



CITY OF
PORT LAVACA



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202 N. Virginia, Port Lavaca, Texas 77979 www.portlavaca.org
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July 18th, 2025

Kory Barone
Regulatory Specialist
Regulatory Division
Galveston District
US Army Corps of Engineers
2000 Fort Point Road

RE: SWG-2024-00114 NEPA Extension

To Whom It May Concern:

The City of Port Lavaca received a grant from the U.S. Department of Housing and Urban Development's Community Development Block Grant Mitigation (CDBG-MIT) program through the Texas General Land Office (GLO). Pursuant to this grant, the City intends to develop a living shoreline protection to mitigate flooding and erosion along the coast. As you probably understand, all federally funded projects are required to undergo environmental reviews and permit applications.

As this project is located in the water, the U.S. Army Corps of Engineers (USACE/Corps) must be consulted and grant an individual permit for the work. In April 2024, the City submitted a permit application to the Corps for the project. More than a year later, on June 3, 2025, we received an email from the Corps stating they did not make the one-year timeframe, and would be extending the deadline, with no new timeframe provided. Under statute (Section 107(g)(2)—Delay), a new deadline should have been established that provides only so much additional time as is necessary to complete the review. They indicate that Section 7 (Endangered Species Act) consultation with the National Marine Fisheries Service, aka NOAA Fisheries is still pending. The National Marine Fisheries Section (NMFS) review is the reason for the delay, but provide no indication of specifics of ongoing work or the timeframe. See an excerpt from the email below.

Email from USACE dated June 3, 2025: "that we have not yet been able to complete the EA for the permit action associated with your project within the one-year time frame because NMFS Section 7 consultation is required. Section 107(g)(2) of NEPA allows lead agencies to extend the one-year deadline for EAs and to establish a new deadline that provides only so much additional time as is necessary to complete the document."

We are sending this letter to the Corps and elected officials in the hopes that the Corps review, and coordination with NMFS or any other agencies be expedited. Upon USACE completion, the City plans to adopt their environmental review pursuant to the Disaster Relief Supplemental Appropriations Act, 2025 (Pub. L. 118-158) ("the 2025 Appropriations Act") that allows for a streamlined review and adoption of all projects where CDBG-MIT funds are used.

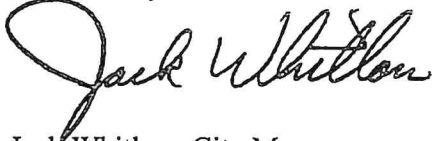
The City received a letter from the Texas GLO indicating that the USACE permit must be received by October 31, 2025; otherwise, we risk losing all funding allocated for the project.

This project is a big step towards protecting our community and the Texas coastline. We hereby formally request that the USACE expedite the completion of its EA and request the urgency of their agency partners and issue the necessary permit prior to October 31, 2025. We request an updated deadline for completion, along with specifics on what is remaining. This matter is of utmost importance to our City, and we have diligently prepared for the project's advancement. The only remaining step is obtaining the USACE permit to finalize the project's design and the required notices.

Enclosed herewith is a letter from the GLO supporting the request for expedited permit issuance. Please contact our environmental consultants at veronica@ksbr-llc.com should you require further assistance or have any inquiries.

We look forward to a collaborative effort to achieve this objective.

Respectfully,

A handwritten signature in black ink, appearing to read "Jack Whitlow". The signature is fluid and cursive, with the first name "Jack" being more prominent than the last name "Whitlow".

Jack Whitlow, City Mayor

cc: U.S. Senator John Coryn, Texas

U.S. Senator Ted Cruz, Texas

U.S. Congressman Michael Cloud, Texas 27th District

Commissioner Dawn Buckinham, Texas General Land Office



TEXAS GENERAL LAND OFFICE
COMMISSIONER DAWN BUCKINGHAM, M.D.

July 17, 2025

The Honorable Jack Whitlow
Mayor
City of Port Lavaca
202 North Virginia
Port Lavaca, TX 77979

VIA EMAIL: jwhitlow@portlavaca.org

Re: CDBG-MIT Coastal Resiliency Contract No. 22-087-001-D226 Notification of Contract Fulfillment

The Texas General Land Office (GLO) awarded the City of Port Lavaca (the City) \$13,645,005 through the CDBG-Mitigation (CDBG-MIT) Coastal Resiliency Program. These funds are designated for the construction of breakwaters and living shorelines to mitigate the impact of storm surge and risk of future flooding.

The contract was executed December 14, 2022 and to date has achieved the initial milestones and drawn \$1,250,429.55 for costs associated with engineering, environmental, and grant administration. The GLO is aware that the ongoing delays associated with the Environmental Review Record (ERR) are related to the requirement to obtain a U.S. Army Corps of Engineers (USACE) Individual Permit. As of September 3, 2024, the City confirmed that both a USACE pre-application meeting and a Joint Evaluation Meeting (JEM) were held. The official permit application was submitted to the USACE on April 17, 2024. Despite these efforts, the prolonged delay in receiving a response or permit issuance has resulted in the ERR falling approximately nine months behind schedule, further delaying construction efforts.

The contract has been extended until January 31, 2027. According to the most recent construction schedule, the City must achieve Authority to Use Grant Funds (AUGF) by October 31, 2025 to procure and begin construction no later than December 31, 2025. Failure to achieve AUGF by October 31, 2025 may result in contract termination as indicated in Section 3.01 and recapture of funds expended to date (Section 5.03). The GLO recognizes the significance of this project to mitigate the future risk of storm surge and flooding to Port Lavaca; however, the current status of this contract and uncertainty of achieving future benchmarks jeopardizes contract fulfillment. Please contact Cassandra Burnias, Regional Manager, at kassandra.burnias.glo@recovery.texas.gov if you have any questions.

Sincerely,

Esmeralda R. Sánchez
Director, Grant Management
Community Development & Revitalization

cc: Jody Weaver, City Manager
Katy Sellers, KSBR
Kassandra Burnias, GLO Regional Manager

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