoning ordinance laws and anything else where
8 they can go ahead and condemn property for whatever use
9 they want.

10 We highly suggest and we know that the Corps
11 will give an honest assessment of this proposal and see
12 that that is not the place for this expansion. Thank you.

13 COLONEL BUECHLER: Pat Brant, Katie
14 Herranen, Kathy Herranen. I assume that's two different
15 people. Michelle Martinez please come forward. Steve
16 Gallington, Jimmy Sylvia, Claudia Cox.

17 MS. CLAUDIA COX: You're a very patient man.
18 Everyone here is very patient. This is a long time to sit
19 and wait.

20 I've sat here and, of course, all the issues
21 that have been mentioned were on mine and many were
22 mentioned that weren't on my mine that made me think about
23 them. But the only thing I heard very briefly touched was
24 the flooding aspect. And I charge this committee, the
25 Corps, to get in contact with the National Flood

1 Association with regards to who draws up flood maps and
2 measures these things to talk to the different drainage
3 departments of the different cities, not just the area
4 that's being proposed but the surrounding areas, the areas
5 of La Porte, Pasadena, Deer Park, Nassau Bay, all those
6 areas because we all dump into the same place; and we're
7 going to see severe flooding if this is approved.

8 I have lived in this community since I was
9 born. I am 49 years old. I watched the Bayport area
10 develop. It's areas that I used to play at. When I was
11 young, I used to lay down in my front yard and look up;
12 and I could see the stars and the clouds and such beauty.
13 I've watched this community almost rip itself apart from
14 the pollution where you couldn't see the stars. You
15 rarely saw a star, much less a sky full of stars. I've
16 also watched this community build itself back, revitalized
17 this area, bring back the stars.

18 Not too long ago I was out one night; and
19 you could see every star in the sky, just like I could see
20 when I was a child. I've watched this community come
21 together again, and we will come together. I've heard the
22 word "community" said here hundreds of times tonight, and
23 we will do anything.

24 I went outside to stretch my legs and I
25 watched a member of the Port Authority verbally accosting

1 someone who was against them and his comment -- and I've
2 heard this said that they were saying this but I actually
3 heard it with my own ears -- that it didn't matter what we
4 did, they were going to get their way. They were going to
5 do it. Well, I didn't realize the Port Authority ruled
6 the federal government and what's good for an area and
7 what a community wants.

8 Thank you for letting me air my problems and
9 my disgruntled aspects. I do hope you investigate the
10 flood zones. These people spend a lot of time -- my
11 husband worked for the city government. He works on the
12 drainage. Please talk to them about the potential of the
13 flooding. Thank you very much.

14 COLONEL BUECHLER: Diane Cheadle will you
15 come forward, Patrick Frye. Richard Morrison, Captain Joe
16 Ralston, Karen Mauk, Pat Brant, Katie Herranen, Kathy
17 Herranen, Michelle Martinez.

18 MS. MICHELLE MARTINEZ: Right here.

19 COLONEL BUECHLER: Okay.

20 MS. MICHELLE MARTINEZ: My name is Michelle
21 Martinez and I'm a resident of El Jardin and though I have
22 stood before you in the past as a representative not only
23 for myself but for my neighbors' interest, tonight I stand
24 before you again simply as a mother. As a mother of two
25 young children, I have been paralyzed with fear regarding

1 the proposed Bayport facility. The thought of 7,000
2 cancer-causing diesel emissions into our air is absolutely
3 terrifying to me. We have the power as voters to help
4 pass stricter laws to protect our air and waterways from
5 polluters as to make -- and to make the penalties much
6 greater than what they are now. Instead of steeper fines
7 and a slap on the hand, how about mandatory prison time?

8 As a mother, neighbor and a friend, I have
9 an undescrivable fear for everyone in my neighborhood
10 that -- excuse me. I'm sorry. I lost my place -- in my
11 area that has haunted by every -- my every thought and the
12 7,000 semis and the very real danger they pose not only by
13 adding to the outstanding air pollution but the massive
14 increase of traffic they will bring to our area.

