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CBRA for Deepwater Horizon NRDRA project alternatives in Texas

Debora McClain <debora_mcclain@fws.gov>

Mon, Aug 21, 2017 at 9:45 AM

To: Chuck Ardizzone <chuck_ardizzone@fws.gov>

Cc: Ashley Mills <ashley_mills@fws.gov>, Erin Chandler <erin_chandler@fws.gov>, Jennifer Mitchell <jennifer_mitchell@fws.gov>

Hi Debora,

Chuck, Attached please find the Coastal Barrier Resources Act consistency determinations related to proposed projects of the Deepwater Horizon NRDAR Texas Trustees. If you have any questions please contact Erin Chandler.

Thanks

Debora L McClain

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 CBRA letter TX alternatives Aug 11 2017.pdf
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Chuck,

August 11, 2017

The DOI Deepwater Horizon Case Management Office is working through various environmental compliance consultations on post-settlement proposed restoration alternatives in Texas. First, we would like to thank you for all your efforts in the ESA Section 7 consultations your office has conducted for the Early Restoration projects. We are now working on the Coastal Barrier Resources Act consistency determinations for proposed alternatives. The Texas Trustee Implementation Group (TX TIG) is currently evaluating project alternatives under the draft Texas Trustee Implementation Group Restoration Plan/Environmental Assessment: Restoration of Wetlands, Coastal and Nearshore Habitats; and Oysters, which was released for public review and comment on May 18, 2017. If the TX TIG selects these project alternatives, or any combination of alternatives, after consideration of public comment, the Texas Commission on Environmental Quality (TCEQ), Texas Parks and Wildlife Department (TPWD), Texas General Land Office (TGLO) or United States Fish and Wildlife Service (USFWS) would implement the projects.

We used the Coastal Barrier Resources System mapper – Beta (<http://www.fws.gov/cbra/Maps/Mapper.html> [accessed July 23, 2017]) to determine if proposed alternatives were located within an Otherwise Protected Area or within a System Unit. If the proposed alternatives would occur in an Otherwise Protected Area or outside of a System Unit, no additional analysis was developed.

The table below summarizes the thirteen proposed alternatives and our CBRA Consistency Determinations. These alternatives are briefly described below, and shown in Figures 1-13.

Proposed Alternatives	CBRA Consistency Determination
Indian Point Shoreline Erosion Protection	Does not occur within any CBRS Unit.
McFaddin Beach and Dune Restoration	Occurs in both TX-02P and TX02A. CBRA applies.
Bahia Grande Hydrologic Main Channel	Does not occur within any CBRS Unit.
Pierce Marsh Wetland Restoration through Beneficial Use of Dredged Material	Does not occur within any CBRS Unit.
Bessie Heights Wetland Restoration	Does not occur within any CBRS Unit.
Essex Bayou Habitat Restoration Engineering (E&D)	Does not occur within any CBRS Unit.
Bird Island Cove Habitat Restoration Engineering (E&D)	Does not occur within any CBRS Unit.
Dredge Material Planning for Wetland Restoration (E&D)	Does not occur within any CBRS Unit.
Oyster Restoration Engineering (E&D)	Does not occur within any CBRS Unit.
Follets Island Conservation Initiative	Occurs in T04. CBRA applies.
Laguna Atascosa Habitat Acquisition	Occurs in T11. CBRA applies.
Mid-Coast Habitat Acquisition	Does not occur within any CBRS Unit.
Bahia Habitat Coastal Corridor Acquisition	Does not occur within any CBRS Unit.

1. Indian Point Shoreline Erosion Protection

The Indian Point Shoreline Erosion Protection project alternative would construct approximately 2,800 linear-feet of segmented breakwaters to protect 50 acres of critical seagrass, coastal marsh, lagoons and associated upland habitats within Indian Point on Corpus Christi Bay in San Patricio County. This alternative would protect the existing shoreline from wind and wave driven erosion and protect the remaining marsh and associated coastal habitats adjacent to the shoreline.

Consistency Analysis

The proposed alternative is not within any designated System Unit and is therefore not subject to CBRA.



Figure 1. Indian Point Shoreline Erosion Protection project alternative in Nueces County.

2. McFaddin Beach and Dune Restoration

The McFaddin Beach and Dune Restoration project alternative would include sand placement along an 18-mile section of shoreline in northeastern Texas, and would provide important ecological benefits by restoring lost beach and dune habitat and helping slow or stop marsh and land loss in McFaddin National Wildlife Refuge (NWR) interior marshes.

Consistency Analysis

The project alternative is located within System Unit TX02A and Otherwise Protected Area TX-02P. The portion of the project alternative located within the System Unit is subject to a Consistency Analysis under CBRA. Within TX02A, the proposed action includes placement and stabilization of dredged sand material to prevent erosion. Consequently, this activity is consistent with CBRA per exemption 16 U.S.C. 3505(a)(6)(A) for “Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.” The purposes of CBRA are “to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts...” 16 U.S.C. §3501(b). The McFaddin Beach and Dune Restoration project alternative is designed to restore natural resources injured by the *Deepwater Horizon* oil spill. Accordingly, this project alternative is consistent with the purposes of the CBRA and falls within the CBRA exemption discussed above.

