



## 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](#).*

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**Proposed Action Title:**

Matagorda Bay System Priority Landscape Conservation Project  
(TX\_RESTORE\_002\_000\_Cat1)

**Proposed Action Location: (State, County/Parish)**

Texas; Matagorda Calhoun, Aransas, Jackson, Brazoria, Victoria, & Refugio Counties

**Proposed Action Description:**

This project involves land acquisition and preservation to conserve strategic lands within the Matagorda Bay/San Antonio Bay complex helping to ensure long-term native diversity, productivity, and resiliency of the entire bay estuary complex. The TPWD under a subaward from the TCEQ will acquire up to approximately 6,554 acres of land to protect its conservation value in perpetuity.

Some associated property acquisitions under this award are located on Matagorda Peninsula adjacent to East Matagorda Bay. The Council previously adopted the 2013 Texas Mid-coast National Wildlife Refuge Complex Comprehensive Conservation Plan and Environmental Assessment prepared by the USFWS to comply with NEPA for those acquisitions. Approximately 1,152 acres of additional land may be purchased within the Matagorda Bay/San Antonio Bay complex, but located off of the Peninsula itself, in multiple subsequent acquisitions under the same RESTORE Council Award. The USDA CE and supporting documentation serves to meet NEPA requirements associated with these acquisitions.

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**Categorical Exclusion(s) Applied:**

Pursuant to Section 4(d)(4) of the Council's NEPA Procedures, the Council is using the following USDA CE: 36 CFR 220.6(d)(6)

### **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) **USDA Forest Service**

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

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### **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

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### **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.)
USFWS	Gulf Restoration Program Office	02-21-17	ESA consultation

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:

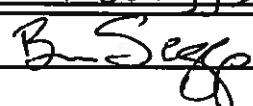
USDA Forest Service CE documentation, and USFWS ESA letter.

**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)**

Ben Scaggs

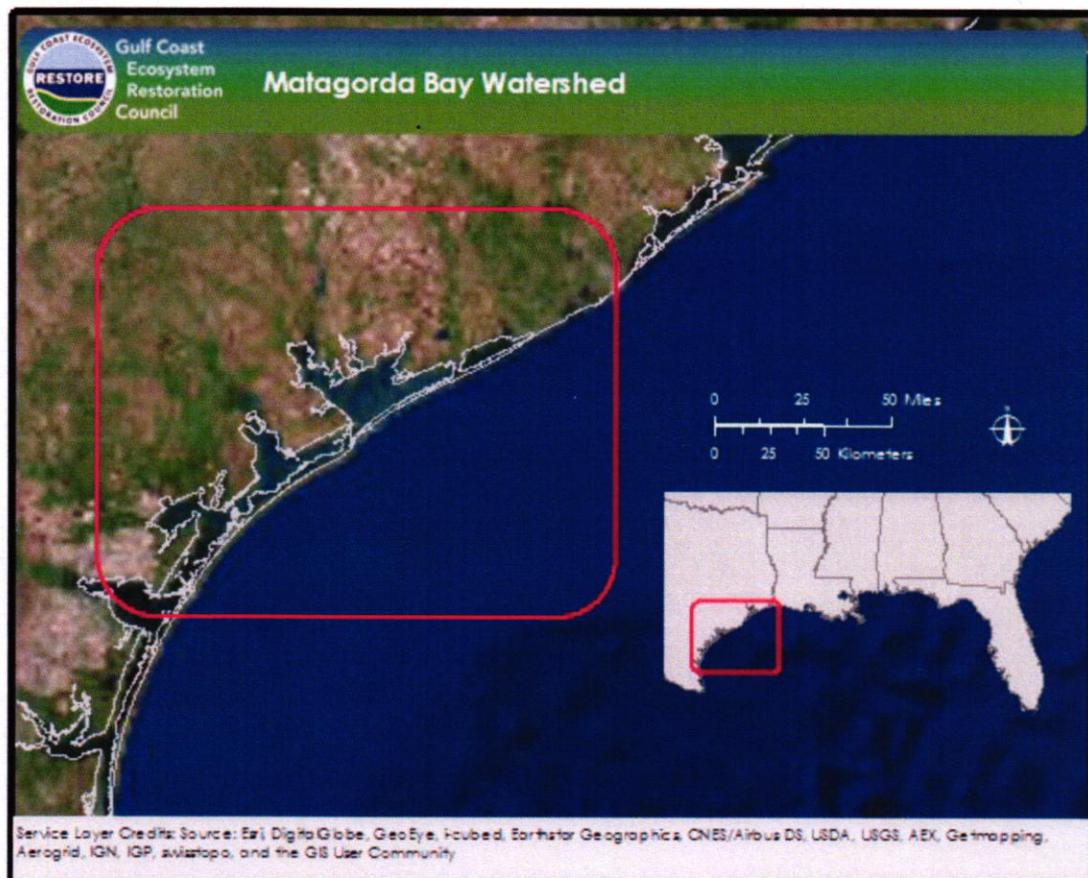
**Responsible Official (Signature)****Date**