15 According to Austin's Department of Public Safety
16 accidents and -- excuse me -- statistics division, in the
17 year of 1997 in Harris County alone there were 1,779
18 accidents involving semis resulting in 16 fatalities. In
19 1998 in Harris County there were 1,741 accidents involving
20 semis, 15 of these had one or more fatalities. The Harris
21 County DPS has just started a count for 1999.

22 In Harris County in a two- to three-month
23 period there has been 11 semi-related accidents resulting
24 in 17 fatalities. In short, for the last three years
25 Harris County alone has had 3,531 accidents involving

1 semis; and the estimated death toll is 59 and climbing.

2 In closing, I ask that you listen, I mean
3 really listen, not only to what I have said but to all the
4 others who will stand before you tonight and hear their
5 words and hear their fears and look at our children.
6 After all, a lot of our fears have been an all too real
7 reality for thousands of families.

8 Thank you.

9 COLONEL BUECHLER: Would Don Cook, Terry
10 Ayre, Chapman Antonio Silva, Joe Nelson would you-all come
11 forward, please? Diane Cheadle?

12 MS. DIANE CHEADLE: Yes, sir. Thank you.
13 My name is Diane Cheadle. I'm a veterinary technician and
14 wildlife rehabilitator. I work in Taylor Lake Village. I
15 live in Seabrook. My husband and I have been in wildlife
16 rehabilitation in my community for a long time. I wish to
17 object to the Port expansion for all the same reasons
18 everybody else has come up here and objected to, but I
19 want the hit upon something that hasn't really been
20 discussed.

21 The area that the Port intends to expand
22 into is the last remaining wildlife habitat in our area.
23 The area west of Todville and north of Red Bluff there are
24 two alligators and an abundance of other native mammals
25 and birds. It was the intention of our city council to

1 acquire more land in this area to set aside as a native
2 wildlife habitat and park. This land would join with our
3 present Robinson Park and Pine Gully Park and add to the
4 Texas coastal birding trail that already exists here.
5 This was a very intelligent and far-sighted plan of our
6 city council to preserve what little we have left for our
7 future generations and to avoid development of these land.
8 This has been in the planning stages for several years.

9 This port expansion with its 7,000 diesel
10 engines putting out noise pollution, bright lights 24
11 hours a day, 365 days a year is going to decimate the
12 remaining wildlife and wildlife habitat that we have. We
13 will drive all the wildlife away and into people's homes
14 and yards. There will be nowhere else for them to go.
15 This is our last remaining wildlife habitat in our area.
16 The state of Texas is still the only state in the United
17 States that is under rabies quarantine. All of these
18 animals, this wildlife bat, skunks, racoons are going to
19 be driven into people's yard and homes. There's nowhere
20 else for them to go. And potential dangers are there for
21 anybody that needs to handle them. If this port expansion
22 goes through, it could cause some real devastation for our
23 native wildlife habitat.

24 Texas City, Galveston, Freeport are
25 welcoming port expansion. We don't want it shoved down

1 our throats. We don't want it destroying our native
2 wildlife. There has been talk about green belt berms, oak
3 trees, sound belts; and the suggestion of this is absurd.
4 This port expansion seems very poorly thought out,
5 self-serving from a narrow-minded group with no vision for
6 the provision of our community.

7 Thank you, sir.

8 COLONEL BUECHLER: Would Tracy Lauritzen,
9 Beverly Hammond, Rachel Hammond and Bill Scott also come
10 forward. Patrick Frye?

11 UNKNOWN SPEAKER: Thank you.

12 COLONEL BUECHLER: Don Cook, Terry Ayre,
13 Chapman Antonio Silva, Joe Nelson. Sir, your name?

14 MR. JOE NELSON: My name is Joe Nelson.

15 COLONEL BUECHLER: Okay, Joe. I just called
16 you.

17 MR. JOE NELSON: Thank you for the
18 opportunity tonight to give my past history. My name is
19 Joe Nelson. I'm here representing the Texas Oyster
20 Industry. I live in Chambers County and a beautiful
21 little community called Smell Point. To my south borders
22 Galveston Bay; to my north borders Trinity Bay.

