

Final Amendment to the Final Restoration Plan and Environmental Assessment

M/T Skaubay and M/V Berge Banker Oil Spill Natural Resource Damage Assessment Galveston, Texas

July 2019 Final Amendment to the August 2003 Final
Restoration Plan and Environmental Assessment

Prepared by:

U.S. National Park Service
U.S. Fish and Wildlife Service
Texas Parks and Wildlife Department
Texas Commission on Environmental Quality
Texas General Land Office



Contents

1	Preamble	4
2	Introduction	6
3	Background	7
4	Injuries to Natural Resources and Recreational Use	7
5	Selected Restoration Projects – 2003 Final RP/EA.....	8
6	Restoration Alternatives and Evaluation of Alternatives– 2019 Final Amendment to the 2003 Restoration Plan.....	10
6.1	Lost and Diminished Recreational Use Projects – Mustang Island State Park.....	11
6.1.1	Alternative 1: Dune Walkover at the Primary Dune Restoration Site	11
6.1.2	Alternative 2: Boardwalk and Pavilion at Fish Pass	14
6.1.3	Alternative 3: Kayak Launch, Restroom, and Parking Improvements at Fish Pass	16
6.1.4	Alternative 4: Security Improvements at Corpus Christi Pass and Fish Pass South.....	18
6.1.5	Alternative 5: Security Improvements at Fish Pass North	20
6.1.6	Alternative 6: Interpretive Sign at South Jetty of Fish Pass	22
6.1.7	Alternative 7: Road Repair at Corpus Christi Pass	24
6.1.8	Alternative 8: Bollard and Cable Fencing for Pedestrian Safety at Day Use Area	26
6.1.9	Alternative 9: Equipment Rental at Mustang Island State Park	28
6.1.10	Alternative 10: Trail/Boardwalk System from Corpus Christi Pass Road Parking Area to South Access Point	30
6.1.11	Alternative 11: Trail/Boardwalk System from South Access Point to Kate's Hole.....	32
6.1.12	Alternative 12: Extension of Trail/Boardwalk System from Kate's Hole to North Access Point	34
6.1.13	Alternative 13: Interpretive Pavilion and Marsh Boardwalk (Proposed but not selected in 2003 Final RP/EA).....	36
6.2	Dune and Vegetation Restoration Projects	38
6.2.1	Alternative 14: Bollard & Cable Fencing for Dune Protection at Corpus Christi Pass.....	38
6.2.2	Alternative 15: Bollard and Cable Fencing for Dune Protection on Hwy 361.....	40
6.2.3	Alternative 16: Bollard and Cable Fencing for Dune Protection at Fish Pass North	42
6.2.4	Alternative 17: Bollard and Cable Fencing for Dune Protection at Fish Pass South	44
6.2.5	Alternative 18: Bollard and Cable Fencing for Dune Protection at Fish Pass End	46
6.2.6	Alternative 19: Bollard and Cable Fencing for Dune Protection at Oil and Gas Road	48

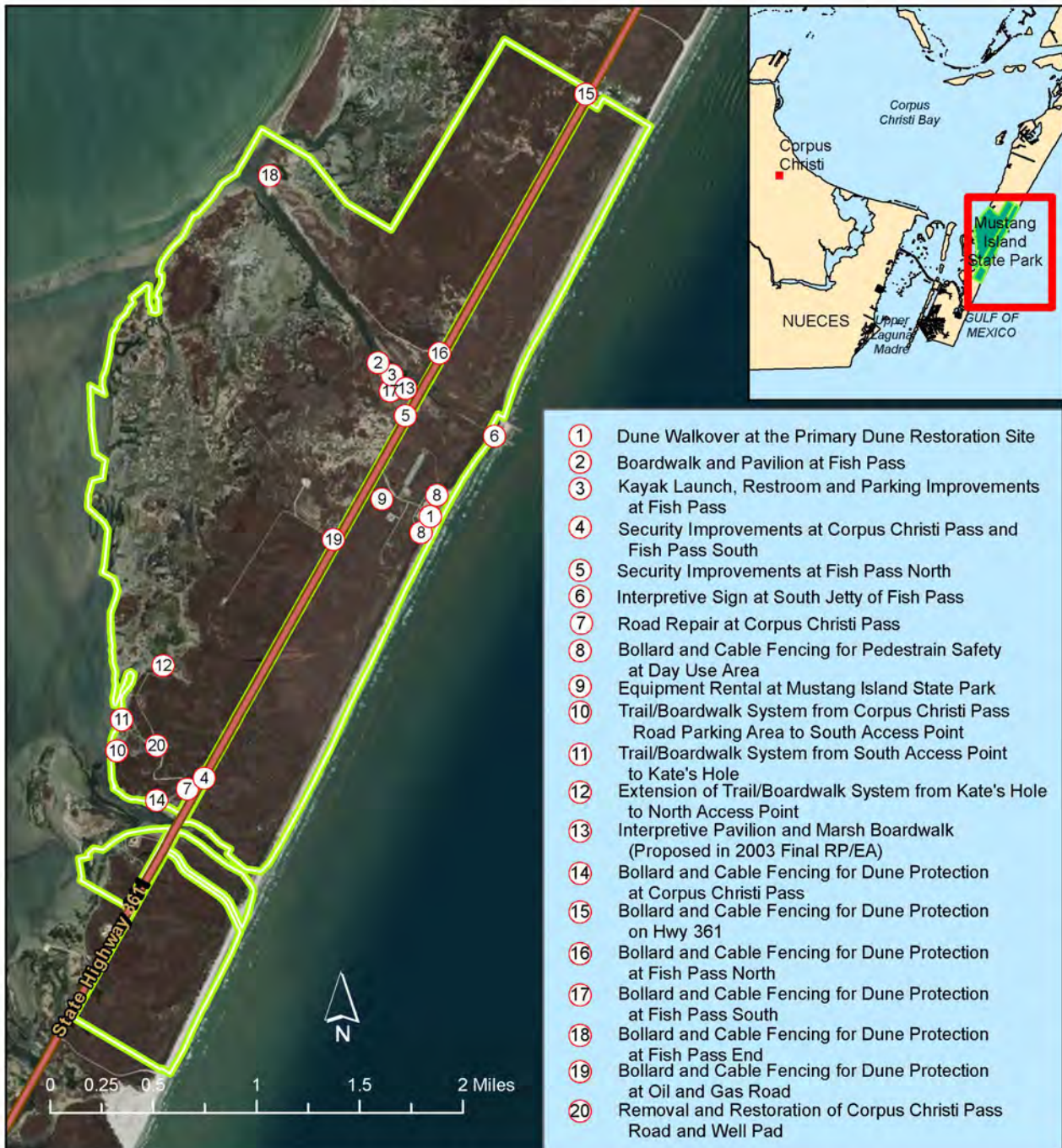
6.2.7	Alternative 20: Removal and Restoration of Corpus Christi Pass Road and Well Pad.....	50
6.3	No-Action Alternative	52
7	Preferred Alternatives.....	52
8	Project Monitoring.....	54
9	Compliance with the National Environmental Policy Act (NEPA).....	54
APPENDIX A: Federally-listed threatened and endangered species potentially occurring in the project area (MISP).....		56
APPENDIX B: Project Evaluation Criteria Table.....		58
APPENDIX C: Categorical Exclusions.....		61

1 Preamble

This Final Amendment to the 2003 Restoration Plan/Environmental Assessment (RP/EA) for the M/T Skaubay and M/V Berge Banker Oil Spill Natural Resource Damage Assessment (NRDA) has identified new restoration alternatives that are preferred for implementation by the state and federal Trustees for natural resources. These alternatives are necessary as there were restoration funds recovered that were not allocated to specific projects in the 2003 Final RP/EA, some selected projects were implemented under budget, and some restoration priorities changed as a result of the development of a Master Plan for Mustang Island State Park (MISP), a project approved in the 2003 Final RP/EA. The Trustees selected the following projects to utilize the remainder of the NRDA funds:

- Dune Walkover at the Primary Dune Restoration Site
- Boardwalk and Pavilion at Fish Pass
- Kayak Launch, Restroom, and Parking Improvements at Fish Pass
- Security Improvements at Corpus Christi Pass and Fish Pass South
- Security Improvements at Fish Pass North
- Interpretive Sign at South Jetty of Fish Pass
- Road Repair at Corpus Christi Pass
- Bollard and Cable Fencing for Pedestrian Safety at Day Use Area
- Equipment Rental at Mustang Island State Park
- Bollard and Cable Fencing for Dune Protection at Corpus Christi Pass
- Bollard and Cable Fencing for Dune Protection on Hwy 361
- Bollard and Cable Fencing for Dune Protection at Fish Pass (North)
- Bollard and Cable Fencing for Dune Protection at Fish Pass (South)
- Bollard and Cable Fencing for Dune Protection at Fish Pass End
- Bollard and Cable Fencing for Dune Protection at Oil and Gas Road
- Removal and Restoration of Corpus Christi Pass Road and Well Pad

The purpose of the Draft Amendment was to present information to the public regarding these changes to the restoration alternatives proposed in 2003. It was available to the public for a 30-day comment period, from August 24, 2018 through September 24, 2018. Notice of its availability was published in the *Texas Register* and in the Corpus Christi Caller Times. The Trustees invited the public to review the document and submit comments. No comments were received.



MUSTANG ISLAND RESTORATION, RECREATION AND SAFETY IMPROVEMENTS



Map produced by TPWD IT-GIS Team May 2018
 No claims are made to the accuracy of the data or to the suitability of the data to a particular use.
 Projection: NAD 1983 Texas Centric Mapping System Albers
 M:\MustangIsland\mxd\OverAll

2 Introduction

On November 18, 1999 the United States National Park Service (NPS) and United States Fish and Wildlife Service (USFWS), on behalf of the United States Department of the Interior (DOI), and the Texas Parks and Wildlife Department (TPWD), Texas Commission on Environmental Quality (TCEQ), and Texas General Land Office (GLO), on behalf of the State of Texas, collectively referred to as the “Trustees,” entered into a Consent Decree that resolved their natural resource damage claims with the Responsible Parties (RP), Bulk Transport LTD of Bermuda and SPT Marine, Inc., for the collision that caused the M/T Skaubay and M/V Berge Banker oil spill off the coast of Galveston, Texas (the “Spill”). The Consent Decree provided \$1,568,077 to the Trustees for the design, implementation, permitting, monitoring, and oversight of restoration projects to compensate the public for the loss of natural resources and their services.

The Trustees entered this settlement as compensation for injuries to natural resources and services due to the release of oil and subsequent injury to birds, dune habitat, and recreational use. This settlement also compensated for costs due to oil spill response efforts and the natural resource damage assessment. The Trustees are required to use settlement funds to compensate for those injuries by restoring natural resources and/or services provided by the resources injured by the Spill. Before NRDA settlement funds may be used for these activities, the Oil Pollution Act (OPA), 33 USC §§ 2701 *et seq.*, requires the Trustees develop and adopt a Restoration Plan, and provide the public with the opportunity to review and comment on proposed compensatory actions.

The Trustees published and sought public comment on a Draft RP/EA in 2003. A Notice of Availability of the Draft Plan was published in the *Federal Register* and the *Corpus Christi Caller-Times*. The Trustees received no comments on the Draft RP/EA within the 30-day comment period. The Final RP/EA was published in August 2003. The 2003 Final RP/EA proposed a number of restoration projects and selected seven for implementation:

- the Mustang Island Acquisition/Preservation project,
- the Dune Restoration/Preservation (Gulf Side) project,
- the Restroom/Shower Facility project,
- the Beach Pavilion at Fish Pass project,
- the Master Plan for Mustang Island project,
- the Shade Shelters and Picnic Tables project, and
- the Auditorium and First Aid Station Expansion project.

However, due to a change in restoration priorities primarily resulting from the preparation of a Master Plan for Mustang Island, several of these projects were not implemented or only partially implemented. The Trustees also did not allocate all of the restoration funds to specific projects. In addition, the Dune Restoration/Preservation (Gulf Side) project selected in the Final RP/EA is being completed under budget, providing cost savings that could be used to implement additional restoration projects. As a result, the Trustees proposed a suite of additional preferred alternatives, which are presented in more detail below.

3 Background

On February 5, 1995, two tankers, the M/V Berge Banker and the M/T Skaubay, collided in the Galveston Lightering Area of the Gulf of Mexico while preparing to transfer crude oil (the Spill). The collision caused the Berge Banker to discharge approximately 845 barrels of Bunker C oil into the water. The oil traveled more than 150 miles before it was subsequently deposited as tar balls and mats on the beaches of Matagorda Peninsula, Mustang Island, and Padre Island.

Pursuant to the OPA NRDA Regulations, 15 CFR Part 990, the Trustees conducted a NRDA to evaluate the extent of damage, and to determine the need for and scale of restoration actions required to compensate the public for injuries to natural resources and ecological services. The Trustees' evaluation of injuries utilized information gathered during response activities as well as data collected specifically for injury assessment. Based on this evaluation, the Trustees concluded that the Spill adversely affected natural resources and recreational use along beaches from Matagorda to South Padre Island, including Padre Island National Seashore (PAIS) and MISP. These impacts affected several natural resources, including avian resources, sand dunes, and public recreational use of beach.