We have also determined that CBRA does not apply to the portion of the project alternative located within TX-02P. This is an Otherwise Protected Area and the only prohibition is Federal Flood Insurance.

We are requesting your concurrence with our consistency determination.

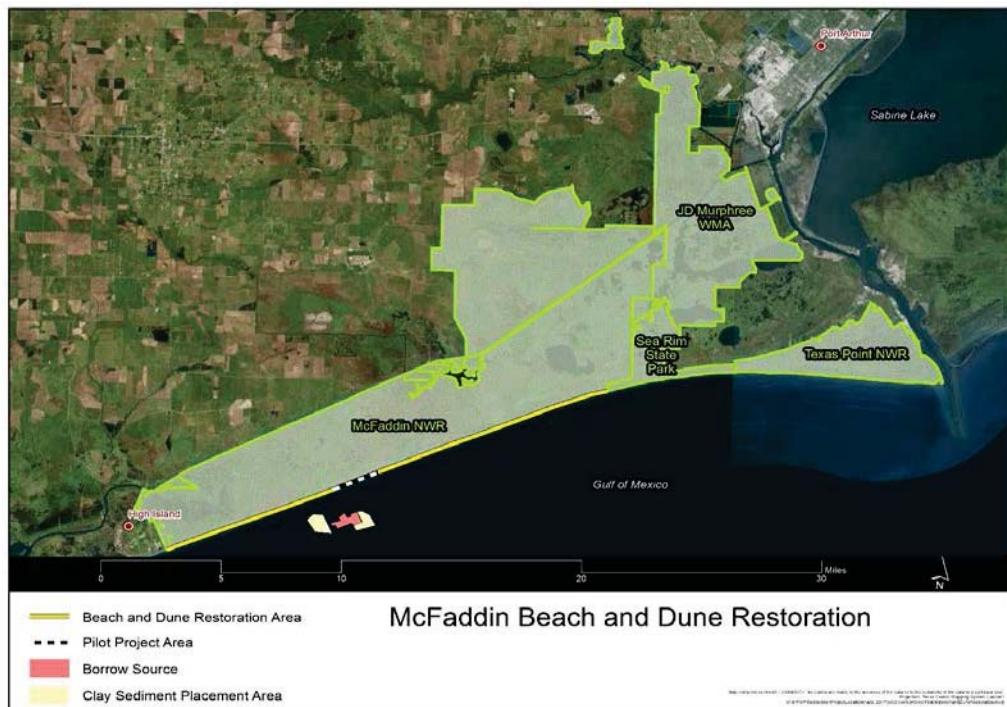


Figure 2. McFaddin Beach and Dune Restoration project alternative in Jefferson County.

3. Bahia Grande Hydrologic Main Channel

The Bahia Grande Hydrologic Restoration project alternative would restore and conserve the Bahia Grande wetland complex in the Laguna Atascosa National Wildlife Refuge (LANWR) near Brownsville, Texas. This project alternative would enlarge and stabilize a pilot channel that would increase tidal flow into Bahia Grande, restoring the system's natural tidal exchange and creating habitat for a variety of fish, shellfish, and migratory waterfowl.

Consistency Analysis

The proposed alternative is not within any designated System Unit and is therefore not subject to CBRA.

