



Gulf Coast Ecosystem Restoration Council Categorical Exclusion Determination Form

This form is to be completed before the Gulf Coast Ecosystem Restoration Council (Council) uses one or more Categorical Exclusions (CEs) to comply with the National Environmental Policy Act (NEPA) for a specific action or group of actions, as appropriate. More information on the Council's NEPA compliance and use of CEs can be found in the Council's [NEPA Procedures](#).

Action Title:

Wind-Tidal Flat Restoration Pilot

Action Location: (State, County/Parish)

Padre Island National Seashore, Texas

Action Description:

The Council has approved \$321K in planning and implementation funds as FPL Category 1 for the Wind-Tidal Flat Restoration Pilot project. The project is to be implemented over the course of 2 years on Padre Island National Seashore, Texas. The U.S. Department of the Interior (DOI), through the U.S. National Park Service (NPS), is the sponsor of this project. This pilot project will lead to the restoration of and improved resiliency for 5 acres of wind-tidal flat habitat on Padre Island National Seashore, Texas. Restored natural processes will enhance the overall health, availability, and diversity of habitat that supports a variety of shorebirds and wading bird species. The project will enhance bird populations that contribute to restored areas designated as a Site of International Importance by the Western Hemisphere Shorebird Reserve Network (WHSRN 2019).

Categorical Exclusion(s) Applied:

DOI NPS CE 3.3 E. 5. Nondestructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities.

Council Use of Member Categorical Exclusion(s)

If the Categorical Exclusion(s) was established by a Federal agency Council member, complete the following. If not, leave this section blank and proceed to the segmentation section.

Member with Categorical Exclusion(s) DOI NPS

Has the member with CE(s) advised the Council in writing that use of the CE(s) would be appropriate for the specific action under consideration by the Council, including consideration of segmentation and extraordinary circumstances (as described below)?

Yes No

Segmentation

Has the proposed action been segmented to meet the definition of a Categorical Exclusion? (In making this determination, the Council should consider whether the action has independent utility.)

Yes No

Extraordinary Circumstances

In considering whether to use a Categorical Exclusion for a given action, agencies must review whether there may be extraordinary circumstances in which a normally excluded action may have a significant environmental effect and, therefore, warrant further review pursuant to NEPA. Guidance on the review of potential extraordinary circumstances can be found in Section 4(e) of the Council's NEPA Procedures. The potential extraordinary circumstances listed below are set forth in the Council's NEPA Procedures.

The Council, in cooperation with the sponsor of the activity, has considered the following potential extraordinary circumstances, where applicable, and has made the following determinations. (By checking the "No" box, the Council is indicating that the activity under review would not result in the corresponding potential extraordinary circumstance.)

- Yes No 1. Is there a reasonable likelihood of substantial scientific controversy regarding the potential environmental impacts of the proposed action?
- Yes No 2. Are there Tribal concerns with actions that impact Tribal lands or resources that are sufficient to constitute an extraordinary circumstance?
- Yes No 3. Is there a reasonable likelihood of adversely affecting environmentally sensitive resources? Environmentally sensitive resources include but are not limited to:

a. Species that are federally listed or proposed for listing as threatened or endangered, or their proposed or designated critical habitats; and

b. Properties listed or eligible for listing on the National Register of Historic Places.

Yes No 4. Is there a reasonable likelihood of impacts that are highly uncertain or involve unknown risks or is there a substantial scientific controversy over the effects?

Yes No 5. Is there a reasonable likelihood of air pollution at levels of concern or otherwise requiring a formal conformity determination under the Clean Air Act?

Yes No 6. Is there a reasonable likelihood of a disproportionately high and adverse effect on low income or minority populations (see Executive Order 12898)?

Yes No 7. Is there a reasonable likelihood of contributing to the introduction or spread of noxious weeds or non-native invasive species or actions that may promote the introduction, or spread of such species (see Federal Noxious Weed Control Act and Executive Order 13112)?

Yes No 8. Is there a reasonable likelihood of a release of petroleum, oils, or lubricants (except from a properly functioning engine or vehicle) or reportable releases of hazardous or toxic substances as specified in 40 CFR part 302 (Designation, Reportable Quantities, and Notification); or where the proposed action results in the requirement to develop or amend a Spill Prevention, Control, or Countermeasures Plan in accordance with the Oil Pollution Prevention regulation?

Supplemental Information

Where appropriate, the following table should be used to provide additional information regarding the review of potential extraordinary circumstances and compliance with other applicable laws. The purpose of this table is to ensure that there is adequate information for specific findings regarding potential extraordinary circumstances.

