

# **The 6th Addition to the Coastal Heritage Preserve**

*Through an Acquisition at Middle Tract,  
Galveston Island, Texas*

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## ***Final Report***



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Texas Parks and Wildlife Department  
Submitted to TCEQ January 2022  
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## Abbreviations

AB	Artist Boat, Inc.
CHP	Coastal Heritage Preserve
CIAP	Coastal Impact Assistance Program
EPA	U.S. Environmental Protection Agency
GBEP	Galveston Bay Estuary Program
MOA	Memorandum of Agreement
NCWCGP	National Coastal Wetlands Conservation Grant Program
NFWF-GEBCF	National Fish and Wildlife Foundation Gulf Environmental Benefit Fund
NWI	National Wetlands Inventory
TCEQ	Texas Commission on Environmental Quality
UASFLA	Uniform Appraisal Standards for Federal Land Acquisition
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
USPAP	Uniform Standards of Professional Appraisal Practice

## Executive Summary

The 6th Addition to the Coastal Heritage Preserve Through an Acquisition at Middle Tract Project lies within the Gulf Coast Prairie and Marshes ecoregion (Figure 1 of [Appendix A](#)) on Galveston Island, Texas.

Coastal wetland loss in Texas and in the Galveston Bay system is significant and a continuing concern because of the essential roles that wetlands perform. Wetland loss in coastal Texas has been rated by the U.S. Environmental Protection Agency as severe (U.S. EPA, 1999). Wetland loss in the Galveston Bay system is greater than in many other areas of the state. Based on U.S. Fish and Wildlife Service National Wetlands Inventory information, aerial photography, wetland status, and trends information, much of the wetland loss—and most of the seagrass loss—occurred in West Galveston Bay. This documented loss includes wetland types within the Acquisition Tract.

White et al. 2004 documented habitat loss on Galveston Island and within West Galveston Bay. From the mid-1950's to 2002, the number of palustrine marshes on Galveston Island decreased by 50%, estuarine marshes decreased by 32%, and estuarine tidal flats declined by 61% in West Galveston Bay. Other research indicates, and aerial photography demonstrates, that wetland loss is continuing. The Galveston Bay Status and trends Project Final Report (Galveston Bay Estuary Program, 2008) documented a 2.7% decrease (-25,792 acres) in palustrine emergent, forested, and scrub wetlands in five counties of the Lower Galveston Bay watershed from 1996 to 2005. Dahl and Stedman (2013) document a loss (>160,000 acres) of freshwater (palustrine) wetlands within the Gulf of Mexico coastal region between 2004 and 2009.

Once covering 6.5 million acres and most of the Texas coastal plain, the coastal prairie is now a critically imperiled habitat and has been reduced to less than one percent of its original extent (USFWS 2000). Remaining prairie remnants are usually found in small fragments, and threats to the habitat include industry, agriculture, urban land use, and fragmentation. Other threats include loss of natural processes from fire and periodic grazing, which has led to the degradation of prairie. This leaves them more susceptible to invasion from exotic plant species, such as the Chinese tallow tree (*Triadica sebifera*) and Brazilian peppertree (*Schinus terebinthifolius*).

The objective of the project was to purchase, in fee simple, and conserve in perpetuity approximately 45 acres of coastal habitats. Now completed, the 46-acre purchased Acquisition Tract was added to and is being managed as part of the 811-acre Coastal Heritage Preserve. The Acquisition Tract (Figure 2 of [Appendix A](#)) directly benefits and protects approximately three (2.6) acres of temporarily flooded palustrine emergent persistent marsh habitat, sixteen (16.0) acres of seasonally flooded palustrine emergent persistent marsh habitat (of which 1.2 acres is excavated), one (0.5) acre of permanently flooded palustrine unconsolidated bottom excavated habitat, and twenty-five (24.7) acres of upland coastal prairie.

This project conserves breeding, nesting, foraging, roosting, and wintering habitats that benefit numerous coastal-dependent and migratory bird species including the mottled duck (*Anas fulvigula*) and sandhill crane (*Grus canadensis*). The project also protects coastal habitats that are breeding, nursery, juvenile, and foraging habitat to marsh resident fishery species.

The acquisition was completed Dec. 16, 2021.

## Introduction

In Partnership with Artist Boat, Inc. (AB) this project proposed and accomplished the purchase, in fee simple, and conservation in perpetuity of 46 acres of coastal habitats. The Acquisition Tract has been added to and will be managed as part of the 811-acre Coastal Heritage Preserve (CHP) that is owned and managed by AB. The acquisition (Figure 2 of [Appendix A](#)) directly benefits and protects approximately three (2.6) acres temporarily flooded palustrine emergent persistent marsh habitat, sixteen (16.0) acres of seasonally flooded palustrine emergent persistent marsh habitat (of which 1.2 acres is excavated), and one (0.5) acre of permanently flooded palustrine unconsolidated bottom excavated habitat, and twenty-six (25.7) acres of upland coastal prairie.

In March of 2020, Texas Parks and Wildlife Department (TPWD), as grantee, and AB, as the sub grantee, received notification that the 6<sup>th</sup> Addition to the CHP through an Acquisition at Middle Tract project was approved for the requested \$1 million in funding under the U.S. Fish and Wildlife Service (USFWS) National Coastal Wetlands Conservation Grant Program (NCWCGP), followed by the Award Letter dated March 30, 2020. Other project funding came by way of a \$333,335 cash match contribution from AB, which includes \$75,000 from the Brown Foundation, \$6,000 from the Wellborn Warblers and Beau's Birds Team of 2020 Great Texas Birding Classic, \$8,250 from community stakes holders, and \$125,000 from Galveston Bay Estuary Program (GBEP), a program of the Texas Commission on Environmental Quality (TCEQ). TCEQ Contract No. 582-21-10050 was executed with TPWD as a passthrough to AB on April 26, 2021. The acquisition was completed Dec. 16, 2021, under budget by \$7,826.03 (See Table 1).

**Table 1. Funding Sources.**

Source	Amount Secured	Amount Spent	Funding Category
NCWCGP	\$1,000,000	\$994,131.73	Federal
GBEP/TCEQ	\$125,000	\$124,597.84	State
Brown Foundation	\$75,000	\$75,000.00	Private
Texas Birding Classic	\$6,000	\$6,000.00	Private
Community Stakeholders	\$8,250	\$8,250.00	Private
Artist Boat, Inc.	\$119,085	\$117,529.40	Private
<b>Total</b>	<b>\$1,333,335</b>	<b>\$1,325,508.97</b>	
	<b>Funds Not Spent</b>	<b>\$7,826.03</b>	

## Project Significance and Background

Galveston Island and this project are located in the Gulf Coast Prairies and Marshes Region (Figure 1 of [Appendix A](#)). Once covering most of the Texas coastal plain, 6.5 million acres, the coastal prairie is now a critically imperiled habitat and has been reduced to less than one percent of its original extent (USFWS 2000). Further compounding this loss, prairie remnants are usually found in small fragments. Threats to the habitat include industry, agriculture, urban land use, and fragmentation. Other threats include loss of natural processes such as fire and periodic grazing, which has led to the degradation of prairie leaving them more susceptible to invasion from exotic plant species such as the Chinese tallow tree (*Triadica sebifera*) and Brazilian peppertree (*Schinus terebinthifolius*). Chinese tallow rapidly invades unmanaged prairie habitat and out-competes native prairie plant species for sunlight and nutrients, resulting in a low diversity forest (Bruce et al., 1997). Dubbed as the next Chinese tallow, the Brazilian peppertree can create large monocultures out-competing Texas plant species in wetlands and coastal prairie. Both the Chinese tallow tree and Brazilian peppertree are present in Galveston Island’s west end (the west end).

The west end has experienced significant coastal prairie habitat losses and conversion changes over the past 50 years. In June of 2009 Texas Parks and Wildlife Department (TPWD) provided comments and concerns to the U.S. Army Corps of Engineers (USACE) regarding the “Cumulative impacts to upland coastal prairie and species that utilize coastal prairie habitat from Anchor Bay, an authorized canal subdivision.” The letter documents the significant loss of coastal prairie and wetland habitats on the west end due to development and is provided in [Appendix B](#). If not protected through conservation efforts, the remaining coastal prairie ~~and associated wildlife habitats~~complex habitat and wildlife on Galveston Island will continue to be under



~~threat from development pressure, and are in danger of disappearing including the wildlife that utilizes it altogether.~~

Historically, the north shoreline of the west end had a continuous band of regularly flooded estuarine intertidal emergent wetlands vegetated by *Spartina alterniflora*, tidal inlets, creeks, and ponds. Waterward of the *Spartina* marshes was shallow open water vegetated with seagrasses (*Halodule wrightii* Asch. and *Ruppia maritima*). *Batis maritima*, *Salicornia* spp., *Borrchia frutescens*, and *Distichlis spicata* occurred just inland and at slightly higher elevations than the intertidal marshes. At slightly higher elevations, these habitats graded into coastal prairie interspersed with brackish to freshwater marshes vegetated with *Typha latifolia*, *Scirpus* spp., *Juncus roemerianus*, *Eleocharis* spp., *Spartina patens*, and *Bacopa monnieri*. Other fresh to brackish marsh species also occur in swales on Galveston Island.

Coastal wetland loss in Texas and in the Galveston Bay system is significant and is a continuing concern because of the essential roles that wetlands perform. Wetland loss in coastal Texas has been rated by the U.S. Environmental Protection Agency (EPA) as severe (U.S. EPA, 1999). Wetland loss in the Galveston Bay system is greater than in many other areas of the state. Based on USFWS National Wetlands Inventory (NWI) information, aerial photography, wetland status, and trends information, much of the wetland loss (and most of the seagrass loss) occurred in West Galveston Bay. This documented loss includes wetland types within the Acquisition Tract. White et al. (2004) has documented these habitat losses through 2002.

White et al. documented habitat loss on Galveston Island and within West Galveston Bay. From the mid-1950's to 2002 the number of palustrine marshes on Galveston Island decreased from 1,374 acres to 682 acres, a 50% reduction. As White et al. has also documented, estuarine marshland decreased by 32%, and estuarine tidal flats declined by 61% in West Galveston Bay. Other research indicates and aerial photography demonstrates that wetland loss is continuing. GBEP (2008) presented a 2.7% decrease (-25,792 acres) in palustrine emergent, forested, and scrub wetlands in five counties of the Lower Galveston Bay watershed from 1996 to 2005. Dahl and Stedman (2013) document a loss (>160,000 acres) of freshwater (palustrine) wetlands within the Gulf of Mexico coastal region between 2004 and 2009.

Many causes have contributed to palustrine wetland loss on Galveston Island including highway construction, railroads, oil and gas operations, canals and canal subdivisions, and housing developments (Mueller 1985). These activities sometimes cause a habitat conversion, when a freshwater wetland becomes tidal or is filled and no longer wetland habitat (Mueller 1985). Development that is referenced in the TPWD letter (provided in [Appendix B](#)) and the Preserve at West Beach (the development's preliminary plat is provided in [Appendix C](#)) and other proposed housing developments will continue to cause palustrine wetland loss on Galveston Island if not protected through acquisition.



## Method

AB was the subrecipient of \$1,125,000 in funding to purchase, in fee simple, 46 acres of land within a tract referred to as the Middle Tract, a 134-acre tract. AB is ultimate fee titleholder and permanent steward of the property.