The Trustees settled their natural resource damages claim with the responsible parties for the Spill on November 18, 1999 and entered into a Memorandum of Agreement (MOA) effective March 3, 2000. This MOA provides a framework for coordination among the Trustees in using settlement funds to implement restoration actions. The MOA specified that settlement funds be allocated to projects in two ecological categories (Bird Restoration and Enhancement; Dune and Vegetation Restoration) and one human-use category (Lost and Diminished Recreational Use). A Draft RP/EA with proposed restoration alternatives was prepared by the Trustees and available to public comment for 30 days beginning June 16, 2003. No comments were received, and recommended projects identified in the Draft RP/EA were selected for implementation in the Final RP/EA published in August 2003.

4 Injuries to Natural Resources and Recreational Use

The Spill primarily impacted Matagorda, Mustang, and Padre Islands of the Texas Coast. Padre Island National Seashore encompasses the northern portion of Padre Island and extends 70 miles from southeast Corpus Christi to the Port Mansfield Channel. Padre Island is the longest remaining continuous section of undeveloped barrier island in the world and has more than 65 miles of Gulf beach. Mustang Island State Park on Mustang Island has 5 miles of beach. Matagorda Island National Wildlife Refuge and State Natural Area are located on 56,688 acres of offshore barrier island and bayside marshes north of MISP.

Natural features on and near the impacted areas include beaches, vegetated dunes and barrier flats, active dunes and blowouts, tidal flats, storm-washover areas, marshes, marine grassflats, and bay-margin sands and shoals. Habitat types affected by the Spill include open-water habitat, sandy beaches, vegetated sand dunes, and washover areas. In addition, the affected area of the Spill is habitat for bird species, invertebrates, numerous resident fish species, and several listed threatened and endangered (T&E) species. See Appendix A for more detail on T&E species that occur in the project area.

PAIS, Matagorda Island National Wildlife Refuge (NWR), and Aransas NWR are federally owned lands impacted by the Spill, and MISP and Matagorda Island State Park were state-owned lands also impacted by the Spill. These managed areas were established to protect natural and cultural resources in perpetuity. Visitors to these areas contribute substantially to the local economy year-round. Additionally, recreation and tourism to MISP and PAIS were adversely impacted during oil spill response actions when these areas were closed to the public.

More information about the specific resources affected by the Spill is detailed in the 2003 Final RP/EA, herein incorporated by reference.

5 Selected Restoration Projects – 2003 Final RP/EA

The goal of restoration is to make the environment and public whole for injuries to natural resources and services resulting from an oil spill. This goal is achieved by returning injured resources to their baseline conditions and by compensating for any interim losses that occur during the period of recovery. The Trustees for the M/V Berge Banker and the M/T Skaubay Oil Spill determined that local bird populations and other biological resources were significantly affected by the Spill, as were sand dunes and other geological resources. Settlement funds were applied to two ecological categories (Bird Restoration and Enhancement; Dune and Vegetation Restoration) and one human-use category (Lost and Diminished Recreational Use). To identify potential projects, the Trustees undertook a project scoping process. Notice to the public was issued in the *Corpus Christi Caller-Times* on September 5, 2002, and the Trustees prepared a Public Scoping document that described injuries associated with the Spill and summarized the potential restoration projects. That document was presented to the public on September 10, 2002 and used as a tool to solicit input from both the public and other interested parties who could provide additional expertise and perspective to the planning process. Based on all the input received, the Trustees evaluated and selected restoration projects for the 2003 Final RP/EA (see Table 1).

A total of \$1,568,077 was allocated to restoration in the 2003 Final RP/EA. Further detail on each of the projects originally selected for implementation, including detailed project descriptions, can be found in the 2003 Final RP/EA. The Mustang Island Acquisition/Preservation-Francine Cohn Nature Preserve project has been completed as originally proposed in the Final RP/EA. In addition, the Master Plan for Mustang Island Infrastructure and the Shade Shelters and Picnic Tables projects were also implemented. The Dune Restoration and Preservation (Gulf Side) project is currently in progress and is being implemented under budget. The other projects originally selected in the Final RP/EA were not implemented. Funds left over from these restoration categories need to be re-allocated to new restoration projects. A total of \$1,133,202 is currently available for restoration projects within the Dune and Vegetation and Lost and Diminished Use of State Parks Restoration Categories. Table 1 provides information on project funds that were originally allocated and are now currently available.

Table 1. Summary of Settlement Allocations, Project Cost Estimates, and Leftover Funds for Projects Selected in the 2003 Final RP/EA.

Restoration Category	Total Funds Available by Restoration Category	Projects Selected in the 2003 Final RP/EA	Estimated Project Cost	Project Implemented?	Expended Funds	Remaining/available funds
Bird Restoration and Enhancement	\$122,082	Mustang Island Acquisition/Preservation-Francine Cohn Nature Preserve	\$122,082	Yes	\$122,082	\$0
Dune and Vegetation Restoration	\$115,000	Dune Restoration and Preservation (Gulf Side)	\$115,000	In Progress	\$41,695	\$73,305
Lost and Diminished Recreational Use of State Parks	\$890,893	New Restroom/Shower Facility	\$250,000	No	\$0	\$730,941
		Beach Pavilion at Fish Pass	\$52,000	Yes	\$50,744	
		Shade Shelters and Picnic Tables	\$120,000	Yes	\$109,208	
Lost and Diminished Recreational Use of National Parks	\$205,766	Auditorium and First Aid Station Expansion	\$200,400	Yes, modified scope & location	\$205,766	\$0
Emergency Restoration	\$234,336	Padre Island National Seashore Reimbursement	\$234,336	Yes	\$234,336	\$0

The 2003 Final RP/EA selected the Auditorium and First Aid Station Expansion on Padre Island National Seashore project as a preferred alternative. Although First Aid Station improvements were made, initial design plans for the Auditorium were inadequate and the cost to produce them could not be recovered. Shortly thereafter the building in which this project was planned to occur sustained water damage and developed a significant mold problem, rendering it a public health hazard and therefore

uninhabitable. To implement the project as originally proposed in the 2003 Final RP/EA would have meant paying for a new set of design plans and mitigating the mold; this was cost prohibitive.

Fortunately, a vacancy in the nearby (40 ft. away) park concessionaire store building allowed the project, with some modifications, to go forward. This version of the project involved remodeling the inside of the building as an Education Center to support presentations, educational programs, and meetings. Work included minor removal and construction of non-load-bearing walls, a new HVAC system, minor plumbing changes, lighting and fire suppression system upgrades, and finish work like painting and flooring. This project was completed in 2016 utilizing approximately \$89,284 of the \$205,766 in settlement funds available for the Lost and Diminished Recreational Use of National Parks, approximately \$206,782 of PAIS' Federal Lands Recreation Enhancement Act funds, and approximately \$100,934 in other park funds to make up the balance. In summary, of the \$205,766 allocated by the Trustees for recreational use at national parks, \$11,524 was spent on First Aid Station improvements, \$104,958 was spent on the design plans for the original Auditorium project, and \$89,284 was spent on construction of the relocated Auditorium.

A total of \$1,568,077 was allocated to restoration in the 2003 Final RP/EA, of which \$804,246 remains within the restoration categories of Dune Vegetation (\$73,305) and Lost and Diminished Recreational Use in State Parks (\$730,941). Since 2003, the remaining funds have accrued \$328,956 in interest, resulting in a total of \$1,133,202 available for allocation in those restoration categories.

6 Restoration Alternatives and Evaluation of Alternatives– 2019 Final Amendment to the 2003 Restoration Plan

The Trustees have revised the suite of projects presented in the 2003 Final RP/EA with new alternatives by way of this Final Amendment. These alternatives are described in Sections 6.1 and 6.2. In considering alternatives, the Trustees are required to evaluate proposed alternatives pursuant to the six criteria under the OPA NRDA Regulations, 15 CFR § 990.54. For this case, the Trustees considered additional criteria. The OPA criteria and the Trustees' additional criteria are as follows:

- *The technical feasibility, i.e. the weight of uncertainty or risk, of implementing the project;*
- *The project's consistency with the Trustee Restoration Goals to restore rehabilitate, replace, enhance, or acquire the equivalent of the injured natural resource or the services those resources provided;*
- *The project's expected compliance with existing laws and regulations;*
- *Potential effect of the project on public health and safety;*
- *Relationship of expected benefits of the project to injured resources and services;*
- *Potential for additional injury resulting from the proposed restoration activities;*
- *The project's likelihood of success;*
- *The project's potential benefits to more than one injured resource;*
- *The anticipated amount of time the project will take to provide benefits to injured resources or services;*

- *The anticipated longevity of benefits the project will provide;*
- *Any opportunities available to protect the project over time, such as through conservation easements, land acquisition and management, etc.;*
- *The opportunities available for collaboration on the project through matching, in-kind services, etc.;*
- *The cost-effectiveness of the project, i.e., the anticipated benefits of the project relative to the project's cost;*
- *The total cost of the project and the accuracy of the estimate; and*
- *The extent to which the project contributes to a more comprehensive restoration package.*

The next sections provide a general description of each project alternative, a map of the project area, and an OPA evaluation of the project using the criteria above. The project area depicted on each map is a general representation of the project and may not necessarily reflect the final project design. For more details on the OPA evaluation of each alternative, see Appendix B (a table evaluating each of the project alternative using the criteria).

6.1 Lost and Diminished Recreational Use Projects – Mustang Island State Park

The following projects were proposed to restore lost and diminished recreational use impacts to MISIP resulting from the Spill. There are currently \$733,305 in restoration funds available for lost and diminished recreational use projects. An additional \$328,956 in interest has accrued on the principal sum, which can be proportioned between restoration types as necessary.

6.1.1 Alternative 1: Dune Walkover at the Primary Dune Restoration Site

This project will construct a dune walkover to the beach on the Gulf side of MISIP. The project site is in the same location as the “Dune Restoration and Preservation (Gulf Side)” project that is currently being implemented. This dune walkover would provide an elevated footpath for park visitors over the dune system and help maintain the integrity of newly forming dunes (the construction of both the dunes and the walkover was approved as part of the 2003 Final RP/EA). This dune walkover was an identified component of a “selected” project (“Dune Reconstruction – Gulf Side”) in the original 2003 Final RP/EA; its potential environmental consequences were analyzed in that document. The analyses in the 2003 Final RP/EA are incorporated here by reference.

The Trustees will enlarge the walkover project presented in the 2003 Final RP/EA from the originally approved design encompassing 800 sq. ft. to approximately 2,700 sq. ft. This modified walkover is longer and wider than originally planned to accommodate the newly forming dunes and to comply with Americans with Disabilities Act (ADA) accessibility standards. Initial project designs entail an elevated boardwalk 450 ft. in length and 6 ft. wide and include the installation of three interpretive panels along the walkway. This project is still in the design phase and minor modifications may occur to these dimensions once engineering designs are finalized.

This project is technically feasible, and in the past, the Trustees have implemented similar projects with a high degree of success. This project will benefit multiple resources by both allowing for enhanced

dune restoration and benefitting public access to the beach. Implementation of this project will avoid further impact to the newly-forming dune habitat. The Trustees have selected this project as a preferred alternative.



DUNE WALKOVER AT THE PRIMARY DUNE RESTORATION SITE



Map produced by TPWD IT-GIS Team May 2018
 No claims are made to the accuracy of the data or to the suitability of the data to a particular use.
 Projection: NAD 1983 Texas Centric Mapping System Albers
 M:\MustangIsland\mxdl\Location_1

6.1.2 Alternative 2: Boardwalk and Pavilion at Fish Pass

This project will plan and construct a wildlife viewing pavilion and low boardwalk just above ground level at MISP near Fish Pass, a popular fishing and kayaking location. The boardwalk and pavilion would provide a shade shelter, lookout, and wildlife viewing point for park visitors.

This boardwalk and pavilion project was proposed in the original 2003 Final RP/EA (“Interpretive Pavilion and Marsh Boardwalk”) where it was evaluated against the OPA criteria and the Trustees’ additional criteria. The analyses in the 2013 Final RP/EA are incorporated by reference. The boardwalk and pavilion presented in this Final Amendment, however, have a smaller footprint than originally proposed in the 2003 Final RP/EA. The length of the boardwalk has decreased from 200 ft. to 150 ft. and the width has decreased from 8 ft. to 6 ft. The size of the pavilion has also decreased from 900 sq. ft. to 400 sq. ft. The pavilion would have deck flooring and would connect to the low boardwalk approach from an existing unpaved parking area on the south side of Fish Pass, west of State Highway 361. The boardwalk and pavilion would facilitate viewing of seagrass beds, salt marshes, tidal flats, coastal tallgrass prairies, and wildlife associated with these habitats. Additionally, approximately three interpretive signs (approximately 2 ft. by 3 ft.) describing topics associated with fire management, the existing nearby Mustang Island Coastal Paddling Trail, general bay ecology, and water safety would be placed along the boardwalk and within the pavilion.

This project is technically feasible, and in the past, the Trustees have implemented similar projects with a high degree of success. This project will directly benefit recreation in the park by increasing visitor enjoyment of park viewsheds. The Trustees have selected this project as a preferred alternative.



