



**For Immediate Release**

June 24, 2003

**CONTACTS**

Felicia Griffin

Communications Manager

Office: (713) 670-2644 Cell: (713) 594-5620

[fgriffin@poha.com](mailto:fgriffin@poha.com)

Argentina M. James

Director of Public Affairs

Office: (713) 670-2568 Cell: (713) 306-6822

[ajames@poha.com](mailto:ajames@poha.com)

**PORT AUTHORITY RESPONDS TO LAWSUIT**

*Bayport opponents challenge U.S. Army Corps of Engineers*

HOUSTON – The Port of Houston Authority (PHA) today acknowledged the lawsuit against the U.S. Army Corps of Engineers (USACE), which was filed by attorney Jim Blackburn on behalf of various local organizations. While the lawsuit is related to PHA’s proposed Bayport Container and Cruise Terminal, it does not specifically name PHA as a defendant.

Based on a preliminary review, the lawsuit appears to contend that the USACE’s delineation of jurisdictional wetlands is improper and that the Corps should release a supplemental environmental impact statement (SEIS) on the Bayport project. “This is another example of the delaying techniques that have been used by opponents of the proposed Bayport project for the last four years,” stated Jim Edmonds, PHA chairman. “We remain confident that the Corps’ extensive work is entirely proper.”

The USACE released its final environmental impact statement (FEIS) on the proposed Bayport project on May 16. Following the USACE’s announcement of a 30-day extension, the FEIS public comment period is now scheduled to close on July 16. The FEIS evaluates issues related to the PHA’s planned facility, including potential impacts on air quality, water quality, noise, security, traffic and other environmental and social factors. The document reflects consideration of all public comments that were submitted following the November 2001 release of the USACE’s draft environmental impact statement (DEIS). The appendix to the FEIS includes all comments submitted on the DEIS and the USACE’s response to those comments.

The USACE will consider public comments on the FEIS prior to the preparation of its Record of Decision (ROD), which is expected in late August. The ROD will authorize one of three actions related to a construction permit for Bayport: 1) issuance of the permit, 2) issuance of the permit with modifications

or conditions, or 3) denial of the permit. The USACE's permit decision is expected to be announced in September.

Chairman Edmonds stated, "We are confident that the schedule for the Corps' decision on the Bayport permit application will not be affected by the lawsuit. We have confidence that the Corps' FEIS will withstand any attack made by Mr. Blackburn or others."

The PHA's design for the Bayport facility includes several mitigations for environmental impacts. For example, the use of clean fuel and clean engine technology will help reduce air emissions. The PHA also has committed to help fund several local transportation projects in the Bayport area in an effort to increase the safety and efficiency of the local transportation network while reducing congestion and air pollution. A three-mile long buffer zone around the facility will include a landscaped sight and sound berm that will be 20 feet tall. The buffer zone also includes part of an extensive stormwater collection system that will protect Galveston Bay. Lighting systems designed to use black light poles and specially designed fixtures will limit night-time impacts. The PHA's Bayport plan also involves jurisdictional wetland replacement at a ratio of more than three to one to increase the habitats available for fish, waterfowl and other coastal wildlife. Furthermore, the beneficial use of dredged material will create up to 200 acres of inter-tidal marsh.

"The Port Authority has drawn on expertise developed in other ports around the world to make the proposed Bayport facility environmentally sound," stated Chairman Edmonds. "We will continue to review our development plans as new environmental technologies and techniques evolve.

"The Port Authority will continue to work to address all public concerns and issues regarding the proposed facility, setting a new standard in the maritime industry for environmental stewardship and community friendliness. The Port Authority wants to be a good neighbor and will work as hard as we can to meet that goal," Edmonds added.

The PHA is committed to meeting ISO 14001 standards upon the completion and opening of the Bayport facility. The PHA last year became the first U.S. port to achieve compliance with ISO 14001 standards through its environmental management system (EMS) at the Barbours Cut Terminal and the Central Maintenance Facility.

# # #

---

*The Port of Houston Authority owns and operates the public facilities located along the Port of Houston, the 25-mile long complex of diversified public and private facilities designed for handling general cargo, containers, grain and other dry bulk materials, project and heavy lift cargo, and other types of cargo. Each year, more than 6,600 vessels call at the port, which ranks first in the U.S. in foreign waterborne tonnage, second in overall total tonnage, and sixth largest in the world. The Port Authority plays a vital role in ensuring navigational safety along the Houston Ship Channel, which has been instrumental in Houston's development as a center of international trade. The Barbours Cut Container Terminal and Central Maintenance Facility are the first of any U.S. port facilities to develop and implement an innovative Environmental Management System that meets the rigorous standards of ISO 14001. Additionally, the port is an approved delivery point for Coffee "C" futures contracts traded on the New York Board of Trade's Coffee, Sugar & Cocoa Exchange. For more information, please visit [www.portofhouston.com](http://www.portofhouston.com)*