Karla Klay, AB's Executive Director and Founder, was the key personnel involved in this project. AB arranged for all required due diligence for the Acquisition Tract through a service provider, Shead Conservation Solutions, who has assisted AB on six acquisition projects and two land donations, with three of the acquisition projects being in partnership with TPWD.

The managing member and general partner of the Acquisition Tract, Darren Sloniger, signed a Willing Seller Letter that documented their willing participation and their permission for AB to seek funding for its acquisition and to conduct due diligence activities. The letter is provided in [Appendix D](#).

Below is an account of the major project activities required for its acquisition. A compilation of weekly reports tracking daily activities associated with the project starting the week of Aug. 31, 2020, is provided in [Appendix E](#).

## Certified Appraisals and Certified Review of the Appraisals

In January 2021, Southwest Reality Consultants submitted an appraisal of the Acquisition Tract in conformity with the *Uniform Appraisal Standards for Federal Land Acquisition (UASFLA), 2016* and the *Uniform Standards of Professional Appraisal Practice (USPAP)*. The appraisal established a Market Value of \$27,717.39 per acre enabling the acquisition of 46 acres. An electronic copy of the appraisal was provided to the USFWS Grant Manager and Realty Specialist on March 9, 2021, and TCEQ Project Manager (Lindsey Lippert) on Sept. 23, 2021.

In February 2021, James J. Jeffries, Real Estate Appraiser and Consultant submitted a certified review of Southwest Reality Consultants' appraisal of the Acquisition Tract. The review concluded that the appraisal follows the *UASFLA* and *USPAP* standards and was approved for Federal grant purposes. An electronic copy of the appraisal review was provided to the USFWS Grant Manager and Realty Specialist on March 9, 2021, and TCEQ Project Manager on Sept. 23, 2021.

On Sept. 9, 2021, the project team received confirmation from the Realty Specialist that the review of the acquisition appraisal and appraisal review were complete and that no additional updates or supplemental information was required.

## Notification to the Landowner of Just Compensation

The Notification to the Landowner of Just Compensation was executed and provided to USFWS Grant Manager and Realty Specialist on Sept. 13, 2021.

## **Submission of Subordination of Mortgage Agreement**

On Sept. 13, 2021, an email was sent to the USFWS Grant Manager, Reality Specialist, and TPWD's Federal Aid Coordinator. The email stated that Condition 13, Submission of Subordinate of Mortgage Agreement, is not applicable, and therefore AB will not have a mortgage on the property. The email also requested guidance as to how to upload this information into GrantsSolutions. The TPWD Federal Aid Coordinator responded that a document had been drafted to address this situation.

## **Mineral Assessment Report**

A Minerals Response Letter was provided to USFWS Grant Manager on Nov. 5, 2021.

## **Cooperative Agreement**

In August 2020 a Memorandum of Agreement (MOA) was executed between the TPWD and AB. An electronic copy of the MOA was provided to the USFWS Grant Manager on Sept. 4, 2020.

## **Survey**

Electronic copies of the survey and metes and bounds for the Acquisition Tract was provided to the USFWS Grant Manager on Nov. 23, 2021, and to the TCEQ Project Manager on Dec. 28, 2021.

## **Phase I Environmental Site Assessment**

An electronic copy of the Phase I Environmental Site Assessment was provided to the TCEQ Project Manager Sept. 23, 2021.

## **Real Property Status Report Attachment B, SF-429-B**

An electronic copy of the SF-429-B was provided to the USFWS Grant Manager on Oct. 8, 2021.

## **USFWS letter lifting conditions on Award F20AP00318**

On Nov. 23, 2021, the project team received the letter lifting conditions on the NCWCG grant allowing the team to proceed with the acquisition scheduled to close on Nov. 30, 2021. Other delays occurred forcing closing to be rescheduled for Dec. 16, 2021. The rescheduled closing occurred, and acquisition was accomplished on Dec. 16, 2021.

## **Summary of Land Costs and Settlement Statement**

Summary of Land Cost document was provided to the USFWS Grant Manager on Jan. 4, 2022. An electronic copy of the final Buyer's Settlement Statement was provided to the USFWS Grant Manager on Jan. 4, 2022.

## Recorded Deeds and Statement of Federal Interest

The Special Warranty Deed with the Statement of Federal Interest for the Acquisition Tract was filed on Dec. 17, 2021. An electronic copy of the Special Warranty Deed with the Statement of Federal Interest was provided to the USFWS Grant Manager on Jan. 4, 2022.

## Recorded Deeds and Statement of State Interest and State of Texas Deed Restrictions

The Special Warranty Deed with the Statement of State Interest and State of Texas Deed Restrictions for the Acquisition Tract was filed on Dec. 17, 2021. An electronic copy of the Special Warranty Deed with the Statement of State Interest and State of Texas Deed Restrictions was provided to the TCEQ Project Manager on Jan. 3, 2022.

## Title Vesting Evidence (Owner's Policy of Title Insurance)

The Policy of Title Insurance for the property was received Jan. 3, 2022. An electronic copy of the Policy of Title Insurance was provided to the USFWS Grant Manager on Jan. 4, 2022, and TCEQ Project Manager on Jan. 3, 2022.

## Results and Observations

The 6th Addition to the CHP through an Acquisition at Middle Tract, Galveston Island, Texas did achieve the project's goals of acquiring and conserving in perpetuity 46 acres. Directly benefitting and protecting approximately three (2.6) acres temporarily flooded palustrine emergent persistent marsh habitat, sixteen (16.0) acres of seasonally flooded palustrine emergent persistent marsh habitat (of which 1.2 acres is excavated), and one (0.5) acre of permanently flooded palustrine unconsolidated bottom excavated habitat, and twenty-six (25.7) acres of upland coastal prairie (Figure 2 of [Appendix A](#)).

**Table 2. Budget Narrative.**

Task	Cost
Land Acquisition	\$1,275,000.00
Due Diligence (service provider, appraisals, survey, phase I)	\$30,900.00
Artist Boat Project Management	\$7,556.56
Legal (contract review, closing)	\$12,052.41
<b>Total Cost</b>	<b>\$1,325,508.97</b>

## Discussion

The individual accomplishments of this project, perpetually protecting 46 acres of coastal habitats, supports AB's overall goals of the CHP to acquire, protect, manage, and enhance a total of approximately 1,372 acres of highly valuable coastal habitats on West Galveston Island.

In 2008 the goal of the CHP was to acquire, protect, manage, and enhance a total of approximately 364 acres of valuable coastal habitats on West Galveston Island. In 2013, 2014, 2016, 2017, 2018, 2019 and 2021 ten distinct transactions utilizing a variety of funding sources (Coastal Impact Assistance Program (CIAP), National Fish and Wildlife Foundation Gulf Environmental Benefit Fund (NFWF-GEBF), Moody Permanent Endowment Fund, NCWCGP, and TCEQ) have facilitated the purchase of 550 acres of The Preserve at West Beach and Anchor Bay (Section 404 permitted developments) for conservation and establishment of the CHP.

Approximately 79 acres (26-acre Moore Island and 53 acres of the 98-acre NFWF-GEBF funded tract) were an in-kind match for the two NCWCGP funded tracts and are protected by a filed Statement of Federal Interest. In 2015, an additional 216 acres of land (a USACE mitigation requirement for the permitted wetland impacts at The Preserve at West Beach) was donated to AB and included into the CHP. In 2019, the Moore Family Estate donated 7.6 and AB purchased its 9.8-acre headquarters site bringing the CHP's total acreage to 811 acres. Achieving its original conservation goal, AB has amended the goal of the CHP to acquire, protect, manage, and enhance a total of approximately 1,372 acres of coastal habitats on West Galveston Island. Preservation of the lands for the CHP is envisioned as and continues to be a multiphased project.

Two other tracts totaling 88 acres have also received NCWCGP funding. These two projects are tentatively scheduled to close in March 2022. When these close, AB will have successfully protected ~900 acres of coastal habitat, well toward their revised goal of conserving 1,372 acres (Figure 3 of [Appendix A](#)).

The CHP is owned and managed by AB, a 501(c)(3) whose mission is to promote awareness and preservation of coastal margins and the marine environment through the disciplines of the sciences and the arts.

The project also implements Galveston Bay Plan action items and addresses action plan outputs:

### Action Items Implemented

- Habitat Conservation 1 - The project acquired land that preserves habitat vital to the Galveston Bay watershed.

- Species Conservation 1 - The property will be managed to sustain and restore native species populations including the control and reduction invasive species populations.

Action Plan Outputs Addressed

- Habitat Conservation 1 - Developed a grant proposal and funding strategy for an acquisition project.
- Species Conservation 1 - The project conserved coastal prairie habitat and native species.

## References

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## Appendix A. Figures

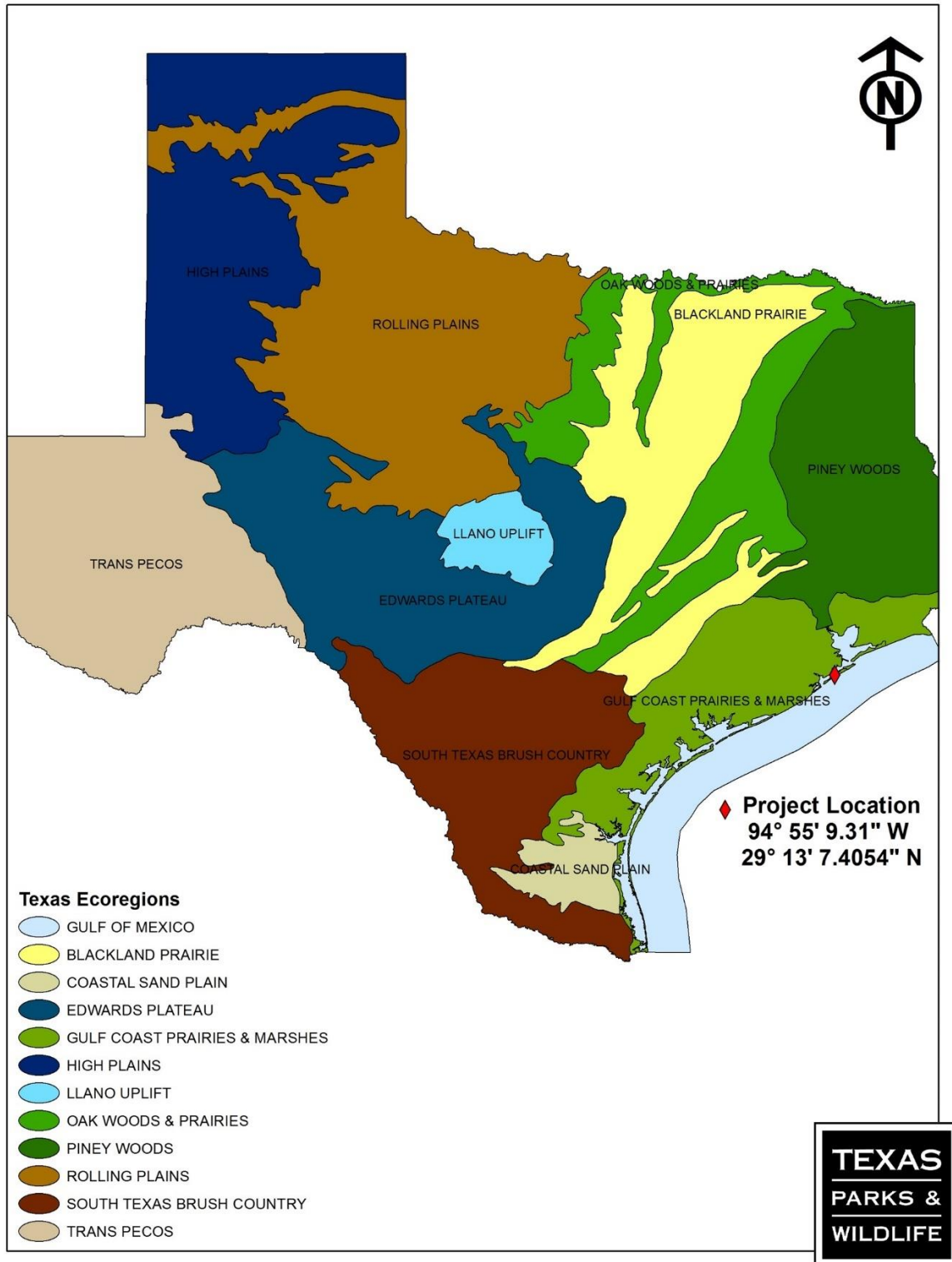


Figure 1. The Acquisition Tract is located along the mid axis of West Galveston Island, Texas.