Supplemental information and documentation is not needed for each individual finding regarding the potential extraordinary circumstances listed above. Specifically, the nature of an activity under review may be such that a reasonable person could conclude that there is a very low potential for a particular type of extraordinary circumstance to exist. For example, it would be reasonable to conclude that the simple act of acquiring land for conservation purposes (where

(there are no other associated actions) does not present a reasonable likelihood of a release of petroleum, oils, lubricants, or hazardous or toxic substances.

For some types of activities, no supplemental information may be needed to support a finding that there are no extraordinary circumstances. For example, where the activity under review is solely planning (with no associated implementation activity), it may be reasonable to conclude that none of the extraordinary circumstances listed above would apply. In such cases, the table below would be left blank.

In other cases, it may be appropriate to include supplemental information to ensure that there is an adequate basis for a finding regarding a particular extraordinary circumstance. For example, it might be appropriate in some cases to document coordination and/or consultation with the appropriate agency regarding compliance with a potentially applicable law (such as the Endangered Species Act). In those cases, the table below should be used to provide the supplemental information.

Agency or Authority Consulted	Agency or Authority Representative: Name, Office & Phone	Date of Consultation	Notes: Topic discussed, relevant details, and conclusions. (This can include reference to other information on file and/or attached for the given action.)
U.S. FWS	Charles Ardizzone Field Supervisor	9/23/2020	Endangered Species Act
DOI NPS	Eric Brunnemann	9/15/2020	National Historic Preservation Act
TX Historical Commission	Mark Wolfe, THC	Not given	National Historic Preservation Act
AL Coushatta Tribe of TX	Bryant J. Celestine, HPO	9/15/2020	National Historic Preservation Act

Additional supplemental information may be attached, as appropriate. Indicate below whether additional supplemental information is attached.

Additional Information Attached: Yes No

If “Yes”, indicate the subject:

DOI NPS Categorical Exclusion and associated documentation

Determination by Responsible Official

Based on my review of the proposed action, I have determined that the proposed action fits within the specified Categorical Exclusion(s), the other regulatory requirements set forth above are met, and the proposed action is hereby Categorically Excluded from further NEPA review.

Responsible Official (Name)

Mary S. Walker, Executive Director

Responsible Official (Signature)

MARY WALKER

Digitally signed by MARY WALKER Date: 2021.04.28 17:37:29 -04'00'

Date April 28, 2021





Categorical Exclusion Documentation Form (CE Form)

Project: Research Permit: Wind-Tidal Flat Restoration Pilot

PEPC Project Number: 87441

Description of Action (Project Description):

Because of the experimental nature of this wind-tidal flat restoration pilot, an experimental design and test phase will be undertaken via a Cooperative Ecosystems Studies Unit (CESU) agreement with Texas A&M University-Corpus Christi (TAMUCC), which has experience studying and researching wind-tidal flats. Because there has been no previous restoration of wind-tidal flats in the park or surrounding area, we have no successful restoration project to base an assured method to restore the wind-tidal flats. We plan to form an expert team including National Park Service staff from the park, region, and Washington offices, US Fish and Wildlife Service experts, and wetland scientists with local expertise. Experts will likely include Dr. Kim Withers and Dr. Paul Zimba from TAMUCC, as well as wetlands restoration technical specialists from private industry and non-governmental organizations. The team would develop and test restoration methods on small plots. Upon completing the experimental phase, the team will recommend how to proceed with restoration on the remaining area.

Suzuki (2004) and Lee and Lee (2000) show that newly groomed sediments can be a successful platform for tidal flat restoration. In general, restoration will involve grooming of the tracks with the use of hand tools and ambient soils to prevent further impacts, removing fill, establishing the proper slope within the tidal range, and inoculating the soils with a mixture of the 12 dominant algal species-all of which can easily be grown in controlled conditions in roughly 30 days (Zimba, pers. comm. 6/3/2020). Only 0.2 grams of algal material has been shown to reestablish 1 square meter (1m²) of tidal flat. Salinity concentrations will be monitored using salinity recorders at low, medium and highest elevations. Up to 41-1.0 cm cores will be obtained monthly to determine the developing algal community structure. This information will help to determine how best to approach large-scaled restoration efforts.