5-3-17

# Documentation Supporting the use of USDA Categorical Exclusion for Matagorda Bay System Priority Landscape Conservation Land Acquisition Project

**Responsible Council Member:** State of Texas

**Partnering Council Member:** United States Department of Interior





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## Regulatory Framework

Federal agencies are required to develop procedures for implementing the National Environmental Policy Act (NEPA) to supplement those established by the CEQ at 40 CFR 1500-1508. The Gulf Coast Ecosystem Restoration Council (Council) finalized NEPA procedures on May 5, 2015, (80 FR 86, pp. 25680-25691). These procedures are applicable to all Council Actions, including approving and funding projects that were proposed by and otherwise will be implemented by non-federal parties (40 CFR 1508.18).

The Council determined that certain categories of activities that have not undergone NEPA review may be categorically excluded from detailed documentation in Environmental Assessment (EA) and Environmental Impact Statement (EIS), (Sec. 4 (c, d)), subject to a review of extraordinary circumstances that could indicate potentially significant effects on the environment (Sec. 4(e)). The documentation below for the “Matagorda Bay System Priority Landscape Conservation Land Acquisition” project follows requirements described in Sec. 4 (f) for categorical exclusions (CEs) by incorporating supporting information from the United States Department of Agriculture (USDA) Forest Service (USFS).

## Description of the Proposed Action

The Matagorda Bay System Priority Landscape Conservation Project is a land acquisition and preservation project located in the Matagorda Bay/San Antonio Bay complex (hereafter referred to as the “complex”) in Matagorda, Calhoun, Aransas, Jackson, Brazoria, Victoria, and Refugio Counties, Texas (see Appendix B, figure 1). The initial project was for the acquisition of a 6,554 acre tract of land adjacent to Matagorda Bay. This project was listed as a Category 1 project in Appendix A of the 2015 Initial Funded Priority List (RESTORE Council 2015). Surveys revealed the initial tract was not as large as initially believed leaving additional funds for purchase of other tracts. The proposal is to acquire approximately 1,152 acres of additional land within the complex in multiple subsequent acquisitions to ensure long-term native diversity, production, and resiliency of the bay estuary complex.

## Existing Condition

The specific locations of the tracts to be purchased within the complex will be determined through due diligence negotiations with willing sellers. Properties will be surveyed to confirm exact acreage.

## Desired Condition

The desired condition is to acquire a total of 1,152 acres of land within the Matagorda Bay/San Antonio Bay complex. The acquisition would preserve the ecological benefits of existing tidal marshes, flats, and transitional and coastal grasslands by precluding development. Lands will be acquired by the Texas Parks and Wildlife Department and protected in perpetuity by deed restrictions specifying that the land must be utilized solely for conservation purposes.

## Public Involvement

CEQ NEPA regulations state that “There shall be an early and open process for determining the scope of the issues to be addressed and for identifying the significant issues related to a

proposed action (40 CFR 1501.7). Scoping should include interested or affected parties, potentially funding federal, state, and local agencies, any affected Indian tribe, the proponent of the action, and other interested persons.

The RESTORE ACT was signed into law October 5, 2010, as Executive Order 13554 and published in the Federal Register. In accordance with the law, the RESTORE ACT Council manages a public involvement process in order to generate input from local stakeholders, communities, public officials, and other members of the public throughout the Gulf region. Widespread efforts have been made to ensure that these members of the public have had ample opportunities to share their views. The Council has hosted many public meetings and also established an internet presence to accept public comments.