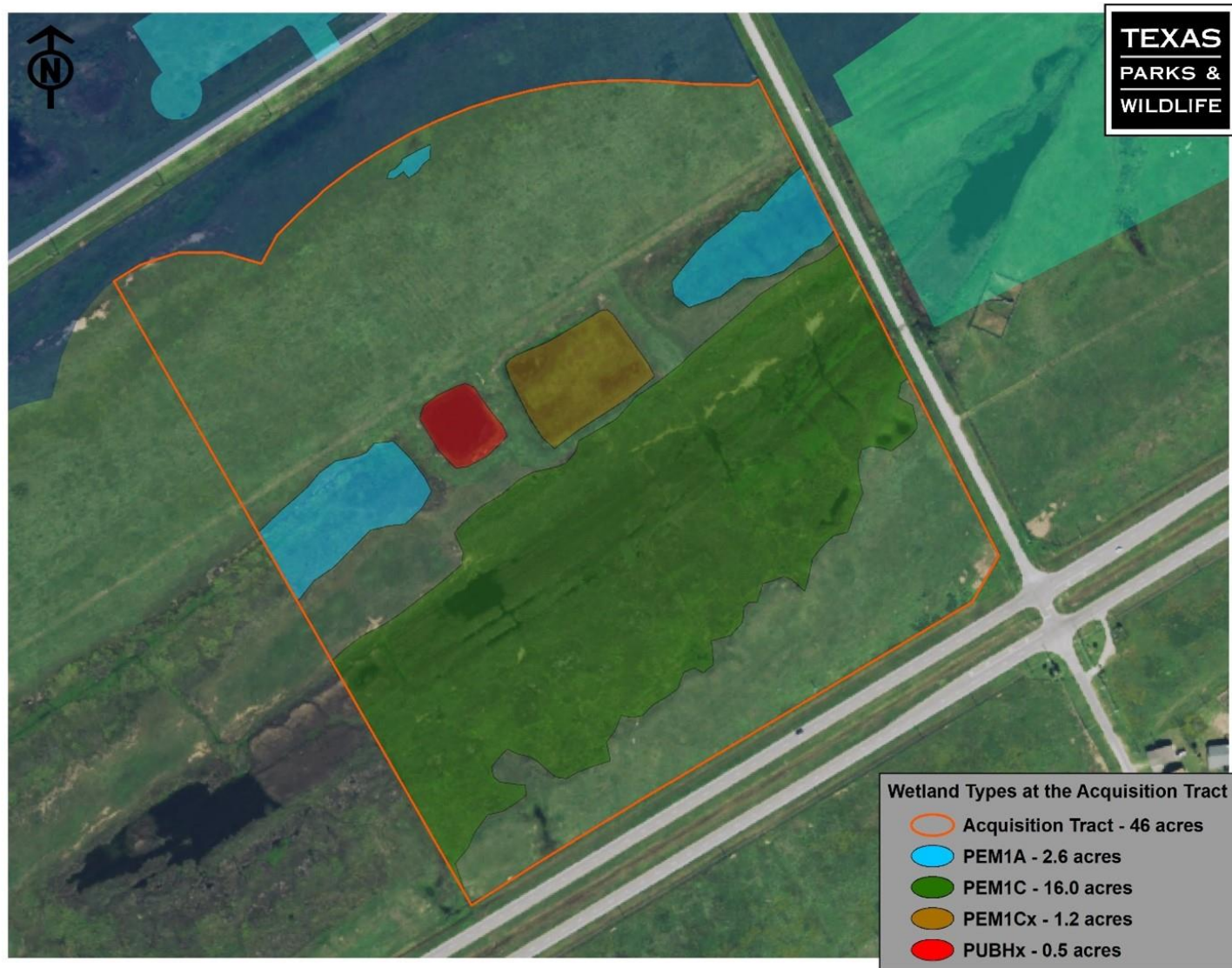


Figure 2. Wetland Types at the 46- acre Acquisition Tract



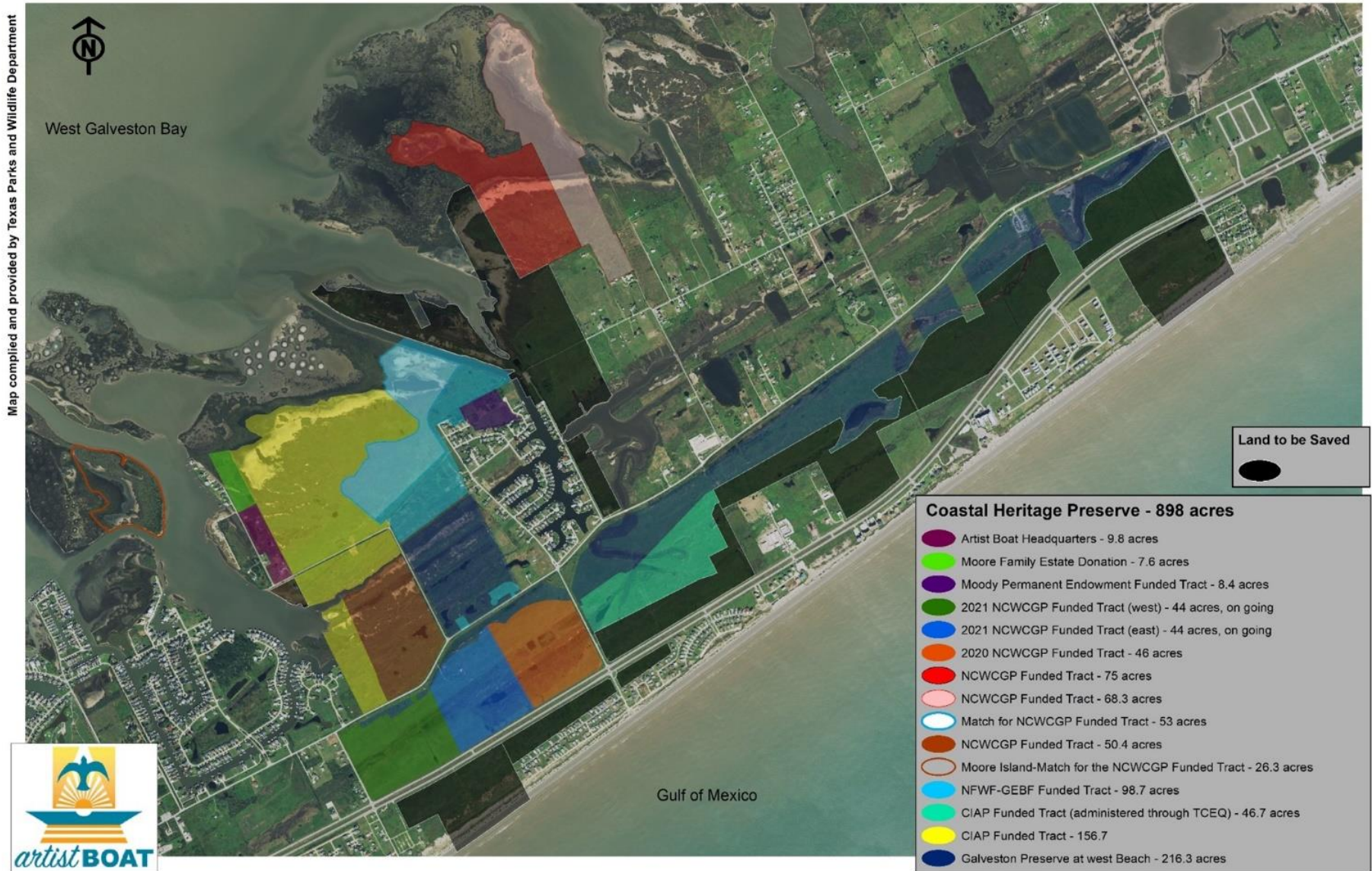


Figure 3. Existing acreage within the CHP and land still to be conserved (saved).

**Appendix B. Texas Parks and Wildlife Department letter to the USACE regarding the “Cumulative impacts to upland coastal prairie and species that utilize coastal prairie habitat from Anchor Bay, an authorized canal subdivision.”**



Life's better outside.™

June 4, 2009

Mr. Fred Anthamatten  
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Re: Cumulative impacts to upland coastal prairie and species that utilize coastal prairie habitat from Anchor Bay, an authorized canal subdivision.

Galveston Island and the proposed Anchor Bay Subdivision are located in Gulf Coast Prairies and Marshes Region (Figure 1). Once covering most of the Texas coastal plain, 6.5 million acres, the coastal tallgrass prairie is now a critically imperiled habitat and has been reduced less than one percent of its original extent (USFWS 2000). Further compounding this loss, prairie remnants are usually found in small fragments. Threats to the habitat include industry, agriculture urban land use, and fragmentation. Other threats include loss of natural processes such as fire and periodic grazing which has led to the degradation of prairie leaving this habitat more susceptible to invasion from exotic plant species such as the Chinese tallow tree (*Triadica sebifera*). This invasive species rapidly invades unmanaged prairie habitat and out competes native prairie plant species for sunlight and nutrients, resulting in a low diversity forest (Bruce et al., 1997).

Galveston Island has also experienced significant coastal prairie habitat losses and conversion changes over the past 50 years. The coastal prairie remaining on Galveston Island is also in danger of disappearing. All of the undeveloped land and associated habitats on Galveston Island are under significant development pressure, with numerous Department of the Army permits (DA permits) issued that allow the placement of fill into wetlands (Lafitte's Cove, Anchor Bay, Beachside Village, and Sunset Cove and other development projects) and developments that have applied for DA permits but are still being reviewed (The Preserve at West Beach, Marina at West Beach, The Reserve at Bay Harbor, The Reserve at Bay Harbor Phase II, The Preserve at Sweetwater, Point West Marina and residential housing complex). All of the above listed developments have coastal prairie habitat within their proposed project sites and will impact coastal prairie habitat as a result of its development.

