

COASTAL UPDATE – THE BAYPORT FEIS

By Jim Blackburn

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I am writing another of my occasional papers about a topic of coastal concern. This time I am focused on the Port of Houston Authority's proposed Bayport container port. The Final Environmental Impact Statement (FEIS) on this project was released May 16, 2003, and there are some amazing findings and information revealed in this document. Most of this information is being made public for the first time, and the Corps is only giving us 30 days to respond. There is a chance that one of the worst projects in the past 30 years on the Upper Coast could be permitted if we do not, as a coastal community, stand up and stop it. The purpose of this update is to provide you with some information and to ask you to do something about this bad project that should not be allowed to happen.

1. Background

The Port of Houston Authority is proposing to construct the Bayport container port on approximately 1100 acres of land in Southeastern Harris County. The site is located between Seabrook and Shoreacres/LaPorte and is bounded on the south by Pine Gully, on the east by Galveston Bay and the El Jardin subdivision of Pasadena and on the north by the Bayport deepwater channel. The permit application was first filed in 1998.

The application proposes the construction of seven container ship berths and three cruise ship berths, associated docks and storage and a rail yard. There will be approximately 5000 trucks in and 5000 trucks out each day as well as 8-8000 foot long trains each day. The docks at Bayport are being provided with a depth of 56 feet even though the Houston Ship Channel is only authorized to 45 feet of depth. The cost of the proposed Bayport facility is \$1.2 billion, provided by taxpayers.

There has been a long and continuing fight regarding this facility. Since 1998, the Galveston Bay Conservation and Preservation Association (GBCPA), as well as other environmental groups, have been fighting this facility. A scoping meeting was conducted on environmental studies back in 1999 that was attended by 2,500 people and over 6,000 people came to the hearing on the Draft Environmental Impact Statement (DEIS) that was conducted in December, 2001, at the George R. Brown Convention Center in downtown Houston. On May 16, 2003, the FEIS was released, and rather than resolving issues about this site, the FEIS has only raised more serious questions about this project.

It is important to note that another container port recently has been permitted on the Galveston Bay system. On April 15, 2003, Col. Waterworth of the Galveston District signed the Record of Decision that approved the issuance of the permit to construct the Shoal Point container facility at Texas City. The Shoal Point facility is located on a spoil disposal island located behind the Texas City industrial complex in Galveston Bay. The Shoal Point facility will actually move more containers, as measured in TEU's, than will the proposed Bayport facility. In the Record of Decision, Col. Waterworth determined

that the Shoal Point site was the environmentally least damaging practicable alternative site in the Galveston Bay system. Bayport was evaluated as an alternative to Shoal Point.

At this time, the best site for a container port in the Galveston Bay system – Shoal Point – has been issued a permit. The movement of containers into and out of the Houston region is secure. The question before us now is – should a permit be issued for Bayport, in addition to the permit already issued for Shoal Point? The FEIS for the Bayport facility, and additional documents regarding the wetlands at that site, strongly argue NO.

2. 56 Foot Deep Houston Ship Channel

GBCPA and other groups have been concerned since the inception of this project about whether or not the Houston Ship Channel would need to be deepened in order to accommodate the larger container ships that are in use today in maritime commerce. These larger vessels are called post-Panamax vessels and require a channel depth of from 45 to 53 feet.

The permit application submitted by the Port of Houston Authority has always shown the area adjacent to the docks being dredged to 56 feet. GBCPA and others have argued that the Port is clearly planning to bring deeper draft vessels into Bayport than can be accommodated by the current Houston and Bayport Ship Channels. The Bayport channel is currently at 40 feet of depth and the Houston Ship Channel is now being dredged to 45 feet. The third revised permit application, issued in conjunction with the FEIS, now shows diagrams of cranes that are labeled as being designed to unload post-Panamax vessels. Additionally, the FEIS mentions post-Panamax vessels in several places.

