



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Coastal Ecological Services Field Office
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In Reply Refer To:
FWS/R2/CLES/

August 22, 2013

Brian Penoyer
Captain, U.S. Coast Guard
Commander, Sector Houston-Galveston
9640 Clinton Drive
Houston, TX 77029

Dear Captain Penoyer:

Thank you for the U.S. Coast Guard's letter requesting that the U.S. Fish and Wildlife Service (Service) provide information for use in updating the Central Texas Coastal Area Contingency Plan (CTCACP). The original written request was initially submitted by the former Commander of Sector Houston-Galveston, Captain J. H. Whitehead, on June 4, 2013. The Service was asked to identify threatened and endangered species listed under the Endangered Species Act (Act) and their designated critical habitats that occur within port locations for the Upper Houston Ship Channel, Bayport Ship Channel, Freeport, Texas City Ship Channel, and Galveston Channel (Enclosure (1) of request letter). These locations are proposed preapproved areas for the use of surface washing agents (SWA) for oil spill recovery.

In Appendix B - Resources at Risk in the Preapproved Areas for Surface Washing Agents, Biological Resources at Risk (Enclosure (2) of request letter), the least tern, *Sterna antillarum*, is identified as the only federally endangered bird that may be found at or near one of the above listed port locations. Although the least tern may be present in and around the entrance to Black Duck Bay near Baytown, Texas, within the Upper Houston Ship Channel and possibly other area locations, this is actually a subspecies of least tern that occurs within fifty miles of the coast and is not federally listed as threatened or endangered. Further inland however, the endangered interior population of least tern, the Interior least tern *Sterna antillarum athalassos*, is a subspecies known to winter and continues to breed in isolated areas of Texas.

One threatened and endangered species of bird, the piping plover *Charadrius melodus*, may be present in suitable wintering areas on the Texas Gulf Coast within the Upper Houston Ship Channel and Galveston Channel port locations. Piping plovers migrate south in the fall from three geographic regions in North America (Great Lakes, Northern Great Plains, and Atlantic Coast) and winter on the Gulf of Mexico beaches from Texas to Florida, as well South Atlantic and Caribbean beaches. The wintering season for piping plovers on the Texas coast is from mid-July to mid-May of each year. The Northern Great Plains and Atlantic Coast populations are

threatened, and the Great Lakes population is endangered. Piping plovers are considered threatened throughout their wintering range. Further information on the piping plover breeding populations and range is available at the Service's website titled All About Piping Plovers at <http://www.fws.gov/plover/facts.html>.

Although critical habitat for the wintering population of the piping plover has been designated in Texas, no such designations occur within the port locations discussed herein. However, Unit TX-33 (Bryan Beach and Adjacent Beach), and Units TX-35 (Big Reef) and TX-36 (Bolivar Flats) are in proximity to the Freeport and Galveston Channel port locations, respectively. Descriptions of legal boundaries and general maps (attached) of these and other critical habitat designations for wintering populations of the piping plover for Texas Units within the Central Texas coastal area, and other pertinent information is available at the Service's website on Critical Habitat for Piping Plovers at <http://www.fws.gov/plover/>.

The Service appreciates this opportunity to provide updated information on listed species and designated critical habitats for use in developing the CTCACP and the proposed SWA preapproval process. Since piping plovers may be affected in the proposed preapproved areas for the limited use of SWA in the event of an oil spill, the Service will be happy to work with your office to further the preapproval initiative in consideration of Regional Response Team VI objectives. For detailed information on consultation procedures under Section 7 of the Act, please visit the Service's website at http://www.fws.gov/endangered/esa-library/pdf/esa_section7_handbook.pdf to access the Endangered Species Consultation Handbook. If you have any questions or need any additional information, please contact Ron Brinkley at 281/286-8282 ext.245.

Sincerely,


Edith Erfling *For*
Field Supervisor

Attachments

Legal Descriptions of Designated Critical Habitat For Piping Plovers in Central Texas

Unit TX-31: San Bernard NWR Beach. 166 ha (410 ac) in Matagorda and Brazoria Counties. This is a unit composed of Gulf beach, 8.0 km (5.0 mi), and extends from the mouth of the San Bernard River to a point along the beach 14.0 km (8.7 mi) to the southwest. The landward boundary is the line indicating the beginning of dense vegetation, and the gulfside boundary is MLLW. This unit includes lands known as wind tidal flats that are infrequently inundated by seasonal winds.

Unit TX-32: Gulf Beach Between Brazos and San Bernard Rivers. 108 ha (269 ac) of shoreline in Brazoria County. This unit is a segment of Gulf beach between the Brazos River and the San Bernard River. This unit borders an area known as Wolf Island. The landward boundary is the line indicating the beginning of dense vegetation, and the gulfside boundary is MLLW. This unit includes lands known as wind tidal flats that are infrequently inundated by seasonal winds.

Unit TX-33: Bryan Beach and Adjacent Beach. 157 ha (388 ac) in Brazoria County. The boundaries enclose a length of Gulf beach between the mouth of the Brazos River and FM 1495. The landward boundary is the line indicating the beginning of dense vegetation, and the gulfside boundary is MLLW. A portion of this area is owned and managed by the Texas Parks and Wildlife Department. This unit includes lands known as wind tidal flats that are infrequently inundated by seasonal winds.