Other developments not requiring a DA permit (Bay Bridge Estates, the Stella Mare Village, Sunrise Estates, Silverleaf's Seaside Resort, and Sea Isla West) have also impacted coastal prairie habitat as a result of their development. Developments such as Point San Luis, Bay Harbor, Terramar, Isla Del Sol, Sea Isle, Indian Beach, Jamaica Beach, Palm Beach, Pirates Beach West, Pirates Beach, Pirates Cove, Bermuda Beach, Spanish Grant, and Sunny Beach have also impacted coastal prairie habitat, but due to their age Texas Parks and Wildlife Department (TPWD) is not aware whether or not they required a DA permit for construction. This is also the

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case for many of the smaller beach front residential developments (Playa San Luis, Half Moon, Miramar, Sandhill shores, The Dunes, Kahala Beach, Kahala Beech Estates, Acapulco, Karankawa, Gulf Palms, Hershey Beach, Sands of Kahala) and small commercial developments (Rusty Hook, West Bay Bait and Tackle, Palms and Plants Bayside Plaza, Bayside Storage, Woverton and Associates Realty, Executive Landscape, Jamaica Beach RV Park, Prudential- Gary Greene Realty, Century 21 Bay Reef Realty, Remax Realty/Purple Sage Construction, Galveston Wholesale Building Materials, Milgor Construction, Texas Construction Systems Inc., Pirates Beach Maintenance Inc., House Keeping Service Center, Gulf Coast Palms, Captains Table, Seaside Bistro/convenience store, Café Michael Burger, and Woody's) that dot the west end of Galveston Island.

A map (Figure 2) from the May 2009 Issue of The Islander Magazine provides a watercolor map of residential subdivisions and some of the commercial services (shopping, gas, post office, and restaurants) available on the west end of Galveston island. While the map is not to scale, the map is a good overview of the amount of development on the west end versus the amount of undeveloped land. But it is important to note that the map does not include some of the known completed developments such as The Stella Mare Village and other developed areas that are not associated with developed subdivision, such as the areas around Ostermayer Road, 9-Mile Road, 8-Mile Road. Nor does it include known proposed developments such as The Preserve at West Beach, Marina at West Beach, The Reserve at Bay Harbor, The Reserve at Bay Harbor Phase II, The Preserve at Sweetwater, the Point West Marina and residential housing complex and Hideaway Estates in Kimley Cove. The inclusion all of the existing development and reasonably foreseeable development would result in a map with a much larger development footprint.

Impacts to habitat, including coastal prairie, can usually be categorized into two categories- direct and indirect impacts. Development on west end of Galveston Island, such as the Anchor Bay development, have had or will have a direct impact on the coastal prairie habitat and also have an impact on the species that utilize the habitat including physical displacement of the majority of the wildlife utilizing the project areas. Wildlife is displaced during construction activities and typically remains displaced due to the destruction of their habitat. Each individual development has this same effect on the wildlife. Incrementally and cumulatively this reduces the amount of available habitat. Some wildlife species such as raccoons, opossums and even coyotes will scavenge for food in residential and other developed areas. However, this typically creates conflicts and the wildlife is considered a nuisance and is either trapped and released elsewhere; potentially causing crowding issues somewhere else; or is exterminated.

Crowding issues can include competition for a limited food source leading to insufficient food resources, lack of nesting, brooding, and rearing habitat, lack of cover/escape habitat that protects wildlife from their predators, and the concentration of wildlife in smaller areas of habitat leading to increased disease transmission and other stresses. An indirect impact to wildlife due to

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development, especially residential development, is increased vehicular traffic and an increase in the number of automobile to wildlife strikes, resulting in more injuries and road kill casualties.

Habitat fragmentation is also a type of habitat degradation often caused by development and can be considered a direct and/or an indirect impact to wildlife. Habitat fragmentation confines wildlife populations to small, isolated patches of their original habitat. It prevents animal migration and limits food supplies. In a study conducted in southwestern Missouri, Winter and Faaborg (1999) described grassland nesting bird species as being more sensitive not only in distribution but also having lower nesting success in smaller prairie fragments.

Coastal prairie provides habitat for migratory species such as neo-tropical song birds, grassland birds, raptors, and butterflies along with resident birds, insects, reptiles, amphibians, and mammals. Coastal prairie and interspersed freshwater depressional wetland complexes on Galveston Island provide vital habitat for 33 species of amphibians, reptiles and small mammals found on Galveston Island (Mueller, 1985) and are critical to their conservation. The lack of habitat and increased risk to wildlife from development activities will ultimately lead to a reduction in overall wildlife populations on Galveston Island.

Coastal prairie and associated wetlands on Galveston Island provide crucial stopover, over-wintering, and breeding habitat for several bird species listed in the USFWS 2002 List of Birds of Conservation Concern (USFWS, 2002) for protection under the Migratory Bird Treaty Act, including the American golden plover (*Pluvialis dominica*), whimbrel (*Numenius phaeopus*), and long-billed curlew (*Numenius americanus*). Other birds listed on the Birds of Conservation Concern List that utilize coastal prairie and are affected by its disappearance are the Le Conte's sparrow (*Ammodramus leconteii*), loggerhead shrike (*Lanius ludovicianus*), Nelson's sharp-tailed sparrow (*Ammodramus nelsoni*), northern harrier (*Circus cyaneus*), reddish egret (*Egretta rufescens*), seaside sparrow (*Ammodramus maritimus mirabilis*), sedge wren (*Cistothorus platensis* and sandhill cranes (*Grus canadensis*). These species over-winter on the coastal prairie habitat on Galveston Island. Federal and State agencies have identified habitat change in the Coastal Prairie Ecoregion as a factor in the serious population decline of forty-nine (49) species of birds over the past three decades (Shackelford and Lockwood, 2000).

Due to threats to coastal habitats and indications of declining populations of the Western Gulf Coast (WGC) mottled ducks, the Gulf Coast Joint Venture's Mottled Duck Working Group developed recommendations and encourages implementation of several priority actions to address the habitat needs of this species. These priority issues are described in The Gulf Coast Joint Venture: Mottled Duck Conservation (the Plan). The Plan states that "Most habitats for the WGC mottled ducks are generally associated with two categories: (1) permanent or semipermanent palustrine or estuarine coastal marsh (hereafter

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coastal marsh, or (2) former coastal prairie dominated by active agriculture, idle fields, grazing pastures, seasonal wetlands, and more intensively managed water delivery (hereafter agricultural lands).” The Plan’s highest priority actions are activities that target increased nest success (the probability that a nesting attempt will result in at least one hatched duckling) (Klett et. al. 1986 as cited in Wilson. 2007) and brood survival. Nest success is usually a function of species and structure of vegetative cover, block size of nesting cover (i.e. habitat fragmentation), hen and egg predator community, and weather events that lead to nest destruction (i.e. flooding). “In short, Gulf Coast Habitats are entirely responsible for the well-being of this species.” (Wilson 2007). This document also describes the habitat needs for different life stages of the mottled duck, namely breeding wetlands, nesting habitat and brood wetlands. The habitat requirements described by Wilson 2007 are present in Galveston Island coastal prairies.

Factors limiting survival and recruitment include habitat loss and disturbance associated with human activity. Wilson 2007 states, “Disturbance associated with human activity may affect mottled duck survival by increasing duck mobility and susceptibility to mortality from human hunters or other predators. Excessive disturbance could also have sublethal effects on their condition, possibly leading to recruitment impacts.” “Habitat loss and degradation may negatively impact survival and recruitment through insufficient food resources, lack of nesting or escape cover that protects from predators, concentration of birds in smaller areas of habitat that leads to increased disease transmission and other stresses, and ultimately fewer options when trying to avoid any negative impacts.”

The mottled duck is also a species on the Audubon Watch List. A complete list of species on this list along with their natural history, methodology and criteria for placement on the list and conservation status can be found at the following link.  
<http://web1.audubon.org/science/species/watchlist/browsewatchlist.php>.

Numerous plans include coastal prairie habitat as a priority conservation effort due to its significance as habitat to migratory species such as neo-tropical song birds, grassland birds, raptors, and butterflies along with resident birds, insects, reptiles, amphibians, and mammals. Some plans also include protection of coastal prairie habitat important to preserving quality of life standards and to create ecotourism opportunities. An incomplete list of these plans and a short synopsis of how the plan relates to coastal prairie habitat is provided below.

**U.S. Fish and Wildlife Service Region 2 Strategic Plan for the Coastal Program** (Strategic Plan) identifies the Gulf Coast Prairie and Marshes Region as a priority conservation and focus area. The Strategic Plan also provides a list of other conservation plans that list the Coastal Prairie Ecoregion as a priority area and/or an area of conservation need. Other plans not listed in Strategic Plan also describe the importance and list as high priority goals to protect, preserve, restore, and enhance the diversity, quality, quantity, functions, and values of coastal



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natural resources along the Gulf Coast, and particularly within Gulf Coast Prairie and Marshes Ecoregion.

**The Nature Conservancy Gulf Coast Prairies & Marshes Ecoregional Plan** identifies sites of particular conservation need within the Gulf Coast Prairies and Marshes Ecoregion including West Galveston Bay-south of Galveston. In the **West Galveston Bay Conservation Area Plan** the Nature Conservancy has identified the West Galveston Bay Conservation Area as one which supports a diverse array of aquatic and terrestrial species and is committed to work to ensure that the conservation area remains an ecologically functional landscape, with intact tallgrass prairies, coastal marshes and open water estuaries (The Nature Conservancy, 2001).

The Trust for Public Land (TPL) established the **Galveston Bay Land Conservation Initiative** in 2001 to involve local stakeholders in protecting vital habitats, providing low impact recreational opportunities, and incorporate natural areas in community planning. This initiative involves many local citizens, local government officials, and natural resource managers. Stakeholders involved in developing the initiative identified protecting habitats and shorelines as its highest priority goal. TPL and local stakeholders developed a Greenprint for Galveston Island, identifying critical areas for conservation. The Greenprint identified the protection of upland coastal prairie in the highest ranking priorities for land conservation on the island. Because coastal prairies are a disappearing habitat with no regulatory protection, the Galveston Bay Land Conservation Initiative strategically focuses on properties that include this attribute. TPL, TPWD, and other project partners garnered considerable local support, including funding, for land acquisition at McAllis Point through this effort. (The Trust for Public Land, 2002 and West Galveston Island Greenprint for Growth, 2007)

**The Galveston Comprehensive Plan a Shared Vision for Galveston Island** includes the objective of preserving and protecting the wetlands of Galveston Island. The plan includes the action item of preserving and protecting Galveston Island's sensitive natural resources by facilitating the creation of a network of permanently protected open space in an effort to achieve the stated goal of preserving and protecting the sensitive natural resources of Galveston Island, the Galveston Bay estuary, and the Gulf of Mexico. (The City of Galveston, *Comprehensive Plan a Shared Vision for Galveston Island*, 2003)

**The Galveston Bay Habitat Conservation Blueprint** identifies specific sites throughout the Galveston Bay System, within the boundaries of the Texas Coastal Management Zone, and identifies restoration and/or conservation strategies for each site. The plan states that restoration and preservation of important Galveston Bay habitats, including coastal prairies, is a critical component of restoring the bay to its former glory. (Galveston Bay Foundation, 1998)

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The **Galveston Bay Plan**, a comprehensive conservation and management plan for the Galveston Bay ecosystem, identified wetland loss as the greatest threat facing the estuary, and consequently identified protecting and restoring wetlands as the highest priority activity for ecosystem managers. Subsequent revisions recognized the importance of coastal prairie, forests, and other valuable upland coastal habitats frequently associated with wetlands, and established the preservation of important coastal habitats as the single highest priority activity for the Galveston Bay Estuary Program. (Galveston Bay Estuary Program, 2001 and 2008).

