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United States Department of the Interior

FISH AND WILDLIFE SERVICE

Gulf Restoration Program Office
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March 9, 2022

Angela Sunley
Sr. Director, Resource Management
Coastal Resources Division
Texas General Land Office

Angela Sunley,

The Texas General Land Office (GLO) has requested a letter from the U.S. Fish and Wildlife Service regarding the Migratory Bird Treaty Act and its implications with regard to the Dickinson Bay Bird Island II Rookery Island restoration (DBI 2) project which currently actively under construction.

The construction contractor working under contract with GLO, has requested an extension of time to complete the work required to restore DBI 2 to April 15, 2022. Delays in delivery of materials and additional technical requirements requested by the resource agencies have resulted in the request for more time to complete the project. The current contract has a deadline for project completion of March 15, 2022. The last stage of construction will be the placement of sand to create the mass of the island and the addition and mixture of topsoil into the top layer of sand to support plant growth.

Dickinson Bay Bird Island I (DBI 1) is located approximately 600 feet from the nearest portion of the new DBI 2 Island. There is concern that colonial birds initiating or starting nesting activity at DBI 1, may be disturbed by construction activities occurring at DBI 2. There is also concern that migratory birds may find the new island attractive and choose to initiate nesting activity before construction work is completed.

The Service recommends these best management practices for this site to minimize possible effects on birds that may use these islands for nesting.

- When traveling to or from the construction site, maintain a distance of no less than 50 yards to DBI 1 or restrict travel to within the Dickinson Channel.
- During construction activities minimize the production of loud reports during the placement of material. These can be produced with near empty metal bins or buckets or when they are emptied.
- After the placement of material begins, inspect the DBI 2 site daily for the presence of birds that may be loafing, roosting or that might be considering nesting. Birds that are considering nesting may be carrying nesting material, appear to favor a particular location, and likely be present in pairs. These individuals should be flushed from their location by direct approach.

- As the island nears completion the chance of birds choosing the new island as a nesting site will increase. The most likely species that might have an interest in nesting on this new island during the period of extension requested is the American oystercatcher. Please see the attached image.
- If the contractor encounters an active nest, they should avoid approaching the nest within 100 feet and have them contact the Service personnel listed below. Service staff will mark off a buffer area that would allow the contractor to continue working on the island.
- Additional measures may be needed such as streamers, string, and cane poles to make areas less attractive to birds as nest sites. Devices such as propane scare cannons should not be used. These would be coordinated with the Service or TPWD staff.

Please do not hesitate to contact Scott Williams at (281) 682-0750 or Woody Woodrow at (281) 309-4886 should the contractor need support at the site resolving any issues. Should you have any questions regarding these conservation measures please feel free to contact me.

Sincerely

Beau Hardegree
Ecological Services, Gulf Restoration Office
(361) 533-6054