23 I keep hearing Galveston Bay complex. I've
24 got several things I'd like to talk to you tonight about,
25 and I'll back up a little bit on the history of the Corps

1 of Engineers. My start with the Corps of Engineers was in
2 1968 when they started the Galveston Bay complex. My next
3 was when they put a freshwater dam at Livingston. My last
4 one was the widening and deepening of the Houston Ship
5 Channel, also with the Wallisville dam. So, I have a
6 history of public meetings and public input; but it
7 appears that the Corps will take the least opportunity and
8 less subjective way to settle a situation. I hope that
9 don't hold true tonight. I hope that y'all consider very
10 strongly the proposal for Texas City and quit destroying
11 the Galveston Bay complex in total and preferably Chambers
12 County.

13 The problem I see with this going on,
14 Chambers County gets no benefit from the damage that's
15 being done to the bay. I can go along with the gentleman
16 from the Port Authority earlier tonight. He says, "Well,
17 once we lose this business, we don't get them to come to
18 this port, it's hard to get that business back." I was
19 out of business last year for five months. We don't know
20 what the ballast water or the ship wastage or what will
21 cause our problems, but I still haven't got some of my
22 business back.

23 I also heard the gentleman with the union
24 association says he represents 18 counties. I probably
25 represent about 24 ports, start with the Port of Mansfield

1 all the way to Sabine Pass. So, I've got a pretty good
2 group of people, too. The statement was made tonight that
3 Galveston Bay produces 80 percent of the oysters, fish and
4 shrimp on the Texas coast; and this is due to the fact
5 that we have with a freshwater inflow of the Trinity
6 River, the San Jacinto River and a river called Local Bob
7 and Double Bob and because of the freshwater inflow we
8 have a very productive bay.

9 But we're very competitive in our bay. We
10 had one of the best quality bays because of the freshwater
11 flows. Oysters range from Aransas Bay through Sabine
12 River. We don't harvest Sabine River because of
13 pollution. We don't harvest that much south of here
14 unless we have a major flood on this bay; and once we get
15 a major flood on this bay, it may kill our products. So,
16 we'd have to angle right to make our product profitable.
17 So, Galveston Bay is a complex bay.

18 I'm worried about and I'm concerned about
19 the salinity levels going to be raised in this bay. We
20 have problem with predators. When we get our freshwater
21 inflows to the bay, got to kill the predators and
22 parasites. We have a clam that grows out of the Ship
23 Channel. When the salinity comes back, it comes back, it
24 becomes freshwater, it doesn't kill it. He goes to the
25 bottom of the Ship Channel and lays there until it is --

1 the salinity rises and they attack the oysters on shallow
2 waters.

3 As you look at the Houston Ship Channel and
4 the salinity, it'll have the same problem with freshwater
5 inflows like we had in '84, '89 and '90. Even last spring
6 when we had freshwater flows, you look at the monitor and
7 the roads and the salinity there will be the same salinity
8 at Port of Houston at Morgan's Point. So, what you're
9 having is a saltwater inflow that's always going to be
10 coming up the channel. As we go into our saltwater
11 intrudes, into the bay, we're talking 34 percent. We'll
12 have 8, 9, 10.

13 The Bayport Channel is a nightmare getting
14 ready to happen for the upper reaches of Trinity Bay. The
15 design of it, which we haven't seen a design of it yet but
16 just familiar with that area, work that area all the time,
17 oyster, yacht club, Red Bluff and all those areas. So,
18 you know, I know what the saltwater does when it's plumb
19 up to Morgan's Point, Cedar Bayou. I'm familiar with that
20 area. I know what high salinity does. We lose a lot of
21 our production.