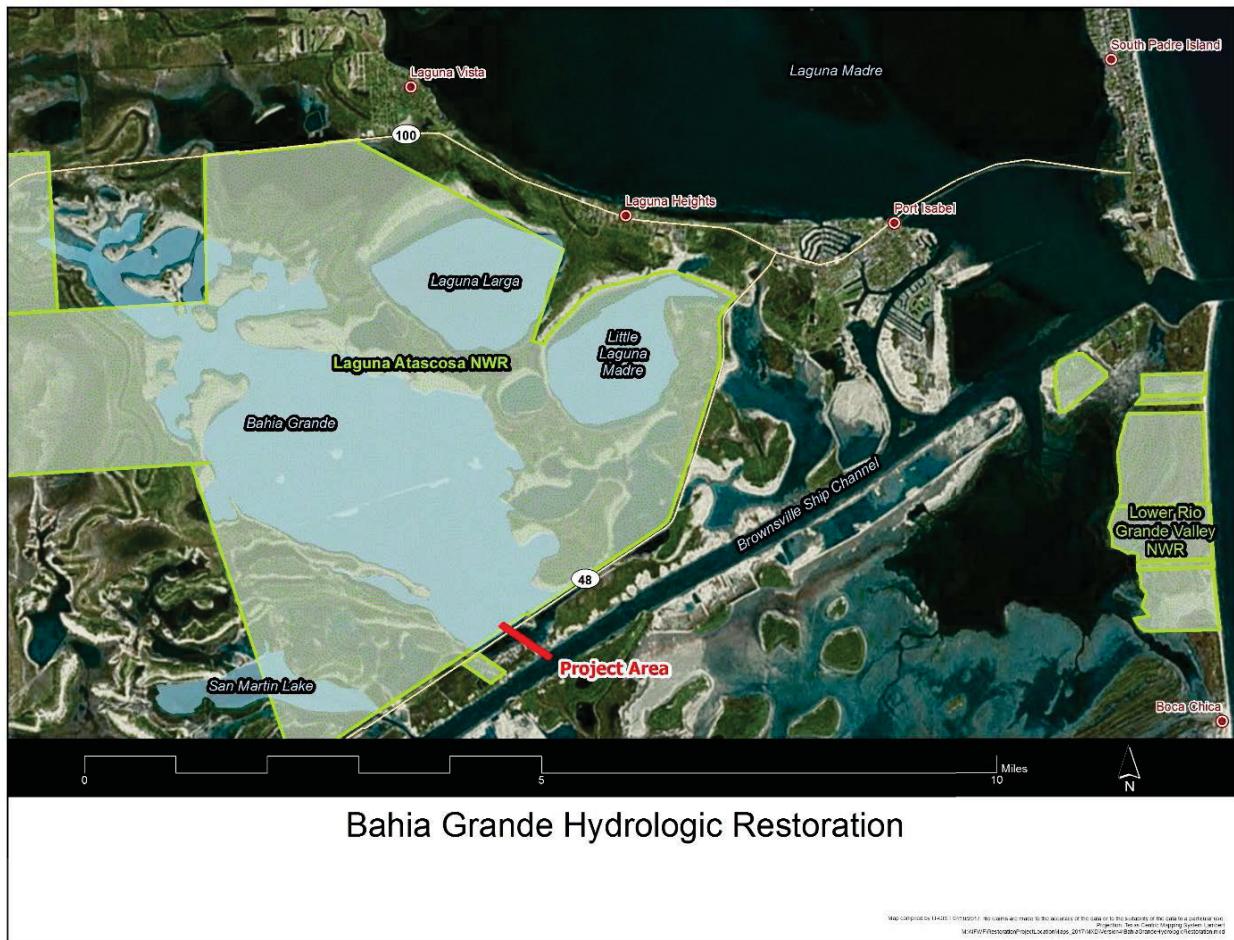


Figure 3. Bahia Grande Hydrologic Restoration project alternative in Cameron County.

4. Pierce Marsh Wetland Restoration through Beneficial Use of Dredged Material

The Pierce Marsh Wetland Restoration project alternative would restore and conserve wetlands and coastal habitats by beneficially using dredged material to create a viable, vegetated, wetland habitat for a variety of plants, fish, birds, and other wildlife that frequent the area. The placement of dredged material and associated planting would restore up to 150 acres of marsh and contribute to an ongoing effort to restore the wetland complex in West Galveston Bay.

Consistency Analysis

The proposed alternative is not within any designated System Unit and is therefore not subject to CBRA.

