

STATE OF TEXAS }  
COUNTY OF WILLACY }

THE BOARD OF NAVIGATION AND CANAL COMMISSIONERS OF THE WILLACY COUNTY NAVIGATION DISTRICT met in Regular Session Wednesday, December 13, 2023 at 9:00 A.M., 400 W. Hidalgo, Ste 200, Raymondville, TX with the following members present:

COMMISSIONERS PRESENT:	CHAD KINNEY STACY REYES STEVEN KENDRICK ERNESTO CAVAZOS	CHAIRMAN SECRETARY MEMBER MEMBER
ALSO PRESENT:	RON MILLS ALLISON RODRIGUEZ FRANK VASQUEZ DAVID MAYES LETTY MARTINEZ	PORT DIRECTOR ATTORNEY PORT SUPERINTENDENT PORT POLICE CHIEF ADMINISTRATIVE ASSISTANT
ABSENT:	ALBERTO TREVINO	MEMBER
GUEST:	MATHEW MONTEMAYOR	CARR, RIGGS & INGRAM

Chad Kinney, Chairman called the meeting to order at 9:00 a.m.; upon conclusion of roll call, it was ascertained that a quorum was present. Kinney called for affidavits of conflict of interest, and there was none.

Item No. 1: REVIEW & CONSIDERATION OF PREVIOUS BOARD MEETING MINUTES: Upon review of the November 08, 2023 board meeting minutes, Commissioner Cavazos made the motion to approve the previous board meeting minutes as presented. The motion was seconded by Secretary Reyes and the vote unanimously carried.

Item No. 2: **PUBLIC COMMENT: Miller Bassler:** Letter, Container/Barge Development – Mr. Bassler read a written letter to the Willacy County Navigation District Board, as concerned residents of Port Mansfield and concerned citizens and caretakers of our waters, wildlife and fisheries. Mr. Bassler expressed the concerns about the proposed commercial barge container project that would take place in the Port Mansfield harbor and cut. Mr. Bassler would like to implore the Board that necessary municipal regulations must be in place before any major commercial contracts are signed or contractors procured. Mr. Bassler would like to ask the Board to commit that any further commercial development will only move forward if restrictions, regulations, and studies of the following are adopted/Performed:

1. An environmental impact study must be done and the impact of any proposed commercial project on the Lower Laguna Madre must be assed in a full and transparent manner. Key issues are as follow:

- a. How will 300-400 barges a month impact the water, fish, manatees, birds and other wildlife.
  - b. How will commercial barge traffic impact the delicate trout population during times of severe weather/freezes? Can the trout population survive another freeze if the cut is also full of barge traffic?
  - c. Whether hazardous materials will be allowed in the containers carried, and if so what regulations and ordinances are necessary to protect the public safety and environment.
2. The impact of intrusive light and noise from commercial operations must be fully and transparently assessed and the Board must adopt regulations to prevent the destruction of quality of life for residents at current residential properties.
3. The likelihood of prop wash damage to our existing seawalls, piers, and docks must be assessed and procedures put into place to address this when/if it occurs. The Board must adopt regulations to restrict and prevent prop wash damage and create a procedure whereby commercial operators or the WCND make owners of damaged piers and docks whole for the costs of such damage.
4. Additional infrastructure to support any development must be budgeted for and adopted before any commercial contracts for development are executed. Currently, the WCND has difficulty delivering water and electricity to the existing residents. In addition, EMS, fire department, and some medical infrastructure would be necessary to support the laborers in any commercial development like the proposed barge/container project. The board must commit to addressing the utility and infrastructure issues simultaneous to, or prior to, any commercial contracts for barge/container project.
5. Immigration issues resulting from the port becoming an international port of entry must be assessed and prepared for. There are currently no CBP operations in the port. How will the board prepare to deal with immigrants seeking refugee status or undocumented populations arriving on barges from Mexico?
6. The economic impact of the development on residential property values must be fully considered, assessed, and planned for. The WCND may well be facing substantial imminent domain takings claims, for which compensation is required. In addition, the tax base of the WCND currently depends on high residential property values related overwhelmingly to Port Mansfield's status as a destination for elite sport fishermen and a quiet vacationer. A commercial barge operation will significantly (and negatively) impact residential property values, thereby reducing the WCND's tax revenue. It very well may be a situation of cutting off one's nose to spite one's face.

**Kathy Bassler:** Continuation of the letter Container/Barge Development:

7. Safety issues related to barge traffic must be seriously considered and ordinances put in place to protect safety and access by the public to offshore and onshore fishing and traveling destinations. Barge traffic of the magnitude being discussed would seriously inhibit all small and medium sized boat ingress and egress from the harbor and create traffic jams/long delays, and would be quite dangerous.

Each of these issues are critical and must be studied and addressed. I ask the Board to commit doing so publicly. It is my understanding that not a single resident of Port Mansfield is in favor of moving forward with new commercial projects at the port at this time. Every person I have spoken to is concerned about the above issues. I have not personally seen evidence yet of the board or WCND addressing these concerns. If the Board and WCND did address these concerns in a transparent and fully way, including by adopting ordinances and regulations that would apply to any, and all commercial operators, it is possible that the residents of the community and the board could work together to create a viable commercial project that actually addresses critical issues to the community.