BOARDWALK AND PAVILION AT FISH PASS



Map produced by TPWD IT-GIS Team May 2018
No claims are made to the accuracy of the data or to the suitability of the data to a particular use.
Projection: NAD 1983 Texas Centric Mapping System Albers
M:\MustangIsland\mxd\Location_2

6.1.3 Alternative 3: Kayak Launch, Restroom, and Parking Improvements at Fish Pass

This project will install an ADA-compliant kayak launch, a restroom facility, and ADA-compliant parking on the south side of Fish Pass in MISPP adjacent to the existing public access area. The south side of Fish Pass is a trailhead on the Texas Paddling Trails. Currently the area has no improvements except for a bulkhead constructed on the south side of the pass and an unpaved parking lot. The bulkhead provides a good location for fishing, but is not recommended for launching a kayak. This project will install a durable ADA-compliant floating dock at the site which would include modifications to make the site and launch ADA-accessible.

Along with the ADA-compliant kayak launch, the project would add ADA-compliant restrooms, parking, and a walkway to the area. The restrooms would consist of a structure with two chemical toilets which would be regularly serviced by park staff. An approximately 360-sq. ft. area within the existing footprint of the parking lot would be paved. Also, an accessible walkway with a ramp and deck would be installed within the existing footprint of the parking lot to allow wheel-chair accessibility between the ADA-compliant parking spaces, restroom facilities, and the kayak launch. The walkway would be approximately 933 sq. ft. Additional site improvements may include solar lighting, solar fans, and directional signs. In addition, the existing parking area would be graded to improve drainage and to improve vehicle, pedestrian, and wheelchair access.

This project is technically feasible and would have direct benefit to recreational use of Mustang Island State Park by improving public access to the kayak launch site and increasing amenities in a popular recreational area of the park. This project will directly benefit public health and safety through improving safety and accessibility of the parking area, which is currently unpaved. The Trustees have selected this project as a preferred alternative.



KAYAK LAUNCH, RESTROOM, AND PARKING IMPROVEMENTS AT FISH PASS

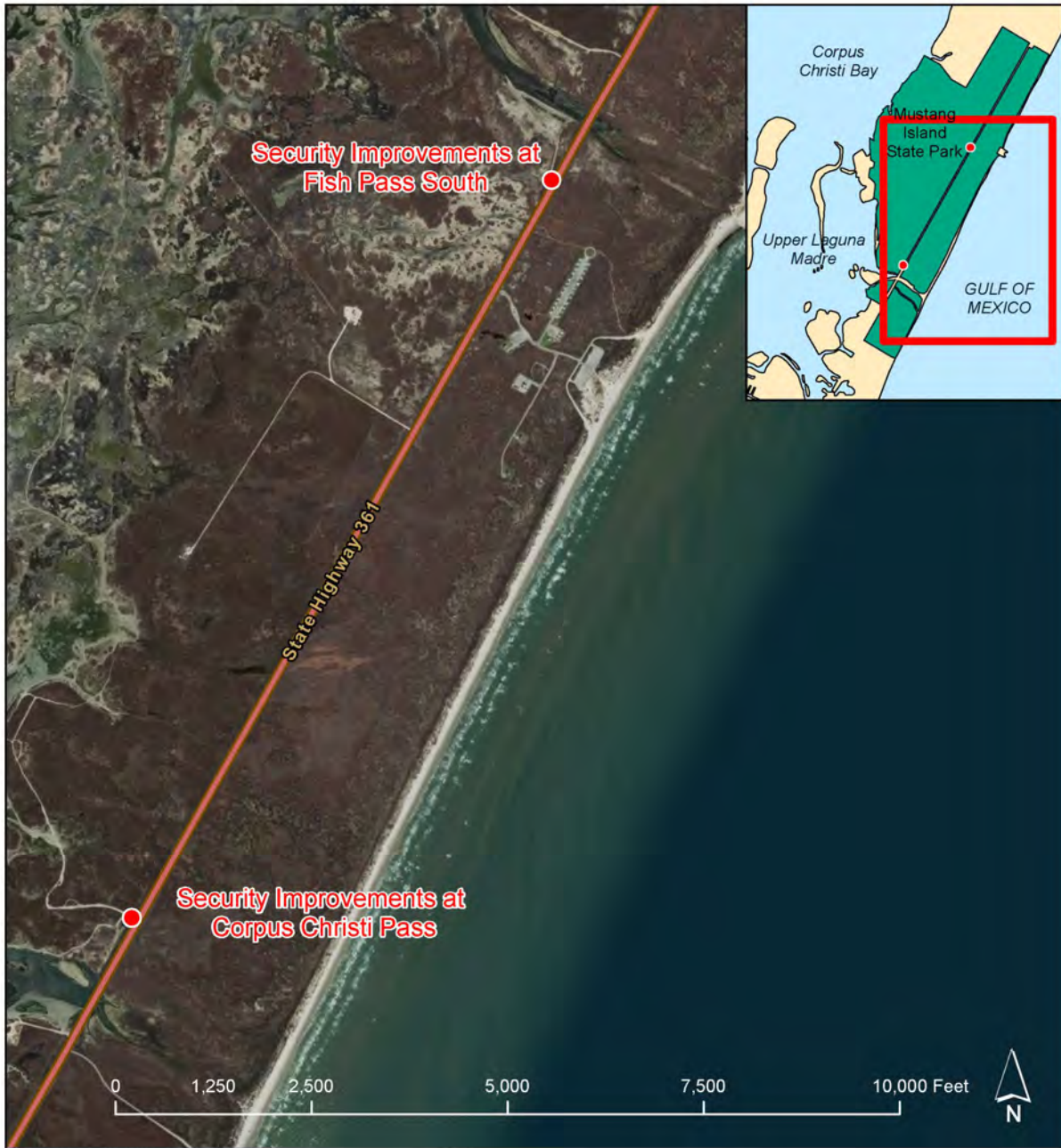


Map produced by TPWD IT-GIS Team May 2018
 No claims are made to the accuracy of the data or to the suitability of the data to a particular use.
 Projection: NAD 1983 Texas Centric Mapping System Albers
 M:\MustangIsland\mxd\Location_3

6.1.4 Alternative 4: Security Improvements at Corpus Christi Pass and Fish Pass South

This project will install automatic solar-powered vehicle gates and signage at two critical road junctions in MISP: Corpus Christi Pass North Road and Fish Pass South Side Access. Both locations are access points to heavily used recreational fishing and kayaking areas on the bay side of the park. Access is not currently controlled to either of these locations. The gates would be programmed to open and close at designated and posted normal park hours and could be controlled by park staff to remain closed during periods of rain or extreme high tides when the roads could be wet or submerged and dangerous or damaged by vehicles. Signs would be posted at each gate clearly marking each area as part of the State Park, informing visitors that off-road use of motorized vehicles is not allowed and that the gates will close automatically at the set time. The gates would automatically allow visitors who overstay to exit.

These security improvements protect and maintain the health and safety of the public while also avoiding further injury to the impacted area. The Trustees anticipate quick installation of the gates and signage at a relatively low cost. The Trustees have selected this project as a preferred alternative.



SECURITY IMPROVEMENTS AT CORPUS CHRISTI PASS AND FISH PASS SOUTH



Map produced by TPWD IT-GIS Team May 2018
 No claims are made to the accuracy of the data or to the suitability of the data to a particular use.
 Projection: NAD 1983 Texas Centric Mapping System Albers
 M:\MustangIsland\mxd\Location_4

6.1.5 Alternative 5: Security Improvements at Fish Pass North

This project will install automatic solar-powered vehicle gates and signage at an additional critical road junction in MISP: Fish Pass North Side Access. The location is an access point to heavily used recreational fishing and kayaking areas on the bay side of the park. Access is not currently controlled to this location. The gates would be programmed to open and close at designated and posted normal park hours and could be controlled by park staff to remain closed during periods of rain or extreme high tides when the roads could be wet or submerged and dangerous or damaged by vehicles. Signs would be posted at the gate clearly marking the area as part of the State Park, informing visitors that off-road use of motorized vehicles is not allowed and that the gate will close automatically at the set time. The gate would automatically allow visitors who overstay to exit.

These security improvements protect and maintain the health and safety of the public while also avoiding further injury to the impacted area. The Trustees anticipate quick installation of the gates and signage at a relatively low cost. The Trustees have selected this project as a preferred alternative.



SECURITY IMPROVEMENTS AT FISH PASS NORTH

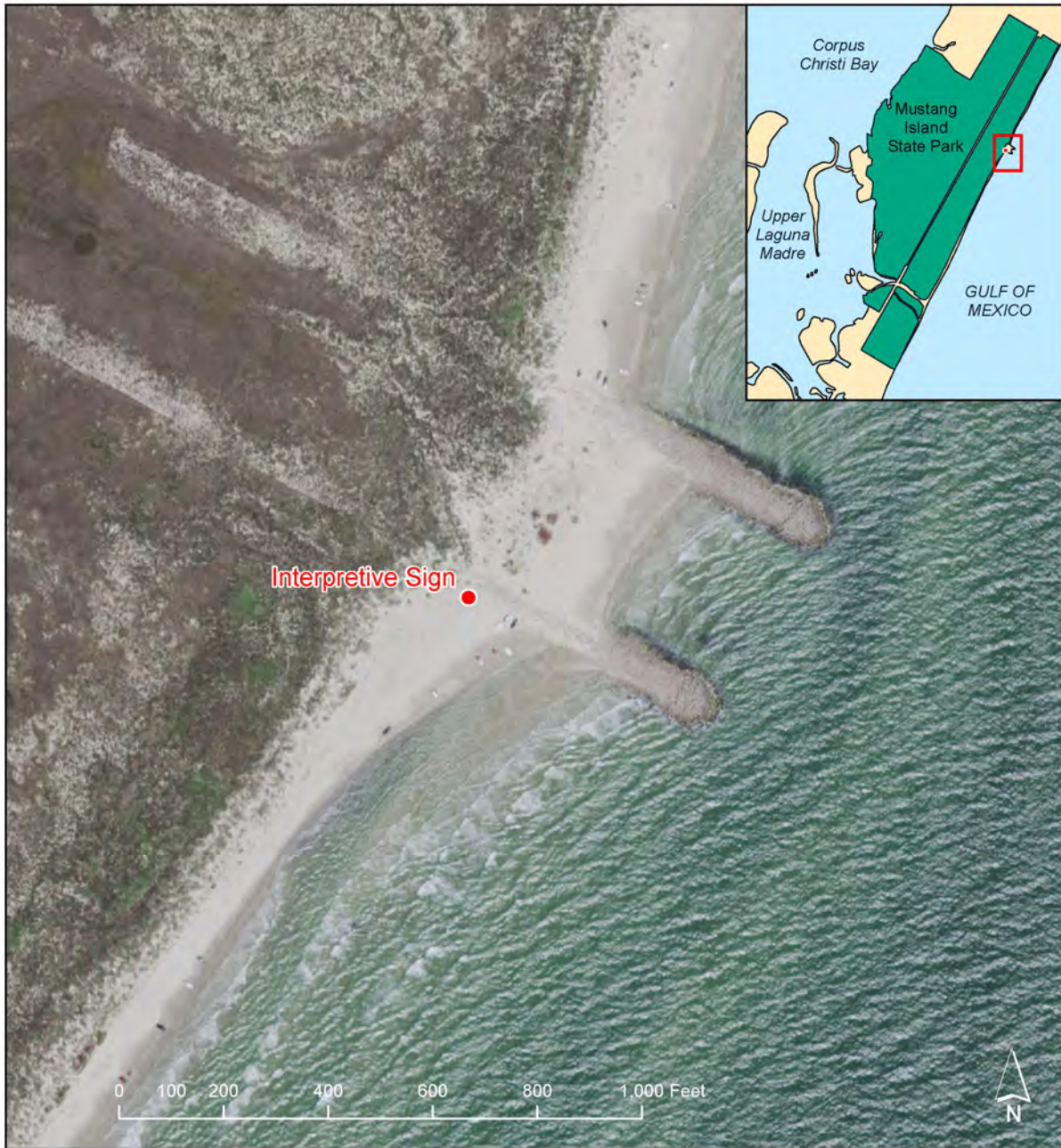


Map produced by TPWD IT-GIS Team May 2018
No claims are made to the accuracy of the data or to the suitability of the data to a particular use.
Projection: NAD 1983 Texas Centric Mapping System Albers
M:\MustangIsland\mxd\Location_5

6.1.6 Alternative 6: Interpretive Sign at South Jetty of Fish Pass

An interpretive panel would be designed and installed at the Fish Pass jetties, on the south side. The panel would be approximately 4 ft. by 4 ft. and would provide information to park visitors about resources at the site. The panel would foster public engagement with natural resources by interpreting resources commonly found at the site.

The Trustees have implemented similar projects to this alternative in the past and this project is cost-effective and technically feasible in comparison. This project will directly benefit recreational use of the park by increasing visitor enjoyment of the park's resources.



INTERPRETIVE SIGN AT SOUTH JETTY OF FISH PASS



Map produced by TPWD IT-GIS Team May 2018
No claims are made to the accuracy of the data or to the suitability of the data to a particular use.
Projection: NAD 1983 Texas Centric Mapping System Albers
M:\MustangIsland\mxd\Location_6

6.1.7 Alternative 7: Road Repair at Corpus Christi Pass

This project will re-grade an existing sand road that provides access to the Corpus Christi Pass fishing area within the existing footprint of the road and/or shoulder. Originally, this road was designed as a packed sand road, and has functioned well with minimal maintenance for 50 years. The road provides unique access to a popular fishing spot in the park, and in the last decade the road has been severely degraded by continued use. This portion of the road has been worn away over time and now regularly floods during storm events. This entire area is only 1 to 2 ft. above sea level and the soil moisture makes the sand a good flat, hard driving surface. Raising the road surface to the previous grade and grading it so that it drains properly would restore the road condition and regular vehicle access. As currently planned, the repair would be made with sand regularly removed from the visitor parking area of the park; no caliche or other imported road materials would be used. The repair would occur within the existing road footprint and would cause no additional impacts to the site. The sand source in the Park would be the Day Use Parking Area, where windblown sand must be removed almost daily.

