

# CHAPTER 5: COORDINATION AND CONSULTATION

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## CHAPTER 5: COORDINATION AND CONSULTATION

This chapter describes the USFWS' coordination and consultation activities with local, State, and Federal government agencies and representatives. The USFWS' public outreach for this project with the general public and other interested persons/groups is documented in Chapter 1 in the Scoping section. The public scoping included a number of public meetings and workshops for the general public and other interested persons or groups. A number of local, State, and Federal government representatives attended and participated in these public scoping meetings and workshops. Additionally, the USFWS formally and informally coordinated and consulted with the local, State, and Federal governments/agencies outside of the public scoping process.

### I. FEDERAL REGISTER NOTICES

- A formal "Notice of Intent To Prepare a Comprehensive Conservation Plan and Associated Environmental Impact Statement" was published in the Federal Register on October 21, 1999
- A formal "Notice of Availability of Draft EIS/CCP/LPP" was published in the Federal Register on October 17, 2006, announcing the availability of the Draft EIS/CCP/LPP for public review with a closing date of January 16, 2007 for comments. The notice announced that the USFWS would hold public meetings on November 28, 2006 in Port Arthur, Texas and November 30, 2006 in Hankamer, Texas, and that the USFWS would make a presentation on the Draft EIS/CCP/LPP and take comments at these public meetings..

### II. FEDERAL AGENCIES

#### A. Cooperating Agencies: U.S. Army Corps of Engineers and Federal Highway Administration

The USFWS invited two federal agencies to participate as Cooperating Agencies in this planning effort. "Cooperating Agencies" are federal agencies that have legal jurisdiction or special expertise on the proposed action's environmental effects. The U.S. Army Corps of Engineers (COE) was invited because they operate/manage the Gulf Intracoastal Waterway which runs through or adjoins large areas of the refuges; and, because of their jurisdictional authority in wetlands and coastal waters. Also, the COE is actively involved in studying and seeking remedies for the coastal erosion problem in the project area. The COE accepted the USFWS invitation and agreed to participate as a Cooperating Agency by letter dated July 19, 2000, from the Galveston District, Corps of Engineers. The Federal Highway Administration (FHWA) was invited because they are the lead federal agency on an Environmental Impact Statement currently addressing the proposed relocation and rebuilding of State Highway 87. The USFWS was invited and agreed to participate as a Cooperating Agency on FHWA's EIS. A large portion of the State Highway 87 right-of-way was located on refuge lands and most of the road has been destroyed by coastal erosion. The EIS would most likely address relocating the road right-of-way on other refuge lands in one or more of its alternatives. The FHWA accepted the USFWS invitation and agreed to participate as a Cooperating Agency by letter dated July 20, 2000, from the Texas Division Office, Federal Highway Administration.

The FHWA established an Interagency Coordination Team (ICT) as part of the planning process for the EIS on State Highway 87. The USFWS, the Corps, and FHWA are all participants on the ICT and they have all met a number of times to discuss the planning process for the SH 87 EIS. The USFWS has also used the ICT as an opportunity to keep the COE and FHWA advised of progress on the Refuge Complex EIS/CCP/LPP. The Refuge Project Leader, who has attended all of the ICT meetings, informally briefed the COE and FHWA representatives at the ICT meetings. The Refuge Complex Project Leader also maintains telephone contact with these agency representatives regarding new developments and issues. The COE and FHWA were notified of and invited to participate in all public meetings; and, a pre-

publication copy of this draft document was delivered to both of the cooperating agencies for final comments.

Additionally, the Refuge Complex Project Leader has actively participated in two COE activities affecting the project area. He has been a member of the Interagency Coordination Team (ICT) for the COE Sabine Pass to San Luis Pass Shoreline Erosion Feasibility Study. This is a COE project (Galveston District Office) which includes several other local governmental sponsors and addresses the important EIS issue of coastal erosion. The Refuge Complex Project Leader has also been an advisory team member on the Sabine-Neches Waterway Channel Improvement Project, Feasibility Study Phase. This COE project would have direct impacts to coastal wetlands on Texas Point and McFaddin NWRs. By participating as a team member, the USFWS representative has had access to the COE's special expertise in the project area and has shared the USFWS' position on management issues being addressed in this EIS/CCP/LPP.