In order for post-Panamax vessels to come to Bayport, the Bayport channel must be dredged deeper than 40 feet, and the Houston Ship Channel also must be deepened, most likely to 56 feet. That is ten feet deeper than the current authorization. A deeper channel will allow much more salt water from the Gulf of Mexico to enter the Galveston Bay system. Salinity is the greatest threat to the ecological health and integrity of the Galveston Bay system. Today, more and more freshwater is taken from our rivers for water supply, reducing the amount that comes to our bays. The Galveston Bay system is productive because it is an estuary, an area where salt and fresh water come together. Salinity is the enemy of the oyster reefs. Salinity is the enemy of the juvenile fish and shellfish that come to the Galveston Bay nursery.

The reason that Shoal Point in Texas City is an excellent location for a container facility is that a deeper channel in the lower portion of the bay will not cause much additional harm. Shoal Point is near Bolivar Roads, the pass connecting Galveston Bay with the Gulf of Mexico. Salinity is naturally higher in the lower portions of the bay. Bayport is in the upper bay system. If we invest \$1.2 billion in Bayport, we will immediately hear cries from the Port of Houston Authority that we need a deeper ship channel in order to be competitive – to protect our \$1.2 billion investment.

Galveston Bay has survived some serious impacts. It made it through the pollution of the 1960s. Yet, it may not make it past the salinity impacts associated with a deeper channel and the continued removal of freshwater inflow from our rivers that flow into the bay. We are not blind. We can see these things. The question is – are we going to do anything about them?

3. Air Quality

The FEIS reported the results of the Corps' analysis of PM2.5 (fine particle) air pollution impacts from the proposed Bayport container facility. The DEIS did not evaluate PM2.5 and until May 16, there had been no official position regarding this important air pollutant. In the Executive Summary, the Corps states that in the year 2010, their modeling indicates that the 24-hour national ambient air quality standard set by the United States Environmental Protection Agency for PM 2.5 will be violated. PM 2.5 is particulate matter 2.5 microns in size and smaller. These are very small particles that go very deep into your lungs. The literature is full of recent articles linking PM2.5 to mortality as well as to sickness and hospital admissions. It can kill you.

PM 2.5 is one of the most dangerous air pollutants identified to date. The City of Houston conducted a study of air quality in Houston called the "Sonoma Report". In this report, PM 2.5 was identified as causing about \$3 billion per year in negative health effects. Rather than correcting this problem, the Bayport project will worsen this problem. Why are we considering building a new port facility that will violate air pollution standards, make us sick and possibly kill us?

The Houston area has been stating that it is concerned about quality of life issues. Air pollution is a critical quality of life issue. If you cannot safely breathe the air at your home, what quality do you have? Over 5000 people live within a mile of this facility. Well over 50,000 live within three miles of the Bayport facility. If we do not take care of the people who live here, why should more people come to live in our region?

4. Wetlands

The proposed Bayport site is full of wetlands. According to the FEIS, there are over 146 acres of wetlands that will be filled on this site. Only 66 acres of wetlands are proposed to be constructed to mitigate for this loss. There will be a net loss of over 80 acres according to the FEIS. Dr. John Jacob, the wetland analyst hired by GBCPA, is of the opinion that the actual acreage of wetland on the site could be at least twice that found by the Corps.

The Corps' analysis alone shows a startling impact on the aquatic environment. However, the true importance of the wetlands at the Bayport site is shown in comments from our resource agencies. For example, on April 25, 2002 the U.S. Fish and Wildlife Service stated "The Service believes that the wetland complex involved [at the Bayport

site] is of national significance.” The U.S. Fish and Wildlife Service also recommended denial of the permit for Bayport.

Wetlands are important for water quality in Galveston Bay. Wetlands are important as habitat for fish and wildlife. Wetlands are a vital part of the coastal ecology. Wetlands should not be taken for a port facility if they don't have to be taken. We don't have a lot of wetlands left along the west shoreline of Galveston Bay. Every acre is important. Why are we building Bayport at this location? Why are we allowing these wetlands to be destroyed? This FEIS is raising important issues that we should debate as a community.