A literature search revealed that very few wind-tidal flat restoration projects have been conducted in the United States, Canada, and Japan. Those projects that were undertaken focused on man-made habitats, rather than natural habitats. Though there are no established or standard methods to restore this type of wetland, NPS has considerable knowledge and tools that have been used for similar restoration. The NPS has substantial experience in beach restoration, including but not limited to: 1) Cape Hatteras National Seashore where 2.6 million cubic yards of beach quality sand was placed along approximately 2.2 miles of shoreline (USACE & DOI 2015), 2) Cape Lookout National Seashore where 3,850 linear feet of beach was restored (Schupp 2017), 3) several projects at Gulf Islands National Seashore where approximately 4.9 miles of shoreline was restored along the eastern end of Perdido Key (Gibson and Looney 2020), and 4) a beach nourishment project where approximately 500,000 cubic yards of beach quality sand was placed along 10,000 feet of the northern shoreline of West Ship Island, within the Mississippi District of Gulf Islands National Seashore (USACE & DOI 2016). Though tidal mudflat restoration is somewhat different, the basic principles are the same: establish a proper slope in the tidal range, restore with similar grain sized sediments, and plant with appropriate flora. The NPS also has considerable experience restoring tracks from seismic exploration at Big Cypress National Preserve in Florida, where 111 miles of exploration trails have been re-graded by hand to the natural contours.

Monitoring of the experimental design for reclaiming the vehicle tracks and/or removing fill in wind-tidal flats at Padre Island National Seashore would be conducted by graduate and possibly undergraduate students with guidance of a university professor under a scope of work developed by NPS and the professor. This project would be administered and managed by the NPS through the Research Permit and Reporting System.

This program would occur on an area of <5 acres in Texas at Padre Island National Seashore, within Kleberg and/or Kenedy Counties. Final site selection will be contingent on specific research methods proposed. Selected sites will be a minimum of 0.25 miles from documented archeological sites, historic structures, cultural landscapes, or other significant cultural features.

See attachments for further detail.

Project Locations:

Location 1

County:	Kenedy	State:	TX
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Location 2

County:	Kleberg	State:	TX
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Mitigation(s):

- Care shall be taken not to disturb any wildlife species (reptiles, migratory birds, raptors, or bats) found nesting, hibernating, estivating, or otherwise living in, or immediately nearby, worksites.
- Boat transport and field activities shall maintain sufficient distance to minimize visitor contact and wildlife disturbances.
- Plant or seed with native vegetation propagated from gene pools local to the project area.
- The project leader shall employ erosion control measures to ensure containment of soils. No discharge of soils into surrounding drainage areas is acceptable. Erosion control measures shall be guided by NPS standards, federal, state, and local regulations.
- NPS staff will inform project personnel about special status species and what actions should be taken if a special status species is encountered.
- In the event of adverse weather conditions, the project leader will consult with the park point of contact to ensure that ground conditions are acceptable for daily activities.
- If there has been a major storm event within 24 hours of project access to a site via unpaved roads or trails, project manager must ensure that vehicles and equipment will not cause damage to roads and trails due to wet conditions.
- Applicable federal and state permits are to be acquired.

Comment: Work may not proceed until Clean Water Act permits have been issued.

- A copy of issued NPS permits must be displayed on dashboard of on-site vehicles.
- Disturbance shall be limited to open and previously disturbed areas.
- The park's Public Information Officer shall be notified at least two weeks in advance of scheduled work and/or when start date has been established by contract, so that a news release may be prepared and sent to the public.
- Any and all specimens, samples or artifacts collected as part of this research project (and not consumed in analysis) remain property of the federal government and shall be accessioned and cataloged into the park unit's museum collection whether they are stored at an NPS facility or placed on loan to an agreed upon repository. Contact the park museum collection manager for accession and catalog information prior to commencing field research. For projects involving consumptive analysis, ensure that reports contain results. Copies of all research reports (and, when feasible, raw data and field notes) shall be cataloged into the museum archive.
- In the event that human remains are discovered during maintenance activities, all work on the project must stop and the park archeologist contacted immediately. As required by law, the coroner will be notified first. All provisions outlined in the Native American Graves Protection and Repatriation Act (1990) will be followed.
- If unknown paleontological resources are discovered during construction, work in that location would be stopped until the resources could be properly recorded and evaluated. Measures would be taken to avoid further resource impacts or to mitigate their loss or disturbance
- If previously unknown archeological resources are discovered during construction, all work in the immediate vicinity (600 feet) of the discovery shall be halted until the resources are identified and documented and an appropriate mitigation strategy developed, if necessary, in accordance with pertinent laws and regulations, including the stipulations of the 2008 Programmatic Agreement Among the National Park Service (U.S. Department of the Interior), the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers.

- If any material is to be excavated from any material source outside the construction limits, other than commercially operated sites, before work begins provide a certification from the State Historic Preservation Officer stating that (1) that a cultural resource survey (a survey for historical sites and archeological remains) has been performed at the proposed site, and (2) that no significant cultural resources exist in the area that will be disturbed by the Contractor.

CE Citation: E.5 Nondestructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities.

CE Justification:

The work of this project is proposed for completion through the NPS research permit and reporting system.

Decision: I find that the action fits within the categorical exclusion above. Therefore, I am categorically excluding the described project from further NEPA analysis. No extraordinary circumstances apply.