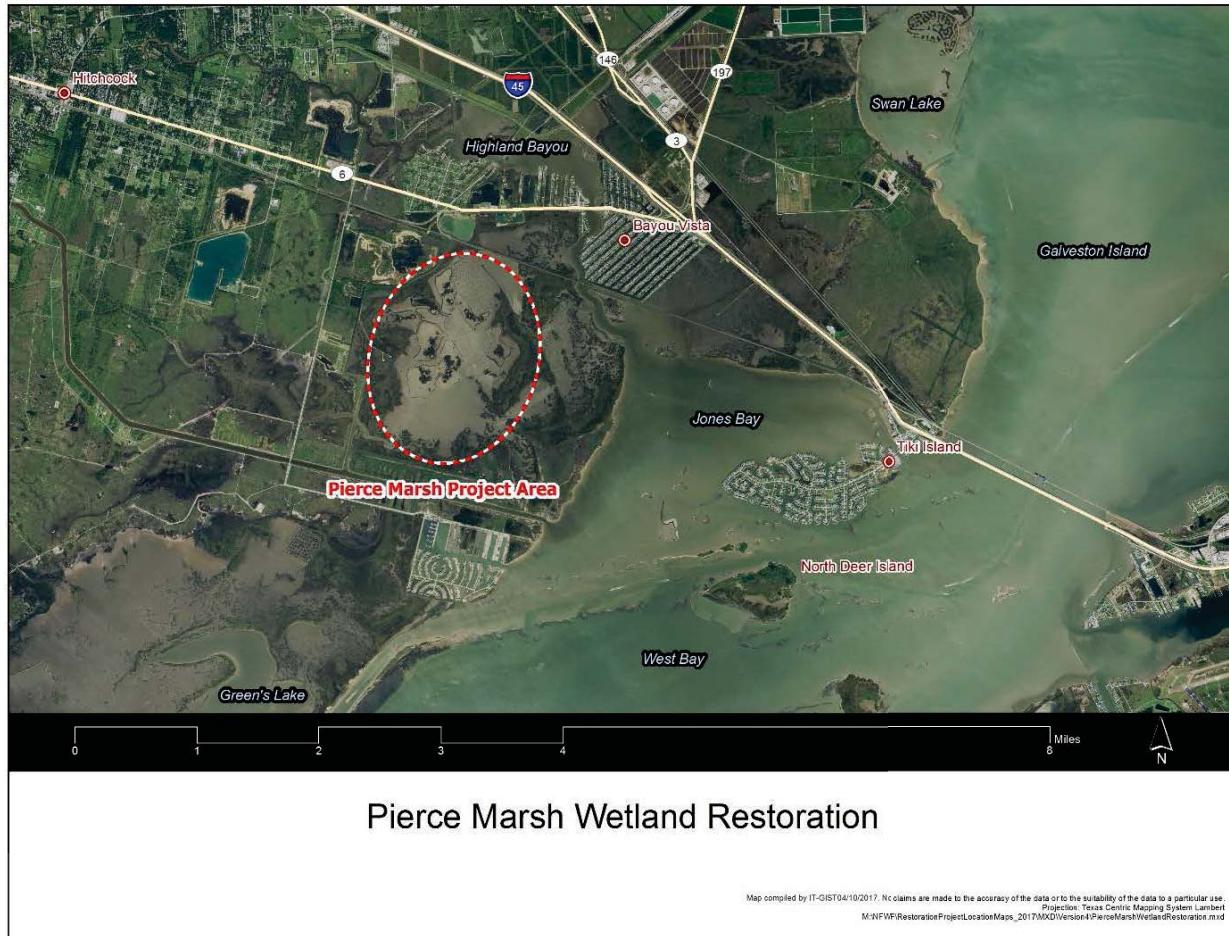


Figure 4. Pierce Marsh Wetland Restoration project alternative in Galveston County.

5. Bessie Heights Wetland Restoration

The Bessie Heights Wetland Restoration project alternative would restore wetlands in Bessie Heights Marsh located within the Lower Neches Wildlife Management Area (WMA) in Orange County, Texas. The project alternative would beneficially use sediment obtained from dredging of the federally managed Sabine-Neches Waterway (SNWW), and mining dredged material from dredged material placement areas (DMPAs) and private navigation channels and berths to restore coastal wetlands. The placement of dredged material, construction of containment levees, and associated planting would restore up to 900 acres of intertidal marsh.

Consistency Analysis

The proposed alternative is not within any designated System Unit and is therefore not subject to CBRA.

