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CONTACTS

Felicia Griffin

Communications Manager

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

fgriffin@poha.com

Argentina M. James

Director of Public Affairs

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

ajames@poha.com

PORT AUTHORITY RESPONDS TO FEDERAL LAWSUIT TRANSFER TO HOUSTON

Bayport opponents challenge U.S. Army Corps of Engineers

HOUSTON – The Port of Houston Authority (PHA) today respectfully acknowledged the Galveston Federal District Court’s decision to transfer the lawsuit against the U.S. Army Corps of Engineers (USACE) to Houston Federal Court. Attorney Jim Blackburn, on behalf of various local organizations, filed the lawsuit last month. 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 the fact that most of the plaintiffs in the lawsuit are based in Harris County, this is a reasonable decision,” said Jim Edmonds, PHA chairman. “Regardless of the venue for the lawsuit, we remain confident that the Corps will prevail because of its extensive review of the Bayport project.”

The Bayport opponents’ lawsuit contends that the USACE’s delineation of jurisdictional wetlands is improper. The lawsuit also argues that the Corps should release a supplemental environmental impact statement (SEIS) on the Bayport project.

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 storm water 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.

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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