Signature

Superintendent:


Eric Brunnemann

Date: 09. 22. 2020

Extraordinary Circumstances:

If implemented, would the proposal...	Yes/No	Notes
A. Have significant impacts on public health or safety?	No	
B. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas?	No	
C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E))?	No	
D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	No	
E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?	No	
F. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	No	
G. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places, as determined by either the bureau or office?	No	
H. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?	No	
I. Violate a federal, state, local or tribal law or requirement imposed for the protection of the environment?	No	
J. Have a disproportionately high and adverse effect on low income or minority populations (EO 12898)?	No	
K. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or adversely affect the physical integrity of such sacred sites (EO 130007)?	No	
L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?	No	



In Reply Refer To:
02ETTX00-
2020-TA-3484

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Texas Coastal Ecological Services Field Office

4444 Corona Drive, Suite 215
Corpus Christi, Texas 78411
361/994-9004 / (FAX) 361/994-8262



September 23, 2020

Shelly Todd
Science and Resources Manager
Padre Island National Seashore
20300 Park Road 22
Corpus Christi, TX 78418

Dear Ms. Todd:

The U.S. Fish and Wildlife Service (Service) received your September 19, 2020, letter regarding a proposed wind-tidal flat restoration project and effects on federally listed species in Kleberg and Kenedy counties, Texas. This two year research pilot program at Padre Island National Seashore (PAIS) proposes to experimentally restore up to five acres of wind-tidal flat along the Laguna Madre shoreline of North Padre Island. This action also was evaluated for impacts to wetlands and other federal trust fish and wildlife resources.

The National Park Service (NPS) submitted documentation to the Service requesting concurrence on the proposed research and restoration project pursuant to the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

Project Descriptions

PAIS proposes to develop and assess wind-tidal flat restoration methods to establish a proper slope in the tidal range, restore with similar grain sized sediments, and plant with appropriate flora. In general, restoration will involve grooming of vehicle tracks with hand tools and ambient soils to prevent further impacts, removing fill, establishing the proper slope within the tidal range, and inoculating the soils with a mixture of the 12 dominant algal species. If successful, the project proponent could seek funding for the extensive tidal flat restoration that is needed. The project proponents acknowledge, however, that restoration of wind-tidal flats has not previously been attempted within PAIS or the surrounding area

PAIS staff plans on partnering with NPS regional, and Washington offices; Service experts; and wetland scientists with local expertise. Experts will likely include Dr. Kim Withers and Dr. Paul Zimba from Texas A&M University Corpus Christi (TAMUCC), as well as wetlands restoration technical specialists from private industry and non-governmental organizations.

The Service supports NPS efforts to improve the quality and quantity of habitat available to benefit threatened piping plover (*Charadrius melanotos*) and red knot species (*Calidris canutus rufa*). The NPS has committed to providing an opportunity in early project design for outlining best management practices and mitigation measures by the interagency experimental design team, including Service staff.

Endangered and Threatened Species

Piping Plover and Red Knot

The project will require vehicular and foot travel through suitable piping plover (*Charadrius melanotos*) and red knot (*Calidris canutus rufa*) habitat. The proposed research will not occur within critical habitat for piping plovers as there is no designated critical habitat in the project area. Potential designation of critical habitat for red knots is still ongoing. The goal of this research is to develop methods to improve wind-tidal flat habitat to benefit shorebird species such as the plovers and knots. Sightings of listed species will be documented and reported, the park will designate a point of contact to be informed if dead or injured piping plover or red knots are observed, and all research participants will be instructed to maintain at least 300 feet from plovers and knots. The Service recommends having a specific route around the area where these species have been seen to congregate wherever possible, to minimize the disturbance of the soils. If use of potential habitat is unavoidable, specific routes are even more crucial. Effects of the project may result in short term negative impacts, however long term impacts are likely to be positive.

Aplomado Falcon

Aplomado falcons (*Falco femoralis*) are present on Padre Island adjacent to PAIS. While nest boxes are not in the project area, the birds are occasionally seen hunting or flying over the project area. The project will occur outside of the species preferred brush-free savanna hunting grounds. No more than fleeting interactions are expected.

Eastern Black Rail

This species has been proposed for listing as threatened with no critical habitat by the Service and a final decision is expected soon. Infrequent presence of the eastern black rail (*Laterallus jamaicensis jamaicensis*) is documented in the areas adjacent to the wind-tidal flats. Dense vegetative cover (*Laterallus jamaicensis jamaicensis*) of coastal marshes is preferred rail habitat. However, surveys and restoration will require vehicular travel through suitable habitat. The PAIS has stated that vehicular travel will not exceed existing levels on established roads and sites will be chosen to avoid work adjacent to areas with past black rail presence data. Sightings of black rails will be documented and reported. The park will designate a point of contact to be informed if a dead or injured black rail is observed, and all research participants will be instructed to maintain a minimum distance of 300 feet away from any black rail detected.