Without community support, the commercial projects envisioned start to feel like a classic “NIMBY” situation where outsiders are able to force industrial projects on an unwilling population for the purported economic benefit and growth of a region. The small but invested community members of Port Mansfield, who care deeply about recreational fishing and the continuation of the area’s unique wildlife and environmental profile, should not be burdened with a commercial operation that does not benefit them in any way without addressing the very real concerns of this community.

Lastly, I have heard from various channels that the reason for this sudden desire to dramatically increase commercial activity at the port is because Port Mansfield was “always intended” to be a commercial port and “never intended” to become a recreational fishing community. To me, this claim completely misses the point. Port Mansfield is a sport fisherman’s community. Every existing business in town is dedicated to this identity, and all residents are proud of it. Whatever the intent was years ago feels truly irrelevant as the facts on the ground in this community and this truth cannot be tossed aside simply by referencing an original community planning intent that may have existed 70+ years ago. If dredging of the cut by the Army Corps of Engineers is at stake, which I am somewhat skeptical of given the long history of the Corp’s dredging, then other creative solutions short of massive commercial barge/container operations should be considered.

Taking the temperature of the community is critical, and thus far it feels like this project, has been pushed towards actualization without getting the community’s input and

support. I pray I can impress upon you how critical it is to slow down and address the very real concerns folks have, as laid out in this letter. Thank you for your time.

**Melissa Murphy:** Project – regarding the Port Mansfield website paragraph of Port Mansfield is a small commercial fishing and retirement village that has grown in popularity with sport fishermen nationwide. The variety and abundance of fishing is a sportsmen's dream. Port Mansfield is famous with anglers who fish the shallow flats of the Laguna Padre for large redfish and trout and deep sea fishermen venture into the nearby Gulf of Mexico for fish that have dominated the Texas record books for the last 25 years. Murphy also addressed Transparent on the website.

**Randy Case:** Container project/destroyed his childhood community called Bayport. First noise, congestion and schools. The roads cannot handle congestion base water, sewer not in place. Noise never stopped 24 hours a day, the smell of diesel, fuel and chemicals. The facility brought lights, traffic, police force overwhelmed the Port that could not keep up. No EMS, water pollution, boat ramps, signs not to eat fish that is caught.

**Mark Brown:** Container project/appreciates service to the community in Port. Mr. Brown stated he is not against the commercial project. However, has 2 concerns, the main concern is the volume of the project 130 barges a month, 25 working days second is having a contract with a Mexico barge company. Mr. Brown encourages the board to get the correct information before proceeding with the project.

Item No. 3: DISCUSSION AND REVIEW OF 2022/2023 AUDIT REPORT: Mathew Montemayor, with Carr, Riggs & Ingram presented and summarized the audit report for 2022 – 2023 financial statements of Willacy County Navigation District to the board. Secretary Reyes made the motion to accept the 2022 – 2023 audit report. The motion was seconded by Commissioner Cavazos and vote unanimously carried.

Item No. 4: PORT DIRECTORS REPORT:

- TGLO Funding approval for 2 projects.

-Laguna Madre Rookery Island Restoration: received a letter from General Land Office to pass the resolution. Have received 2 letters the last two weeks for funding project 1779 Rookery Island. The letter states that the funding has been approved and the island will be rebuilt.

-Padre Island National Seashore Beach Nourishment: the beach has been rebuilt, it was problematic, this project has new drawings and new diagrams.

- Rider 37 Navigation Drive/Airport Road has begun: Project has already started. Last Tuesday they were on their way to Navigation Drive to work on the airport, should finish around September.

- Sewer and Waterline installation has begun: arrived unannounced, they have 180 days to finish the project.

Item No. 5: REVIEW AND DISCUSSION OF BUILDING AUTHORIZATIONS ISSUED FOR THE MONTH OF NOVEMBER, 2023: The building authorizations issued for the month of November, 2023 were reviewed and discussed.

Item No. 6: REVIEW & CONSIDERATION OF RESIDENTIAL, COMMERCIAL, CANCELLED LEASES AND COLLATERAL TRANSFER OF LEASE: Upon review and discussion of each described and itemized leases, Commissioner Cavazos made the motion to accept and approve the leases as presented. The motion was seconded by Secretary Reyes and the vote unanimously carried.

Item No. 7: REVIEW & CONSIDERATION OF CHECKS AND VOUCHERS: After review of the checks and vouchers, Commissioner Kendrick made the motion to accept the issued checks and approve the transactions for payment of the Willacy County Navigation District and to accept the transactions November 09, 2023 through December 13, 2023. The motion was then seconded by Commissioner Cavazos the vote unanimously carried.

EXECUTIVE SESSION closed at approximately 9:41 a.m., Texas Open Meeting Act.

Item No. 8: EXECUTIVE SESSION:

1. Attorney Consultation Pursuant to Sec. 551.071, Tex. Gov't Code, regarding the WCND rights, duties, and obligations under a lease relating to Project Rolloff.
2. Attorney Consultation Pursuant to Tex. Gov't Code Sec. 551.071 for legal briefing on a public information request submitted to the WCND, dated October 30 (clarified November 13), and subsequent request for Attorney General Opinion relating to same.

No action taken: Attorney Consultation Pursuant to Sec. 551.071, Tex. Gov't Code, regarding the WCND rights, duties, and obligations under a lease relating to Project Rolloff.

Item No. 9: RETURN TO OPEN SESSION at approximately 10:58 a.m.

Item No. 10. Meeting adjourned at approximately 10:59 a.m.