**Texas Comprehensive Wildlife Conservation Strategy 2005-2010 (2005)** identifies the Gulf Coast Prairies and Marshes Ecoregion as a Tier I – High Priority area for conservation. The strategy also lists the Galveston Bay system as a high priority coastal area for conservation.

The number one goal of the **Coastal Management Plan** is “to protect, preserve, restore, and enhance the diversity, quality, quantity, functions, and values of coastal natural resource areas”. Similarly, the goal of the **Texas Wetlands Conservation Plan, 1997** is “to enhance our wetland resources with respect to function and value through voluntary conservation and restoration of the quality, quantity, and diversity of Texas wetlands.”

**Gulf Coast Joint Venture Mid-Coast and Chenier Plain Initiative Plans** are concerned and focused with conserving migratory birds and their habitats, including coastal prairie, along the western U.S. Gulf of Mexico (Esslinger, 2001).

**U.S. Shorebird Conservation Plan Lower Mississippi/Western Gulf Coast Shorebird Planning Region** identifies the Gulf Coastal Prairies Region as one of the most important regions in the United States for migratory shorebirds, and waterbirds because of its geographic location, the diversity of habitats, and large numbers of migrating, wintering, and breeding birds on the Gulf Coast (Elliott and McKnight, 2002).

The importance of coastal prairies to wildlife and its decline in coverage in the Gulf Coast Prairies and Marshes Region and on Galveston Island is well documented. Coastal wetlands also provide breeding, nesting, feeding, and cover habitat for more than a third of all threatened and endangered animal species and provide permanent and seasonal habitat for a great variety of wildlife, including 75 percent of North America's bird species, and also provide birding and wildlife viewing opportunities. Coastal prairie provides excellent opportunities for birding and wildlife viewing. In fact, birding in Texas generates more than \$155 million a year in tourism dollars and is enjoyed by 1.4 million travelers in the state of Texas (Texas Parks and Wildlife Department, Good Birding Means Good Business Campaign). The coastal prairie is also an important region for waterfowl hunting.

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Texas coastal habitats possess tremendous biological and economic value. Coastal wetlands serve as nursery grounds for over 95 percent of the recreational and commercial fish species found in the Gulf of Mexico. Approximately one-third of the commercial fishing income in Texas and over half of the state's expenditures for recreational fishing come from Galveston Bay (Shipley and Kiesling, 1994). Together these industries are valued at over \$3 billion annually and support 40,000 jobs in the Galveston Bay Area (USEPA, 2005).

All of the approximately 1,200 acres of seagrasses were lost in West Bay between 1950 and 1980. These losses were due to dredging, stream channelization and filling, subsidence, sediment diversion, saltwater intrusion, erosion, and hydrologic alteration (White et al., 1993). Development has also contributed to the disappearance of seagrasses from West Bay (Pulich and White, 1991) due to activities associated with development, such as increased boat traffic, channel maintenance, discharges of toxic materials, wastewater discharge, and runoff containing high nutrient levels, herbicides, and pesticides. Many of these activities lead to and contribute to poor water quality. Seagrasses have begun to reestablish due to the cumulative effects of improved water quality and from habitat protection and restoration activities.

Wetlands and adjacent upland coastal prairie serve to effectively trap sediments and sequester pollutants (Webb and Alexander, 1991) improving water quality. Preserving coastal prairie adjacent to West Galveston Bay will directly protect and improve water quality resulting in improved aquatic habitat within West Bay.

Protecting the remaining coastal prairie (and wetlands and natural areas) found on Galveston Island will aid greatly in protecting the long-term productivity of West Galveston Bay. Protecting the integrity of Galveston Island also provides significant benefits in protecting human investments in the coastal zone. Barrier island wetlands and upland buffer areas (coastal prairie) provide critical protection to coastal communities, reducing damages from storm surge and flooding. The benefits of protecting coastal natural assets are increasingly apparent as costs of coastal storm damages, currently \$50 billion annually in the United States, increases with growing investments in the coastal zone. (The Nature Conservancy, 2007).

As described in the Environmental Assessment and Statement of Findings (SOF) signed September 30, 2003, the Anchor Bay project site encompasses 142 acres of land within an approximate 500-acre tract containing approximately 362 acres of waters of the United States, including adjacent fresh to brackish and tidal wetlands. Since the publication of this SOF, the project has gone through numerous revisions and other proposed revisions. TPWD is not aware of total impacts of the proposed project after these revisions.

The Anchor Bay Environmental Setting section of the SOF describes the project site as being "...comprised primarily of barrier island native coastal prairie. Over

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grazing and mowing has prevented the development of tall, healthy stands of grasses and forbs. Upland prairie is dominated by *Croton* sp. (wooly croton), *Spartina patens* (saltmeadow cordgrass), and *Sporobolus virginicus* (coastal dropseed). Small to brackish wetlands are scattered throughout the prairie. Wildlife using this habitat includes coyotes, rabbits and opossum, and many species of reptiles and amphibians. Birds seen at or immediately adjacent to this site include several species of egret, mourning dove, white-winged dove, scissor-tailed flycatcher, eastern meadowlark, loggerhead shrike, white-tailed kite, Northern harrier, killdeer, rails, blue-winged teal and great blue herons. In addition, coastal prairie provides high quality mottled duck nesting habitat. Tadpoles and minnows were observed swimming amongst submerged vegetation in various areas.”

The SOF describes the coastal prairie habitat at the site as over grazed. However, the SOF’s description of the habitat and wildlife usage in the Environmental Setting section of the SOF presents the coastal prairie at the project site as functioning, healthy coastal prairie habitat. This site description does not include any plants such as rat-tailed smutgrass (*Sporobolus indicus*) that are indicators of over grazed habitats.

The term “over grazed” is often applied inappropriately to any habitat that is utilized for grazing. Even though the coastal prairie habitat at the Anchor Bay site and at other sites on Galveston Island is grazed, that does not prevent them from functioning as healthy coastal prairie habitat or significantly diminish the overall quality of the habitat to wildlife. In fact grazing and mowing are wildlife management tools used to prevent coastal prairie from being invaded from exotic plant species such as the Chinese tallow tree (*Triadica sebifera*). Unless completely dominated by Chinese tallow, salt cedar (*Tamarix spp.*), other invasive scrub-shrub species, or invasive herbaceous species such as the deep-rooted sedge (*Cyperus entriamius*), TPWD considers the coastal prairie habitat remnants on Galveston Island to be high quality and functioning as healthy coastal prairie providing habitat to the species known to and expected to use it.

The amount of coastal prairie remaining on Galveston Island contrasted to the amount of development on the west end of Galveston Island has not been adequately documented. However, the U.S. Army Corps of Engineers has facilitated a Cumulative Effects Team and has contracted with a company to develop a GIS-based Cumulative Effects tool to help with the cumulative effects study of Galveston Island. This database is expected to be the basis for any future cumulative effects studies completed in the Galveston District. A kick off meeting for the GIS-based Cumulative Effects tool took place on May 26<sup>th</sup>, 2009. This tool will likely include a map of habitat types and land usage on Galveston Island and will be useful in determining the amount of developed land versus the remaining coastal prairie (and other habitat types) on the west end of Galveston Island.

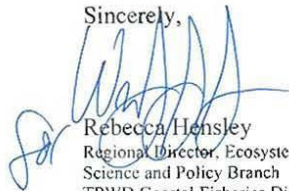
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While the proposed GIS-based tool is interesting and will likely be useful in determining the overall cumulative effects to the environment, it is not necessary to demonstrate the impacts to coastal prairie habitat. Gulf coastal prairie is documented as a critically imperiled habitat and has been reduced less than one percent of its original extent (USFWS 2000) throughout its range, including Galveston Island. The plans and studies referenced in this letter, and others, demonstrate the significance of coastal prairie as habitat to wildlife, water quality maintenance, ecotourism opportunities, the commercial and recreational fishing industry, and protection to coastal communities. It has been demonstrated that habitat change in the Coastal Prairie Ecoregion as a factor in the serious population decline avian species over the past three decades (Shackelford and Lockwood, 2000).

Texas Parks and Wildlife Department is the state agency with the responsibility of managing and conserving the natural resources of Texas. It is the opinion of Department that the existing development of coastal habitat, including coastal prairie on the west end of Galveston Island, has already had a cumulative impact on coastal prairie habitat and the wildlife species that historically used it and continue to use it. Additional development, such as the Anchor Bay development or other developments, will cause further destruction and fragmentation of the remaining coastal prairie habitat on west Galveston Island and will continue to negatively impact wildlife populations on the island.

Questions can be directed to Cherie O'Brien in the Dickinson Field Office at 281-534-0132.

Sincerely,



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Science and Policy Branch  
TPWD Coastal Fisheries Division

RH:COB

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Figure 1.

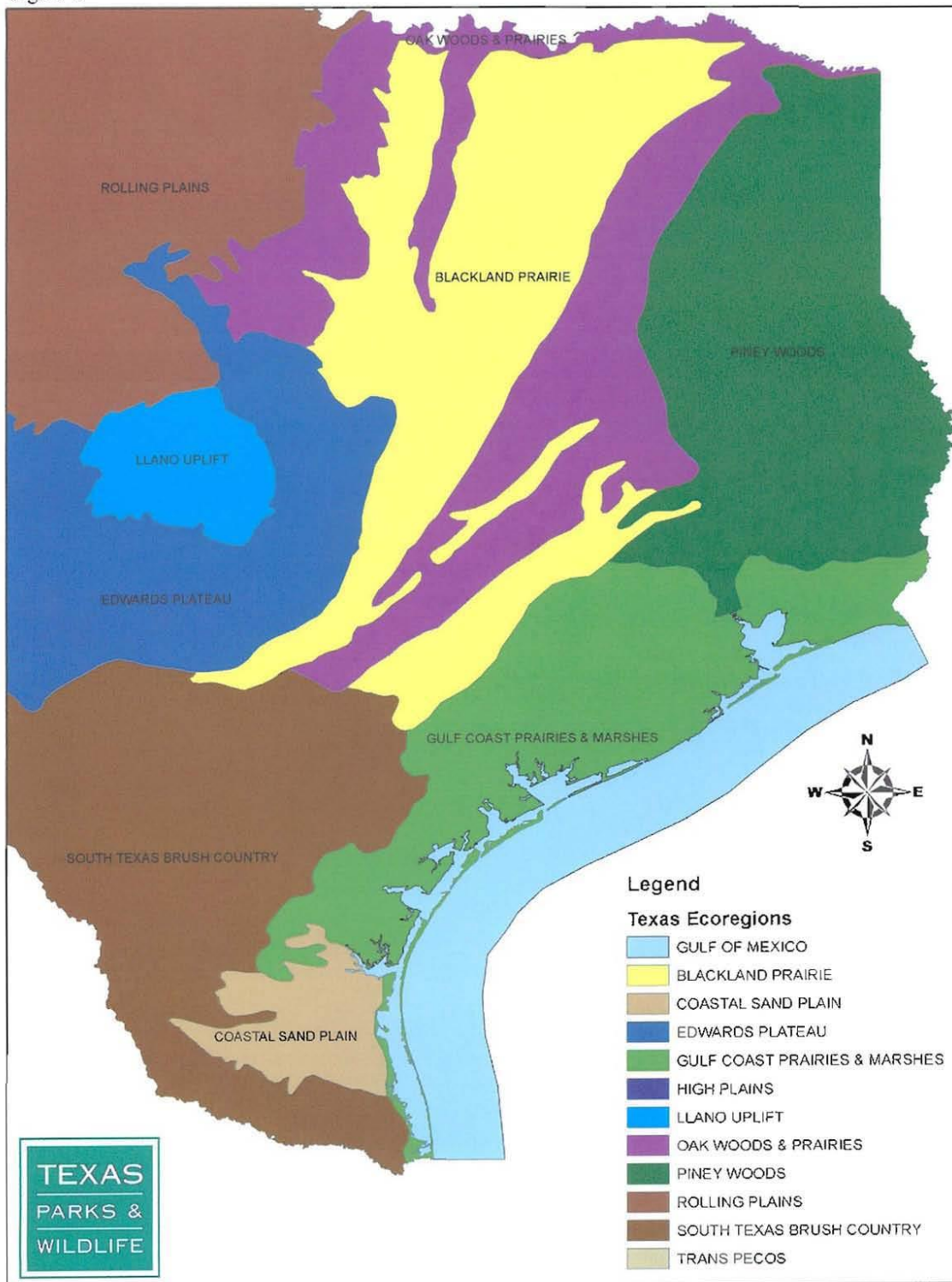


Figure 2.