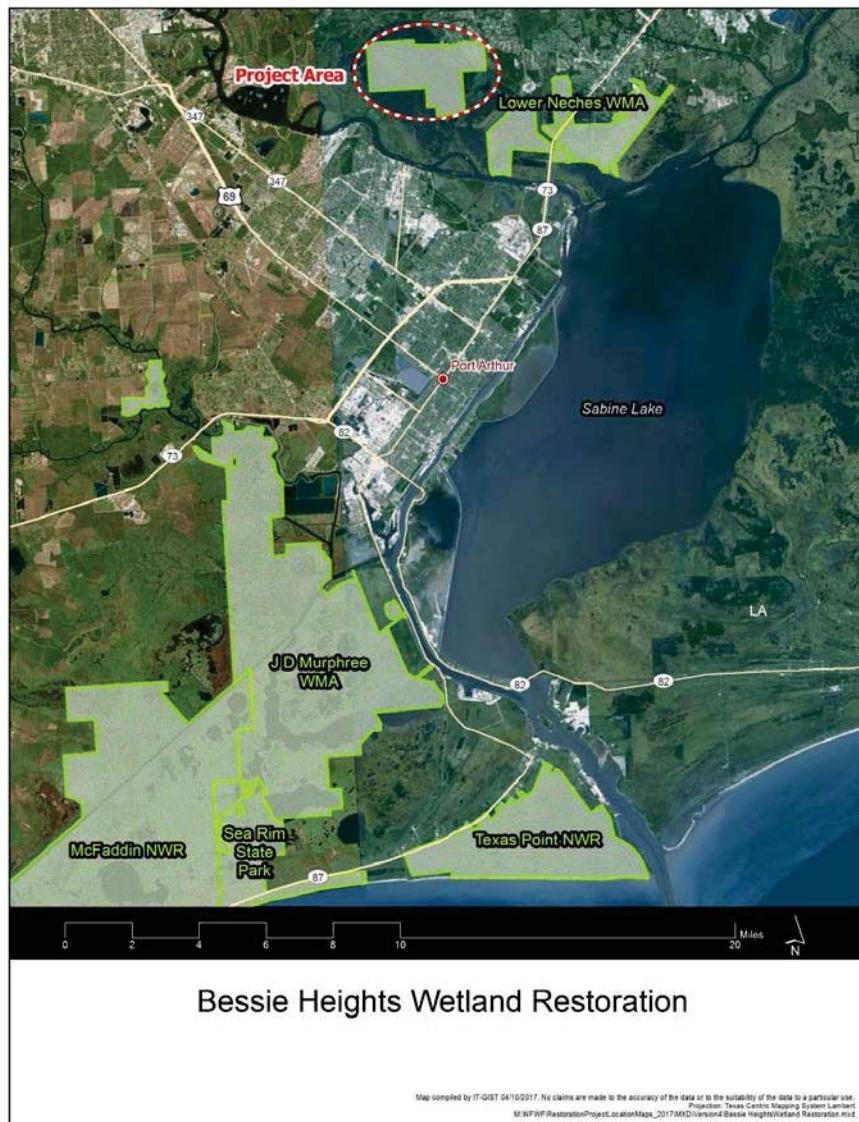


Figure 5. Bessie Heights Wetland Restoration project alternative in Orange County.

6. Essex Bayou Habitat Restoration Engineering (E&D)

The Essex Bayou Habitat Restoration Engineering project alternative would include the E&D necessary to restore and conserve coastal and nearshore habitats. The E&D is necessary to understand the factors that contribute to high salinities within Essex Bayou and the Slop Bowl Marsh system and develop solutions that would create a more stable estuarine system. Subsequent phases, to be considered for funding at a later time, would implement restoration actions, such as improving tidal flow, closing man-made channels, enhancing watershed inflows, and/or planting marsh vegetation, to increase the stability and diversity of the estuarine habitats.

Consistency Analysis

The proposed alternative is not within any designated System Unit and is therefore not subject to CBRA.



Figure 6. Essex Bayou Habitat Restoration Engineering project alternative in Brazoria County.

7. Bird Island Cove Habitat Restoration Engineering (E&D)

The Bird Island Cove Habitat Restoration project alternative would conduct E&D necessary to restore and conserve wetlands and coastal habitats in Galveston Bay. This phase of the project alternative (Phase I) would investigate ongoing issues associated with habitat degradation and develop strategies to protect and restore existing estuarine habitats with the goal of increasing the productivity and longevity of up to 170 acres of estuarine marsh complex (marsh, sand flat, and protected shallow water).

Consistency Analysis

The proposed alternative is not within any designated System Unit and is therefore not subject to CBRA.