In late March and early April of 2005, the USFWS provided both agencies with comprehensive briefings summarizing both sets of alternatives considered and detailing more specific information on the two Preferred Alternatives. On March 31, the Refuge Complex Project Leader and Lead Planner briefed the Federal Highway Administration's District Engineer and a staff member in his office in Austin, Texas. The USFWS answered several questions raised by the FHWA concerning the USFWS' proposed actions, and discussed the status of the State Highway 87 Relocation EIS and its relationship to the USFWS' planning document. On April 1, the Refuge Complex Project Leader and Lead Planner briefed two members of the U.S. Army Corps of Engineers' Environmental Section at its District Office in Galveston, Texas. Following the briefing there was a discussion about the COE's ongoing shoreline erosion study in the area of the Refuge Complex and its possible linkage to the State Highway 87 project. Also, the USFWS explained how it was addressing several local COE projects in the cumulative impacts section of this EIS/CCP/LPP.

## **B. National Marine Fisheries Service**

Habitats within the Refuge Complex include areas that have been identified by the Gulf of Mexico Fisheries Council (GMFMC) as Essential Fish Habitat (EFH) for juvenile white and brown shrimp and juvenile red drum. EFH known to occur on the Refuge Complex and the project area includes estuarine emergent wetlands, estuarine mud, sand and shell substrates, submerged aquatic vegetation and estuarine water column. The USFWS discussed the development of this EIS/CCP/LPP with the National Marine Fisheries Service, and provided the NMFS with a Draft EIS/CCP/LPP for review and comment. Required consultation with NMFS for impacts to EFH from individual projects/strategies implemented under this EIS/CCP/LPP will be conducted as mandated under the Magnuson-Stevens Fishery Conservation and Management Act (P.L. 104-297).

# **III. STATE AGENCIES**

## **A. Texas Parks and Wildlife Department**

The USFWS recognizes that both the USFWS and the State fish and wildlife agencies have authorities and responsibilities for management of fish and wildlife on national wildlife refuges, as described in 43 CFR 24. Consistent with the National Wildlife Refuge System Administration Act, as amended by the National Wildlife Refuge System Improvement Act, the Director of the USFWS will interact, coordinate, cooperate and collaborate with the State fish and wildlife agencies in a timely and effective manner on the acquisition and management of national wildlife refuges. Under the Administration Act and 43 CFR 24, the Director as the Secretary's designee will ensure that the National Wildlife Refuge System regulations and management plans are to the extent practicable, consistent with State laws, regulations, and management plans.

The USFWS wanted to ensure coordination and cooperation with the State fish and wildlife agency early in the process of developing the Texas Chenier Plain Refuge Complex EIS/CCP/LPP. Therefore, in

February of 2000, the USFWS invited the Texas Parks and Wildlife Department (TPWD) to name a representative to participate as a member of the core planning team for this project. TPWD nominated Jim Sutherlin, Project Leader of the Upper Texas Coastal Ecosystem Office, as TPWD representative on the planning team. A core planning team meeting was held on April 10, 2000, with the TPWD representative at the J.D. Murphree State Wildlife Management Area headquarters in Port Arthur, Texas. At this meeting, the EIS/CCP/LPP planning process, scoping issues to date, and ways to ensure good coordination between the USFWS and TPWD were discussed. Notices of core planning team meetings and notes for all subsequent core planning team meetings were provided to Jim Sutherlin via electronic mail. There was also recurring informal coordination between Refuge Complex staff and Mr. Sutherlin, including regular updates of EIS/CCP/LPP progress and discussions of specific biological, habitat management, and public use program activities and uses.

In January of 2002, the USFWS requested a meeting with the TPWD representative to present draft conceptual refuge management alternatives and to obtain comments/suggestions. The meeting at Anahuac NWR headquarters was attended by TPWD staff biologist, Michael Reszutek, representing Mr. Sutherlin. Mr. Reszutek was very helpful in that he has experience in both field biology in the project area and the preparation of NEPA documents. The USFWS presentation was made by the Refuge Complex Manager, Complex staff, and the lead planner. At a May 15, 2002, meeting with TPWD Project Leader Jim Sutherlin at J.D. Murphree WMA in Port Arthur, Texas, the draft conceptual Refuge Boundary Expansion alternatives along with draft maps were presented and discussed. There was also discussion on the draft conceptual Refuge Management Alternatives, earlier presented to Mr. Reszutek. This meeting was preliminary to a planned pair of June public meeting presenting the two sets of draft conceptual alternatives to the local public. TPWD was represented at the June 2002 meetings just as they had also been represented at the earlier January 2000 meetings and the November 2000 public workshops. The local TPWD participation in the planning process has been very helpful and is very much appreciated by the USFWS planning team.

