

G. INTRA-SERVICE SECTION 7 BIOLOGICAL EVALUATION FORM

Originating Person:

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Date:

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I. Region: Southwest

II. Service Activity (Program):

Refuges: Texas Mid-coast National Wildlife Refuge Complex (TMCNWR)

III. Pertinent Species and Habitat:

A. Listed species and/or their critical habitat within the action area:

Attwater's prairie-chicken (*Tympanuchus cupido attwateri*) (APC)

Whooping crane (*Grus americana*)

Northern aplomado falcon (*Falco femoralis septentrionalis*)

Interior Least Tern (*Sterna antillarum athalassos*)

Piping plover (*Charadrius melodus*)

Smalltooth sawfish (*Pristis pectinata*)

Atlantic hawksbill sea turtle (*Eretmochelys imbricate*)

Green sea turtle (*Chelonia mydas*)

Kemp's Ridley sea turtle (*Lepidochelys kempii*)

Leatherback sea turtle (*Dermochelys coriacea*)

Loggerhead sea turtle (*Caretta caretta*)

Critical Habitat:

Piping Plover, *Charadrius melodus*

B. Proposed species and/or proposed critical habitat within the action area:

None

C. Candidate species within the action area:

Sprague's pipit (*Anthus spragueii*)

IV. Geographic area or station name and action:

The proposed action is to implement a Comprehensive Conservation Plan for Texas Mid-coast NWR Complex located in Brazoria, Matagorda and Ft. Bend Counties.

V. Location:**A. Ecoregion Number and Name:**

Gulf Coast Prairies and Marshes Ecoregion

B. County and State:

Brazoria, Matagorda, Fort Bend, and Wharton Counties, Texas

C. Section, township, and range (or latitude and longitude):

31° 42' N 96°14'W

D. Distance (miles) and direction to nearest town:

Approximately 10 miles east of Freeport, TX

E. Species/habitat occurrence:

- *Attwater prairie Chicken*- The Complex has no Attwater prairie chickens at this time but has been identified as a potential future re-introduction site.
- *Whooping crane* - Whooping Cranes do not regularly occur on the Complex but for the cranes to reach recovery status, the Aransas/Wood Buffalo population will need to be expanded. Mid-coast Refuges (with Big Boggy first) will probably be required for the cranes to reach recovery status, due to the territorial nature of the birds. Plans to expand their territory outside the current migration corridor has not well been defined and the Mid-coast refuges do not have plans specific to providing whooping crane habitat at this time.
- *Northern aplomado falcon* - From 1996 to 1999, Northern aplomado falcons were hatched on Matagorda Island and are continuing to nest and inhabit the Island's prairie habitat. Since then, two documented sightings of aplomado falcons have occurred on San Bernard NWR; the most recent in December 2011. Both sightings appear to be single transient birds. If the population were to increase the refuges may provide future nesting habitats. No directed management actions for this species are planned at this time.
- *Interior least tern* - The interior subspecies of least tern is a listed species for Fort Bend and Wharton Counties. This species is distinguished from the coastal subspecies in its location of nesting, along rivers and mudflats on the interior middle N. America. For this reason nesting birds identified more than 50 miles from the coast are considered interior subspecies. These birds cannot be easily distinguished from coastal least terns and overlap migration and wintering areas. No documented nesting occurs in either Fort Bend or Wharton County and birds found are wintering or transient. No directed management actions for this species are planned at this time.
- *Piping plover*- The Texas Gulf Coast provides valuable as a wintering habitat for the piping plover. A portion of the Complex has been

designated as critical habitat for the piping plover. The tidal mudflats on our refuges, especially in the Cedar Lakes area of San Bernard NWR, are extremely valuable to this and other plovers when the tides are low. These mudflats are not clearly identified in the critical habitat designation, but they are at times more valuable to this species than the nearby beaches.