22 There's no plans. We want to see a
23 mitigating plan for acre to acre along the Seabrook
24 Channel, I mean, Bayport Channel and we want this oyster
25 moved and this shell in and these areas moved to the areas

1 in Trinity Bay where it'll get freshwater and get it as
2 far away from that Ship Channel as I can. And I hope you
3 put that in the EIS statement.

4 The other problem I have is salinity.
5 That's our productive. I'm looking right now in the Corps
6 last project that they approved for the widening and
7 deepening of the Ship Channel what they're doing at the
8 bottom of roads. The same darn thing is happening right
9 now. As I said at the last meeting, when you stack the
10 dirt up, it's just like jello. When it -- you mix it with
11 water, it starts melting and going. We're losing areas
12 right now far reaches of what was designated as a squall
13 area. The area outside of the area now is done silted up
14 4 to 5 to 6 feet adjacent to within a thousand feet
15 outside of the retainer walls. Their salinity going --
16 ongoing on up to Cedar Cut across Sanders Reach and those
17 areas. What the Corps needs to do in its wisdom on
18 projects that they approved, such as the one they've got
19 Bolliver Road right now, and see what the reaches of the
20 salinity and you should never approve another open squall
21 deal in the base if it doesn't have a retainer all the way
22 around it to keep the sediment from spreading all over the
23 bay.

24 Y'all's job is for economic development, but
25 the Livingston -- the Livingston Dam done nothing but

1 devastate this bay. Rollover Pass was another project
2 that devastated east Galveston Bay. The widening of Ship
3 Channel has done nothing but devastate this bay. So, I
4 have not found one thing that the Corps has never been
5 involved with in this bay yet that I agree with that's any
6 magnitude as this around. The Freeport area, yes, we
7 knew. We knew. We supported those projects, but never
8 have I seen the Corps under a mass undertaking such as
9 this ever make a right decision for the benefit of the
10 ecology of the bay.

11 Back to ozone and air pollution, there's
12 been a lot said about air pollution. That it's worried
13 about the health of the air and just thinking there's six
14 species of fish that I know of that does not exist in the
15 Galveston Bay complex no more. It's not commercial
16 fisheries because those particular species were never
17 targeted as a commercial fish. Something is destroying.
18 We're losing our plankton -- we're use losing our
19 plankton, the shrimp provision, year after year after year
20 after year after year to deteriorate. Why is it
21 deteriorating? Is it because the air pollution from the
22 plants, the ships or what is it? There needs to be
23 somebody that takes authority and tries to find out what
24 the problem is in these bays and estuaries.

25 The -- I sure don't want to miss anything,

1 another five hours like y'all have. So, the two things
2 that I definitely want to see in the economic impact
3 statement is the turbidity, salinity and air pollution
4 from fallout. We've got to have something established and
5 we want to be guaranteed that once you make these plans
6 and you're going to come up and you say the salinity going
7 to run one part to two part per thousand, we want to go
8 back to historical data. And when we start losing
9 product in those areas that we've never lost product in
10 high salinity before, we need somebody to be accountable
11 for it and y'all Corps of Engineers for making the wrong
12 decision, wrong modules or making the wrong guess.

13 The best thing to do, the gentleman stated
14 it very well and I know when I heard everything that's
15 been said here tonight, you put the good things on one
16 side and the bad things on the other side and I guarantee
17 you just what was stated here tonight you wouldn't have to
18 worry about an economic impact statement. You'd say,
19 "Let's go to Texas City Dyke and do it."

20 If what I read in the pamphlets going around
21 here and the financial shape that Port of Houston is in
22 with the amount of lawsuits against it, I durn sure don't
23 want to be sitting in your position endorsing them when
24 they can't take care of what they got.