The USFWS and TPWD have jointly hosted an annual fall meeting on public waterfowl hunts on the McFaddin, Texas Point, and Anahuac National Wildlife Refuges and local State Wildlife Management Areas for a number of years. Typically the meeting provided hunters with information on current hunt programs and invited their input on possible changes/improvements for future hunts. Beginning with the meeting on Monday, October 23, 2000, at the Port Arthur Public Library in Port Arthur, Jefferson County, Texas, the USFWS and TPWD have asked the participants to provide input on the hunt program and/or any other issues they wished to comment on for the EIS/CCP/LPP. At that meeting, attended by 24 interested hunters, the hunters were given worksheets listing five hunt program issues identified in earlier scoping efforts and were broken into workgroups of 6-8 individuals for discussion. Most of the worksheets and comments were collected at the end of the meeting, but several were received by mail in the weeks following. This annual meeting has been used every year since as a coordination opportunity between the USFWS and TPWD; and, also, as a forum to obtain input on both the hunt programs and the EIS/CCP/LPP from the interested hunting community.

On May 18, 2004, the Complex Manager and lead planner met with senior TPWD staff at TPWD headquarters in Austin, Texas. They presented an overview of the EIS, CCP, and LPP and the scoping processes to date and a summary of the two sets of draft Refuge Management and Refuge Boundary Expansion alternatives proposed for the draft document. Proposed changes/enhancements to waterfowl hunt and habitat management programs were highlighted along with details of the refuge expansion/land acquisition being proposed. There was considerable discussion about the two sets of draft alternatives which developed some useful suggestions and comments. Also, a prepublication copy of this draft document was presented to both local TPWD staff and the senior TPWD staff in Austin for comments prior to publication.

## **B. State Historic Preservation Office (Texas Historical Commission)**

The USFWS contracted with Texas Archeological Research Lab (TARL), part of the University of Texas at Austin, to perform a literature survey of the available reference databases for all cultural resource sites (historical and archeological) located within both the existing refuge boundaries and all of the areas included in the refuge boundary expansion alternatives. The USFWS provided TARL with GIS map layers identifying the existing refuge boundaries and the areas proposed for expansion of the refuge boundaries. This research produced a GIS map layer locating all of the found sites and site summary files containing all of the available discovery, research, and evaluation information for each of the sites. The map and site summary files will be retained at the Refuge Complex headquarters to assist the USFWS in the future management of cultural resources on the Refuge Complex.

The USFWS also used the TARL cultural resource survey information to request a formal project review under Section 106 of the National Historic Preservation Act from the State Historic Preservation Officer, Mr. F. Lawrence Oaks, the Executive Director of the Texas Historical Commission. In May of 2004, the lead planner made a presentation to the Texas Historical Commission staff providing the proposed management and boundary expansion alternatives along with the TARL cultural resource survey map with the sites keyed to the Historical Commission's database records. Following a discussion and question/answer session with the Commission staff, the USFWS representative requested a written Section 106 review. A copy of the State Historic Preservation Officer's review document, dated June 8, 2004, is contained in this document at Appendix I.

## **IV. COUNTY AND LOCAL GOVERNMENTS**

The USFWS planning team, in particular the Refuge Complex Project Leader, made extensive efforts to inform and involve the counties and other local governments in the planning process. A number of formal briefings were provided for the Jefferson, Chambers, and Galveston County Judges and various County Commission members. Briefings were also provided for several local Drainage Districts and School Districts. Additionally, many of the County and other local government officials attended and participated in almost all of the public meetings held in their jurisdictions. The following is a summary of most of the briefings given county and local governments:

- January 3, 2000, briefing for Carl Griffith (Jefferson County Judge), Waymon Hallmark (Jefferson County Commissioner), John C. Cannatella (Jefferson County Engineer), and John B. Johnson (Assistant to Judge Griffith). The USFWS planning team discussed the upcoming EIS with the group and answered questions mostly relating to land acquisition and State Highway 87 reconstruction. Also, Judge Griffith had some comments and concerns regarding the USFWS' prescribed burning program.
- January 10, 2000, briefing for the Chambers County Commission in the Chambers County Courthouse, Anahuac, Texas. Jimmy Sylvia (Chambers County Judge), Mark Huddleston (District 1 Commissioner), Judy Edmonds (District 2 Commissioner), Buddy Irby (District 3 Commissioner), and Bill Wallace (District 4 Commissioner) attended the briefing by the USFWS planning team. The planning team presented a summary of the CCP/LPP planning process and discussed possible future land acquisition.
- January 11, 2000, briefing for Jefferson County Drainage District 6 in their office in Beaumont, Jefferson County, Texas. The USFWS planning team presented a brief project description to Judge Richard LeBlanc (District 6 Chairman), Doug Canant, Jr. (District 6 Engineer), and Jim Broussard (District 6 Assistant General Manager for Operations). The District 6 representatives discussed their specific concerns with the USFWS planning team and described a major new drainage project the District is planning.
- March 1, 2000, briefing for Chambers County Commissioner Mark Huddleston in his office in Winnie, Texas. The Refuge Complex Project Leader and his staff provided the Commissioner a

