

Jody Weaver

#49

From: Jody Weaver
Sent: Wednesday, March 13, 2024 11:35 AM
To: Jack Whitlow
Cc: 'lois.kolkhorst@senate.texas.gov'; Longoria, Mark; Jim Rudellat; Rachel Garza; Mandy Grant; Matt Glaze
Subject: UPDATE ON BOATING ACCESS GRANT Port Lavaca TX F-321-B-1, F22AF03533 (Restoration of Nautical Landings Breakwater)
Attachments: RE: TPWL Recreational Grant Port Lavaca TX F-321-B-1,

Council and Port Commissioners,

Below is the latest communication from Texas Parks and Wildlife regarding the back and forth review by the US Fish & Wildlife Service of the NMFS Endangered Species Act Section 7 requirements for the reconstruction of the breakwater in Nautical Landings. For further background, attached is the email string covering November 16, 2023 -January 8, 2024.

Julie is our newest contact with TPWL on this grant (our third). She has sent the latest of our responses back to USFWS. I spoke with her this morning and she says that she will contact USFWS weekly for an update until we receive approval or MORE comments that we must address. The USFWS is out of Albuquerque, NM. Julie tells me that the reviewer is relatively new in this job, but has been pretty responsive to her. He is responsible for reviews of projects in 4 states.

So once FWS state it is good for complete review, then Julie will have to send it through the TPWD biologists for review, once they sign off on it, it then gets sent back to FWS for final signatures. So we're still looking at some time.

Julie is going to keep me updated weekly. If we do not get any response within the next 2 weeks, I will reach out again to Mark Longoria to see if Congressman Cloud's office could provide a nudge to USFWS. As you recall it was USFWS that we waited a year for approval on the reconstruction of the Lighthouse Beach Fishing Pier. We've already had several back and forth reviews, so TWPL thinks we should be very near final approval.

I recognize that there are some that believe the fault of this delay rests at my feet. I have worked with Federal and State grants for over 40 years. Grants are great, but they do take time and any project, regardless of funding, that requires Army Corps of Engineers and/or USFWF approval I have found can take years.

I will do my best to keep you informed.

JoAnna P. "Jody" Weaver, P.E.

Interim City Manager

Phone: 361-552-9793

Mobile: 361-827-3601

Email: jweaver@portlavaca.org

202 N. Virginia Street Port Lavaca, Texas 77979



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TEXAS



From: Julie Dillard <Julie.Dillard@tpwd.texas.gov>
Sent: Wednesday, March 13, 2024 9:40 AM
To: Jody Weaver <jweaver@portlavaca.org>; Matt Glaze <mglaze@urbanvictoria.com>
Subject: RE: Port Lavaca TX F-321-B-1, F22AF03533

We send these to the personnel who administer our grants for FWS. Since I am relatively new here, I do not have any past experience with sending these forms. However, I have been told it can take a couple of months, sometimes longer.

We send them to FWS, they agree with the report or can come back and say there are things that need to be fixed. If items need to be fixed, we send back to you for those corrections. Once they state it is good for complete review, we then have to send it through the TPWD biologists for review, once they sign off on it, it then gets sent back to FWS for final signatures. Again, there is no specific timeline because it all depends on what FWS says and if any revisions are needed and if TPWD personnel agree with the assessments.

I am sorry I cannot provide a more concise timeline which is why I recommend the extension in time, better safe than sorry.

Thank you,
Julie Dillard
Boat Access and Target Range Grant Manager
(512) 389-8773 – Office
(737) 272-9957 – Cell

From: Jody Weaver <jweaver@portlavaca.org>
Sent: Wednesday, March 13, 2024 9:00 AM
To: Julie Dillard <Julie.Dillard@tpwd.texas.gov>; Matt Glaze <mglaze@urbanvictoria.com>
Subject: RE: Port Lavaca TX F-321-B-1, F22AF03533

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Okay – thank you Julie.

For clarification, who or what office of FWS has this been sent to? Based upon past experience, do you expect this to take a couple weeks, a couple months or longer?

Jody

JoAnna P. "Jody" Weaver, P.E.

Interim City Manager

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PROUD TO BE
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From: Julie Dillard <Julie.Dillard@tpwd.texas.gov>

Sent: Wednesday, March 13, 2024 8:44 AM

To: Matt Glaze <mglaze@urbanvictoria.com>

Cc: Jody Weaver <jweaver@portlavaca.org>

Subject: RE: Port Lavaca TX F-321-B-1, F22AF03533

An amendment will need to be submitted through our grant system. The resources guide should be able to point you in the right direction on how to do that. If it does not, please let me know and I will find a resource for it.

From: Matt Glaze <mglaze@urbanvictoria.com>

Sent: Wednesday, March 13, 2024 8:05 AM

To: Julie Dillard <Julie.Dillard@tpwd.texas.gov>

Cc: Jody Weaver <jweaver@portlavaca.org>

Subject: Re: Port Lavaca TX F-321-B-1, F22AF03533

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I agree we should extend the time. How do we get an extension?