Sea Turtles

Kemp's ridley sea turtle (*Lepidochelys kempii*), green sea turtle (*Chelonia mydas*), leatherback sea turtle (*Dermochelys coriacea*) and loggerhead sea turtle (*Caretta caretta*) nest within PAIS along the Gulf of Mexico shoreline, which will be used as a travel route for vehicles accessing

wind-tidal flat restoration pilot sites. Vehicular tracks can leave gouges in the sand which can trap sea turtle hatchlings between the ridges. However, NPS has measures in place to address vehicular ruts and use on the Gulf beach. Smoothing over of sand to mitigate any potential impacts is expected to negate the additional traffic that will be associated with the project.

Conclusions

The NPS made a may affect, but not likely to adversely affect determination for the piping plover, northern aplomado falcon, red knot, proposed Eastern black rail, Kemp's ridley sea turtle, green sea turtle, leatherback sea turtle and loggerhead sea turtle. Based on the information provided our records and the discussion above, the Service agrees with your determination. Additionally, the NPS made a "no effect" determination for the following species: the whooping crane (*Grus americana*), West Indian manatee (*Trichechus manatus latirostris*), gulf coast jaguarundi (*yagouaroundi cacomitli*), ocelot (*leopardus pardalis*), least tern (*sterna antillarum*), black lace cactus (*Echinocereus reichenbachii var. albertii*), slender rush-pea (*Hoffmannseggia tenella*), South Texas ambrosia (*Ambrosia cheiranthifolia*), and Texas ayenia (*Ayenia limitaris*). The Service does not provide concurrence for "no effect" determinations, but by making a determination we believe NPS complied with Section 7(a)(2) of the Endangered Species Act of 1973, as amended.

We appreciate the opportunity to provide pre-planning information. If we can be of further assistance, please contact M. Sandra Lee via email, Mary_Lee@fws.gov or via phone at (361) 225-7316.

Sincerely,



Charles Ardizzone
Field Supervisor



ASSESSMENT OF ACTIONS HAVING AN EFFECT ON HISTORIC PROPERTIES

A. DESCRIPTION OF UNDERTAKING

1. Park: Padre Island National Seashore

2. Project Description:

Project Name: Research Permit: Wind-Tidal Flat Restoration Pilot

Prepared by: Shelley Todd **Date Prepared:** 05/14/2020 **Telephone:** 361-949-8174 ext. 223

PEPC Project Number: 87441

Locations:

County, State: Kenedy, TX

County, State: Kleberg, TX

Describe project:

Because of the experimental nature of this wind-tidal flat restoration pilot, an experimental design and test phase will be undertaken via a Cooperative Ecosystems Studies Unit (CESU) agreement with Texas A&M University-Corpus Christi (TAMUCC), which has experience studying and researching wind-tidal flats. Because there has been no previous restoration of wind-tidal flats in the park or surrounding area, we have no successful restoration project to base an assured method to restore the wind-tidal flats. We plan to form an expert team including National Park Service staff from the park, region, and Washington offices, US Fish and Wildlife Service experts, and wetland scientists with local expertise. Experts will likely include Dr. Kim Withers and Dr. Paul Zimba from TAMUCC, as well as wetlands restoration technical specialists from private industry and non-governmental organizations. The team would develop and test restoration methods on small plots. Upon completing the experimental phase, the team will recommend how to proceed with restoration on the remaining area.

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A literature search revealed that very few wind-tidal flat restoration projects have been conducted in the United States, Canada, and Japan. Those projects that were undertaken focused on man-made habitats, rather than natural habitats. Though there are no established or standard methods to restore this type of wetland, NPS has considerable knowledge and tools that have been used for similar restoration. The NPS has substantial experience in beach restoration, including but not limited to: 1) Cape Hatteras National Seashore where 2.6 million cubic yards of beach quality sand was placed along approximately 2.2 miles of shoreline (USACE & DOI 2015), 2) Cape Lookout National Seashore where 3,850 linear feet of beach was restored (Schupp 2017), 3) several projects at Gulf Islands National Seashore where approximately 4.9 miles of shoreline was restored along the eastern end of Perdido Key (Gibson and Looney 2020), and 4) a beach nourishment project where approximately 500,000 cubic yards of beach quality sand was placed along 10,000 feet of the northern shoreline of West Ship Island, within the Mississippi District of Gulf Islands National Seashore (USACE & DOI 2016). Though tidal mudflat restoration is somewhat different, the basic principles are the same: establish a proper slope in the tidal range, restore with similar grain sized sediments, and plant with appropriate flora. The NPS also has considerable experience restoring tracks from seismic exploration at Big Cypress National Preserve in Florida, where 111 miles of exploration trails have been re-graded by hand to

the natural contours.