This project will benefit recreational use of the park by improving access to a popular fishing location on Corpus Christi Pass. Project actions would also improve the health and safety conditions of a high-traffic road, which is currently severely eroded. The Trustees anticipate quick repair of the road at a relatively low cost. The Trustees have selected this project as a preferred alternative.



ROAD REPAIR AT CORPUS CHRISTI PASS



Map produced by TPWD IT-GIS Team May 2018
No claims are made to the accuracy of the data or to the suitability of the data to a particular use.
Projection: NAD 1983 Texas Centric Mapping System Albers
M:\MustangIsland\mxd\Location_7

6.1.8 Alternative 8: Bollard and Cable Fencing for Pedestrian Safety at Day Use Area

The day-use area of MISP is a pedestrian-only area on the beach, which is cordoned off from beach vehicle traffic by two rows of bollard and cable fencing which extend from the entrance of the park into the tidal area of the shoreline. Over time, this bollard and cable system has deteriorated and needs replacement to ensure safety of pedestrian park visitors on the beach. This project will repair and/or replace approximately 975 linear feet of bollards and cable on the north and south sides of the pedestrian-only “day-use” beach on the Gulf side of the park. Approximately 415 linear feet would be repaired and replaced on the south side and 560 linear feet would be replaced on the north side of the pedestrian area; the same construction actions would occur on both sides. Replacing the bollard and cables would ensure that vehicles on the beach are prevented from driving through the pedestrian-only area. Construction activities would only take place within the existing footprint of the bollards, including those that extend into the water during high tide. The bollards are anticipated to be 4 in. to 8 in. diameter posts spaced 4.0 ft. - 6.0 ft. apart and connected with 1/2 in. to 3/4 in. thick galvanized wire cable. Approximately 160 to 250 bollards and 975 ft. of cable would be installed. The bollards would run perpendicular to the beach, on either side of the “day-use” area and extend the width of the beach.

This project will benefit recreational use of the park and public health and safety by maintaining the pedestrian-only beach recreational area at MISP. Trustees have implemented similar projects in the past and expect the project can be implemented quickly and cost-effectively. The Trustees have selected this project as a preferred alternative.



BOLLARD AND CABLE FENCING FOR PEDESTRIAN SAFETY AT DAY USE AREA



Map produced by TPWD IT-GIS Team May 2018
No claims are made to the accuracy of the data or to the suitability of the data to a particular use.
Projection: NAD 1983 Texas Centric Mapping System Albers
M:\MustangIsland\mxd\Location_8

6.1.9 Alternative 9: Equipment Rental at Mustang Island State Park

This project will provide loaner recreational equipment to MISP park visitors. This service may include books, binoculars, fishing gear, and/or other items that would enhance visitor experiences and provide additional connection with the park's natural resources. It would be managed during park hours by a park staff member, who would monitor the equipment inventory and assist with item reservations.

This project will benefit recreational use of the park by providing visitors with additional means to enjoy and engage with the park's resources. The Trustees expect that the project can also be implemented quickly and cost effectively. The Trustees have selected this project as a preferred alternative.



EQUIPMENT RENTAL AT MUSTANG ISLAND STATE PARK



Map produced by TPWD IT-GIS Team May 2018
No claims are made to the accuracy of the data or to the suitability of the data to a particular use.
Projection: NAD 1983 Texas Centric Mapping System Albers
M:\MustangIsland\mxr\Location_9

6.1.10 Alternative 10: Trail/Boardwalk System from Corpus Christi Pass Road Parking Area to South Access Point

This project would construct a trail and boardwalk system so visitors to MISP could easily get from the parking area at Corpus Christi Pass Road to a popular fishing area on the bay side of the park, South Access Point. A parking area/trailhead would be established at the end of the road nearest the Corpus Christi Pass shoreline. From this location a system of trails, 8 ft.-wide stabilized caliche, and low boardwalks, 5 to 6 ft. wide, elevated less than 2.5 ft. above ground, would lead approximately 1,500 feet north to provide non-vehicular access to the shoreline. An optional 10 ft. x 10.ft. covered deck would be provided near the shoreline at the end of the boardwalk. The path would include one to two interpretive panels along the way.

This project would benefit recreational use of the park by providing visitors with pedestrian access to bayside shoreline. However, the Trustees anticipate that implementation of this project could result in collateral injury to the surrounding dune habitat during construction. Additionally, the Trustees have implemented similar boardwalk projects in the past, and in comparison, this project was proposed at a higher cost. Therefore, this alternative is not preferred.



TRAIL/BOARDWALK SYSTEM FROM CORPUS CHRISTI PASS ROAD PARKING AREA TO SOUTH ACCESS POINT

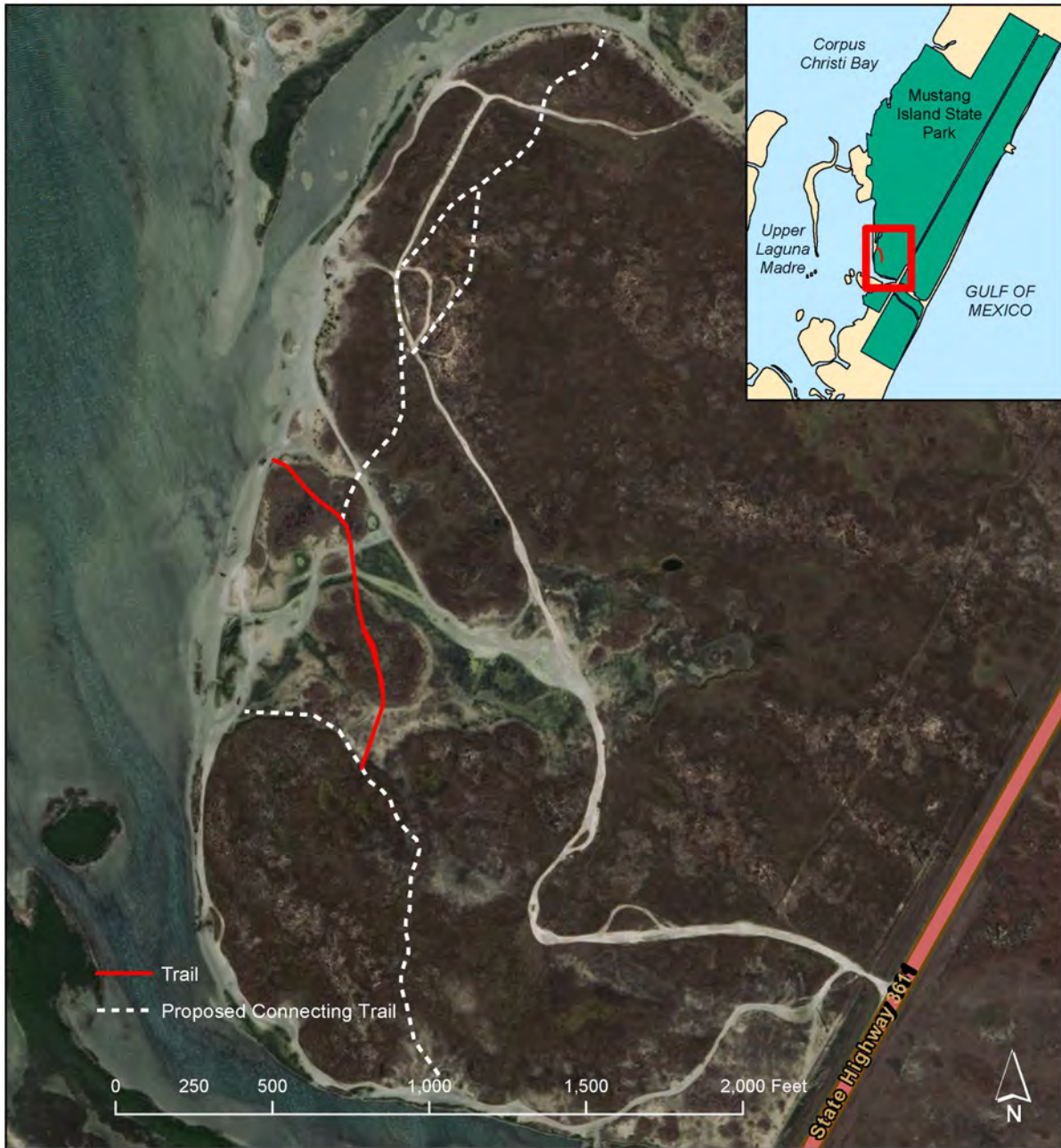


Map produced by TPWD IT-GIS Team May 2018
 No claims are made to the accuracy of the data or to the suitability of the data to a particular use.
 Projection: NAD 1983 Texas Centric Mapping System Albers
 M:\MustangIsland\mxd\Location_10

6.1.11 Alternative 11: Trail/Boardwalk System from South Access Point to Kate's Hole

The trail and boardwalk system from Corpus Christi Pass parking area to the South Access Point would be extended so that visitors could easily access the popular fishing area called Kate's Hole on the bay side of MISPP. The extension would be a system of trails, 8 ft.-wide stabilized caliche, and low boardwalks, 5 to 6 ft. wide, elevated less than 2.5 ft. above ground, leading approximately 1,115 feet north to provide non-vehicular access to the shoreline. An optional 10 ft. x 10 ft. shade pavilion with sand floor would be provided near the shoreline at the end of the trail.

This project would benefit recreational use of the park by providing visitors with pedestrian access to the bayside shoreline. However, the Trustees anticipate that implementation of this project could result in collateral injury to the surrounding dune habitat during construction. Additionally, the Trustees have implemented similar boardwalk projects in the past, and in comparison, this project was proposed at a higher cost. Therefore, this alternative is not preferred.



TRAIL/BOARDWALK SYSTEM FROM SOUTH ACCESS POINT TO KATE'S HOLE



Map produced by TPWD IT-GIS Team Map 2018
 No claims are made to the accuracy of the data or to the suitability of the data to a particular use.
 Projection: NAD 1983 Texas Centric Mapping System Albers
 M:\MustangIsland\mxd\Location_11

6.1.12 Alternative 12: Extension of Trail/Boardwalk System from Kate's Hole to North Access Point

The trail and boardwalk system from Corpus Christi Pass parking area and Kate's Hole (Alternatives 10 and 11, above) would be extended so that visitors could easily access the North Access Point. The extension would be a system of trails, 8 ft.-wide stabilized caliche, and low boardwalks, 5 to 6 ft. wide, elevated less than 2.5 ft. above ground. A 550-ft. long high dune walk would loop off from the trail and follow an existing vehicle track up one of the highest dunes providing a great view of the barrier island. An optional 10 ft. x 10 ft. shade pavilion with a sand floor and interpretive signage would be provided near the shoreline at the north end of the trail.

This project would benefit recreational use of the park by providing visitors with pedestrian access to bayside shoreline. However, the Trustees anticipate that implementation of this project could result in collateral injury to the surrounding dune habitat during construction. Additionally, the Trustees have implemented similar boardwalk projects in the past, and in comparison, this project was proposed at a higher cost. Therefore, this alternative is not preferred.



TRAIL/BOARDWALK SYSTEM KATE'S HOLE TO NORTH ACCESS POINT



Map produced by TPWD IT-GIS Team May 2018
 No claims are made to the accuracy of the data or to the suitability of the data to a particular use.
 Projection: NAD 1983 Texas Centric Mapping System Albers
 M:\MustangIsland\mxd\Location_12

6.1.13 Alternative 13: Interpretive Pavilion and Marsh Boardwalk (Proposed but not selected in 2003 Final RP/EA)

As proposed in the 2003 Final RP/EA, this project at MISP would plan and construct a covered, open-air pavilion with ample seating. The pavilion would be approximately 900 sq. ft. and equipped with seating to allow for large gatherings. The facility would be constructed with weather-resistant materials. As described in the 2003 Final RP/EA, the pavilion would be built on the west side of Highway 361. Currently, the area is popular for fishing, swimming, and kayaking, but there are limited upland amenities for park visitors to enjoy.

This project would benefit recreational use of the park by providing visitors with additional space to enjoy the park's resources and viewsheds. However, the Trustees have implemented similar projects in the past, and due to its larger footprint, the Trustees anticipate that this project is not technically feasible at this time. The project location is not well-defined, so the cost-effectiveness and potential for collateral injury cannot be determined. Therefore, this alternative is not preferred.



INTERPRETIVE PAVILION AND ELEVATED MARSH BOARDWALK



Map produced by TPWD IT-GIS Team May 2018
 No claims are made to the accuracy of the data or to the suitability of the data to a particular use.
 Projection: NAD 1983 Texas Centric Mapping System Albers
 M:\MustangIsland\mxd\Location_13

6.2 Dune and Vegetation Restoration Projects

The following projects were proposed to restore dune and vegetation impacts resulting from the Spill. There are currently \$73,305 in restoration funds available for Dune and Vegetation Restoration projects. An additional \$328,956 in interest has accrued on the principal sum, which can be proportioned between restoration types as necessary.