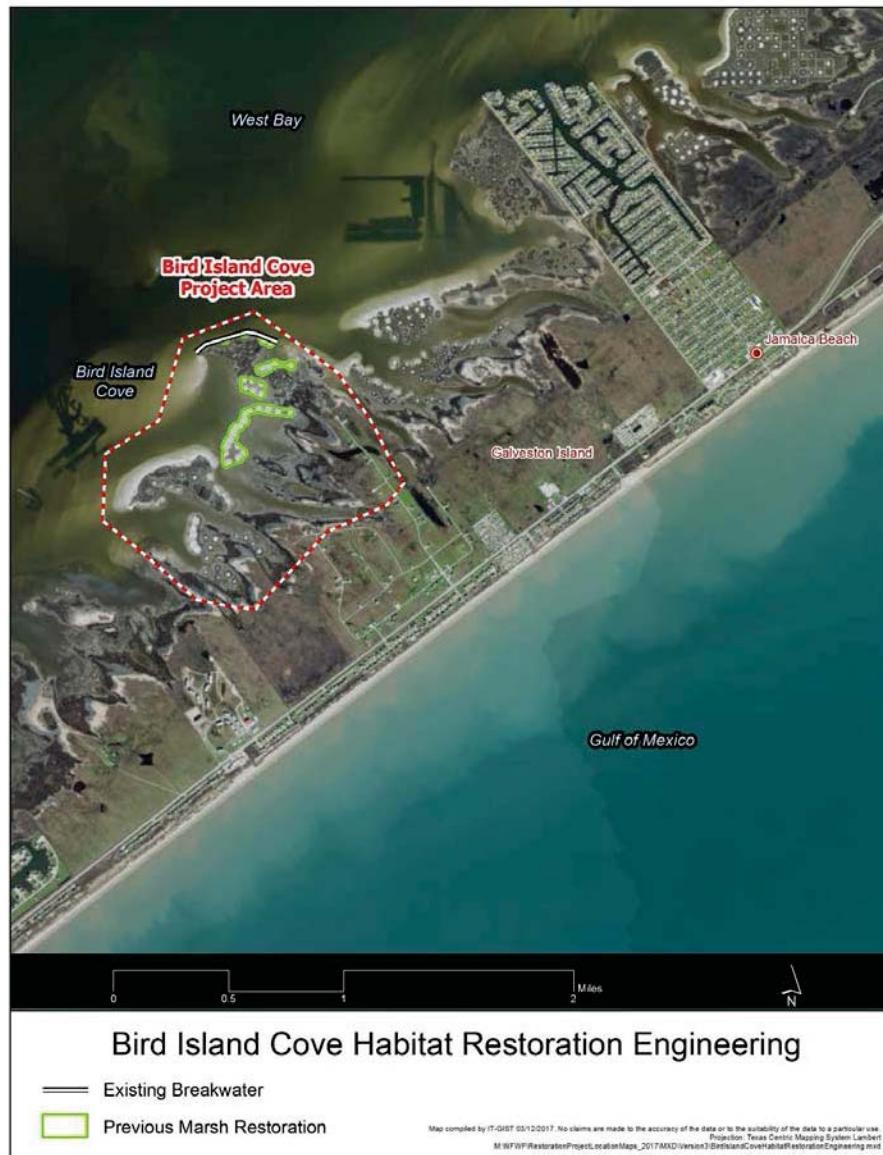


Figure 7. Bird Island Cove Habitat Restoration Engineering project alternative and locations of existing breakwaters and marsh restorations on Galveston Island.

8. Dredge Material Planning for Wetland Restoration (E&D)

The Dredged Material Planning for Wetland Restoration project alternative would include development of a Master Plan to identify priority locations and develop design work necessary for the permitting of the beneficial use of dredged material (BUDM) for marsh restoration at eight locations along the Texas coast. This project alternative would coordinate efforts to prioritize sites and produce guidelines to restore currently degrading intertidal habitats. Implementation of the BUDM to construct intertidal wetlands would take place in subsequent phases of the project alternative.

Consistency Analysis

The proposed alternative is not within any designated System Unit and is therefore not subject to CBRA.

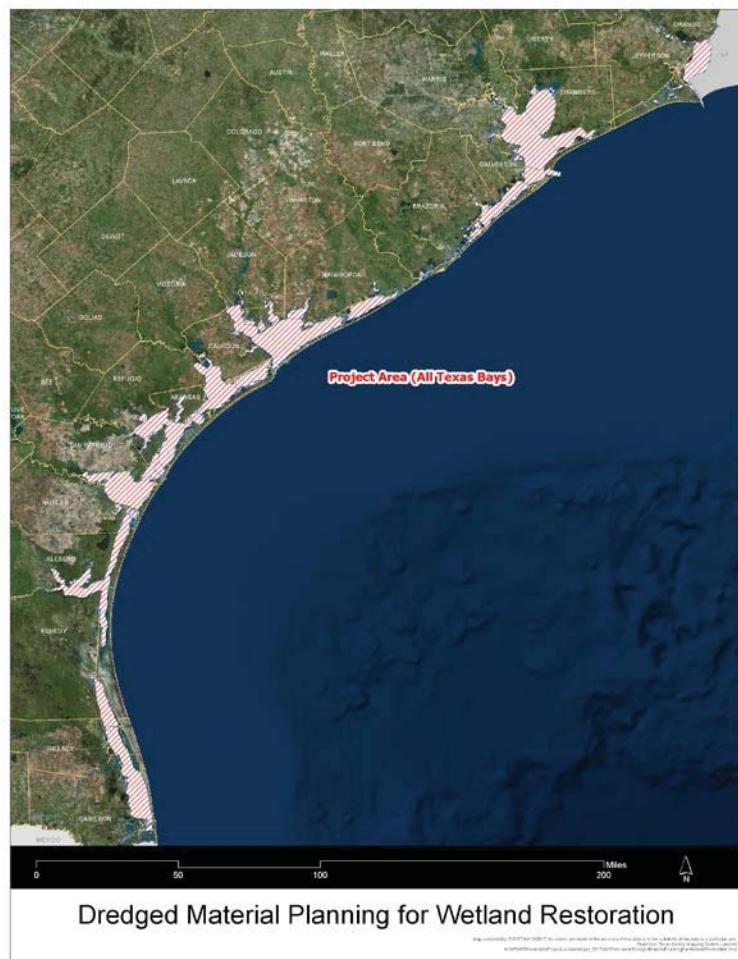


Figure 8. Dredge Material Planning for Wetland Restoration project alternative.

9. Oyster Restoration Engineering (E&D)

The Oyster Restoration Engineering project alternative would consist of an initial alternatives analysis to identify the best management practices (BMPs) for rehabilitating oyster reefs buried by sediment and for constructing intertidal oyster reefs within the Galveston Bay System. Results of this analysis would then be used to develop location-specific engineering, design, and environmental permitting documents for one or more oyster restoration project alternatives that could be readily implemented.

Consistency Analysis

The proposed alternative is not within any designated System Unit and is therefore not subject to CBRA.



Figure 9. Oyster Restoration Engineering project alternative in Galveston Bay.

10. Follets Island Conservation Initiative

The Follets Island Conservation Initiative project alternative would include the acquisition and conservation of approximately 300 acres of wetland and coastal habitats on Follets Island between San Luis Pass and Drum Bay, Texas. The project alternative would conserve dune, coastal strand prairie, and marsh habitat in perpetuity through fee-simple acquisition. Once acquired, the land would be transferred to and managed by the TPWD for the purpose of habitat preservation.