25 Thank you.

1 COLONEL BUECHLER: Tracy Laritzen.

2 MS. TRACY LARITZEN: Yes. In reference to
3 one of the things that a man said earlier on that he has
4 lived in Morgan's Point and he has never heard or been
5 bothered by the noise, well, they're at 25 percent
6 operation right now at Morgan's Point opposed to when the
7 Desert Storm stuff was transporting back and forth. When
8 I was there working at Boys and Girls Harbor, my
9 children -- my children that I called my children, as I
10 was a house parent, there was eight children in my home
11 college and there was eight more homes. It was -- the
12 lights was (sic) so bright that it is true that there was
13 a lot of noise. And that's what the traffic's going to be
14 like at full force, not 25 percent as it is right now, for
15 this man saying he cannot hear it yet, he can hear the
16 band.

17 The thing that I'm thinking is that like
18 somebody else had said, the mass -- when it becomes a mass
19 operation, well, then there is going to be the bothersome
20 noise and the fact of, you know, being affected with the
21 pollution and all. That was just one part I wanted to
22 point out.

23 Also as far as the international trade,
24 wanting to get that going and everything that this is, you
25 know, promoting national/international trade, well, we've

1 already got the states lining -- or I feel like there's
2 been a lot of negative occurrences with the NAFTA
3 situation. And I know that that's not the same to y'all,
4 but there's been a lot of negative results. There's been
5 deaths on highways because even though we can't -- we --
6 those -- those foreign ships I guess are not going to have
7 the same maintenance regulations as we have here and
8 they're still coming over this way.

9 And who's going to pay for the oil spills
10 and the maintenance things and things that's going on that
11 will affect us? They're not going to. They're just
12 transporting just the similar, same as the trucking
13 industries that are transporting on Highway 59 that kills
14 people, that damage our highways. The tax payers of
15 Harris County and we're the ones that pay for those --
16 those damages, not the people that are driving those
17 trucks or making those transportations. They're using our
18 roads. They're using our lives that they're affecting
19 because as in the trucks the things are not regulated the
20 same. People -- the drivers are overtired. They're not
21 licensed. They're going back and forth not sleeping the
22 regulated hours that they're supposed to sleep.

23 There are a lot of things that are involved
24 that are affecting the laws in this -- this area. So, I
25 think all of that should be considered; and I don't

1 think -- I mean, I agree with the beauty of everything,
2 but there is a lot of -- lot to consider as far as
3 pollution and the effects of lives and bringing more
4 things in on small areas instead of a bigger area. We've
5 already tried some of these things and maybe it wasn't
6 with this exactly, but it -- there has been some negative
7 occurrences.

8 We came here in the beginning because my
9 son, my daughter were told that they would get a full
10 grade added to their grade book if they would come; and
11 that was at 7:00 p.m. My daughter says, "Mom, we're not
12 leaving until we get up and say something. This is
13 ridiculous. I didn't know this was happening." Now,
14 that's an education for you right there. She's 14.
15 She'll have to go to school tomorrow. I know all of you
16 have to go to work tomorrow. She wanted to stay. She
17 wanted me to say something on something I was aware of,
18 and she wants to say something to you now.

19 MS. MICHELLE TREY: My name is Michelle Trey
20 (phonetic) and I'm about to be 14 in September. Children
21 my age and younger are the future; and if chemicals and
22 pollution affect our health, what will the future be? I
23 mean, you got to remember if the children are history, so
24 is the future.

25 MS. TRACY LARITZEN: And thank you for your

1 patience. We do appreciate it.

2 COLONEL BUECHLER: Beverly Hammond, Rachel
3 Hammond, Bill Scott.

4 MR. BILL SCOTT: My name is Bill Scott. I
5 live in La Porte with my family. I'd like to thank you
6 for the opportunity to speak to you about my concerns.
7 I'd like to thank the audience for staying. There's one
8 item I'd like to have added, if I may, to the EIS that I
9 haven't heard this evening; and that's chemical containers
10 that will be brought into the Port. I've seen several of
11 them at Barbours Cut. These containers have an outside
12 frame in most occasions are pressurized. They contain
13 chemicals. I believe the DOT requires those containers to
14 have rupture disks on them or relief valves to relieve
15 pressure. When they release that pressure, they relieve
16 it and they relieve that substance to the atmosphere.
17 That's the same atmosphere my children have to breathe and
18 my family as well as everyone else downwind of it. I'd
19 like you to take that into consideration.