Monitoring of the experimental design for reclaiming the vehicle tracks and/or removing fill in wind-tidal flats at Padre Island National Seashore would be conducted by graduate and possibly undergraduate students with guidance of a university professor under a scope of work developed by NPS and the professor. This project would be administered and managed by the NPS through the Research Permit and Reporting System.

This program would occur on an area of <5 acres in Texas at Padre Island National Seashore, within Kleberg and/or Kenedy Counties. Final site selection will be contingent on specific research methods proposed. Selected sites will be a minimum of 0.25 miles from documented archeological sites, historic structures, cultural landscapes, or other significant cultural features.

See attachments for further detail.

Area of potential effects (as defined in 36 CFR 800.16[d])

Laguna Madre shoreline and tidal flats

3. Has the area of potential effects been surveyed to identify historic properties?

 No

X Yes

Source or reference:

4. Potentially Affected Resource(s):

Archeological Resources Present: Yes

Archeological Resources Notes: Within a maximum area of five acres, ground disturbance will be limited to that which is necessary to groom existing vehicle tracks (<18" wide x 12" deep) with the use of hand tools and ambient soils, remove imported fill, establish the proper slope within the tidal range, and inoculate the soils with native algae species. Selected sites will be a minimum of 0.25 miles from documented archeological sites, historic structures, cultural landscapes, or other significant cultural features.

Historical Structures/Resources Present: Yes

Historical Structures/Resources Notes: Selected sites will be a minimum of 0.25 miles from documented archeological sites, historic structures, cultural landscapes, or other significant cultural features.

Cultural Landscapes Present: No

Cultural Landscapes Notes: Selected sites will be a minimum of 0.25 miles from documented archeological sites, historic structures, cultural landscapes, or other significant cultural features.

Ethnographic Resources Present: No

Ethnographic Resources Notes: Selected sites will be a minimum of 0.25 miles from documented archeological sites, historic structures, cultural landscapes, or other significant cultural features.

5. The proposed action will: (check as many as apply)

No Destroy, remove, or alter features/elements from a historic structure

No Replace historic features/elements in kind

No Add non-historic features/elements to a historic structure

- No Alter or remove features/elements of a historic setting or environment (inc. terrain)
- No Add non-historic features/elements (inc. visual, audible, or atmospheric) to a historic setting or cultural landscape
- No Disturb, destroy, or make archeological resources inaccessible
- No Disturb, destroy, or make ethnographic resources inaccessible>
- No Potentially affect presently unidentified cultural resources
- No Begin or contribute to deterioration of historic features, terrain, setting, landscape elements, or archeological or ethnographic resources
- No Involve a real property transaction (exchange, sale, or lease of land or structures)
- Other (please specify): _____

6. Supporting Study Data:

(Attach if feasible; if action is in a plan, EA or EIS, give name and project or page number.)

B. REVIEWS BY CULTURAL RESOURCE SPECIALISTS

The park 106 coordinator requested review by the park's cultural resource specialist/advisors as indicated by check-off boxes or as follows:

No Reviews From: Curator, Archeologist, Historical Architect, Historian, 106 Advisor, Other Advisor, Anthropologist, Historical Landscape Architect

C. PARK SECTION 106 COORDINATOR'S REVIEW AND RECOMMENDATIONS

1. Assessment of Effect:

- No Potential to Cause Effects
- X No Historic Properties Affected
- No Adverse Effect
- Adverse Effect

2. Documentation Method:

[X] A. Standard 36 CFR Part 800 Consultation

Further consultation under 36 CFR Part 800 is needed.

[] B. Streamlined Review Under the 2008 Servicewide Programmatic Agreement (PA)

The above action meets all conditions for a streamlined review under section III of the 2008 Servicewide PA for Section 106 compliance.

Applicable Streamlined Review Criteria

(Specify 1-16 of the list of streamlined review criteria.)

[] C. Undertaking Related to Park Specific or Another Agreement

The proposed undertaking is covered for Section 106 purposes under another document such as a park, region or statewide agreement established in accord with 36 CFR 800.7 or 36 CFR 800.14.

D. Combined NEPA/NHPA Process

Process and documentation required for the preparation of an EA/FONSI or an EIS/ROD to comply with Section 106 is in accord with 36 CFR 800.8.c.