There is also a very confusing statement contained in a fact sheet that accompanied the Bayport FEIS. The Corps identified several commonly asked questions and provided answers. Question 8 asked whether or not the Port of Houston Authority had offered compensatory mitigation in the Katy Prairie or in the Banana Bend area of the San Jacinto River. In its answer, the Corps stated that “the applicant (the Port of Houston Authority) has been engaged in ongoing discussions with state and federal resource agencies concerning Banana Bend and Katy Prairie sites, but no final decisions have been reached in the discussions.” From this statement, it is clear that the wetland mitigation is still being negotiated. Apart from questions as to why mitigation would be appropriate in the Katy Prairie, the larger issue is why was an FEIS issued before this important mitigation concept had been resolved? This is not a Final EIS. The final proposal has not been developed. This FEIS should be shelved until we, the impacted public, can see a final proposal.

5. Noise Impacts

The FEIS also analyzes the impact of the proposed Bayport facility on noise levels in adjacent neighborhoods and the results are startling. For the first time, the Corps admits that there will be major impacts on adjacent neighborhoods from noise from Bayport. The FEIS admits that sound levels may increase in El Jardin by over 5 dBA from 10 p.m. to 7 a.m. and in other areas by over 10 dBA during that same time. In the FEIS, it states that EPA considers sound levels greater than 10 dBA over background as being startling or sleep disturbing. The City of Pasadena municipal code, which applies to El Jardin, prohibits an instantaneous sound level greater than 5 dBA from 10 p.m. to 7 a.m.

The FEIS states that the sound levels can be dropped to an acceptable level by two things. First, if the port is not operating between 10 p.m. and 7 a.m, the levels would be acceptable. However, that is not the plan and it doesn't make sense. The port should be located at a place where it could operate 24 hours. It cannot at this location. Second, to protect the areas such as LaPorte and Shoreacres, the Corps states that building the proposed sound wall on the north side of the ship channel to 30 feet rather than 20 feet would help. Can you image what would happen to a 30 foot high sound wall during a hurricane, much less what an eyesore it would be? And that still does not solve the problem of the sound levels in the City of Pasadena.

The FEIS concludes that residential property values will decline due to noise impacts. A 1998 study is cited that identifies a decline ranging from 0.2 to 1.5 % in property value for each dBA of increased noise. Given that some areas are projected to see increases in noise levels of 10 dBA or more, it would be reasonable to expect property value decreases of from 2 to 15% due to noise impacts alone. This information has never before been made public and it is important.

6. The Cruise and Container Terminal

Another huge change between the Draft and Final EIS is the treatment of the container and cruise terminals. From the beginning, the Port of Houston Authority has proposed both a cruise and a container terminal at Bayport and insisted that they both be located at the same site (e.g., co-located). In the DEIS, alternative sites were evaluated to determine if they had sufficient room to accommodate both the container and cruise facilities. There is no reason that container and cruise facilities need to be co-located. In fact, the opposite conclusion is more realistic. Nonetheless, the DEIS evaluated alternative sites based on both container and cruise terminals being co-located.

In the FEIS, the Corps has now admitted that the cruise and container facilities do not have to be co-located – that they are not dependant upon each other. However, the Corps did not redo the analysis of alternatives in the FEIS to fully explore the implications of this admission. Now, the cruise terminal could be in Galveston and the container terminal at Spillman’s Island, eliminating the major dredging impacts associated with placing cruise facilities at Spillman’s Island. The point here is that the analysis of alternatives in the FEIS is wrong and has to be redone.

We are finally beginning to get to the truth here. There was never any reason why container and cruise facilities should be co-located, except that only one site was large enough and that was Bayport. The Port of Houston Authority set the analysis up so that only one site could be selected. That false premise has now been set aside.

7. The Future of Existing Bay Residential Development

Since the early 1900s, residential development has been an important part of the Galveston Bay community. Seabrook, El Jardin, Shoreacres and LaPorte all pre-date the Bayport complex. When Friendswood Development first announced the Bayport complex, they were careful to state that the existing residential areas would not be threatened by the industrial development, that the deepwater channel would only be used to service the industry located west of Highway 146. That promise has evaporated. Today, as was revealed in the FEIS for Bayport, the residential community of the upper west side of Galveston Bay is threatened by noise, by air pollution and by traffic.