Unit TX-34: San Luis Pass. 110 ha (272 ac) near the Brazoria/Galveston County line. This unit extends along the Gulf side of Galveston Island from San Luis Pass to the site of the former town of Red Fish Cove (USGS 1:24,000 map, San Luis Pass, Texas; 1963, photo revision 1974). The landward boundary is the line indicating the beginning of dense vegetation, and the gulfside boundary is MLLW. Approximately 57 percent of the unit includes flats in the floodtide delta that are State-owned and managed by the TGLO. This unit includes lands known as wind tidal flats that are infrequently inundated by seasonal winds.

Unit TX-35: Big Reef. 47 ha (117 ac) in Galveston County. This unit consists of beach and sand flats on the north, west, and east shore of Big Reef, down to MLLW. South Jetty is not included. The area is currently managed by the City of Galveston. This unit includes lands known as wind tidal flats that are infrequently inundated by seasonal winds.

Unit TX-36: Bolivar Flats. 160 ha (395 ac) in Galveston County. This unit extends from the jetties on the southwest end of the Bolivar Peninsula to a point on the Gulf beach 1 km (0.6 mi) north of Beacon Bayou. It includes 5.0 km (3 mi) of Gulf shoreline. The landward boundary is the line indicating the beginning of dense vegetation, and the gulfside boundary is MLLW. The area is leased from TGLO by Houston Audubon Society and managed for its important avian resources. The upland areas are used for roosting by the piping plover. This unit includes lands known as wind tidal flats that are infrequently inundated by seasonal winds.

Unit TX-37: Rollover Pass. 6 ha (16 ac) in Galveston County. This unit consists of Rollover Bay on the bayside of Bolivar Peninsula. The landward boundary is the line indicating the beginning of dense vegetation, and the bayside boundary is MLLW. It includes flats on State-owned land managed by the TGLO. This unit captures the intertidal complex of the bay, and is bounded by the towns of Gilchrist to the east and the Gulf beach of the Bolivar Peninsula to the south. This unit includes lands known as wind tidal flats that are infrequently inundated by seasonal winds.

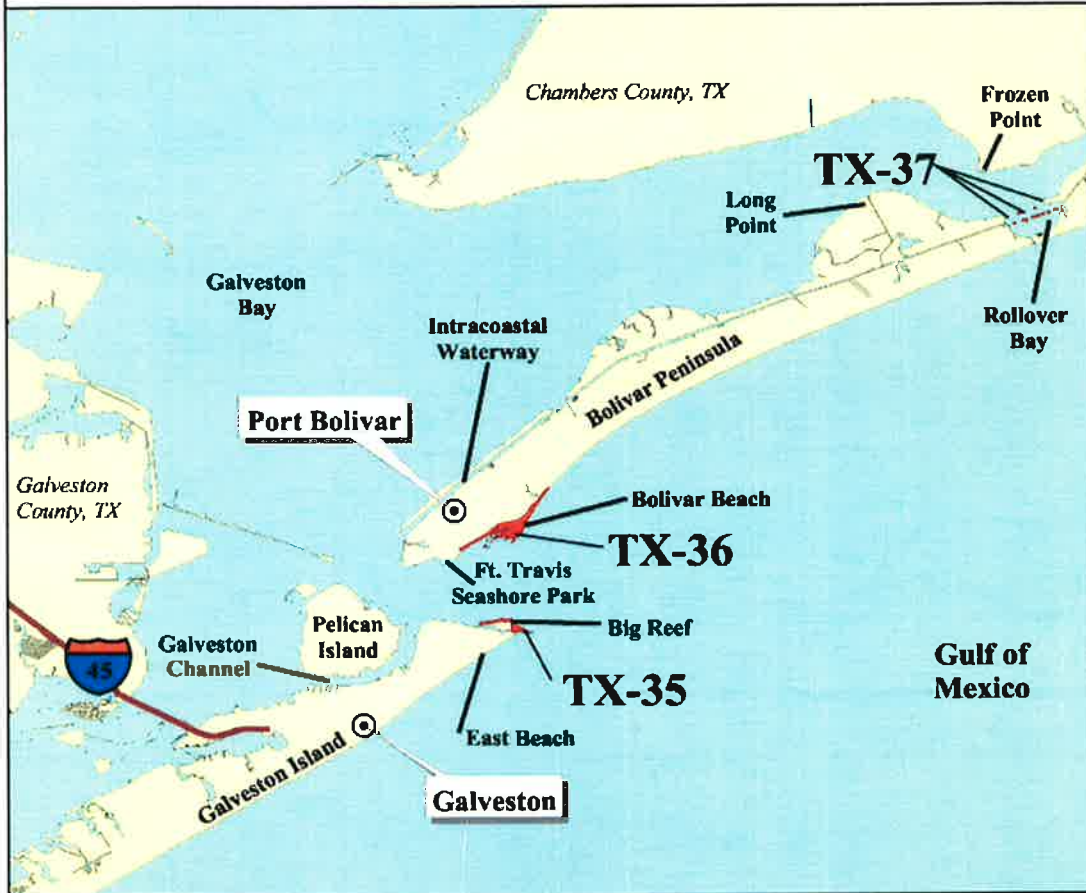
Texas Units Map – Freeport



Some locations have been slightly enlarged for display purposes only.

Texas Units Map – Galveston Channel

General locations of the designated critical habitat for the Wintering Piping Plover.



General Area



Distance: Miles



Legend

- City / Town
- Major Road / Highway
- Land
- Critical Habitat

Use Constraints: This map is intended to be used as a guide to identify the general areas where Wintering Piping Plover critical habitat has been designated. Included within the designation of critical habitat are all land areas to the mean lower low water. Refer to the narrative unit descriptions as the precise legal definition of critical habitat.

Texas Units: 35, 36 and 37

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