E. Memo to Project File

3. Consultation Information

SHPO Required: Yes

SHPO Sent: Aug 6, 2020

SHPO Received: Aug 28, 2020

THPO Required: Yes

THPO Sent: Aug 6, 2020

THPO Received: No reply after 30 days

SHPO/THPO Notes: THC eTrack confirmation: 202016495. See attached email response (concurrence) from THC. THPO letters and emails sent to: Tonkawa Tribe of Indians of Oklahoma, Mescalero Apache Tribe of the Mescalero Reservation, New Mexico, Kiowa Indian Tribe of Oklahoma, Kickapoo Traditional Tribe of Texas, Fort Sill Apache Tribe of Oklahoma, Apache Tribe of Oklahoma, and the Alabama-Coushatta Tribe of Texas.

Advisory Council Participating: No

Advisory Council Notes:

Additional Consulting Parties: No

4. Stipulations and Conditions: Following are listed any stipulations or conditions necessary to ensure that the assessment of effect above is consistent with 36 CFR Part 800 criteria of effect or to avoid or reduce potential adverse effects.

Work will cease if artifacts or other objects of historical value are encountered. An NPS archeologist will be consulted in all cases of object discovery to determine if and when work may continue. See also: required mitigation measures.

5. Mitigations/Treatment Measures: Measures to prevent or minimize loss or impairment of historic/prehistoric properties: (Remember that setting, location, and use may be relevant.)

Required Mitigations - For the proposed project actions to be within compliance requirements during construction and/or project implementation, the following mitigations must be adhered to:

- Care shall be taken not to disturb any wildlife species (reptiles, migratory birds, raptors, or bats) found nesting, hibernating, estivating, or otherwise living in, or immediately nearby, worksites.
- Boat transport and field activities shall maintain sufficient distance to minimize visitor contact and wildlife disturbances.
- Plant or seed with native vegetation propagated from gene pools local to the project area.
- The project leader shall employ erosion control measures to ensure containment of soils. No discharge of soils into surrounding drainage areas is acceptable. Erosion control measures shall be guided by NPS standards, federal, state, and local regulations.
- NPS staff will inform project personnel about special status species and what actions should be taken if a special status species is encountered.
- In the event of adverse weather conditions, the project leader will consult with the park point of contact to ensure that ground conditions are acceptable for daily activities.
- If there has been a major storm event within 24 hours of project access to a site via unpaved roads or trails, project manager must ensure that vehicles and equipment will not cause damage to roads and trails due to wet conditions.
- Applicable federal and state permits are to be acquired.

Comment: Work may not proceed until Clean Water Act permits have been issued.

- A copy of issued NPS permits must be displayed on dashboard of on-site vehicles.
- Disturbance shall be limited to open and previously disturbed areas.
- The park's Public Information Officer shall be notified at least two weeks in advance of scheduled work and/or when start date has been established by contract, so that a news release may be prepared and sent to the public.
- Any and all specimens, samples or artifacts collected as part of this research project (and not consumed in analysis) remain property of the federal government and shall be accessioned and cataloged into the park unit's museum collection whether they are stored at an NPS facility or placed on loan to an agreed upon repository. Contact the park museum collection manager for accession and catalog information prior to commencing field research. For projects involving consumptive analysis, ensure that reports contain results. Copies of all research reports (and, when feasible, raw data and field notes) shall be cataloged into the museum archive.
- In the event that human remains are discovered during maintenance activities, all work on the project must stop and the park archeologist contacted immediately. As required by law, the coroner will be notified first. All provisions outlined in the Native American Graves Protection and Repatriation Act (1990) will be followed.
- If unknown paleontological resources are discovered during construction, work in that location would be stopped until the resources could be properly recorded and evaluated. Measures would be taken to avoid further resource impacts or to mitigate their loss or disturbance
- If previously unknown archeological resources are discovered during construction, all work in the immediate vicinity (600 feet) of the discovery shall be halted until the resources are identified and documented and an appropriate mitigation strategy developed, if necessary, in accordance with pertinent laws and regulations, including the stipulations of the 2008 Programmatic Agreement Among the National Park Service (U.S. Department of the Interior), the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers.
- If any material is to be excavated from any material source outside the construction limits, other than commercially operated sites, before work begins provide a certification from the State Historic Preservation Officer stating that (1) that a cultural resource survey (a survey for historical sites and archeological remains) has been performed at the proposed site, and (2) that no significant cultural resources exist in the area that will be disturbed by the Contractor.

6. Assessment of Effect Notes:

Selected sites will be a minimum of 0.25 miles from documented archeological sites, historic structures, cultural landscapes, or other significant cultural features.

D. RECOMMENDED BY PARK SECTION 106 COORDINATOR:

Compliance Specialist:

NHPA Specialist

Shelley Todd

Date: 14 Sept. 2020

E. SUPERINTENDENT'S APPROVAL

The proposed work conforms to the NPS *Management Policies* and *Cultural Resource Management Guideline*, and I have reviewed and approve the recommendations, stipulations, or conditions noted in Section C of this form.