6.2.1 Alternative 14: Bollard & Cable Fencing for Dune Protection at Corpus Christi Pass

This project will install approximately 3,700 linear feet of bollards and cable as needed on both sides of the Corpus Christi Pass South Road within the footprint of the existing road and/or shoulder. This road is already heavily impacted from continued use and the installation of bollard and cable would not extend into the surrounding dune habitat. This action would ensure that vehicles traveling down the access road are prevented from driving through the adjacent habitat to access the shoreline and would prevent further resource damage and allow currently impacted areas to restore naturally. The bollards are anticipated to be 4 in. to 8 in. diameter posts spaced 20 ft. to 25 ft. apart connected by 1/2 in. to 3/4 in. thick galvanized wire cable. Approximately 150 to 185 bollards and 3,700 ft. of cable would be installed in total. This project will only be implemented if the "Road Repair at Corpus Christi Pass" Project is selected as a preferred alternative. If the project requires a coastal lease from the Texas General Land Office, the location of the bollards may be modified to the lease specifications.

This project will protect and allow the recovery of the dune habitat which is currently impacted by visitor use. This project also would provide secondary benefits to recreational use of MISPP by improving public access to the park's resources. The Trustees anticipate that this project has a high likelihood of success and can be implemented cost-effectively and quickly. The Trustees have selected this project as a preferred alternative.



BOLLARD AND CABLE FENCING FOR DUNE PROTECTION AT CORPUS CHRISTI PASS

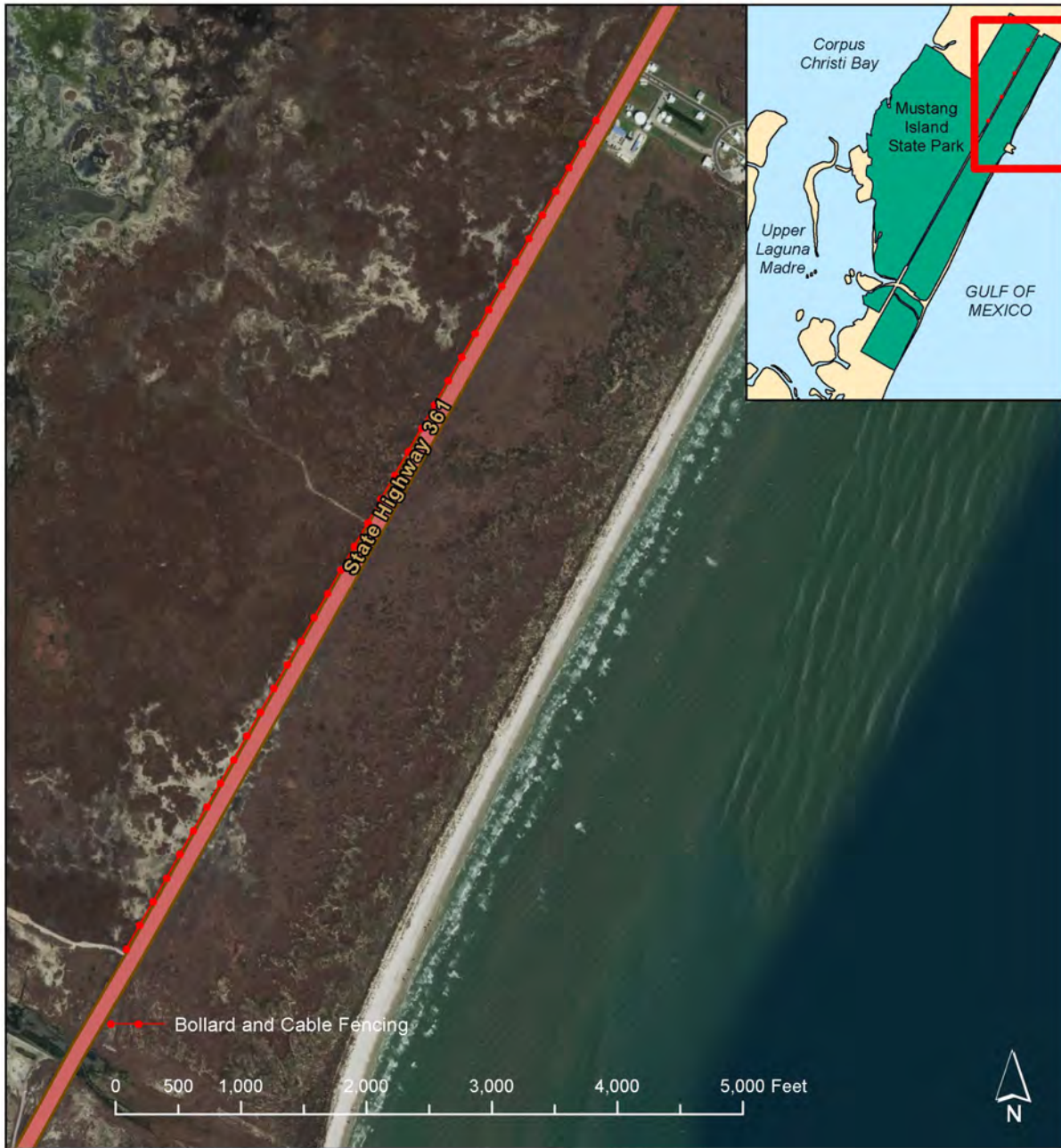


Map produced by TPWD IT-GIS Team May 2018
 No claims are made to the accuracy of the data or to the suitability of the data to a particular use.
 Projection: NAD 1983 Texas Centric Mapping System Albers
 M:\MustangIsland\mxdl\Location_14

6.2.2 Alternative 15: Bollard and Cable Fencing for Dune Protection on Hwy 361

This project will repair and/or replace approximately 7,731 linear feet of existing bollards and cable along the west side of Hwy. 361 (Park Rd. 22) on the bay side of the park within the existing footprint of the road and/or shoulder. This action ensures that vehicles on the highway are prevented from driving through coastal prairie, dunes, and wetlands to access the shoreline. Currently, the cables are badly rusted and the bollards have deteriorated significantly within this section of the road. Park visitors drive over the rusted bollard and cable fencing and are causing impacts to dune systems at the site. This project will replace up to approximately 75 to 200 (20 - 50%) of existing bollards and install new cable as needed. The new bollards are anticipated to be 4 in. to 8 in. diameter posts spaced 20 ft. to 25 ft. apart connected by 1/2 in. - 3/4 in. thick galvanized wire cable. If the project requires a coastal lease from the Texas General Land Office, the location of the bollards may be modified to the lease specifications.

This project will protect and allow the recovery of the dune habitat which is currently impacted by visitor use. This project also would provide secondary benefits to recreational use of MISPP by improving public access to the park's resources. The Trustees anticipate that this project has a high likelihood of success and can be implemented cost-effectively and quickly. The Trustees have selected this project as a preferred alternative.



BOLLARD AND CABLE FENCING FOR DUNE PROTECTION ON HIGHWAY 361



Map produced by TPWD IT-GIS Team May 2018
 No claims are made to the accuracy of the data or to the suitability of the data to a particular use.
 Projection: NAD 1983 Texas Centric Mapping System Albers
 M:\MustangIsland\mxd\Location_15

6.2.3 Alternative 16: Bollard and Cable Fencing for Dune Protection at Fish Pass North

This project will repair/replace or install new bollards and cable along the north road of Fish Pass (Fish Pass North). Through this project, approximately 6,450 linear feet of bollards and cable would be repaired and/or replaced as needed on the north side of the north Fish Pass Access road on the bay side of the park within the existing footprint of the road and/or shoulder. This section of bollard and cable is severely deteriorated and no longer effectively controls vehicular traffic from entering dune systems. This project will ensure that vehicles traveling down the access road are prevented from driving through coastal prairie habitat and wetlands to access the shoreline. This project will replace up to approximately 260 to 320 bollards and install new cable as needed. The bollards are anticipated to be 4 in. to 8 in. diameter posts with 20 ft. to 25 ft. spacing and 1/2 in. to 3/4 in. thick galvanized wire cable. If the project requires a coastal lease from the Texas General Land Office, the location of the bollards may be modified to the lease specifications.

This project will protect and allow the recovery of the dune habitat which is currently impacted by visitor use. This project also would provide secondary benefits to recreational use of MISPP by improving public access to the park's resources. The Trustees anticipate that this project has a high likelihood of success and can be implemented cost-effectively and quickly. The Trustees have selected this project as a preferred alternative.



**ALTERNATIVE 16:
BOLLARD AND CABLE FENCING FOR DUNE PROTECTION
AT FISH PASS NORTH**

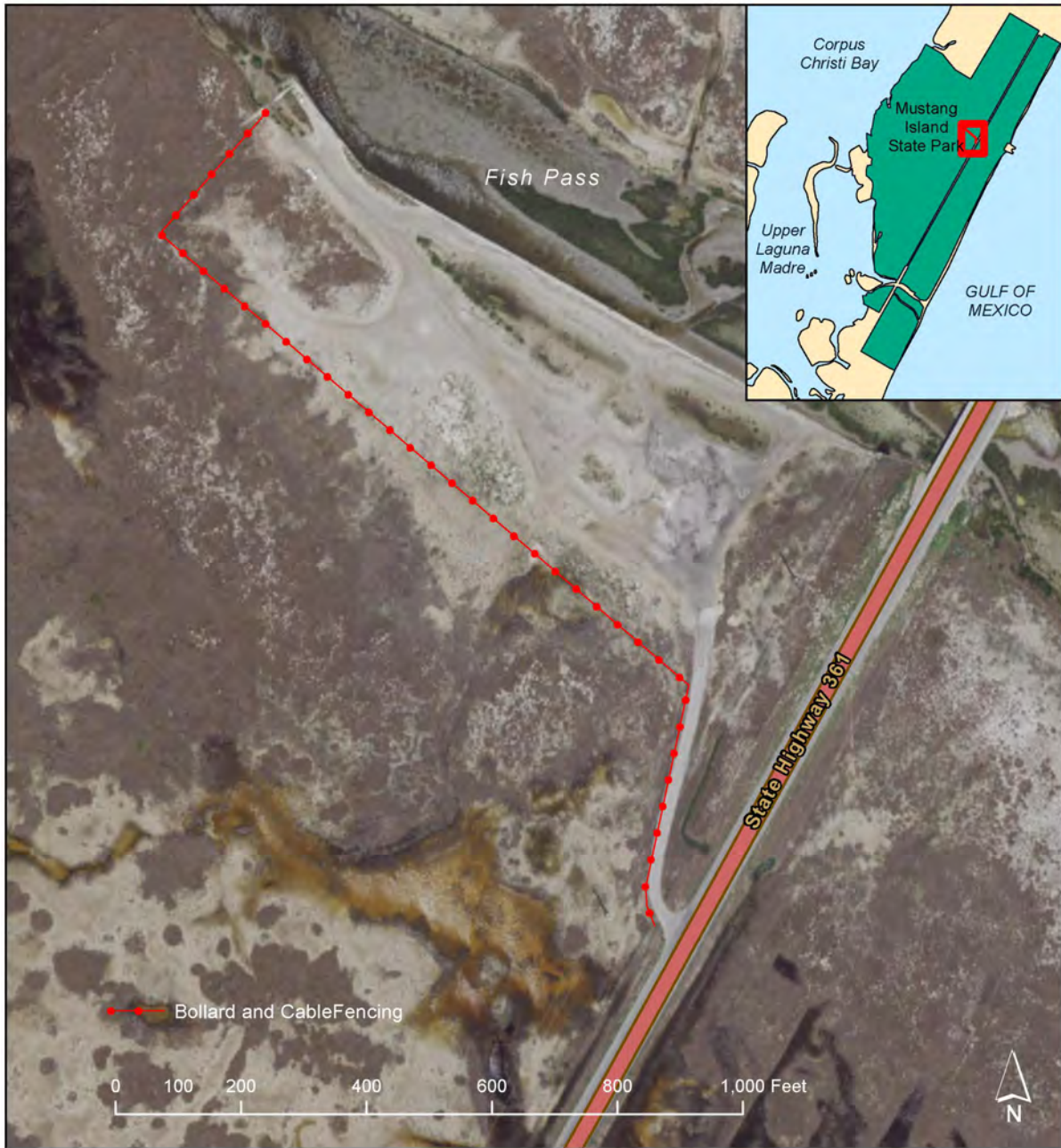


Map produced by TPWD IT-GIS Team April 2018
No claims are made to the accuracy of the data or to the suitability of the data to a particular use.
Projection: NAD 1983 Texas Centric Mapping System Albers
M:\MustangIsland\mxd\Location_16

6.2.4 Alternative 17: Bollard and Cable Fencing for Dune Protection at Fish Pass South

This project will repair/replace or install new bollards and cable along the south side of Fish Pass (Fish Pass South). It would also install new bollard and cable surrounding the parking area along south side of Fish Pass within the existing footprint of the road and/or shoulder. This 1,750-ft stretch of bollard and cable would more clearly define the frequently-used parking area. It would prevent park visitors from driving over the dunes and would allow the dune systems to restore naturally where they have already been impacted. This project will install between approximately 70 and 350 new bollards around the parking area and install new cable if needed. The bollards are anticipated to be 4 in. to 8 in. diameter posts spaced 5 ft. to 25 ft. apart connected by 1/2 in. to 3/4 in. thick galvanized wire cable. If the project requires a coastal lease from the Texas General Land Office, the location of the bollards may be modified to the lease specifications.