20 I'd like to respond to a couple of
21 statements that were made by the opposing parties tonight.
22 The representative from Sealand said that the jobs that
23 his company created were real. I'd like to respond to him
24 and say that the pollution that his company produces is
25 real also, and the cancer caused by that and the

1 environmental destruction caused by that is real. The
2 jobs, the existing jobs out there now, the fisheries and
3 the tourism that will be destroyed, those jobs are real.
4 I think this project flies in the face of reason. It
5 flies in the face of logic and even good judgement where
6 it's going to be located, that is.

7 I think this project is a result of just one
8 thing and that's greed. I think this project is a result
9 of outside, selfish interests that have come into our
10 residential community with the intent to plunder and
11 pollute for their own personal gain. I think the fact
12 that those representatives left early tonight proves that
13 fact.

14 I'd like to answer something by -- ILA by
15 the way, these opposing groups can't fight on grounds that
16 we're fighting on, the pollution, the destruction of
17 environment of our neighborhoods. All they can do is talk
18 jobs. That's all we heard from the longshoreman's
19 association tonight was jobs. Well, they're from outside
20 of the community for the most part and I will like to
21 offer to buy each one of them a Houston Chronicle and they
22 can hunt for jobs in the classified section like the rest
23 of us do, if they lose their jobs. I've had 27 jobs to
24 get a paycheck since I've gotten out of college, and I've
25 been a working man.

1 There's been some results here that they
2 would like to paint us as a bunch of Volvo-driving
3 yuppies, and we're not. We're a working-class,
4 blue-collar community. The vast majority of the people
5 that work in the plants have to live in this area because
6 of the commute and the congestion on highways. So, we're
7 condemned to this area. We're not yuppies, and we have a
8 right to our community as it is without them coming in and
9 destroying it.

10 Thank you.

11 COLONEL BUECHLER: Mr. Scott was the last
12 card that I had up here on the stage. However, if there's
13 anyone yet here who has not made a comment and would like
14 to, I offer the opportunity for you to come forward and do
15 that.

16 MS. BEVERLY HAMMOND: I'm Beverly Hammond,
17 and my daughter Rachel is right behind me. I have a
18 problem with what Rich Couch said. This can be resolved,
19 I believe, if you put some mothers, some sailors and some
20 environmentalists together. If you put these kind of
21 people on the Harris County Commissioner's Court or on the
22 Port Authority, you would find negotiation between Harris
23 County and Galveston County to make this plan work in
24 Texas City or Galveston. These jobs are just as valuable
25 in Galveston County as they are in Harris County.

1 I am not against jobs. I am not against
2 good-paying jobs. My father was -- is in a union. He is
3 a master electrician with the union in Harris County. My
4 father and my family have suffered through downturns of
5 this economy. My father lived in a trailer in Bay City
6 for years because that's the only job he could find while
7 we lived in the Clear Lake area. When I went to college,
8 my mother and sisters and father commuted to Bay City and
9 here and my family used those food bank -- those labor
10 union food that was available to help them through the
11 tough times.

12 I know what it's like to lose a job. I've
13 been through it many times with my dad. I love the union,
14 but most of these jobs will not be union jobs. Most of
15 this money will go to the rich transportation owners, the
16 port owners and not to the little people that are working
17 the jobs. And if those jobs are so valuable and if this
18 plant is so valuable, let their private-interest money pay
19 for this, not my tax dollars.