## **Appendix C. Preliminary Plat of the Preserve at West Beach**

*Preliminary Plat*



LAND USE	UNITS	ACRES
Single Family Lots		
45' Lots	270	31.81
55' Lots	291	43.14
65' Lots	602	116.98
80' Lots	176	45.33
Estate Lots	34	26.77
Attached SF Units	1,148	64.30
Mid-Rise Condos	829	9.69
Tall Building	550	30.41
Beachside 2-Story Condos (Casitas)	48	1.65

LAND USE	UNITS	ACRES
Commercial		5.90
Common Area/Parks		197.13
Preserve Area		360.75
Internal Right-of-Way		119.15
<b>TOTAL</b>	<b>*3,948</b>	<b>1,053.01</b>
Total Maximum Tall Building Hotel Units	800	



Figure 4. Overview Plat of the Preserve at West Beach. Portions of the preliminary plat are now part of the CHP and are depicted on Figure 2 of [Appendix A](#).



**Tract 1**



LAND USE	UNITS	ACRES
Single Family Lots		
45' Lots	97	11.54
55' Lots	42	6.05
65' Lots	10	1.73
80' Lots	35	6.89
Attached SF Units	108	6.78
Mid-Rise Condos	324	2.51
Common Area / Parks		17.08
Internal Right-of-Way		11.68
<b>TOTAL</b>	<b>616</b>	<b>64.26</b>

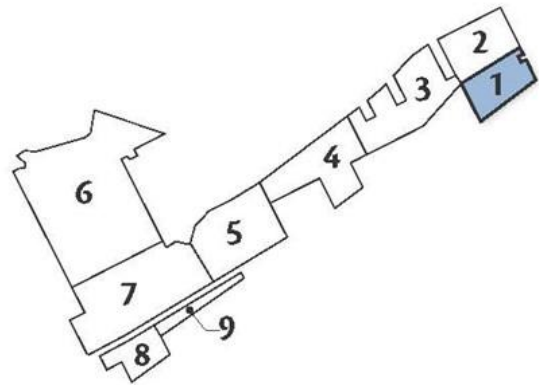
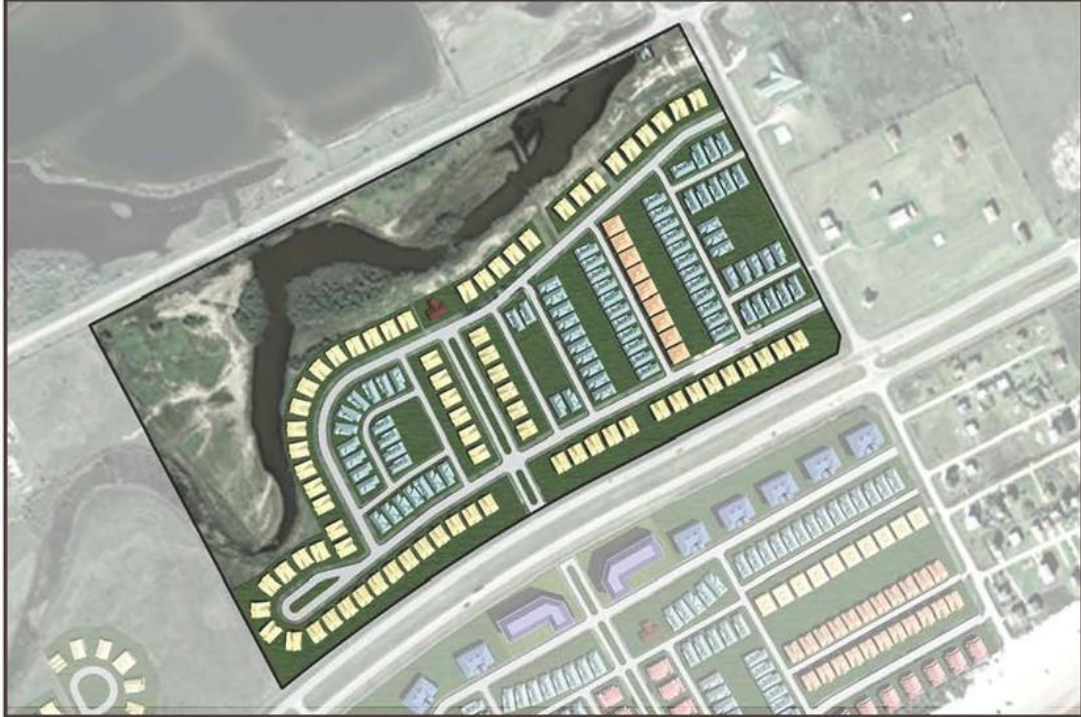
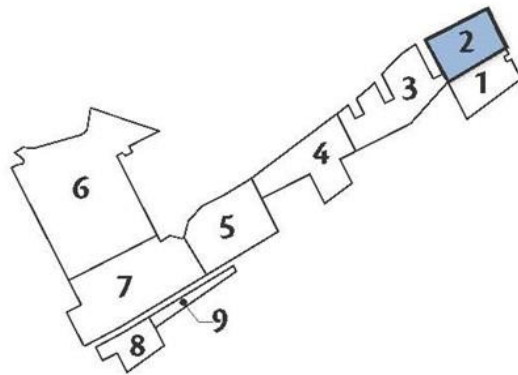


Figure 5. Tract 1 Plat of the Preserve at West Beach. A portion of Tract 1 was sold to an adjacent housing subdivision and has been subsequently developed.

**Tract 2**



LAND USE	UNITS	ACRES
Single Family Lots		
45' Lots	80	9.43
55' Lots	9	1.33
65' Lots	74	12.55
Common Area / Parks		7.26
Preserve		22.59
Internal Right-of-Way		10.35
<b>TOTAL</b>	<b>163</b>	<b>63.51</b>



**Figure 6. Tract 2 Plat of the Preserve at West Beach. A portion of Tract 2 is part of the CHP and is depicted on Figure 2 of [Appendix A](#). It is compensatory mitigation for impacts associated with the Preserve at West Beach Development.**



### Tract 3



LAND USE	UNITS	ACRES
Single Family Lots		
65' Lots	151	31.72
Common Area / Parks		30.06
Preserve		33.45
Internal Right-of-Way		10.67
<b>TOTAL</b>	<b>151</b>	<b>105.90</b>

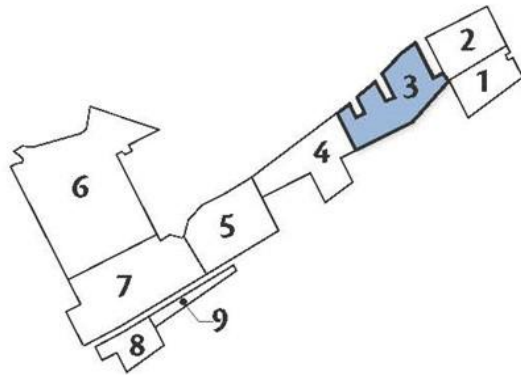


Figure 7. Tract 3 Plat of the Preserve at West Beach. A portion of Tract 3 is part of the CHP and is depicted on Figure 2 of [Appendix A](#). It is compensatory mitigation for impacts associated with the Preserve at West Beach Development.



**Tract 4**



LAND USE	UNITS	ACRES
Single Family Lots		
Attached SF Units	420	19.73
Common Area / Parks		19.31
Preserve		62.06
Internal Right-of-Way		9.22
<b>TOTAL</b>	<b>420</b>	<b>110.32</b>

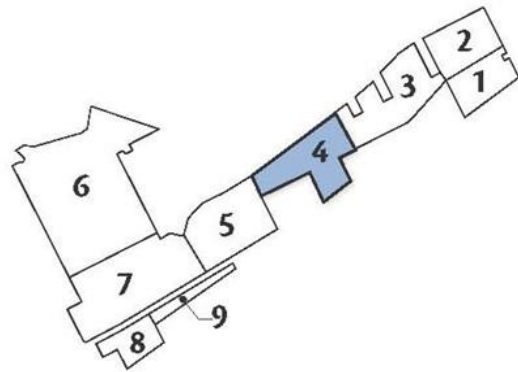


Figure 8. Tract 4 Plat of the Preserve at West Beach. A portion of Tract 4 is part of the CHP and is depicted on Figure 2 of [Appendix A](#). It is compensatory mitigation for impacts associated with the Preserve at West Beach Development.

**Tract 5**



LAND USE	UNITS	ACRES
Single Family Lots		
45' Lots	63	7.61
55' Lots	46	6.80
65' Lots	98	18.22
80' Lots	21	4.11
Attached SF Units	114	2.94
Mid-Rise Condos	205	3.43
Common Area / Parks		23.89
Preserve		37.62
Internal Right-of-Way		17.42
<b>TOTAL</b>	<b>547</b>	<b>122.04</b>

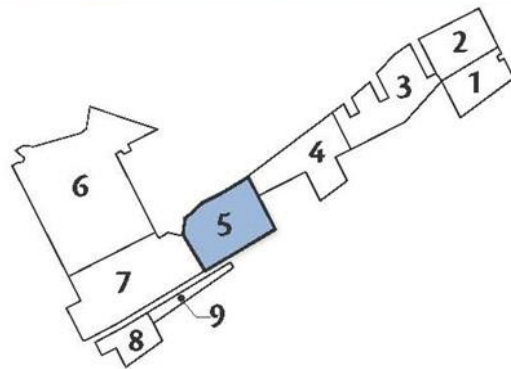


Figure 9. Tract 5 Plat of the Preserve at West Beach. A portion of Tract 5 is part of the CHP and is depicted on Figure 2 of [Appendix A](#). It is compensatory mitigation for impacts associated with the Preserve at West Beach Development. An additional 46.7 acres was purchased with CIAP funds.