This project will protect and allow the recovery of the dune habitat which is currently impacted by visitor use. This project also would provide secondary benefits to recreational use of MISPP by improving public access to the park's resources. The Trustees anticipate that this project has a high likelihood of success and can be implemented cost-effectively and quickly. The Trustees have selected this project as a preferred alternative.



BOLLARD AND CABLE FENCING FOR DUNE PROTECTION AT FISH PASS SOUTH



Map produced by TPWD IT-GIS Team May 2018
 No claims are made to the accuracy of the data or to the suitability of the data to a particular use.
 Projection: NAD 1983 Texas Centric Mapping System Albers
 M:\MustangIsland\mxd\Location_17

6.2.5 Alternative 18: Bollard and Cable Fencing for Dune Protection at Fish Pass End

This project will add new bollard and cable along a stretch of the north side of Fish Pass Road to prevent park visitors from driving around the tip of the north road through the tidal flats and marshes, accessing recently added acreage to the park called the “Facey Tract.” Currently, park visitors regularly drive to the end of Fish Pass Road North, around the end of the road, through sensitive tidal flats and marshes, accessing and impacting protected lands, the Facey Tract. This project will add approximately 250 linear feet of new bollards and cable at the end of the north Fish Pass Access road on the bay side of the park. This project will install between 10 and 50 bollards and install new cable. This action ensures that vehicles traveling down the access road are prevented from driving around the end of the bollards and cable through the tidal flats to access shoreline further to the north. The bollards are anticipated to be 4 in. to 8 in. diameter posts spaced 5 ft. to 25 ft. apart connected by 1/2 in. to 3/4 in. thick galvanized wire cable. If the project requires a coastal lease from the Texas General Land Office, the location of the bollards may be modified to the lease specifications.

This project will restore dune habitat which is currently impacted by visitor use. This project also would provide secondary benefits to recreational use of MISP by improving public access to the park’s resources. The Trustees anticipate that this project has a high likelihood of success and can be implemented cost-effectively and quickly. The Trustees have selected this project as a preferred alternative.



BOLLARD AND CABLE FENCING FOR DUNE PROTECTION AT FISH PASS END



Map produced by TPWD IT-GIS Team May 2018
 No claims are made to the accuracy of the data or to the suitability of the data to a particular use.
 Projection: NAD 1983 Texas Centric Mapping System Albers
 M:\MustangIsland\mxr\Location_18

6.2.6 Alternative 19: Bollard and Cable Fencing for Dune Protection at Oil and Gas Road

This project will install 200 ft. of new bollard and cable along both sides of an oil and gas well/pipeline access road on the bay side of the park within the existing footprint of the road and/or shoulder. This action ensures that vehicles entering the access road are prevented from driving through adjacent coastal prairie habitat and wetlands to access the bay-front shoreline. Approximately 8 to 10 bollards would be installed. The bollards are anticipated to be 4 in. to 8 in. diameter posts spaced 20 ft. to 25 ft. apart connected by 1/2 in. to 3/4 in. thick galvanized wire cable.

This project will protect and allow the recovery of the dune habitat which is currently impacted. This project also would provide secondary benefits to recreational use of MISPP by improving the conditions of popular points of public access to the park's resources. The Trustees anticipate that this project has a high likelihood of success and can be implemented cost-effectively and quickly. The Trustees have selected this project as a preferred alternative.



BOLLARD AND CABLE FENCING FOR DUNE PROTECTION AT OIL AND GAS ROAD

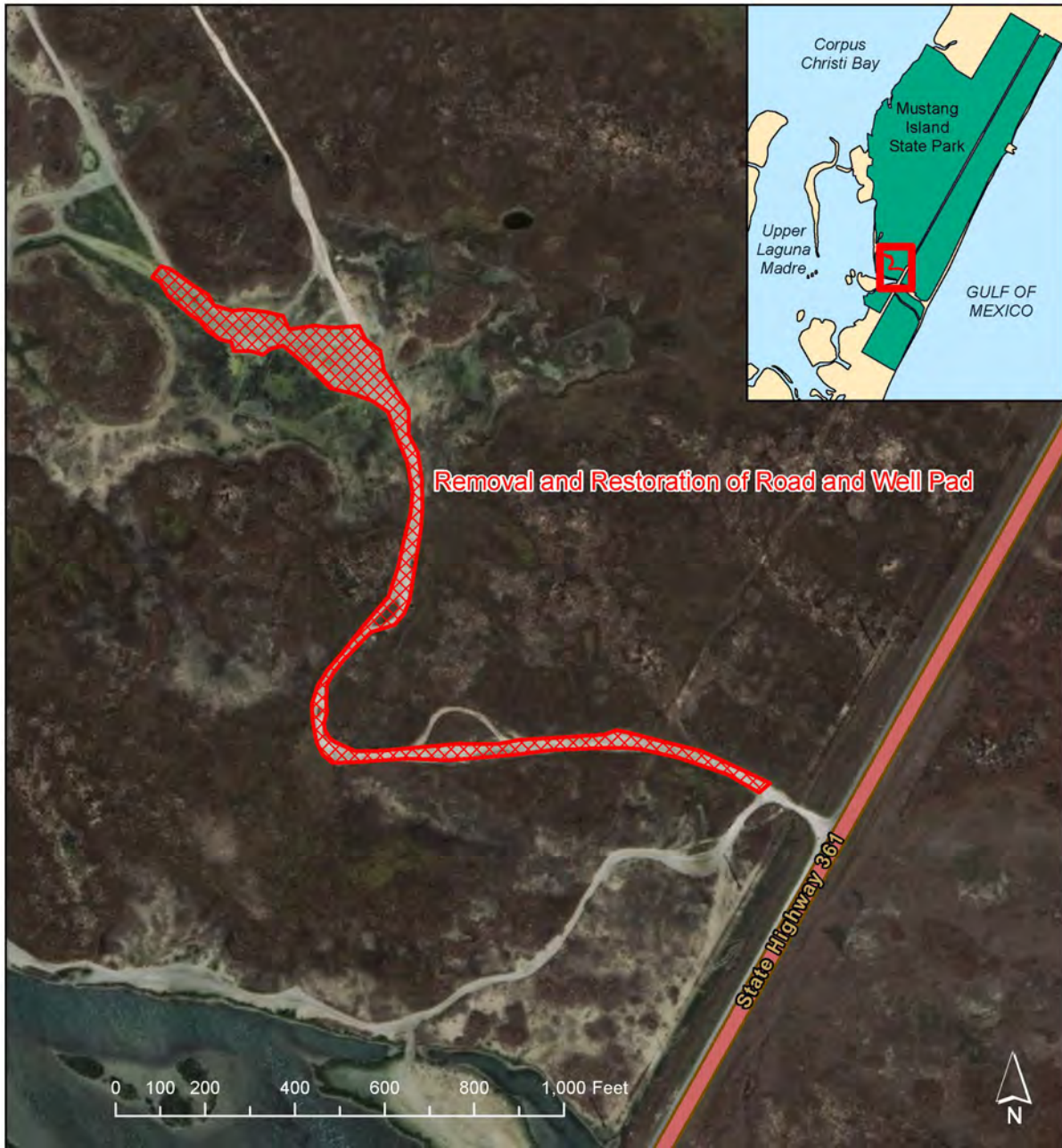


Map produced by TPWD IT-GIS Team May 2018
 No claims are made to the accuracy of the data or to the suitability of the data to a particular use.
 Projection: NAD 1983 Texas Centric Mapping System Albers
 M:\MustangIsland\mxd\Location_19

6.2.7 Alternative 20: Removal and Restoration of Corpus Christi Pass Road and Well Pad

This project will completely remove approximately 4,000 linear feet of existing caliche along Corpus Christi Pass Road North and the connected Well Pad in order to allow sensitive dune habitats to recover naturally. The old caliche road on the north side of Corpus Christi Pass was built through sand dunes, coastal prairie and tidal flats in the 1960s to provide access to an oil and gas drilling site. The road is now used by visitors to access the shoreline in this area. Access is unmanaged and vehicles often get stuck in low spots after rain or during high tides, creating holes that other vehicles later drive around, constantly increasing the impact on surrounding sensitive habitats which include emergent marsh, tidal flat (much of which is piping plover critical habitat), freshwater wetlands, coastal prairie, and documented cultural resource sites. Four-wheel-drive vehicles also leave the road to drive through tidal flats and over sand dunes, further destroying habitat and wildlife. The area is often the site of illegal activity and is strewn with trash and construction debris. Road improvement costs are prohibitive, as is the cost of maintaining and managing the existing caliche road. Removal of the caliche road would allow the now-impacted dune habitats to regrow and recover. The removed caliche would either be repurposed within the park for road maintenance or recycled.

This project will restore dune habitat which is currently impacted by visitor vehicle use. The Trustees anticipate that this project has a high likelihood of success and can be implemented cost-effectively and quickly. In addition, this project is scalable – portions of this project may be completed incrementally, in stages—depending on the funding available. The Trustees have selected this project as a preferred alternative.



REMOVAL AND RESTORATION OF CORPUS CHRISTI PASS ROAD AND WELL PAD



Map produced by TPWD IT-GIS Team May 2018
No claims are made to the accuracy of the data or to the suitability of the data to a particular use.
Projection: NAD 1983 Texas Centric Mapping System Albers
M:\MustangIsland\mxd\Location_20

6.3 No-Action Alternative

Restoration of the injured resources under the no-action alternative would occur only through natural processes and existing or future programs. The no-action alternative would not increase the rate of restoration of the injured natural resources and services beyond what will result from natural processes and existing or future programs.

Losses were suffered during the period of recovery from this Spill and technically-feasible, cost-effective alternatives exist to compensate for these losses. The Trustees anticipate that implementation of the no-action alternative would cause additional injuries in allowing the park's resources to continue to degrade. Therefore, this alternative is not preferred.

7 Preferred Alternatives

Based on the analysis in the above section, the Trustees would implement the alternatives identified as preferred in Table 2.

Table 2: Restoration Alternatives and Estimated Costs

Restoration Category	Replacement Projects	Funding Tier	Estimated Cost	Preferred/Not Preferred
Lost and Diminished Recreational Use of State Parks	Alternative 1: Dune Walkover at the Primary Dune Restoration Site	Tier 1	\$490,163	Preferred
	Alternative 2: Boardwalk and Pavilion at Fish Pass	Tier 1	\$174,669	Preferred
	Alternative 3: Kayak Launch, Restroom, and Parking Improvements at Fish Pass	Tier 1	\$174,642	Preferred
	Alternative 4: Security Improvements at Corpus Christi Pass and Fish Pass South	Tier 1	\$39,250	Preferred
	Alternative 5: Security Improvements at Fish Pass North	Tier 2	\$19,750	Preferred
	Alternative 6: Interpretive Sign at South Jetty of Fish Pass	Tier 2	\$4,500	Preferred
	Alternative 7: Road Repair at Corpus Christi Pass	Tier 1	\$4,584	Preferred
	Alternative 8: Bollard and Cable Fencing for Pedestrian Safety at Day Use Area	Tier 1	\$21,450	Preferred
	Alternative 9: Equipment Rental at Mustang Island State Park	Tier 2	\$9,000	Preferred
	Alternative 10: Trail/Boardwalk System from Corpus Christi Pass Road Parking Area to South Access Point	N/A	\$763,123	Not Preferred

	Alternative 11: Trail/Boardwalk System from South Access Point to Kate's Hole	N/A	\$487,574	Not Preferred
	Alternative 12: Extension of Trail/Boardwalk System from Kate's Hole to North Access Point	N/A	\$889,692	Not Preferred
	Alternative 13: Interpretive Pavilion and Marsh Boardwalk (Proposed in 2003 Final RP/EA)	N/A	\$132,000	Not Preferred
Dune and Vegetation Restoration	Alternative 14: Bollard & Cable Fencing for Dune Protection at Corpus Christi Pass	Tier 1	\$44,770	Preferred
	Alternative 15: Bollard and Cable Fencing for Dune Protection on Hwy 361	Tier 1	\$76,537	Preferred
	Alternative 16: Bollard and Cable Fencing for Dune Protection at Fish Pass North	Tier 2	\$63,855	Preferred
	Alternative 17: Bollard and Cable Fencing for Dune Protection at Fish Pass South	Tier 2	\$17,325	Preferred
	Alternative 18: Bollard and Cable Fencing for Dune Protection at Fish Pass End	Tier 1	\$5,500	Preferred
	Alternative 19: Bollard and Cable Fencing for Dune Protection at Oil and Gas Road	Tier 1	\$23,087	Preferred
	Alternative 20: Removal and Restoration of Corpus Christi Pass Road and Well Pad	Tier 2	Scalable ¹	Preferred
All	No-Action Alternative	N/A	\$0	Not Preferred

The Trustees' preferred projects restore the same types of resources and services as were impacted by the Spill and would do so in a cost-effective manner with a high likelihood of success. The Trustees have implemented projects similar to those listed Table 2. In comparison, the preferred alternatives in Table 2 are technically feasible, cost-effective, meet the Trustees' goals, are likely to succeed, and benefit more than one natural resource. An OPA evaluation of each of the alternatives is described in Chapter 6, above, and is summarized as a table in Appendix B and discussed further in this chapter.