20 I'd like to continue that I work at -- as a
21 former systems analyst for NASA working for NASA
22 subcontractor. I have chronic-fatigue syndrome;
23 contributing factors, according to numerous doctors I have
24 seen is the pollution in Harris County. This huge port
25 will only increase soil, water and air pollution which

1 will continue to contribute to the worsening health of the
2 residents. This illness that I have has also been
3 diagnosed in four people on my little cul-de-sac block in
4 the north side of Seabrook. And we have three people on
5 our block one that's only 36 years of age with heart
6 disease, severe heart disease at age 36. Now, granted
7 there are other conditions that may be influencing them,
8 including genetic and other environmental factors; but the
9 fact is that every one of these people -- there are also
10 people with severe anxiety disorders; and as I said, there
11 are other factors that may contribute to any of these
12 diseases. However, when these people go away and get out
13 of Harris, Galveston, this area, in every case their
14 symptoms decrease. They may not be cured, but their
15 symptoms significantly decrease.

16 I've been here since 1965, and Bayport was
17 not here in 1965 because I went from Seabrook to La Porte
18 on old Highway 146. Now, the port in Buffalo Bayou has
19 been here much longer than they either built it in Buffalo
20 Bayou that the Port of Houston has let deteriorate but
21 build -- build this area in Texas City or Galveston where
22 the -- where the ports are basically industrial.

23 Finally, was on a Galveston ferry two weeks
24 ago as an inexpensive way to have an outing with my
25 children; and it was a wonderful experience. We saw some

1 dolphins. It was -- it was just delightful. However,
2 there was a thing that concerned me. The ferries had to
3 go through -- they had to, you know, ferry through the
4 ship traffic, which was quite significant; and this was on
5 a Friday evening. And in your Environmental Impact
6 Statement, I hope -- or your study, I hope that you will
7 research the fact that in this noncrowded or less crowded
8 time, there were numerous ships waiting in the Gulf to
9 come in. And that's another source of pollution that
10 we're going to have more and more shipping waiting in the
11 Gulf as they're waiting for their turn to come into the
12 bay.

13 And I sincerely hope that you will consider
14 all these factors, and I thank you for your time. And
15 here's my daughter with her own perspective.

16 MS. RACHEL HAMMOND: Hi. My name is Rachel
17 Hammond. I'm 13. I stayed here tonight and to make a
18 statement. I am -- half of my childhood is here. Half of
19 my -- I mean, I'm 13. When I have kids, you know, I'm
20 going to want to come back and tell them, "Well, look
21 where I did grow up."

22 And they're going to say, "What is this?
23 This is a Ship Channel, man. This is a dump, you know."

24 And I don't want them to look at that. I
25 want them to look at something that was really

1 interesting, something that's nice, since that's where I
2 grew up; and I want it to stay nice. I mean, I really
3 love it. And I'm the future; and every other girl or
4 child or, you know, human being. You know, we're the
5 future. And as the future, I hope that you listen because
6 I really don't want this to happen.

7 Thank you.

8 COLONEL BUECHLER: Someone else will come
9 forward to make a statement or just come forward? Does
10 anybody else have any comments they'd like to make?

11 UNIDENTIFIED SPEAKER: We want to say thank
12 you.

13 COLONEL BUECHLER: Okay. Then I would
14 reiterate, if anyone has any written comments they still
15 need to leave with us, you can still do that this evening;
16 and if you don't leave it this evening, obviously, you can
17 still submit that to us; and we'll be glad to receive
18 that. I'd like to thank you all for attending tonight.

19 I'd like the record to show this this
20 meeting was adjourned at, I guess, it's about 12:25 or
21 0025 on the 18th of August. Thank you.

22

23

24

25

1 STATE OF TEXAS

2

3 I, Stephanie J. McClure, a Certified Shorthand
4 Reporter in and for the State of Texas, do hereby certify
5 that the above and foregoing contains a true and correct
6 transcription of all portions of the above-referenced
7 hearing to be included in the transcript of said public
8 hearing, and were reported by me.

9 Given under my hand and seal of office on the
10 7th day of October, 1999.

11

12

13 Stephanie J. McClure, CSR, RPR
14 CSR No. 3483; Expiration: 12-31-99
2200 Market Street, Suite 412
Galveston, Texas 77550

15

16 My Notary Commission expires February 13, 2001.

17

18

19

20

21

22

23

24

25