**Tract 6**



LAND USE	UNITS	ACRES
Single Family Lots		
55' Lots	1	0.19
65' Lots		
80' Lots	120	34.33
Attached SF Units	338	26.77
Single Family Marina Lots	34	24.85
Mid-Rise Condos	300	3.75
Common Area / Parks		42.79
Preserve		202.59
Internal Right-of-Way		18.52
<b>TOTAL</b>	<b>793</b>	<b>353.79</b>

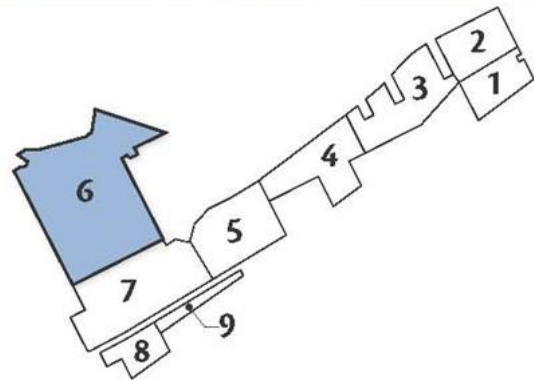


Figure 10. Tract 6 Plat of the Preserve at West Beach. Tract 6 is now part of the CHP.

### Tract 7



LAND USE	UNITS	ACRES
Single Family Lots		
45' Lots	30	3.23
55' Lots	113	16.75
65' Lots	269	52.76
Attached SF Units	96	5.75
Commercial Land		2.38
Common Area / Parks		51.73
Preserve		2.44
Internal Right-of-Way		33.11
<b>TOTAL</b>	<b>508</b>	<b>168.15</b>

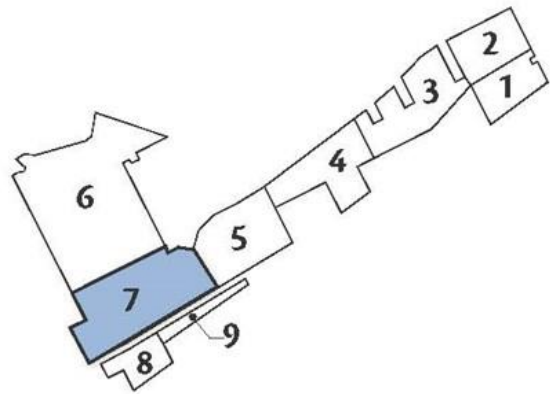


Figure 11. Tract 7 Plat of the Preserve at West Beach. The targeted acquisition is within Tract 7.



**Tract 8**



LAND USE	UNITS	ACRES
Single Family Lots		
Attached SF Units	72	4.25
Tall Buildings	550	30.41
Beachside 2-Story Condos (Casitas)	48	1.65
Commercial Land		2.36
Common Area / Parks		1.05
Internal Right-of-Way		3.78
<b>TOTAL</b>	<b>670</b>	<b>43.50</b>
Total Maximum Tall Building Hotel Units	800	

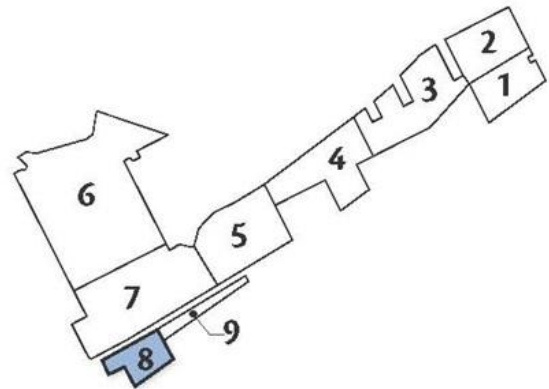


Figure 12. Tract 8 Plat of the Preserve at West Beach.

**Tract 9**



LAND USE	UNITS	ACRES
Single Family Lots		
55' Lots	80	12.02
Commercial Lots		1.16
Common Area / Parks		3.96
Internal Right-of-Way		4.40
<b>TOTAL</b>	<b>80</b>	<b>21.54</b>

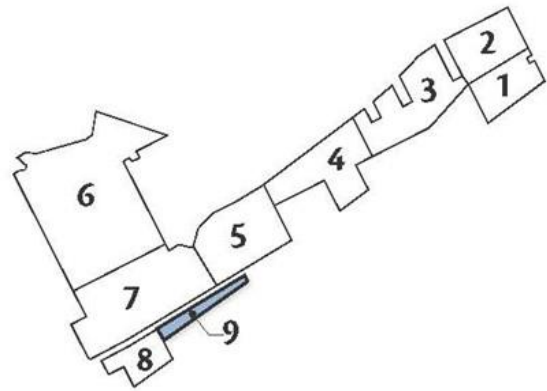


Figure 13. Tract 9 Plat of the Preserve at West Beach.

## Appendix D. Willing Seller Letter



### **GALVESTON PRESERVE AT WEST BEACH**

June 20, 2019

Ms. Cherie O'Brien  
Coastal Biologist  
Texas Parks & Wildlife Department  
1502 FM 517 East  
Dickinson, TX 77539

Dear Ms. O'Brien:

The Galveston Preserve at West Beach, Ltd. ("Galveston Preserve") recognizes the high habitat and community values attached to the land we own on West Galveston Island. We are prepared to sell a portion of that land to Artist Boat to be used for conservation purposes and offer this willing seller letter as documentation of our interest in pursuing this project.

We understand that the sale of this land by the Galveston Preserve to Artist Boat will be contingent upon receipt by Artist Boat of grant funding through the National Coastal Wetlands Grant Program.

The approximate configuration of the parcel to be conveyed is shown on the attached exhibit, with the approximate size of the parcel based on recent sales in the area. The final location of the boundaries will be subject to negotiations and surveys and appraisal of the parcel, which will be conducted in a manner that meets the requirements of the National Coastal Wetlands Grant Program. The size of the parcel to be purchased by Artist Boat will not exceed approximately \$1.278 million in value, as documented by an appraisal prepared to *Uniform Appraisal Standards for Federal Land Acquisitions* (a "Yellow Book" appraisal).

If the grant is awarded, we will proceed as expeditiously as practical to complete the negotiations and required due diligence and conveyance of the parcel to Artist Boat, to be preserved in perpetuity for habitat conservation with limited public access.

Yours truly,

Darren Sloniger  
Managing Member  
MP Marquette Galveston, LLC, General Partner  
Galveston Preserve at West Beach, Ltd.

135 Water Street – 4<sup>th</sup> Floor - Naperville, IL 60540  
Phone: 630-420-4730, Fax: 630-420-4731

Figure 14. Willing Seller Letter



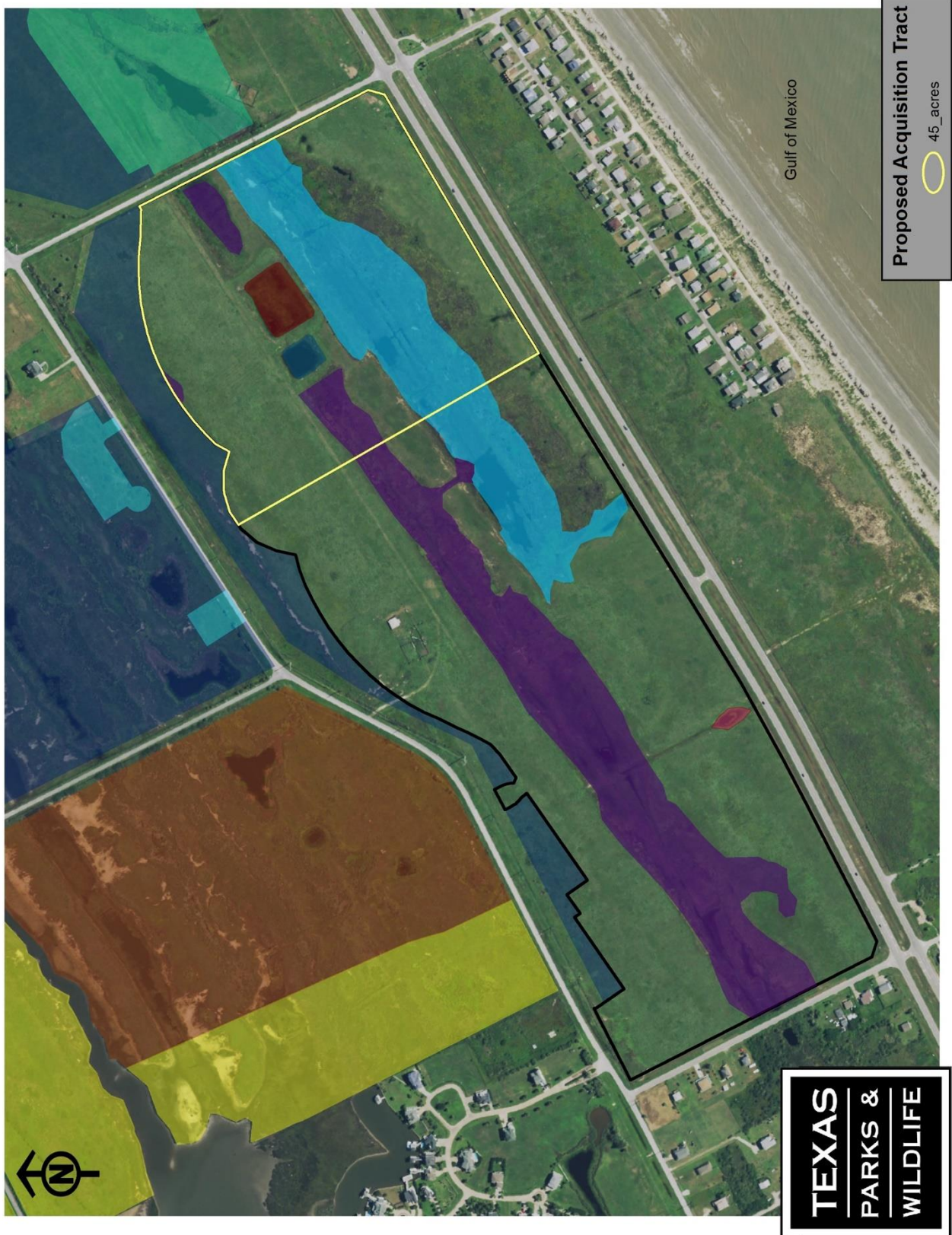


Figure 15. Willing Seller Letter Map of Acquisition Tract.



## Appendix E. Project's Daily Activities

### For the Week of March 1:

- 3/1/2021 - Submitted TPWD weekly report.
- 3/4/2021 - Contacted AB on appraisal docs.
- 3/5/2021 - Coordinated with AB on appraisal docs.

### For the Week of March 8:

- 3/8/2021 - Submitted TPWD weekly report.
- 3/10/2021 - Authorized completion of work on survey.

### For the Week of March 15:

- 3/15/2021 - Submitted TPWD weekly report.

### For the Week of March 22:

- 3/22/2021 - Submitted TPWD weekly report.
- 3/25/2021 - Updated planning schedule.

### For the Week of March 29:

- 3/29/2021 - Submitted TPWD weekly report.
- 3/30/2021 - Consulted with TPWD on possible Phase 1 scenarios for TPWD contract.
- 4/1/2021 - Received Phase I budget numbers from environmental contractor and conveyed to TPWD.

### For the Week of April 5:

- 4/5/2021 - Submitted TPWD weekly report.

### For the Week of April 12:

- 4/12/2021 - Submitted TPWD weekly report.
- 4/15/2021 - Sent RFP for Phase I Environmental to provider.
- 4/17/2021 - Updated project schedule; Updated Term Sheet and draft Earnest Money Contract for attorney.