The alternatives that were not preferred are discussed below:

- Alternatives 10, 11, and 12 – were not considered to be cost-effective and have the potential to cause collateral injury to surrounding dune and wetland habitat.
- Alternative 13 (originally proposed in the 2003 Final RP/EA) – the large scope and undefined location left variables such as collateral injury, cost-effectiveness, and technical feasibility unknown.

¹ Cost is scalable up to the remainder of restoration funds available. This is not a representative cost estimate for completion of the project.

- No-action alternative – losses were suffered during the period of recovery from this Spill, and technically-feasible, cost-effective alternatives exist to compensate for these losses.

The Trustees will implement a tiered funding strategy to account for residual funds – if any remain – after the implementation of “Tier 1” preferred alternatives listed above. Tier 1 is comprised of alternatives scoring the highest in the Trustees’ OPA evaluation (i.e., having the lowest numerical scores; refer to Appendix B), while Tier 2 projects are comprised of projects that fall into the category of preferred projects but scored overall slightly lower than those in Tier 1. The total estimated cost of implementing the preferred alternatives in Tier 1 is \$1,054,652. Depending on the amount of funds that may remain after implementation of the Tier 1 alternatives, the Trustees may implement one or more, a portion of, or components of the projects listed as Tier 2 in Table 2 above. The Trustees may also use residual funds to enhance projects selected for implementation in Tier 1. Projects within Tier 2 would be implemented according to the highest score within the available funding. Alternatively, residual funds may be put towards (a) enhancing Tier 1 projects that are scalable or (b) compensating for any unfunded administrative costs associated with project planning and implementation. If no funding remains from the initial implementation of Tier 1 projects, Tier 2 projects above will not be implemented.

In the Draft Amendment, the Trustees proposed 16 preferred restoration project alternatives with proposed maximum funding of \$1,133,202, including administrative costs associated with implementation. The alternatives presented in this Final Amendment are independent of each other. Each alternative, or its individual components, may be individually selected for implementation in this and/or future restoration plans by the Trustees.

8 Project Monitoring

The objective of the suite of selected projects discussed in the sections above is to restore and enhance dune vegetation and compensate for lost recreational use in Mustang Island State Park that resulted from the Spill. Each project will include monitoring to ensure project success. Construction activities will be monitored to ensure that project designs are correctly implemented. Monitoring parameters for projects may include: construction verification and percent vegetation cover. Project performance will be assessed using both qualitative and quantitative performance criteria related to project designs and objectives. The need for corrective actions will be determined by evaluation of the project over time using specified performance criteria. Details concerning the performance measures and monitoring will be developed during implementation of the projects.

9 Compliance with the National Environmental Policy Act (NEPA)

Actions undertaken by a federal Trustee to restore natural resources or services under OPA are subject to the National Environmental Policy Act (NEPA) (42 U.S.C. §§ 4321 *et seq.*) and other federal laws including the Endangered Species Act, Clean Water Act, and Section 106 of the National Historic Preservation Act.

After public comment and review, the Trustees consulted the 2015 *National Park Service NEPA Handbook* and determined that the selected preferred alternatives all qualify for “categorical exclusions for which documentation is required.” This “NEPA pathway” is applicable to actions that have been found to have no potential for individual or cumulative significant environmental impacts under ordinary circumstances, but whose potential for environmental impacts warrants some level of analysis and formal documentation.

The categorical exclusion forms are appended to this Final Amendment. There are eight separate categorical exclusions rather than 16. This is because several of the projects were lumped together because they are similar (e.g. the bollard-and-cable fencing projects).

The approved and signed categorical exclusion forms have undergone all other necessary consultation and coordination (e.g. Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, tribal consultations, Coastal Zone Management Act, etc.) and may now be implemented. The NEPA compliance analyses are still in progress, however, for the “Boardwalk and Pavilion at Fish Pass” project and the kayak launch component of the “Kayak Launch, Restroom, and Parking Improvements at Fish Pass” project. It is expected that they will also fall under categorical exclusions and any NEPA documentation will be later appended to this document.

APPENDIX A: Federally-listed threatened and endangered species potentially occurring in the project area (MISP)

	Common Name	Scientific Name	Federal Status	Potentially Present in Restoration Project Area
Birds				
	Interior Least Tern	<i>Sterna antillarum athalassos</i>	E	No
	Northern Aplomado Falcon	<i>Falco femoralis septentrionalis</i>	E	Yes
	Piping Plover	<i>Charadrius melodus</i>	T	Yes
	Red Knot	<i>Calidris canutus rufa</i>	T	Yes
	Whooping Crane	<i>Grus americana</i>	E	Yes
Mammals				
	Gulf Coast Jaguarondi	<i>Herpailurus yagourarounds cacomitli</i>	E	No
	Ocelot	<i>Leopardus pardalis</i>	E	No
	West Indian Manatee	<i>Trichechus manatus</i>	E	No
Reptiles				
	Green Sea Turtle	<i>Chelonia mydas</i>	T	Yes
	Hawksbill Sea Turtle	<i>Eretmochelys imbricata</i>	E	Yes
	Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	E	Yes
	Leatherback Sea Turtle	<i>Dermochelys coriacea</i>	E	Yes
	Loggerhead Sea Turtle	<i>Caretta caretta</i>	T	Yes
Plants				
	Slender Rush-pea	<i>Hoffmannseggia tenella</i>	E	No
	South Texas Ambrosia	<i>Ambrosia cheiranthifolia</i>	E	No

APPENDIX B: Project Evaluation Criteria Table

Project Name	Preferred (Y/N)	Technical Feasibility	Meets Trustees' Goals	Compliance with Laws	Public Health and safety	Relationship to injured resources	Avoidance of further injury	Likelihood of success	Benefits multiple resources	Time to benefits	Duration of benefits	Protection of Alternative	Collaboration Opportunities	Cost-efficiency	Total cost	Range of projects	Total Score	Overall Score
Dune Walkover at the Primary Dune Restoration Site	Y	1	1	1	1	1	2	1	1	1	1	1	1	1	1	1	16	H
Boardwalk and Pavilion at Fish Pass	Y	1	1	1	1	1	2	1	1	1	1	1	1	1	1	1	16	H
Kayak Launch, Restrooms, and Parking Improvements at Fish Pass	Y	1	1	1	1	1	1	1	2	1	1	1	1	1	1	1	16	H
Security Improvements at Corpus Christi Pass and Fish Pass South	Y	1	2	1	1	1	1	2	1	1	1	1	1	1	1	1	17	H
Security Improvements at Fish Pass North*	Y	1	2	1	1	1	1	2	1	1	1	1	1	1	1	2	18	H
Interpretive Sign at South Jetty of Fish Pass*	Y	1	1	1	2	1	1	1	2	1	1	1	1	1	1	1	17	H
Road Repair at Corpus Christi Pass	Y	1	1	1	1	1	1	1	2	1	1	1	1	1	1	1	16	H
Bollard and Cable Fencing for Pedestrian Safety at Day-Use Area	Y	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	15	H
Equipment Rental at Mustang Island State Park*	Y	1	1	1	2	1	1	1	2	1	1	1	1	1	1	1	17	H
Trail/Boardwalk System from Corpus Christi Pass Road Parking Area to South Access Point	N	2	1	1	1	1	2	1	2	1	1	1	2	3	3	2	24	L
Trail/Boardwalk System from South Access Point to Kate's Hole	N	2	1	1	1	1	2	1	2	1	1	1	2	3	3	3	25	L
Extension of Trail/Boardwalk System from Kate's Hole to North Access Point	N	2	1	1	1	1	2	1	2	1	1	1	2	3	3	3	25	L
Interpretive Pavilion and Marsh Boardwalk	N	2	1	1	1	1	2	1	2	1	1	1	2	2	3	2	23	M

Project Name	Preferred (Y/N)	Technical Feasibility	Meets Trustees' Goals	Compliance with Laws	Public Health and safety	Relationship to injured resources	Avoidance of further injury	Likelihood of success	Benefits multiple resources	Time to benefits	Duration of benefits	Protection of Alternative	Collaboration Opportunities	Cost-efficiency	Total cost	Range of projects	Total Score	Overall Score
Bollard and Cable Fencing for Dune Protection at Corpus Christi Pass*	Y	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	15	H
Bollard and Cable Fencing for Dune Protection on Hwy. 361	Y	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	16	H
Bollard and Cable Fencing for Dune Protection at Fish Pass North*	Y	2	1	1	1	1	1	1	1	1	1	1	1	2	1	1	17	H
Bollard and Cable Fencing for Dune Protection at Fish Pass South*	Y	2	1	1	1	1	1	1	1	1	1	1	1	2	1	1	17	H
Bollard and Cable Fencing for Dune Protection at Fish Pass End	Y	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	15	H
Bollard and Cable Fencing for Dune Protection at Oil and Gas Road	Y	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	15	H
Removal and Restoration of Corpus Christi Pass Road and Well Pad*	Y	1	1	1	2	1	2	1	1	1	1	1	1	1	1	1	17	H
No Action Alternative	N	1	2	1	3	3	3	3	2	3	2	3	3	1	1	3	34	L

*Indicates project for Tier 2 funding (see Section 7 for more detail)

1 = Meets the criteria very well, 2 = Adequately meets the criteria, 3 = Does not meet the criteria

16-20 = Highly recommended project (Tier 1 and Tier 2 preferred alternatives) (H), 21-23 = Moderately recommended project (M), >23 = Low (L); Non-preferred project

APPENDIX C: Categorical Exclusions



Categorical Exclusion Form

Project: Dune Walkover at the Primary Dune Restoration Site

PEPC Project Number: 88340

Description of Action (Project Description):

This project would construct a dune walkover at the “Day Use” area on the Gulf side of Mustang Island State Park (MISP). At this site, a restoration project has already been implemented to reestablish the area’s natural dune system on the beach side of the park. Currently visitors to this area walk directly through that restored site to access the beach. This dune walkover would provide a dedicated, wheelchair-accessible path for park visitors to move over the dune system to the beach, while also maintaining the integrity of the newly forming dunes.

This 2,700 sq. ft. walkover will comply with Americans with Disabilities Act (ADA) accessibility standards. Initial project designs have planned a high boardwalk approximately 450 ft. in length and 6 ft. wide, and includes the installation of three interpretive panels along the walkway. This project is still in the design phase so minor modifications may occur.

The walkover will provide pedestrian access from the day-use parking area located behind the primary dune restoration site to the beach and would scale the newly developing dune system. The walkover would consist of pilings supporting a fixed platform. Pilings would likely be steel pipes or treated wood and they would measure approximately 12 in. x 12 in. and be spaced approximately 5 ft. lengthwise and 7 ft. crosswise. Platform materials would likely consist of composite decking, fiberglass reinforced polypropylene, or a grate decking system from a manufacturer. Spacing of the decking would comply with ADA Guidelines and Texas Accessibility Standards and would allow for some light penetration for vegetation growth.

Project construction would take place in sandy beach and dune habitat. There is no wetland habitat in the vicinity of the project area. A construction zone would be established around the worksite. Pilings would be driven into the sand and underlying substrate with the aid of moderate sized equipment, pile drivers, and/or augers as needed. The walkover platform would be constructed on top of the pilings.

Construction equipment may also include a backhoe, tractor trailer, and trucks. Materials would be transported to the worksite by truck or medium-sized vehicle. The existing visitor parking lot adjacent to the proposed work area may serve as a staging area during construction.

Although a construction schedule has not yet been finalized, construction is not expected to take longer than one year. The date the contract is awarded may impact the timing of the project. Contracts awarded towards the end of the year (August – December) may not be completed until the following spring or late summer, depending on weather conditions.

Project Location:

Location: Mustang Island State Park

County: Nueces

State: TX

Mitigation(s):

- Any vehicles or equipment thought to be carrying any biological material – especially seeds – from noxious weeds and non-native invasive species will be cleaned before entering the project area.
- All workers will be informed of the penalties of illegally collecting artifacts or intentionally damaging any archeological or historic property.
- If historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties. The TPWD Cultural Resources Manager also will be notified immediately.
- If buried cultural materials are encountered during construction or disturbance activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains. The TPWD Cultural Resources Manager also will be notified immediately.
- All construction would occur during daylight hours, Monday through Friday (Saturdays could be allowed if circumstances require it).
- Visitor foot or vehicular traffic will be restricted from construction areas.
- TPWD biological monitors will survey the interior portion of MISP regularly and identify any active Northern Aplomado falcon nests.
- Construction work will not occur within 1,000 ft of an active nesting site, whether a natural or manmade structure, during Aplomado falcon nesting season, i.e., approximately March through July.
- During any time of year, construction work must be halted immediately if TPWD biological monitors observe that construction activities are possibly interfering with other Aplomado falcon activities such as roosting and foraging anywhere at MISP. Work could resume once the biological monitor indicates that interference has ended.
- Only construction vehicles that absolutely have to drive into the Gulf-side or Bay-side "wet" zones and equipment during project implementation will do so and they will be there as briefly as possible.
- All equipment will be stored off the beach and away from shorelines to limit interactions with Piping plovers and Red knots.
- Areas around trucks and equipment will be checked prior to starting to ensure Piping Plovers and Red Knots are not in the area.
- Construction work must be halted immediately if TPWD biological monitors observe that construction activities are possibly interfering with Piping Plover and Red Knot activities such as roosting, foraging, and sheltering. Work could resume once the biological monitor indicates that interference has ended.
- Fence off construction sites on Gulf beaches with orange safety fencing to exclude turtles from sites.
- State Park personnel, along with volunteer turtle patrols as appropriate, conduct regular beach and construction site patrols during nesting season looking for crawling or nesting turtles, or established turtle nests.

