

APPENDIX J: INTRA-SERVICE SECTION 7 BIOLOGICAL EVALUATION FORM

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Originating Person: Tim Cooper,
Project Leader, Texas Chenier Plain Refuge Complex
Telephone Number: (409)267-3337
Date: December 9, 2007

- I. Region:** 2
- II. Service Activity (Program):** National Wildlife Refuge System
- III. Pertinent Species and Habitat:**
- A. Listed species and/or their critical habitat within the action area: Brown Pelican (T), Piping Plover (T), Bald Eagle (T) occur within the Refuge Complex. Leatherback sea turtle (E), Hawksbill sea turtle (E), Kemp's Ridley sea turtle (E), Loggerhead sea turtle (T) and Green Sea Turtle (T) occur in offshore waters, but no nesting has been documented on the Refuge Complex.
 - B. Proposed species and/or proposed critical habitat within the action area: N/A
 - C. Candidate species within the action area: Mountain plover
 - D. Include species/habitat occurrence on a map: See attached Draft Texas Chenier Plain Refuge Complex Environmental Impact Statement/Comprehensive Conservation Plan/Land Protection Plan (Draft EIS/CCP/LPP).
- IV. Geographic area or station name and action:** Texas Chenier Plain Refuge Complex, including Anahuac National Wildlife Refuge (NWR) (Chambers and Galveston counties), Moody NWR (Chambers County), McFaddin NWR (Jefferson, Chambers, and Galveston counties) and Texas Point NWR (Jefferson County) Implementation of a Conservation Conservation Plan and Land Protection Plan for the Texas Chenier Plain Refuge Complex.
- V. Location (attach map);**
- A. Ecoregion Number and Name: Texas Gulf Coast
 - B. County and state: Chambers, Jefferson and Galveston Counties, Texas
 - C. Section, township, and range (or latitude and longitude): See Maps with the Draft EIS/CCP/LPP for location of the Refuge Complex.
 - D. Distance (miles) and direction to nearest town: Towns of Anahuac, High Island, and Sabine Pass are within the local geographic area.

E. **Species/habitat occurrence:**

Brown Pelicans regularly use shoreline habitats along the Gulf of Mexico, East Galveston Bay and the Gulf Intracoastal Waterway, adjacent bay and marine waters, and regularly fly over these areas on and adjacent to the refuges. Brown Pelicans occasionally roost and/or forage on the larger waterbodies within the Refuge Complex including Lake Surprise and Lake Wallis on Moody NWR, and Clam Lake on McFaddin NWR. No nesting colonies occur on the Refuge Complex. Piping Plovers use Gulf of Mexico and East Galveston Bay shoreline habitats on McFaddin, Texas Point and Anahuac NWR, and adjacent tidal mudflats during migration and winter (no nesting has been documented on the Refuge Complex). Bald eagles are occasionally present on the Refuge Complex, usually associated with large concentrations of waterfowl using wetland habitats during winter. Leatherback sea turtle, Hawksbill sea turtle, Kemp's Ridley sea turtle, Loggerhead sea turtle occur in offshore waters, but no nesting has been documented on the Refuge Complex.

VI. **Description of proposed action:** See attached Draft Texas Chenier Plain Refuge Complex EIS/CCP/LPP for and full description of the Refuge Complex Comprehensive Conservation Plan (Refuge Management Alternative D – Preferred Alternative) and Land Protection Plan (Refuge Boundary Expansion Alternative C – Preferred Alternative). The CCP will guide management of the Refuge Complex for a 15-year planning horizon. Proposed management activities include continuation of wetland and upland habitat management and restoration activities including water management, fire management, controlled grazing, exotic/invasive species control, cooperative rice farming (Anahuac NWR), and native coastal prairie and coastal woodlot restoration. Biological inventory, monitoring and research activities would be expanded, with an emphasis on declining or sensitive species. Increased efforts to address threats to biological integrity, biological diversity, and ecosystem health would include additional shoreline protection, beneficial use of dredge material, hydrological restoration, invasive species control, and contaminants monitoring. Public uses of the Refuge Complex would continue to include the priority wildlife-dependent uses of the NWRS: hunting, fishing, wildlife observation and photography, environmental education and interpretation. Under the Land Protection Plan, the approved refuge boundary would be expanded for each of the four refuges. A total of 64,260 acres would be included within the expanded approved boundaries. The expansion areas would include important coastal wetland and native coastal prairie habitats.

VII. **Determination of Effects:**

A. **Explanation of effects of the action on species and critical habitat in items III A, B, and C (attach additional pages as needed):**

No effect on Brown Pelican, Piping Plover, Bald Eagle. All three species are transients which do not nest on the Refuge Complex. No effect on Leatherback sea turtle, Hawksbill sea turtle, Kemp's Ridley sea turtle, Loggerhead sea turtle and Green sea turtle. All turtle species occur in offshore waters adjacent to the Refuge Complex, no nesting has been documented on the Refuge Complex. Mountain Plovers occur rarely on the Refuge Complex and are also transient.

B. **Explanation of actions to be implemented to reduce the adverse effects: N/A**

VIII. Effect determination and response requested: [*=optional]

A. Listed species/designated critical habitat:

Determination

Response Requested

No effect on species/critical habitat
(species: Listed in Section III A above)

X *Concurrence

May effect, is not likely to adversely affect species/
critical habitat
(species: _____)

_____ Concurrence

May affect, is likely to adversely affect species/
critical habitat
(species: _____)

_____ Formal Consultation

B. Proposed species/proposed critical habitat:

Determination

Response Requested

No effect on proposed species/critical habitat
(species: None pending)

X *Concurrence

Is not likely to jeopardize proposed species/
adversely modify proposed critical habitat
(species: _____)

_____ Concurrence

Is likely to jeopardize propose species/
adversely modify proposed critical habitat
(species: _____)

_____ Conference

C. Candidate species:

Determination

Response Requested

No effect on candidate species
(species: Mountain Plover)

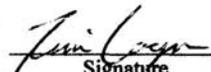
X *Concurrence

Is not likely to jeopardize candidate species
(species: _____)

_____ Concurrence

Is likely to jeopardize candidate species
(species: _____)

_____ Conference


Signature
[Title/office of supervisor at originating office]

12-10-07
Date

VIII. Reviewing ESFO Evaluations:

Note: The No Effect determination can be approved by the Supervisor of the Originating Office.

- A. Concurrence: _____ Nonconcurrency: _____
- B. Formal consultation required: _____
- C. Conference required: _____
- D. Informal conference required: _____
- E. Remarks (attach additional pages as needed):

Stephen D. Parry
Signature

12-11-07
Date

Clear Lake Ecological Services
Field Office