The Draft Priority Funding List for Council-selected restoration projects was made available for public and tribal review on August 13, 2015 and comments were accepted until September 28, 2015 (Appendix A).

### **Compliance with Other Laws and Regulations**

See the “Review of Extraordinary Circumstance” section.

### **Applicable Categorical Exclusion**

The authority for purchase of the land is the USDA Organic Act of August 13, 1956 (70 Stat. 1032; 7 U.S.C. 428a, Sec. 11; P.L. 84-979); the Revised Economy of the Gulf Coast Act of 2011 (or the “RESTORE the Gulf Coast Act”), 33 U.S.C. 1321; and an accompanying appropriations act when funding is received.

The acquisition as described meets the conditions for categorical exclusion as set forth in 36 CFR 220.6(d)(6):

Acquisition of land or interest in land. Examples include but are not limited to:

- (i) Accepting the donation of lands or interests in lands to the NFS, and
- (ii) Purchasing fee, conservation easement, reserved interest deed, or other interests in lands

This category does not require a project case file or decision memo. However, at the discretion of the responsible official a project or case file and a decision memo may be prepared (FSH 1909.15, ch. 30, sec. 31.1). For this project, a project case file has been prepared.

### **Review of Extraordinary Circumstances**

The review considered all extraordinary circumstances described in 36 CFR 220.6 listed below:

#### **Federally listed threatened and endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.**

The U.S. Fish and Wildlife Service determined that the project area contains potential habitat for the following federally-listed threatened and endangered species: Attwater's greater prairie chicken (Aransas, Refugio, and Victoria counties), least tern (Aransas, Calhoun, Jackson, Refugio, and Victoria counties) northern aplomado falcon (Aransas, Calhoun, Matagorda, and Refugio counties), piping plover (Aransas, Brazoria, Calhoun, Jackson, Matagorda, Refugio, and Victoria

counties), red knot (Aransas, Brazoria, Calhoun, Jackson, Matagorda, Refugio, and Victoria counties), whooping crane (Aransas, Brazoria, Calhoun, Jackson, Matagorda, Refugio, and Victoria counties), hawksbill sea turtle (Aransas, Brazoria, Calhoun, Matagorda, Refugio, and Refugio counties), Kemp's ridley sea turtle (Aransas, Brazoria, Calhoun, Matagorda, and Refugio counties), leatherback sea turtle (Aransas, Brazoria, Calhoun, Matagorda, and Refugio counties), loggerhead sea turtle (Aransas, Brazoria, Calhoun, Matagorda, and Refugio counties), Gulf coast jaguarondi (Aransas, Calhoun, and Refugio counties), ocelot (Aransas and Refugio counties), West Indian manatee (Aransas, Brazoria, Calhoun, Jackson, Matagorda, and Refugio counties), and black lace cactus (Refugio county). Potential habitat for these species will receive permanent protection through acquisition of private lands, while proper management will result in additional or improved habitat for other species. As such, the land acquisition within the complex would have no adverse effect on federally listed, threatened, or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat (see Appendix B).

**Flood plains, wetlands, or municipal watersheds.** The objective of Executive Order 11988 is to avoid, to the extent possible, the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative. Executive Order 11990 requires actions to minimize destruction, loss, or degradation of wetlands and to preserve the natural and beneficial values of wetlands.

Floodplains and wetlands are present in the project area (complex). The project, land acquisition, is intended to preserve the watershed. The project would preclude potential modification of wetlands and floodplains. The project would not result in an adverse effect to floodplains, wetlands, or municipal watersheds. The project is consistent with the Executive Orders and there is no uncertainty in terms of effects to these features.

**Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.** The project is located on private lands and there are no Congressionally-designated areas in the project areas.

**Inventoried roadless areas or potential wilderness areas.** The project is located on private lands and there are no special areas or designations within the project area.

