



**October 9, 2003**

## **PORT AUTHORITY INTERVENES IN LAWSUIT**

HOUSTON – On behalf of the Port of Houston Authority, legal counsel today filed to intervene in the pending federal court lawsuit concerning PHA’s proposed Bayport Container and Cruise Terminal. The lawsuit was filed against the U.S. Army Corps of Engineers in June by the City of Shoreacres and other local municipalities and organizations. While the lawsuit is related to PHA’s proposed Bayport facility, it does not specifically name PHA as a defendant. The lawsuit alleges that the Corps should prepare a supplemental draft environmental impact statement (SDEIS) on the Bayport project and asserts other challenges to the Corps’ review of the Bayport project, including the Corps’ delineation of jurisdictional wetlands at the Bayport site.

“By intervening in the lawsuit, we are seeking to protect the Port Authority’s rights and prevent further delays that could significantly harm the region’s economy and job base,” stated Jim Edmonds, PHA commission chairman. “The Corps has done an outstanding job in its diligent review of the proposed Bayport project. Throughout this process, the Port Authority has maintained its commitment to good environmental stewardship and open communication with the citizens of the communities surrounding the Bayport site. We are confident that the review process has paved the way for approval of a permit that will allow the first phase of construction at Bayport to get underway soon.”

“The lawsuit is a baseless challenge to the validity of the Corps’ process,” Edmonds added. “The documents filed with the court today clearly explain why the plaintiffs’ challenge will fail.”

The Port of Houston Authority and the Texas Parks and Wildlife Department (TPWD) recently signed a memorandum of agreement on PHA’s plan to preserve habitat -- including coastal prairie -- as part of the development of the proposed Bayport facility. Specifically, the PHA will preserve 456 acres along the lower part of the San Jacinto River

and 500 acres on the Katy Prairie. In their MOA, PHA and TPWD indicate that this additional preservation of valuable habitat completes a package that compensates for the impacts from the proposed terminal facilities.

Additionally, three other agencies that had previously raised concerns about the environmental impacts of the proposed Bayport project recently sent statements in support of the additional preservation of habitat to the Corps. The statements from the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and Texas Commission on Environmental Quality generally conclude that the PHA's plan adequately addresses their concerns and establishes appropriate conditions that should be included in a permit for Bayport. The Corps is expected to consider the TPWD agreement, the written statements from the other agencies, and several public comments on the agreement as it finalizes its Record of Decision (ROD) on the Bayport permit application.

The Corps released its Bayport FEIS (final environmental impact statement) on May 16, opening an initial public comment period that closed on July 16. In August, the Corps issued a new public notice with a 30-day public comment period on the habitat preservation components of PHA's mitigation plan. The second public comment period closed September 12. The Corps' ROD and permit decision are expected to be announced later this month.

In addition to habitat preservation, PHA's design for the Bayport facility includes several other mitigation measures to compensate for environmental impacts. One planned mitigation measure is a three-mile long buffer zone around the facility that will include a 20-foot tall landscaped sight and sound berm. The buffer zone also includes part of an extensive storm water collection system that will protect Galveston Bay. Additionally, lighting systems that use black light poles and specially designed fixtures will limit night-time impacts at the facility. PHA's Bayport mitigation 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 an additional 200 acres of inter-tidal marsh.

The Bayport facility will use clean fuel and clean engine technology to help reduce air emissions. PHA's existing container facility at Barbours Cut recently completed an initiative to convert 28 rubber-tired gantry cranes and 25 yard tractors to Purinox, a diesel emulsion fuel that produces significantly lower levels of air emissions. The initiative was

funded by \$212,000 in grants awarded to PHA by the Texas Emissions Reduction Program (TERP). Previous tests of Purinox on equipment engines at Barbours Cut have resulted in a 25 percent reduction in nitrogen oxide (NOx) levels and a 30 percent reduction in particulate matter. Air emissions reduction, solid waste recycling, and storm water quality improvement are the key objectives of PHA's environmental management system (EMS).

Last year, Barbours Cut and PHA's central maintenance facility became the first U.S. port facilities to implement an EMS that meets the rigorous standards of ISO 14001, the global standard for environmental excellence. PHA is committed to meeting ISO 14001 standards upon the completion and opening of the Bayport facility.

###

**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)

---

*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)*