Consistency Analysis

The proposed alternative is located within System Unit T04, and therefore is subject to a Consistency Analysis under CBRA. Within T04, the proposed action includes land acquisition and conservation. Consequently, this activity is consistent with CBRA per exemption 16 U.S.C. 3505(a)(6)(A) for “Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.” The purposes of CBRA are “to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts...” 16 U.S.C. §3501(b). This restoration project alternative is designed to restore natural resources injured by the *Deepwater Horizon* oil spill. Accordingly, the project alternative is consistent with the purposes of the CBRA and falls within the CBRA exemption discussed above.

We are requesting your concurrence with our consistency determination.



Figure 10. Follets Island Conservation Initiative project alternative in Brazoria County.

11. Laguna Atascosa Habitat Acquisition

The Laguna Atascosa Habitat Acquisition project alternative would include acquisition of important coastal habitat that would be conveyed to the USFWS to be managed as part of the LANWR. This tract includes 1,682 acres of beach, dune, and tidal habitats on South Padre Island, Texas.

Consistency Analysis

The proposed alternative is located entirely within System Unit T11, and therefore is subject to a Consistency Analysis under CBRA. Within T11, the proposed action includes land acquisition. Consequently, this activity is consistent with CBRA per exemption 16 U.S.C. 3505(a)(6)(A) for “Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.” The purposes of CBRA are “to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts...” 16 U.S.C. §3501(b). This restoration project alternative is designed to restore natural resources injured by the *Deepwater Horizon* oil spill. Accordingly, this project alternative is consistent with the purposes of the CBRA and falls within the CBRA exemption discussed above.

We are requesting your concurrence with our consistency determination.

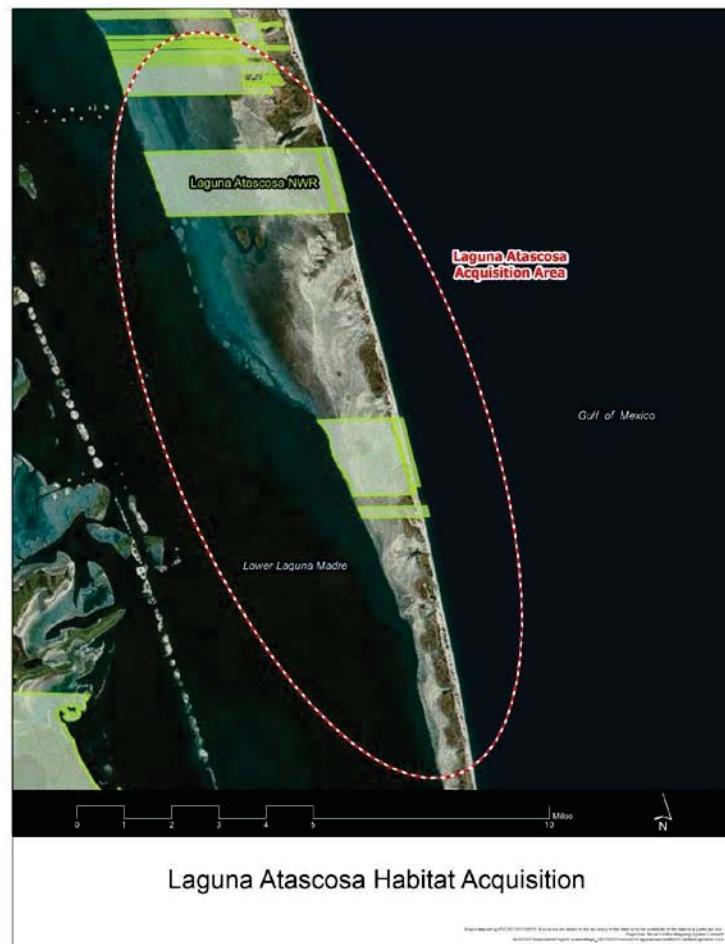


Figure 11. Laguna Atascosa Habitat Acquisition project alternative in Willacy and Cameron Counties.

12. Mid-Coast Habitat Acquisition

The Mid-Coast Habitat Acquisition project alternative would acquire a coastal estuarine land tract that would be conveyed to the USFWS to be managed as part of the Texas Mid-Coast National Wildlife Refuge Complex (Texas Mid-Coast NWR) in Matagorda County. The proposed tract is around 800 acres, including 555 acres of mostly estuarine wetlands. The restoration alternative would protect the tract, thereby providing a protective buffer to estuarine and bay waters from future land use changes.

Consistency Analysis

The proposed alternative is not within any designated System Unit and is therefore not subject to CBRA.