- *Sprague's pipit* - Sprague's pipit is known to occur in Brazoria, Fort Bend, Matagorda, and Wharton counties, but its current status on the Complex is unknown. It is a migrant species found during migration and winter, generally tied to upland native grasslands and can be found in large numbers in coastal grasslands. It is associated with native coastal prairie and salty prairie habitats on the Complex similar to the American pipit. It prefers shorter prairie or prairie patches among denser or more mature prairie stands. It does not tolerate brush encroachment in prairie habitats (Robbins et.al. 1999). It can be found in post-burn areas. The species is a wintering migrant, feeding on insects spiders and some seeds, and may be found on the refuges October through March.
- *Smalltooth sawfish*- The U.S. population of smalltooth sawfish is found only in the Atlantic Ocean and Gulf of Mexico. Historically, the U.S. population was common throughout the Gulf of Mexico from Texas to Florida, and along the east coast from Florida to Cape Hatteras. This species generally requires marine habitats which are outside of the refuge boundaries, (primarily the Everglades region).
- Sea Turtles- Five sea turtles; *Kemp's ridley*, *loggerhead*, *green*, *leatherback* and *hawksbill*, occur in the Gulf and bay waters near the refuges. San Bernard, which has a small segment of Gulf beach has had one documented Kemp's ridley nest in 2009. The refuge needs to continue to restrict refuge beaches from vehicular traffic to protect this and other species. The Complex supports all sea turtle recovery efforts by patrolling area beaches for stranding and nests. All nests are excavated and transferred to the incubation site at Padre Island National Seashore. Live turtles are transferred to the NOAA recovery facility in Galveston.

VI. Description of proposed action (attach additional pages as needed):

The proposed action is to implement the Comprehensive Conservation Plan for the Texas Mid-coast NWR Complex over the next 15 years.

The Plan is divided into a series of goals, objectives, and strategies that will be implemented throughout the 15-year term of this Plan. Specific goals associated with the CCP are:

1. To contribute to conservation efforts and to foster the ecological integrity of the Gulf Coast Prairies and Marshes Ecoregion through proven and innovative management practices across the Complex.

2. To conserve and restore, enhance, and protect refuge habitats by implementing appropriate management programs to benefit native flora and fauna, including threatened and endangered species and other species of concern.
3. To protect, maintain, and enhance populations of migratory birds and resident fish and wildlife, including federal and state threatened and endangered species.
4. To develop and implement quality wildlife-dependent recreation programs, which are compatible with refuge purposes, and foster enjoyment and understanding of the Refuge's unique wildlife and plant communities.
5. To provide administrative and public use facilities needed to carry out the refuge's purposes and meet management objectives.

The overall management of the Complex will focus on protecting and restoring native habitats to promote wildlife, while enhancing opportunities for public use, such as hunting, fishing, wildlife observation, wildlife photography, environmental education, and interpretation as well as to increase understanding and support for the Complex and the Refuge system. For detailed descriptions of goals, objectives, and strategies for the Plan, please refer to Chapter 4 of the attached Draft Plan.

VII. Determination of effects:

A. Explanation of effects of the action on species and critical habitats in items III. A, B, and C:

Habitat and Wildlife Management

Restoration and maintenance of bottomland hardwood forests and prairie habitat using management tools such as prescribed fire, invasive species management, planting and harvesting native prairie seed will not have any negative impacts on any of the listed species in and around the Complex boundaries

Public Use

The proposed increase in public use opportunities such as additional hunting opportunities, new trails, boardwalks and photo blinds promoting wildlife observation and wildlife photography as well as additional programs to increase environmental education and interpretation will not have any negative impacts on any listed species. Increased opportunities in all public use programs will be designed to avoid any potential impacts to any listed species.

Facilities/Infrastructure

The proposed increase in infrastructure such as new trails, additional bicycle access, new signs and exhibits, and additional canoe and kayak launches as well as new recreational vehicle sites, new administrative and maintenance facilities and a new visitor contact station will not have any negative impacts on any listed species. Additional opportunities in facilities and infrastructure will be designed to avoid any potential impacts to any listed species.

Overall, no significant adverse impacts to Federally-listed T&E species are expected to occur due to the management direction proposed in the Comprehensive Conservation Plan. Species-specific effects are further discussed below:

Attwater's prairie-chicken

The Attwater's prairie chicken are found only on the coastal prairies of Texas. Although not currently occurring on the Complex, several areas have been identified as potential future reintroduction sites.

Management staff will conduct coordination and studies to determine best potential management direction to maximize success if reintroductions occur on the Complex. Should APC be reintroduced on the Complex, restoration and maintenance of prairie habitat using management tools such as invasive species control, prescribed fire, and grazing should have beneficial impacts on APC recovery efforts.

Whooping Crane

Whooping Cranes do not regularly occur on Mid-coast Refuges. However, for the cranes to reach recovery status, the Aransas/Wood Buffalo population will need to expand. Mid-coast Refuges (with Big Boggy first) will probably be required for the cranes to reach recovery status. Implementing management actions identified in the CCP will not impact whooping cranes at this time.