summary of issues identified to date through public scoping and outlined the EIS/CCP/LPP process.

- March 13, 2000, briefing for Galveston County Judge Jim Yarborough at the Galveston County Courthouse, Galveston, Texas. The Refuge Complex Project Leader provided the County Judge a summary of issues identified to date through public scoping and an outline of the EIS/CCP/LPP process.
- March 14, 2000, briefing for Chambers County Commissioner Judy Edmonds at Anahuac NWR. The Refuge Complex Project Leader guided Commissioner Edmonds on a vehicle tour of the Anahuac NWR and provided her a summary of issues identified to date through public scoping and an outline of the EIS/CCP/LPP process. Various management programs and activities on the Anahuac NWR were discussed.
- March 14, 2000, briefing for Chambers County Judge Jimmy Sylvia at the Chambers County Courthouse, Anahuac, Texas. The Refuge Complex Project Leader provided the County Judge a summary of issues identified to date through public scoping and an outline of the EIS/CCP/LPP process.
- March 29, 2000, briefing for Chambers County Commissioner Bill Wallace at his office in Baytown, Texas. The Refuge Complex Project Leader provided the Commissioner a summary of issues identified to date through public scoping and an outline of the EIS/CCP/LPP process.
- March 31, 2000, briefing for Jefferson County Commissioner Mark Domingue at his office in Beaumont, Texas. The Refuge Complex Project Leader provided the Commissioner a summary of issues identified to date through public scoping and an outline of the EIS/CCP/LPP process.
- April 5, 2000, briefing for Jefferson County Commissioner Waymon Hallmark at his office in Port Arthur, Texas. The Refuge Complex Project Leader provided Commissioner Hallmark a summary of issues identified to date through public scoping and an outline of the EIS/CCPLPP process.
- April 17, 2000, briefing for Chambers County Commissioner Buddy Irby at his office in Mont Belvieu. The Refuge Complex Project Leader provided the Commissioner a summary of issues identified to date through public scoping and an outline of the EIS/CCP/LPP process.
- April 18, 2000, briefing for Jefferson County Judge Carl Griffith. The Refuge Complex Project Leader accompanied Judge Griffith on a trip to Nacogdoches, Texas, for a meeting of the Texas Region 1 Water Planning Group. Various management programs and activities on the Refuge Complex, issues relative to land acquisition by the USFWS, and water issues affecting the region were discussed. Also, the County Judge was provided a summary of issues identified to date through public scoping and an outline of the EIS/CCP/LPP process.
- May 23, 2002, briefing for Chambers County Judge Jimmy Sylvia at the Chambers County Courthouse, Anahuac, Texas. The Refuge Complex Project Leader provided information on conceptual Refuge Boundary and Refuge Management alternatives for the EIS/CCP/LPP and advised the Judge of upcoming public scoping meetings to be held in June.
- May 28, 2002, meeting of the Chambers County Commissioner's Court in the Chambers County Courthouse, Anahuac, Texas. The Refuge Complex Project Leader presented the Court and other attendees information on the conceptual Refuge Boundary Expansion and Refuge Management alternatives and advised of the upcoming public scoping meetings to be held in June.