**Research natural areas.** There are no special areas or designations within the project area.

**American Indians and Alaska Native religious or cultural sites.**

Section 106 of the [National Historic Preservation Act of 1966 \(NHPA\)](#) requires Federal agencies to take into account the effects of their undertakings on historic properties. The Forest Service has determined the act of acquisition is a type of activity that has no potential to adversely affect historic properties since it involves only a changing of ownership for the purposes of conservation. No ground disturbing activities are proposed. Furthermore, the Texas Parks and Wildlife Department (TPWD) has agreements in place with the State Historic Preservation Officer via the Texas Historical Commission to facilitate the requisite review of properties for historical sites prior to any future undertaking of ground disturbance that might occur on lands with federal interest. The TPWD agrees to comply with all state and federal antiquities laws for any

future projects on the acquired properties. Therefore, this action meets the Section 106 requirements of the NHPA.

#### **Archeological sites, or historic properties or areas.**

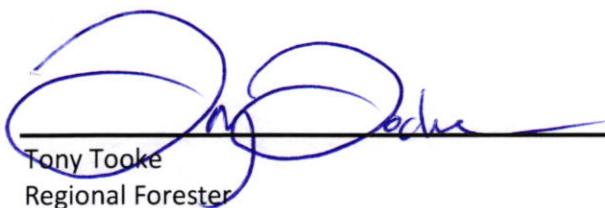
Section 106 of the [National Historic Preservation Act of 1966 \(NHPA\)](#) requires Federal agencies to take into account the effects of their undertakings on historic properties. The Forest Service has determined the act of acquisition is a type of activity that has no potential to adversely affect historic properties since it involves only a changing of ownership for the purposes of conservation. No ground disturbing activities are proposed. Furthermore, the Texas Parks and Wildlife Department (TPWD) has agreements in place with the State Historic Preservation Officer via the Texas Historical Commission to facilitate the requisite review of properties for historical sites prior to any future undertaking of ground disturbance that might occur on lands with federal interest. The TPWD agrees to comply with all state and federal antiquities laws for any future projects on the acquired properties. Therefore, this action meets the Section 106 requirements of the NHPA.

#### **Determination**

The internal and external scoping conducted by the Council fulfills Forest Service requirements to conduct scoping on all proposed actions including those that would appear to be categorically excluded (36 CFR 220.6(c)). Federally listed species summaries, as presented above, were completed by the US Fish and Wildlife Service. Based upon the information provided above, I have concluded the proposed Matagorda Bay System Priority Landscape Conservation land acquisition is fully consistent and applicable to the category described in 36 CFR 220.6(d)(6): "Acquisition of land or interest in land." I have determined there are no extraordinary circumstances associated with this project that would preclude the use of the categorical exclusion. This proposed action is categorically excluded from further analysis and documentation in an EA or EIS.

#### **Contact**

For additional information concerning this documentation, please contact: Benjamin Battle, Gulf of Mexico Forest Restoration Program Manager, USDA Forest Service, Southern Region, (404) 347-2447.



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Tony Tooke  
Regional Forester  
USDA Forest Service, Southern Region



04/24/2017  
Date



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## Appendix A - References

Funded Priorities List:

[https://www.restorethegulf.gov/sites/default/files/FPL\\_forDec9Vote\\_Errata\\_04-07-2016.pdf](https://www.restorethegulf.gov/sites/default/files/FPL_forDec9Vote_Errata_04-07-2016.pdf)

Gulf Restoration Ecosystem Restoration Council NEPA implementing procedures:

<https://restorethegulf.gov/sites/default/files/documents/pdf/Gulf%20Coast%20Ecosystem%20Restoration%20Council%20NEPA%20Procedures.pdf>

## Appendix B



### United States Department of the Interior

#### FISH AND WILDLIFE SERVICE

Gulf Restoration Program Office  
17629 El Camino Real, Suite 211  
Houston, Texas 77058  
281/286-8282 / (FAX) 281/488-5882



In Reply Refer To:  
02ETTX00-  
2017-I-0721

February 21, 2017

John Ettinger  
Gulf Coast Ecosystem Restoration Council  
500 Poydras Street, Ste. 1117  
New Orleans, LA 70130

Dear Mr. Ettinger;

The Fish and Wildlife Service (Service) has reviewed the Restore Act funding proposal titled "Matagorda Bay System Priority Landscape Conservation Project: Acquisitions within the Matagorda/San Antonio Bay Complex." We submit this letter under the authority of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The proposed project, as further described in the attached, includes the acquisition of lands along Matagorda Bay and San Antonio Bay in Aransas, Brazoria, Calhoun, Jackson, Matagorda, Refugio, and Victoria Counties, TX with the intent of conserving habitat, restoring water quality, and replenishing and protecting living coastal and marine resources. This proposal is strictly for land acquisition and does not include any alterations to existing habitat.