Matt A. Glaze, P.E.
Urban Engineering
2004 N. Commerce Street
Victoria, Texas 77901
Ph: (361) 578-9836

On Wed, Mar 13, 2024 at 7:50 AM Julie Dillard <Julie.Dillard@tpwd.texas.gov> wrote:

Good morning,

This has been sent to FWS for review. Due to the fact that we do not have a firm time for when FWS will provide approval, I would recommend that an amendment be submitted to extend the time of the grant. Currently the grant will expire on July 31st of this year, which means all elements plus all work would need to be completed prior to that date. To be on the safe side and to avoid having to rush to do one at a later date, I would recommend that the amendment be submitted to extend until the end of this year just to be sure.

Please let me know your thoughts on this suggestion.

Thank you,

Julie Dillard

Boat Access and Target Range Grant Manager

(512) 389-8773 – Office

(737) 272-9957 – Cell

From: Matt Glaze <mglaze@urbanvictoria.com>
Sent: Tuesday, March 12, 2024 11:28 AM
To: Julie Dillard <Julie.Dillard@tpwd.texas.gov>
Cc: Jody Weaver <jweaver@portlavaca.org>
Subject: Port Lavaca TX F-321-B-1, F22AF03533

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Julie,

This is the latest Section 7 that addressed the latest comments we received below:

I've reviewed the attached docs. My comments for each follow...

1. Carl Park: In the first sentence of Section VII Determination of Effects, Matt mentions that there is habitat for the sea turtles in the first sentence but then goes on to say that there is no effect. If there is habitat for one or more sea turtle species then we can't go with a no effect call. See the attached PDF of example language to address each species in order to get to "no effect" which I think should be doable for this project.
2. East Bay: Suggest looking at the attached doc to discuss the sea turtle species. Also suggest modifying this sentence in Section VII: "The determination of "no effect" is proposed for the leatherback sea turtle due to the **lack of** preferred habitat ~~being located far from~~ **at the** project site."
3. Nautical Landing: Same suggestions as in #2 for East Bay.

Thanks for your patience with this process.

Brian Hobbs

505.526.7165

Jody Weaver

From: Robin Kolton <Robin.Kolton@tpwd.texas.gov>
Sent: Monday, January 8, 2024 7:43 PM
To: Jody Weaver
Cc: Dana Lagarde; Rachel Garza; Jim Rudellat; 'Matt Glaze'
Subject: RE: TPWL Recreational Grant Port Lavaca TX F-321-B-1,

Follow Up Flag: Follow up
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Jody,

I did receive the updated information from Matt Glaze on Jan 5, 2024 and the information has been submitted to FWS for their review. I know they are reviewing, but I don't have an exact date that it will be reviewed/returned for additional information/approved. As soon as I get information, I will contact you and keep you updated.

From: Jody Weaver <jweaver@portlavaca.org>
Sent: Monday, January 8, 2024 9:29 AM
To: Robin Kolton <Robin.Kolton@tpwd.texas.gov>
Cc: Dana Lagarde <Dana.Lagarde@tpwd.texas.gov>; Rachel Garza <rgarza@portlavaca.org>; Jim Rudellat <jrudellat@portlavaca.org>; 'Matt Glaze' <mglaze@urbanvictoria.com>
Subject: RE: TPWL Recreational Grant Port Lavaca TX F-321-B-1,

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Good morning Robin,

I have a Port Commission meeting next Tuesday. I would like to be able to provide some good news regarding this breakwater project. It is my understanding that we responded to the issues below in December.

Can you please provide a status for me on this crucial project? I'm afraid we are going to have another hurricane season this summer without benefit of this needed breakwater.

JoAnna P. "Jody" Weaver, P.E.

Interim City Manager

Phone: 361-552-9793

Mobile: 361-827-3601

Email: jweaver@portlavaca.org

202 N. Virginia Street Port Lavaca, Texas 77979



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TEXAS



From: Robin Kolton <Robin.Kolton@tpwd.texas.gov>
Sent: Wednesday, December 13, 2023 8:42 PM
To: Jody Weaver <jweaver@portlavaca.org>
Cc: Dana Lagarde <Dana.Lagarde@tpwd.texas.gov>
Subject: RE: TPWL Recreational Grant Port Lavaca TX F-321-B-1,

Jody,

I apologize for the delay. I checked with FWS, and the below is there questions. We are getting so close to getting the final approval. Please send me the updates and I will submit them to FWS.

- 1) How will the pilings be driven and what is their diameter. If you don't have this info at this time, let me know that too.
- 2) Determination of Effects:
 - a. Why is the manatee unlikely to be found with the project site?
 - b. I would agree that some sea turtles may be affected by the project, so a may affect, not likely to adversely affect call may be warranted, but that call may not be necessary for each turtle species. Again, a discussion for each turtle regarding it's habitat preferences like you did for each of the other species is needed to determine what call to make for each. If we do end up with a may affect not likely call we will have to get concurrence from NOAA.
 - c. In section B. the BMPs provided are good for the FWS species, but NOAA Fisheries' BMPs for sea turtles may also be needed, depending on the diameter of the pilings and how they are driven.

From: Jody Weaver <jweaver@portlavaca.org>
Sent: Wednesday, December 13, 2023 4:09 PM
To: Robin Kolton <Robin.Kolton@tpwd.texas.gov>
Subject: Fw: TPWL Recreational Grant Port Lavaca TX F-321-B-1,

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Good afternoon Robin,

I was hoping you might give me a real quick update on the status of approval for construction of our breakwater plans for construction. I have a Port Commission meeting next Tuesday and was hoping to have some news to share with them.

Thank you.