- May 29, 2002, briefing for Jefferson County Commissioner Mark Domingue at his office in Beaumont, Texas. The Refuge Complex Project Leader provided information on the conceptual Refuge Boundary Expansion and Refuge Management alternatives and advised the Commissioner of the upcoming public scoping meetings to be held in June.
- May 30, 2002, briefing for Jefferson County Commissioner Waymon Hallmark at his office in Port Arthur, Texas. The Refuge Complex Project Leader provided information on the conceptual Refuge Boundary Expansion and Refuge Management alternatives and advised the Commissioner of the upcoming public scoping meetings to be held in June.
- May 31, 2002, briefing for Jefferson County Drainage District #6 Director Richard LeBlanc and Mr. Jim Broussard at the Drainage District #6 headquarters in Beaumont, Texas. The Refuge Complex Project Leader provided information on the conceptual Refuge Boundary Expansion and Refuge Management alternatives and advised them of the upcoming public scoping meetings to be held in June.
- June 10, 2002, meeting of the Jefferson County Commissioner's Court, at the Jefferson County Courthouse in Beaumont, Texas. The Refuge Complex Outreach Specialist presented the Court and other attendees information on the conceptual Refuge Boundary Expansion and Refuge Management alternatives and advised them of the upcoming public scoping meetings to be held in June.
- June 12, 2002, meeting with representatives of the Jefferson County Drainage District #3 at the Anahuac NWR headquarters in Anahuac, Texas. The Refuge Complex Project Leader presented information on the conceptual Refuge Boundary Expansion and Refuge Management Alternatives and advised them of the upcoming public scoping meetings to be held in June. The Drainage District representatives expressed specific concerns about USFWS land acquisition in the Mayhaw and Taylors bayous area.
- June 19, 2002, briefing for Dr. Larry Schimkowitsch, Superintendent of the Hamshire/Fannett School District. The Refuge Complex Project Leader provided information on the conceptual Refuge Boundary Expansion alternatives and advised him of the upcoming public scoping meetings to be held in June.

## **V. ELECTED REPRESENTATIVES**

Congressman Nick Lampson (Texas Ninth Congressional District) was involved very early in the planning process for this document. Since the start, the USFWS planning team has strived to keep Mr. Lampson and the other local elected representatives fully advised of issues and progress in the planning process. A number of briefings, mostly by the Complex Project Leader, were made in person or by telephone to the elected representative or their appropriate staff members. The following is a summary of most of the briefings given to elected representatives or their staff:

- January 3, 2000, briefing for Congressman Lampson's staff. The USFWS planning team explained the CCP and land acquisition components of the EIS to J. Leney, Constituent Services Representative for Congressman Nick Lampson.
- March 24, 2000, briefing for Texas Representative Zeb Zbranek at the Anahuac NWR headquarters in Anahuac, Texas. The Refuge Complex Project Leader provided Representative Zbranek a summary of the issues identified to date through public scoping and an outline of the EIS/CCP/LPP process. Afterwards, Representative Zbranek was given a guided vehicle tour of Anahuac NWR during which various management programs and activities on the Anahuac NWR were discussed.

- May 30, 2002, briefing for Mr. Jason Fuller, a member of U.S. Senator Kay Bailey Hutchison's staff. The Refuge Complex Project Leader briefed Mr. Fuller by telephone on the conceptual land acquisition and refuge management alternatives and advised him of the upcoming public scoping meetings to be held in June.
- May 30, 2002, briefing for Mr. Dan Easely, a member of Congressman Nick Lampson's Washington, D.C. staff. The Complex Project Leader briefed Mr. Easely by telephone on the conceptual land acquisition and refuge management alternatives and advised him of the upcoming public scoping meetings to be held in June.
- June 10, 2002, briefing for Ms. Natalia Soto, a member of Congressman Nick Lampson's staff, at the Congressman's District Office in Beaumont, Texas. The Refuge Complex Project Leader provided Ms. Soto information on the conceptual land acquisition and refuge management alternatives and advised her of the upcoming public scoping meetings to be held in June.
- June 20, 2002, briefing for Texas Representative Allen Ritter at his office in Nederland, Texas. The Refuge Complex Project Leader provided information on the conceptual land acquisition and refuge management alternatives and advised him of the upcoming public scoping meeting to be held later that day at Lamar University in Beaumont.
- June 21, 2002, briefing for Mr. Dan Easely a member of Congressman Nick Lampson's Washington, D.C. staff. The Refuge Complex Project Leader gave a summary of the two June, 2002, public meetings by telephone to Mr. Easely.
- June 26, 2002, briefing for Mr. Jason Fuller, a member of Senator Kay Bailey Hutchinson staff, at Senator Hutchinson's office in Houston, Texas. The Refuge Complex Project Leader presented to Mr. Fuller a summary of the two June, 2002, public meetings.
- April 28, 2005, an informational refuge tour and briefing was conducted for staffs of Congressmen Ron Paul and Ted Poe and Senators Kay Bailey Hutchinson and John Cornyn. The two Congressmen were new to the project area by virtue of the recent re-districting and the results of the 2004 elections.