Signature

Superintendent:

Eric Brunnemann

Date: 09. 15. 2020



Re: Project Review under Section 106 of the National Historic Preservation Act and/or the Antiquities Code of Texas

THC Tracking #202016495

Wind-Tidal Flat Restoration Pilot at Padre Island National Seashore
20300 Park Road 22
Corpus Christi, TX 78418

Dear Padre Island National Seashore:

Thank you for your submittal regarding the above-referenced project. This response represents the comments of the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC), pursuant to review under Section 106 of the National Historic Preservation Act.

The review staff, led by Jeff Durst and Caitlin Brashear, has completed its review and has made the following determinations based on the information submitted for review:

Above-Ground Resources

- No historic properties are present or affected by the project as proposed. However, if historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties.

Archeology Comments

- No identified historic properties, archeological sites, or other cultural resources are present or affected. However, if cultural materials are encountered during project activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this review process, and for your efforts to preserve the irreplaceable heritage of Texas. If the project changes, or if new historic properties are found, please contact the review staff. If you have any questions concerning our review or if we can be of further assistance, please email the following reviewers: Jeff.Durst@thc.texas.gov, caitlin.brashear@thc.texas.gov.

This response has been sent through the electronic THC review and compliance system (eTRAC). Submitting your project via eTRAC eliminates mailing delays and allows you to check the status of the review, receive an electronic response, and generate reports on your submissions. For more information, visit <http://thc.texas.gov/etrac-system>.

Sincerely,

Caitlin Brashears

for Mark Wolfe, State Historic Preservation Officer
Executive Director, Texas Historical Commission

Please do not respond to this email.



ALABAMA-COUSHATTA TRIBE OF TEXAS

571 State Park Road 56 • Livingston, Texas 77351 • (936) 563-1100

September 9, 2020

RECEIVED

SEP 15 2020

Padre Island National Seashore
Attn: Eric Brunnemann, Superintendent
P.O. Box 181300
Corpus Christi, TX 78418

Padre Island National Seashore

Dear Superintendent Brunnemann:

On behalf of Mikko Skalaaba Herbert Johnson and the Alabama-Coushatta Tribe, our appreciation is expressed on your efforts to consult us regarding the Wind-Tidal Flat Restoration proposal in Kenedy and Kleberg Counties.

Our Tribe maintains ancestral associations throughout the state of Texas despite the absence of written records to completely identify Tribal activities, villages, trails, or burial sites. However, it is our objective to ensure significances of American Indian ancestry, especially of Alabama-Coushatta origin, are administered with the utmost considerations.

Upon review of your August 7, 2020 submission, no known impacts to cultural assets of the Alabama-Coushatta Tribe of Texas are anticipated in conjunction with this proposal. In the event of the inadvertent discovery of archaeological artifacts and/or human remains, activity in proximity to the location must cease and appropriate authorities, including this Office, notified without delay for additional consultations.

Should you require further assistance, please do not hesitate to contact our Office.

Sincerely,

A handwritten signature in black ink, appearing to read "B.J.C." followed by a stylized surname.

Bryant J. Celestine
Historic Preservation Officer

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Re: [EXTERNAL] Re: EFH information for Tidal Flats restoration proposal

charrish stevens - NOAA Federal <charrish.stevens@noaa.gov>

Wed 9/16/2020 8:58 AM

To: Todd, Shelley A <shelley_todd@nps.gov>; Rusty Swafford - NOAA Federal <rusty.swafford@noaa.gov>

Cc: _NMFS ser HCDconsultations <nmfs.ser.hcdconsultations@noaa.gov>

 1 attachments (295 KB)

Padre-Island-National-Seashore_Tidal-Flat-Restoration-Pilot_EFH.pdf;

Dear Ms. Shelley Todd,

The National Marine Fisheries Service Habitat Conservation Division has received your email requesting Essential Fish Habitat (EFH) Coordination on the following proposed project located within the Padre Island National Seashore in Kleberg and Kenedy Counties, Texas:

- Proposed Wind-Tidal Flat Restoration Pilot Project

We have reviewed the proposed project and EFH Assessment under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act. We concur with the “No Adverse Effect” determination and have no objections to the issuance of this permit. We appreciate your coordination with our office on this project. If you have any additional questions or require additional information, please feel free to contact me via email.

Thank you for your coordination,

Charrish Stevens

Fishery Biologist

Habitat Conservation Division

NOAA National Marine Fisheries Service

4700 Ave U, Galveston, TX 77551

Office Ph: (409) 766-3699

Fax: (409) 766-3575

Email: charrish.stevens@noaa.gov

***"Humble beginnings should not limit how far One's talent and drive will take them."* --Author Unknown**