Northern aplomado falcon

The northern aplomado falcons that have been documented on the Complex are transient visitors and the management direction proposed in the CCP is expected to have no effect on this species.

Interior least tern

While this subspecies of least tern may occur on the Complex, ongoing and proposed management actions are not expected to have any impact on it.

Piping Plover

The Complex serves as wintering habitat and the Service has designated portion of the Complex has been designated as critical habitat for the piping plover. Most of the management action that occur on the Complex will have no effect on the piping plover. The Complex will continue to conduct plover surveys on area beaches and protect designated critical habitat. Efforts to protect San Bernard beach through limiting vehicle access above the tidal zone, should be beneficial to wintering piping plovers.

Sprague's Pipit

Management of prairie habitats (including prescribed burning, brush control, invasive species control, and grazing) as described in the CCP, can be beneficial to Sprague's pipit conservation.

Smalltooth Sawfish

Because the species generally requires marine habitats, which are outside of the Complex boundaries, the refuges cannot play a direct role in the species recovery. However, the Complex can assist with outreach and partnering with state and federal entities to encourage habitat protection. Management actions proposed in the CCP will have no effect on this species.

Sea turtles

Five sea turtles; Kemp’s ridley, loggerhead, green, leatherback and hawksbill, occur in the Gulf and bay waters near the refuges. San Bernard, which has a small segment of Gulf beach has had one documented Kemp’s ridley nest in 2009. The refuge needs to continue to restrict refuge beaches from vehicular traffic to protect this and other species. The Complex supports and assist with all sea turtle recovery efforts. This includes beach sea turtle surveys during nesting season (May–July), flipper tagging, excavating sea turtle nests and transporting them to the incubation facility at Padre Island National Seashore. The Refuge monitors and responds to calls regarding sea turtles on Gulf coast beaches between the mouth of the Colorado River and Quintana Beach. Live turtles are transferred to the NOAA recovery facility in Galveston.

B. Explanation of actions to be implemented to reduce adverse effects:

The Complex will prohibit or restrict activities in areas where listed species occur. If additional listed species are found, the Complex will change/alter management actions so as not to disturb or impact the species, or consult with the Clear Lake Ecological Services Field Office prior (ESFO) to undertaking such actions to determine the appropriate course of action in order to adequately address any listed species concerns. With respect to public use activities, such as hunting, fishing and wildlife observation, these activities will only be allowed in established pre-designated area, seasons, and times.

As a working document, modification to the objectives and strategies are anticipated. If modifications result in changes to the effects analysis, or include actions that are not considered in this document, the Complex will re-initiate consultation or consult with the Clear Lake ESFO over a particular action that may affect Federally-listed species or designated critical habitat.

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

A. Listed species/designated critical habitat:

Determination

Response requested

no effect to species/critical habitat

(species/unit): Northern aplomado falcon
 Interior least tern
 Smalltooth Sawfish

 X *Concurrence

may affect, but is not likely to adversely
affect species/critical habitat
(species/unit:)

Attwater's prairie-chicken (APC)
Whooping crane,
Piping plover,
Atlantic hawksbill sea turtle,
Green sea turtle,
Kemp's Ridley sea turtle,
Leatherback sea turtle,
Loggerhead sea turtle,
Critical Habitat for the Piping Plover

 X Concurrence

may affect, and is likely to adversely
affect species/critical habitat
(species/unit: none)

 Formal
Consultation

B. Proposed species/proposed critical habitat:

Determination

Response requested

no effect on proposed species/proposed critical habitat
(species/unit: n/a)

 *Concurrence

is not likely to jeopardize proposed species/
adversely modify proposed critical habitat
(species/unit: n/a)

 Concurrence

is likely to jeopardize proposed species/
adversely modify proposed critical habitat
(species/unit: n/a)

 Conference

C. Candidate species:

Determination

Response requested

no effect
(species: none)

 *Concurrence

is not likely to jeopardize candidate species/
(species: Sprague's pipit)

 X Concurrence

is likely to jeopardize candidate species
(species: none)

____ Conference

signature
Complex Manager, TMC NWR Complex

date

IX. Reviewing ESO Evaluation:

A. Concurrence _____ Nonconcurrence _____

B. Formal consultation required _____

C. Conference required _____

D. Informal conference required _____

F. Remarks (attach additional pages as needed):

Signature
[Title/office of reviewing official]

Date