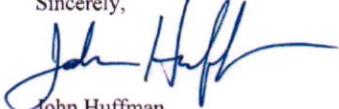
Based on the USFWS Information for Planning and Conservation application, the following federally-listed threatened and endangered species are noted to be present in the project area in each county: Attwater's greater prairie chicken (Aransas, Refugio, and Victoria counties), least tern (Aransas, Calhoun, Jackson, Refugio, and Victoria counties) northern aplomado falcon (Aransas, Calhoun, Matagorda, and Refugio counties), piping plover (Aransas, Brazoria, Calhoun, Jackson, Matagorda, Refugio, and Victoria counties), red knot (Aransas, Brazoria, Calhoun, Jackson, Matagorda, Refugio, and Victoria counties), whooping crane (Aransas, Brazoria, Calhoun, Jackson, Matagorda, Refugio, and Victoria counties), hawksbill sea turtle (Aransas, Brazoria, Calhoun, Matagorda, and Refugio counties), Kemp's ridley sea turtle (Aransas, Brazoria, Calhoun, Matagorda, and Refugio counties), leatherback sea turtle (Aransas, Brazoria, Calhoun, Matagorda, and Refugio counties), loggerhead sea turtle (Aransas, Brazoria, Calhoun, Matagorda, and Refugio counties), Gulf coast jaguarondi (Aransas, Calhoun, and Refugio counties), ocelot (Aransas and Refugio counties), West Indian manatee (Aransas, Brazoria, Calhoun, Jackson, Matagorda, and Refugio counties), and black lace cactus (Refugio county). In addition, the following candidate species are noted to be present in the project area of each county listed: smooth pimpleback (Brazoria and Matagorda counties), Texas fawnsfoot (Brazoria and Matagorda counties), Texas pimpleback (Matagorda and Victoria counties), and golden orb (Refugio and Victoria counties).

There is no development planned or proposed for these lands. Texas Parks and Wildlife Department will allow public access for fishing and passive recreation and may install environmentally-sensitive boardwalks for public observation. The acquisition of private lands will result in the permanent protection of potential habitat for these species, and with proper management, will result in new or improved suitable habitat for other species. Based on the information provided on the long term conservation of tracts acquired under this project, we agree with the determination "may affect, but is not likely to adversely affect" listed species. We anticipate the effects of this action on these species to be completely beneficial.

The above comments are provided in accordance with the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). This fulfills the requirement of Section 7 of the Act and no further action is required. If modifications are made to the project, if additional information involving potential effects to the listed species becomes available, if a new species is listed, or if designated critical habitat may be adversely affected by the project, re-initiation of consultation may be necessary.

Thank you for the opportunity to review this project. If you have any questions please contact Susan Stanley at (281) 286-8282 extension 229.

Sincerely,

  
John Huffman  
Program Supervisor

Attachment

**Matagorda Bay System Priority Landscape Conservation Project  
Acquisitions within the Matagorda/San Antonio Bay Complex  
Informal Endangered Species Act Consultation**

The Matagorda Bay System Priority Landscape Conservation Project is a land acquisition and preservation project with a goal to conserve strategic lands within the Matagorda Bay/San Antonio Bay complex to help ensure long-term native diversity, productivity, and resiliency of the entire bay estuary complex (See Figure 1). Utilizing federal funding from the RESTORE Council Selected Component (Bucket 2) Funded Priority List (FPL), the Texas Parks and Wildlife Department under a subaward from the Texas Commission on Environmental Quality (TCEQ), will acquire up to approximately 6,554 acres of land.