### For the Week of April 19:

- 4/19/2021 - Submitted TPWD weekly report; contacted surveyor about survey status.
- 4/21/2021 - Checked with surveyor, who is proceeding.

### For the Week of April 26:

- 4/26/2021 - Reviewed Environmental Phase I proposal and forwarded to Karla, with questions.

### For the Week of May 3:

- 5/3/2021 - Submitted TPWD weekly report.
- 5/4/2021 - Prepared responses to Phase 1 questionnaire; collected signature on proposal.
- 5/5/2021 - Sent signed Phase 1 proposal and questionnaire to Terracon.

**For the Week of May 10:**

- 5/10/2021 - Submitted TPWD weekly report.
- 5/11/2021 - Received preliminary Survey; received USFWS comments on Appraisal.
- 5/13/2021 - Discussed USFWS comments with appraiser.

**For the Week of May 17:**

- 5/17/2021 - Submitted TPWD weekly report.
- 5/20/2021 - Briefly discussed approach to comments with appraiser, with more to come next week.

**For the Week of May 24:**

- 5/24/2021 - Submitted TPWD weekly report, reviewed survey.
- 5/25/2021 - Discussed USFWS comments with appraiser; provided survey to attorney.
- 5/26/2021 - Continued discussions with appraiser.
- 5/27/2021 - Reviewed survey items with attorney.

**For the Week of May 31:**

- 5/31/2021 - Reviewed survey and compiled corrections needed.
- 6/1/2021 - Submitted TPWD weekly report; reviewed Phase 1 Environmental report; requested survey corrections; obtained updated contacts for title company.
- 6/2/2021 - Requested correction and clarification of items in Phase 1 Environmental report.

**For the Week of June 7:**

- 6/7/2021 - Submitted TPWD weekly report; emailed surveyor re: edits; process Phase 1 invoice updates.
- 6/8/2021 - Discussed USFWS comments with appraiser.
- 6/9/2021 - Continued discussion of USFWS comments with appraiser.
- 6/10/2021 - Completed and sent to TPWD a response to USFWS appraisal comments.

**For the Week of June 14:**

- 6/14/2021 - Submitted TPWD weekly report; discussed USFWS response with appraiser and TPWD.
- 6/17/2021 - Checked on status of survey corrections and reviewed results.

**For the Week of June 21:**

- 6/21/2021 - Submitted TPWD weekly report.
- 6/22/2021 - Requested Title Commitment, drafted Notice of Just Compensation.

**For the Week of June 28:**

- 6/28/2021 - Submitted TPWD weekly report.

**For the Week of July 5:**

- 7/6/2021 - Submitted TPWD weekly report; discussed appraisal revisions with appraiser.

**For the Week of July 12:**

- 7/12/2021 - Submitted TPWD weekly report.
- 7/15/2021 - Received revised appraisal report.
- 7/16/2021 - Began review of revised appraisal report.

**For the Week of July 19:**

- 7/19/2021 - Submitted TPWD weekly report, finished review of revised appraisal report.
- 7/20/2021 - Discussed revised appraisal report with appraiser.
- 7/21//2021 - Prepared and sent draft revision language to appraiser.

**For the Week of July 26:**

- 7/26/2021 - Prepared and submitted TPWD weekly report, updated project schedule.
- 7/27/2021 - Updated contract Terms Sheet and Earnest Money Contract; discussed costs with TPWD; adjusted cost worksheet; emailed project update to landowner (re: appraisal approval delays).
- 7/29/2021 - Sent updated contract items to attorney for review.

**For the Week of Aug. 2:**

- 8/2/2021 - Prepared and submitted TPWD weekly report; discussed budget considerations with AB; discussed contract with attorney; discussed timing with TPWD.
- 8/4/2021 - Continued Contract discussions with attorney.
- 8/5/2021 - Coordinated Contract edits with attorney.
- 8/6/2021 - Sent draft Earnest Money Contract to landowner for review.

**For the Week of Aug. 9:**

- 8/9/2021 - Prepared and submitted TPWD weekly report.
- 8/12/2021 - Checked with TPWD on status of appraisal with USFWS; sent preliminary survey to landowner.

**For the Week of Aug. 16:**

- 8/16/2021 - Prepared and submitted TPWD weekly report.
- And, as you know, waiting on USFWS response to revised appraisal report...

**For the Week of Aug. 23:**

- 8/23/2021 - Prepared and submitted TPWD weekly report.

**For the Week of Aug. 30:**

- 8/30/2021 - Prepared and submitted TPWD weekly report.
- 9/1/2021 - Received TPWD signature on notice of just compensation to landowner and sent on to landowner for signature; sent Earnest Money Contract to landowner for signature.
- 8/30 - 9/2 - Continued communications with TPWD on appraisal review.

**For the Week of Sept. 6:**

- 9/7/2021- Prepared and submitted TPWD weekly report.
- 9/10/2021 - Re-sent docs (contract and compensation notice) to landowner's assistant for landowner's signature.

**For the Week of Sept. 13:**

- 9/13/2021 - Prepared and submitted weekly report to TPWD; received landowner-signed Earnest Money Contract and forwarded to AB for signature; also received landowner-signed Notice of Just Compensation and forwarded it to TPWD; responded to TPWD question - that there will be no mortgage on the property to be acquired.
- 9/17/2021 - Received executed Earnest Money Contract.

**For the Week of Sept. 20:**

- 9/20/2021 - Prepared and submitted weekly report to TPWD; sent signed copy of Earnest Money Contract to Title Company.
- 9/21-24/2021 - Checked with Title Company of receipt of Earnest Money (not yet received).

**For the Week of Sept. 27:**

- 9/27/2021 - Prepared and submitted weekly report to TPWD.
- 9/27-10/1/2021 - Spent week off and on tracking down fate of Earnest Money check sent to Title Company, including having new cashier's check scheduled for delivery.
- 9/30/2021 - Prepared draft of SF429-B.

**For the Week of Oct. 4:**

- 10/4/2021 - Sent draft of SF 429-B form to K Klay; tracked down earnest money check, which was finally received by title company.
- 10/5/2021 - Prepared and submitted weekly report to TPWD; reevaluated proposed closing date; sent draft Contract amendment to attorney.
- 10/6/2021 - Completed revised draft SF 429-B form with input from TPWD; consulted with TPWD on closing date.

**For the Week of Oct. 11:**

- 10/11/2021 - Sent draft Contract amendment to attorney for review.
- 10/12/2021 - Prepared and submitted weekly report to TPWD; sent contract Amendment to AB and Seller for signatures; sent executed Amendment to title company - changing closing date to Nov. 30, 2021.
- 10/15/2021 - Checked with title company on progress on title commitment - expected completion is now 10/19.

**For the Week of Oct. 18:**

- 10/20/2021 - Prepared and submitted weekly report to TPWD; checked on status of Title Commitment; received Commitment.
- 10/21/2021 - Began review of Title Commitment documents; sent Commitment to attorney with note about urgency.
- 10/22/2021 - Continued review of Title Commitment documents; touched base with attorney.
- 10/24/2021 - Continued review of Title Commitment documents.

**For the Week of Oct. 25:**

- 10/25/2021 - Prepared and submitted weekly report to TPWD, continued review of Title Commitment documents.

- 10/26/2021 - Began drafts of minerals letter and deed language; continued checking on title commitment items.
- 10/27/2021 - Checked on status of AB board resolution; checked on deed language questions with TPWD
- 10/28/2021 - Requested and received info from surveyor on title item; reported same to title company, requesting changes in commitment; received revised title commitment.

**For the Week of Nov. 1:**

- 11/2/2021 - Prepared and submitted weekly report to TPWD; reviewed title commitment with attorney; prepared response to title company.
- 11/3/2021 - Drafted and sent to attorney an affidavit regarding no tenants or leases on the property; sent affidavit on to seller for execution; sent waiver of restrictive covenants to seller for consideration.
- 11/4/2021 - Received from seller the executed affidavit regarding no tenants and forwarded on to title company; sent list of requests for deletion or modification of title exceptions to title company.
- 11/5/2021 - Finalized minerals letter and sent on to TPWD.

**For the Week of Nov. 8:**

- 11/8/2021 - Prepared and submitted weekly report to TPWD.
- 11/9/2021 - Checked in with Title Company on unresolved items and Settlement Statement; started closing checklist; sent draft Deed to attorney for review and completed Deed.
- 11/12/2021 - Checked with Title Company on timeline for unresolved items and Settlement Statement; received draft Settlement Statement, with updated Title Commitment to be sent on Monday; continued work on closing checklist.

**For the Week of Nov. 15:**

- 11/15/2021 - Prepared and submitted weekly report to TPWD; review early draft of settlement statement.
- 11/16/2021 - Reviewed title documents and corresponded with title company.
- 11/17/2021 - Drafted closing checklist and Closing Instruction Letter; worked on resolution of title commitment items.
- 11/18/2021 - Continued work on resolution of title commitment items; worked on edits to deed per additional agency requirements.
- 1/19/2021 - Consulted with attorney on title commitment and other closing items.

**For the Week of Nov. 22:**

- 11/22/2021 - Prepared and submitted weekly report to TPWD; completed preparation of 2nd Amendment to Earnest Money Contract and distributed for signatures; completed execution of 2nd Amendment and sent to Title Company; sent updated exceptions to surveyor for finalizing Survey, which was completed; updated draft of closing checklist; received itemized project costs from AB, including project management; drafted list of reimbursables, per Contract.
- 11/23/2021 - Sent final survey to Title Company and TPWD (plus AB and attorney); finalized and sent list of reimbursables to Title Company and consulted with them on form of Settlement Statement; discussed encumbrances for Deed with attorney.

- 11/24/2021 - Followed up with AB, attorney, and Title Company to arrange for final reviews of documents.

**For the Week of Nov. 29:**

- 11/29/2021 - Prepared and submitted weekly report to TPWD; reviewed closing docs with attorney and followed up with Closing Instruction Letter and Waiver of Restrictions; sent final survey to Seller.
- 11/30/2021 - Continued closing follow-up with attorney.
- 12/2/2021 - Coordinated with AB on Settlement Statement and final invoice amounts
- 12/3/2021 - Coordinated with AB and Title Company on needs of final Settlement Statement and other docs.
- 12/4/2021 - Received final Buyer's Statement from Title Company.

**For the Week of Dec. 6:**

- 12/6/2021 - Prepared and submitted weekly report to TPWD; sent attorney's Closing Instruction Letter to Title Company; received Lift Conditions letter from USFWS/TPWD; reviewed latest Title Commitment and Pro Forma policy with attorney and clarified items with Title Company; reviewed latest Buyer's Statement with AB and TPWD staff.
- 12/7/2021 - Continued review/discussion of Buyer's expenses and draft Closing Statement.
- 12/8/2021 - Continued review/discussion of Buyer's expenses and draft Closing Statement.
- 12/9/2021 - Continued review/discussion of Buyer's expenses and draft Closing Statement.
- 12/10/2021 - Buyer's Closing Statement settled; AB finalized invoice; TPWD sent invoice to Austin.

**For the Week of Dec. 13:**

- 12/13/2021 - Prepared and submitted weekly report to TPWD.
- 12/14/2021 - Received confirmation that TPWD payment was processed on 12/13.
- 12/15/2021 - Heard status of Seller docs from Title Company.
- 12/16/2021 - CLOSED: closing papers were signed by AB in the a.m., and funding was completed in the afternoon.