The fight over Bayport, in part, is a fight over the future of residential development along the upper west side of Galveston Bay. I believe that our best chance of protecting Galveston Bay in the long term is to have a strong residential development

pattern along the bay. People who live by the bay love the bay. They will fight for the bay. They want it clean because they use it. If we allow the residential development to be forced out by the Port of Houston, we will lose one of our greatest quality of life resources and more importantly, we will lose a base of determined people who will fight for the bay.

8. Conclusion

The fight over Bayport is a fight over the integrity of the Galveston Bay system and the people who live next to the bay. It is about salinity. It is about wetlands. It is about air quality. It is about noise impacts. It is about quality of life in the Houston region – a region that sorely needs quality places. It is about needless destruction.

Shoal Point is already permitted. It is about to be constructed. Shoal Point will provide for the economic growth for the region. Shoal Point will provide the jobs and the economic development.

Throughout our fight against Bayport, we have maintained that we are not against container ports or jobs. We are against a poorly thought-out proposal by the Port of Houston Authority. Now, for the first time, we, the people who love Galveston Bay, are getting a glimpse at the truth about the proposed Bayport container port. The FEIS, while not a perfect document by any means, reveals significant problems with the proposed Bayport project. The truth, however late in coming, is always welcome.

Those who love Galveston Bay need to act and act swiftly to keep this bad project from becoming a reality. The first important issue is – we have to get the word out about this project. We need a public hearing to be conducted by the Corps where they present this new information to us and to our elected officials. We at GBCPA and other groups have been saying for five years that there are major problems with this project. Now, the U.S. government has agreed with us, at least in part. That word needs to get out. I would ask each of you to write Col. Waterworth of the Corps and ask him to hold a public hearing where we can hear the truth about this project. Please contact your state and federal representatives and senators and ask them to ask Col. Waterworth to hold a public hearing. I cannot overemphasize the importance of such a hearing.

I would also ask you to request that the time to comment on the FEIS be extended from 30 days to 120 days. We are planning to retain consultants to review the Corps' analysis. We believe their numbers to be low with regard to air quality. However, we need more than 30 days to get this work done.

Also, if you want a hard copy of this FEIS, it will cost you \$874. That is outrageous. You can view the FEIS on the Corps web site at www.swg.usace.army.mil. You can get a free executive summary and CD of the entire FEIS by contacting Ms. Lori Magyar at URS Corporation, 713-914-6480. Col. Waterworth's address is Col. Leonard D. Waterworth, District Commander, Galveston District, U.S. Army Corps of Engineers, P.O. Box 1229, Galveston, Texas 77553-1229.

I suggest that each of you contact key governmental officials. In addition to your state and federal representatives and senators, you might consider contacting the Harris County Commissioners if you live in Harris County. The Harris County Commissioners are: County Judge Robert Eckels, Precinct 2 Commissioner Sylvia Garcia, Precinct 3 Commissioner Steve Radack, Precinct 1 Commissioner El Franco Lee and Precinct 4 Commissioner Jerry Eversole. Their mailing address is 1001 Preston, 9th Floor, Houston, Texas 77002.

If you want to contact the Commissioners of the Port of Houston Authority and tell them what you think of their proposed Bayport container port plan, the commissioners are: James T. Edmonds, Chairman, Kase L. Lawal, Vice Chairman, Steve Phelps, James W. Fonteno, Jr., Jimmy A. Burke, Cheryl Thompson-Draper and Janice Longoria. Their address is Port of Houston Authority, P.O. Box 2562, Houston, Texas 77252-2562.

You might also quiz the candidates for the Mayor of Houston as well as council candidates regarding their position on Bayport as well.

In concluding, let me thank you for taking the time to read this. Bayport is the wrong idea at the wrong place. But in order to defeat this mistake, all of us fighting Bayport need your help. Please take the time to do something about Bayport. Galveston Bay needs your help now more than it ever has. This is happening on your watch and mine. Let's stop it.