The authorized purposes of the federal award are to acquire the lands and to protect the conservation values of the lands in perpetuity. These conservation values include protection of Gulf beaches, mature sand dune systems, back-dune habitats, strand prairies, lagoons, washover channels, ponds, salt meadows, mud, algal and tidal flats and emergent salt marshes. The conservation values also include preservation of remote beaches for sea turtle nesting, habitat for the endangered piping plover and state-listed species such as the reddish egret, stopover and foraging habitat for resident and migratory shorebirds, wading birds, waterfowl and songbirds, and carbon and nutrient sequestration.

The first property acquisitions under this award will be located on Matagorda Peninsula adjacent to East Matagorda Bay and the Gulf of Mexico. The Council adopted the 2013 Texas Mid-coast National Wildlife Refuge Complex Comprehensive Conservation Plan and Environmental Assessment (EA) prepared by the U.S Fish and Wildlife Service (USFWS) in order to comply with the National Environmental Policy Act (NEPA) for the funding of this initial acquisition. TPWD's due diligence efforts including site specific surveys on Matagorda Peninsula have revealed only 5,402 acres of land (approximate acreage) is available for purchase due to changes in littoral drift sediment supply and due to Gulf shoreline erosion. Therefore, to meet initial FPL acreage requirements, landscape scale intent, and consistent with the conservation purposes of RESTORE Council Award, the TCEQ and TPWD have begun to identify additional high priority conservation lands for sale within the Matagorda Bay/San Antonio Bay complex.

Approximately 1,152 acres of additional land may be purchased within the system in multiple subsequent acquisitions. Additional NEPA compliance documentation and informal Endangered Species consultation will be conducted to cover geographic areas located within the Matagorda Bay/San Antonio Bay complex but off of the Peninsula itself. The exact tract locations to be purchased will be confirmed during due diligence negotiations with willing sellers, and exact acreages will be determined by survey. In all cases, TCEQ must receive Council approval of the tracts prior to their acquisition. Legal boundaries of properties will be surveyed and GIS maps of the acquired lands can be provided to the USFWS post acquisition upon request to TCEQ or TPWD.

In all cases, the habitats acquired will be protected in perpetuity by deed restrictions that specify the land must be utilized solely for the conservation purposes for which it was required. The grant award states no development is planned or proposed. TPWD will allow public access for non-consumptive recreation and

**Matagorda Bay System Priority Landscape Conservation Project  
Acquisitions within the Matagorda/San Antonio Bay Complex  
Informal Endangered Species Act Consultation**

fishing. TPWD may possibly elect to utilize nonfederal funding to construct unobtrusive boardwalks designed with environmental sensitivities in mind to allow for responsible public observation of the conserved land. Within six months after acquisition but no later than the end of the grant performance period, TPWD will submit to the RESTORE Council program staff a long-term property stewardship plan that describes how TPWD will monitor and maintain the land. TPWD or TCEQ can provide a copy of this plan to the USFWS upon request.

The following federally-listed threatened and endangered species are noted to be present within Matagorda Calhoun, Aransas, Jackson, Brazoria, Victoria, and Refugio Counties: piping plover, red knot, whooping crane, Attwater's prairie chicken, Northern aplomado falcon, bald eagle, Gulf coast jaguarundi, ocelot, hawksbill sea turtle, Kemp's ridley sea turtle, leatherback sea turtle, loggerhead sea turtle, West Indian manatee, black lace cactus,. The acquisition of lands will result in the permanent protection of potential habitat for these species, and with proper management, will result in new or improved suitable habitat for other species. Therefore, RESTORE Council staff believe the proposed acquisition of these lands "may affect, but is not likely to adversely affect" listed species. We anticipate the effects of this action to be completely beneficial.





Heather Young <heather.young@restoretthegef.gov>

3:29 PM (19 hours ago)

to me, David, Harmon, John

John, David, and Harmon,

Please let this email and the attached documentation serve as the RESTORE Council staff's request to the USFWS for supplemental review and informal endangered species consultation for the Matagorda Bay System Priority Landscape Conservation Project. It is the determination of RESTORE Council staff that the proposed acquisition "may affect, but is not likely to adversely affect" listed species. We would appreciate your review and/or concurrence.

Many thanks in advance for your assistance.