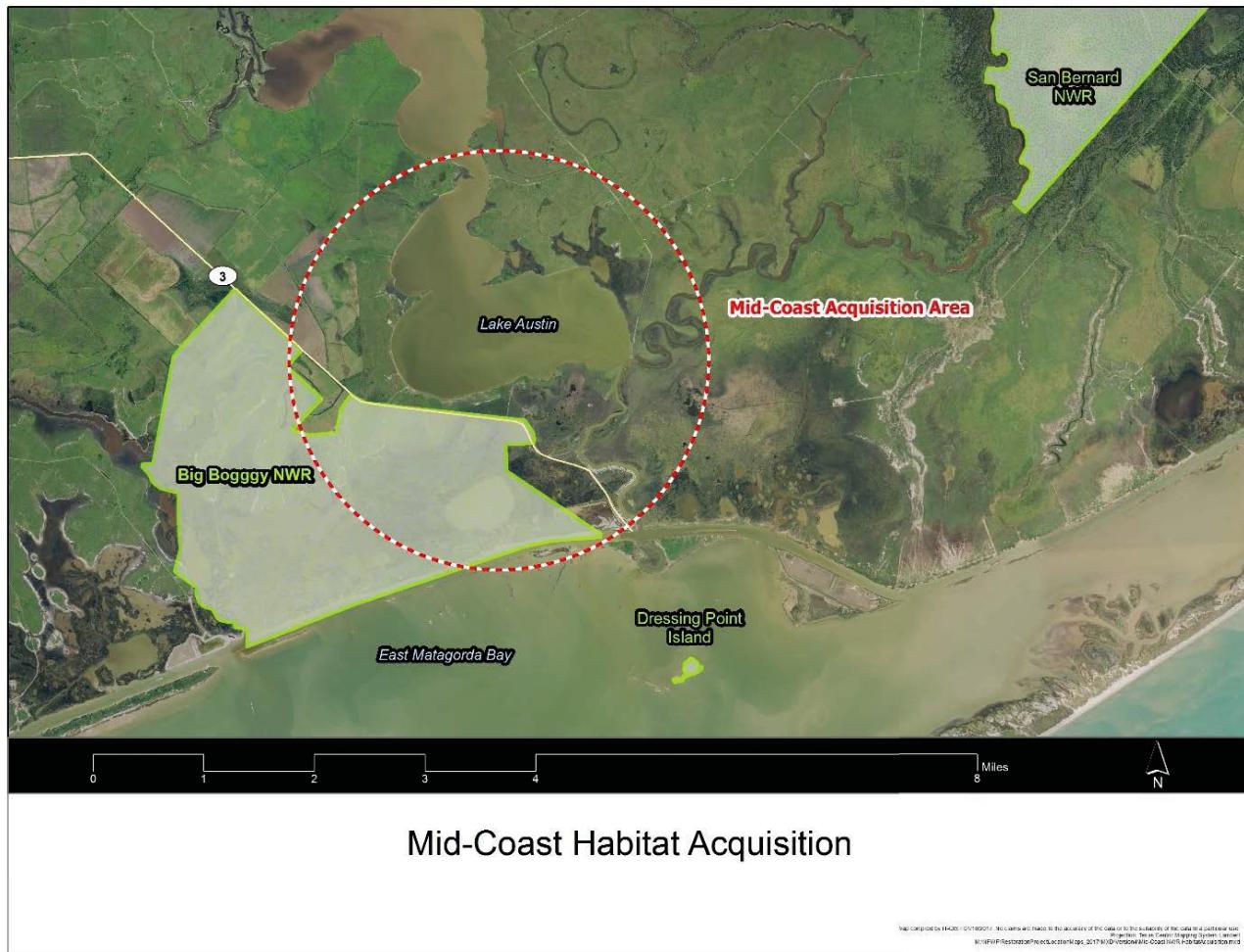


Figure 12. Mid-Coast Habitat Acquisition project alternative in Matagorda County.

13. Bahia Grande Coastal Corridor Acquisition

The Bahia Grande Coastal Corridor Habitat Acquisition project alternative would include acquisition of important coastal habitat that would be conveyed to the USFWS to be managed as part of the LANWR. This tract includes 1,322 acres of tidal wetlands, thorn scrub, and coastal prairie with more than a mile of frontage on the Lower Laguna Madre and almost 2 miles frontage on a tidal inlet called Laguna Vista Cove.

Consistency Analysis

The proposed alternative is not within any designated System Unit and is therefore not subject to CBRA.



Figure 13. Bahia Grande Coastal Corridor Habitat Acquisition project alternative in Cameron County, Texas.



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CBRA for Deepwater Horizon NRDRA project alternatives in Texas

Ardizzone, Chuck <chuck_ardizzone@fws.gov>

Mon, Aug 21, 2017 at 1:59 PM

To: Debora McClain <debora_mcclain@fws.gov>

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All,

The Texas Coastal Ecological Service's Field Office has reviewed the Coastal Barrier Resources Act (CBRA) consistency determination you provided for the 13 projects proposed for Deepwater Horizon Texas Trustee Implementation Group's 2017 Restoration Plan/Environmental Assessment: Restoration of Wetlands, Coastal, and Nearshore Habitats; and Oysters. We concur with your determinations that these projects are consistent with the purposes of the CBRA or fall within the CBRA exemptions as discussed in your submittal.

We have no additional concerns or recommendations regarding these projects as they relate to the CBRA.

Please let me know if you have any questions.

Chuck Ardizzone
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