- A trained turtle spotter will escort all equipment movements and inspect the construction sites daily before and during construction activities.
- Halt construction work if a turtle is sighted onshore where project activities could disturb it and notifying the Texas Sea Turtle Stranding and Salvage network per established protocols.
- Store all project vehicles, equipment, and materials off the beach when not being used.

CE Citation: C.18 – Construction of minor structures, including small improved parking lots, in previously disturbed or developed areas.

CE Justification: The dune walkover and integrated signs are minor structures and will be constructed in an area that is already developed (parking lot, dirt roads) and disturbed by heavy foot traffic. As such the boardwalk will be incidental to the use of this Day Use area; it will also improve accessibility to the beach from the parking lot.

Decision: I find that the action fits within the categorical exclusion above. Therefore, I am categorically excluding the described project from further NEPA analysis. No extraordinary circumstances apply, particularly given both the conservation measures that were explicitly spelled out in the Biological Assessment (and listed above) and the determination of No Effect made by the SHPO.

Signature

Mark E. Spier Date: 8/21/2019

NPS Representative to Skaubay/Berge Banker Oil Spill Trustee Council and Superintendent of Padre Island National Seashore

Extraordinary Circumstances:

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



Categorical Exclusion Form

Project: Restroom and Parking Improvements at Fish Pass

PEPC Project Number: 88130

Description of Action (Project Description):

This project would install a vaulted, ADA-compliant restroom facility and ADA-compliant parking on the south side of Fish Pass at MISP adjacent to the existing public access area. Currently the area has no amenities for visitors except for an unpaved parking lot.

The restrooms would consist of a concrete block, pre-fabricated structure (similar to a CXT double vault) with two chemical toilets which would be regularly serviced by park staff. A 360 sq. ft. area within the existing footprint of the parking lot would be paved. Also, an accessible walkway with a ramp and deck would be installed within the existing footprint of the parking lot to allow wheel-chair accessibility between the paved parking spaces, restroom facilities, and a future kayak launch. The walkway would be approximately 933 sq. ft. and 4-ft. wide. Additional site improvements may include solar lighting and solar fans on the restroom, and directional signs. In addition, the existing parking area would be graded to improve drainage and to improve vehicle, pedestrian, and wheel-chair access.

Project Locations:

Location: Mustang Island State Park

County: Nueces

State: TX

Mitigation(s):

- Any vehicles or equipment thought to be carrying any biological material – especially seeds – from noxious weeds and non-native invasive species will be cleaned before entering the project area.
- All workers will be informed of the penalties of illegally collecting artifacts or intentionally damaging any archeological or historic property.
- If historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties. The TPWD Cultural Resources Manager also will be notified immediately.
- If buried cultural materials are encountered during construction or disturbance activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains. The TPWD Cultural Resources Manager also will be notified immediately.

- All construction would occur during daylight hours, Monday through Friday (Saturdays could be allowed if circumstances require it).
- Visitor foot or vehicular traffic will be restricted from construction areas.
- If it appears these projects will cause high levels of dust, dust suppression will be required of the contractor.
- TPWD biological monitors will survey the interior portion of MISP regularly and identify any active Northern Aplomado Falcon nests.
- Construction work will not occur within 1,000 ft of an active nesting site, whether a natural or manmade structure, during Northern Aplomado falcon nesting season, i.e., approximately March through July.
- During any time of year, construction work must be halted immediately if TPWD biological monitors observe that construction activities are possibly interfering with other Northern Aplomado falcon activities such as roosting and foraging anywhere at MISP. Work could resume once the biological monitor indicates that interference has ended.

CE Citation: C.18 – Construction of minor structures, including small improved parking lots, in previously disturbed or developed areas.

CE Justification: All the improvements made in this project qualify as minor structures and, with the exception of the solar fan and signs, will improve accessibility for visitors. All the structures and improvements will be installed/constructed in a previously (and highly) disturbed area.

Decision: I find that the action fits within the categorical exclusion above. Therefore, I am categorically excluding the described project from further NEPA analysis. No extraordinary circumstances apply, particularly given both the conservation measures that were explicitly spelled out in the Biological Assessment (and listed above) and the determination of No Effect made by the SHPO.

Signature

Mark E. Juen Date: 8/21/2019

NPS Representative to Skaubay/Berge Banker Oil Spill Trustee Council and Superintendent of Padre Island National Seashore

Extraordinary Circumstances:

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



Categorical Exclusion Form

Project: Security Improvements at Corpus Christi Pass, at Fish Pass South, and at Fish Pass North

PEPC Project Number: 88275

Description of Action (Project Description):

This project type involves two distinct projects, both of which involve installing automatic solar-powered vehicle gates and signage at three critical road junctions in MISP: Corpus Christi Pass North Road, Fish Pass South Side Access, and Fish Pass North Side Access. All locations are access points to heavily used recreational fishing and kayaking areas in the park. Access is not currently controlled to either of these locations. The gates would be programmed to open and close at a particular time and could be controlled by park staff to remain closed during periods of rain or extreme high tides when the roads would be wet or submerged and dangerous or damaged by vehicles. Signs would be posted at each gate clearly marking each area as part of the State Park, informing visitors that off-road use of motorized vehicles is not allowed and that the gates will close automatically at the set time. The gates would automatically allow visitors who overstay to exit.

The project is currently in the conceptual phase of design. Pre-fabricated automatic solar powered gates would be installed in brushy dune habitat within the footprint of the existing sand and/or caliche road. The installation areas at all three sites are heavily impacted by both vehicle and pedestrian traffic. There is no wetland habitat at any of the three locations.

A construction zone would be established around the worksite for regulating public access. Construction equipment may potentially include: hand tools such hand shovels, a backhoe, dump truck, concrete truck, mid-size delivery trucks, and generators. Materials would be transported to the worksite by truck or medium-sized vehicle. The existing footprint of the road is wide enough to accommodate a staging area at each site, if needed. Where available, existing sand and gravel parking lots may also be used as staging areas. Minor surficial sediment removal and/or grading and re-placement of material may be necessary to ensure ground stability prior to installation of gates. The depth and volume of sediment removal, if any, will be determined in final design phases of this project.

Although a construction schedule has not yet been finalized, construction is not expected to take longer than three months. The date the contract is awarded may impact the timing of the project. Contracts awarded towards the end of the year (August – December) may not be completed until the following spring or late summer, depending on weather conditions.

Project Locations:

Location: Mustang Island State Park

County: Nueces

State: TX

Mitigation(s):

- Any vehicles or equipment thought to be carrying any biological material – especially seeds – from noxious weeds and non-native invasive species will be cleaned before entering the project area.
- All workers will be informed of the penalties of illegally collecting artifacts or intentionally damaging any archeological or historic property.
- If historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties. The TPWD Cultural Resources Manager also will be notified immediately.
- If buried cultural materials are encountered during construction or disturbance activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains. The TPWD Cultural Resources Manager also will be notified immediately.
- All construction would occur during daylight hours, Monday through Friday (Saturdays could be allowed if circumstances require it).
- Visitor foot or vehicular traffic will be restricted from construction areas.
- TPWD biological monitors will survey the interior portion of MISPP regularly and identify any active Northern Aplomado falcon nests.
- Construction work will not occur within 1,000 ft of an active nesting site, whether a natural or manmade structure, during Aplomado falcon nesting season, i.e., approximately March through July.
- During any time of year, construction work must be halted immediately if TPWD biological monitors observe that construction activities are possibly interfering with other Aplomado falcon activities such as roosting and foraging anywhere at MISPP. Work could resume once the biological monitor indicates that interference has ended.

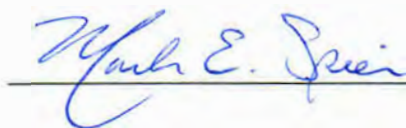
CE Citation: C.9 - Repair, resurfacing, striping, installation of traffic control devices, repair/replacement of guardrails, etc., on existing roads.

CE Justification:

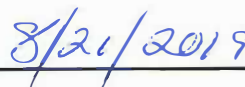
The gates and signs to be installed will act as traffic control devices. They will be installed on existing road entrances that are already severely impacted.

Decision: I find that the action fits within the categorical exclusion above. Therefore, I am categorically excluding the described project from further NEPA analysis. No extraordinary circumstances apply, particularly given both the conservation measures that were explicitly spelled out in the Biological Assessment (and listed above) and the determination of No Effect made by the SHPO.

Signature



Date:



Extraordinary Circumstances:

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



Categorical Exclusion Form

Project: Interpretive Sign at South Jetty of Fish Pass

PEPC Project Number: 88432

Description of Action (Project Description):

An interpretive panel would be designed and installed at the Fish Pass jetties, on the south side. The panel would be approximately 4 ft. by 4 ft. and would provide information to park visitors about resources at the site. The panel would foster public engagement with natural resources by interpreting resources commonly found at the site. A mechanical auger or hand shovels will be used to dig the post holes.

Project Locations:

Location: Mustang Island State Park

County: Nueces

State: TX

Mitigation(s):

- Any vehicles or equipment thought to be carrying any biological material – especially seeds – from noxious weeds and non-native invasive species will be cleaned before entering the project area.
- All workers will be informed of the penalties of illegally collecting artifacts or intentionally damaging any archeological or historic property.
- If historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties. The TPWD Cultural Resources Manager also will be notified immediately.
- If buried cultural materials are encountered during construction or disturbance activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains. The TPWD Cultural Resources Manager also will be notified immediately.
- All construction would occur during daylight hours, Monday through Friday (Saturdays could be allowed if circumstances require it).
- Visitor foot or vehicular traffic will be restricted from construction area.
- TPWD biological monitors will survey the interior portion of MISP regularly and identify any active Northern Aplomado falcon nests.
- Construction work will not occur within 1,000 ft of an active nesting site, whether a natural or manmade structure, during Aplomado falcon nesting season, i.e., approximately March through July.

- During any time of year, construction work must be halted immediately if TPWD biological monitors observe that construction activities are possibly interfering with other Aplomado falcon activities such as roosting and foraging anywhere at MISF. Work could resume once the biological monitor indicates that interference has ended.
- All equipment will be stored off the beach and away from shorelines to limit interactions with Piping plovers and Red knots.
- Areas around trucks and equipment will be checked prior to starting to ensure Piping Plovers and Red Knots are not in the area.
- Construction work must be halted immediately if TPWD biological monitors observe that construction activities are possibly interfering with Piping Plover and Red Knot activities such as roosting, foraging, and sheltering. Work could resume once the biological monitor indicates that interference has ended.
- Fence off construction sites on Gulf beaches with orange safety fencing to exclude turtles from sites.
- State Park personnel, along with volunteer turtle patrols as appropriate, conduct regular beach and construction site patrols during nesting season looking for crawling or nesting turtles, or established turtle nests.
- A trained turtle spotter will escort all equipment movements and inspect the construction sites daily before and during construction activities.
- Halt construction work if a turtle is sighted onshore where project activities could disturb it and notifying the Texas Sea Turtle Stranding and Salvage network per established protocols.
- Store all project vehicles, equipment, and materials off the beach when not being used.

CE Citation: C.5 – Installation of signs, displays, kiosks, etc.

CE Justification: The project involves the installation of a sign/display for visitors to read.

Decision: I find that the action fits within the categorical exclusion above. Therefore, I am categorically excluding the described project from further NEPA analysis. No extraordinary circumstances apply, particularly given both the conservation measures that were explicitly spelled out in the Biological Assessment (and listed above) and the determination of No Effect made by the SHPO.

Signature

Mark E. Spier Date: 8/21/2019

NPS Representative to Skaubay/Berge Banker Oil Spill Trustee Council and Superintendent of Padre Island National Seashore

Extraordinary Circumstances:

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



Categorical Exclusion Form

Project: Road Repair at Corpus Christi Pass

PEPC Project Number: 88433

Description of Action (Project Description):

This project would re-grade an existing sand road that provides access to the Corpus Christi Pass fishing area within the existing footprint of the road and/or shoulder. Originally, this road was designed as a packed sand road, and has functioned well without maintenance for 50 years. The road provides unique access to a popular fishing spot in the park, and in the last decade the road has been severely degraded by continued use. This portion of the road has been worn away over time and now regularly floods during storm events. This entire area is only 1 to 2 ft above sea level and the soil moisture makes the sand a good flat, hard driving surface. Raising the road surface to the previous grade and grading it so that it drains properly will restore the road condition and regular vehicle access. The repair would be made with sand from the site; no caliche or other imported road materials would be used. The repair would also be only within the existing road footprint and would cause no additional impacts to the site. The sand source in the Park would be the Day Use Parking Area, where windblown sand must be removed almost daily.

The project is currently in the conceptual phase of design. Approximately 200 cubic yards of sand from the Parking Area will be loaded into a small dump truck, transported to the site, used to fill the portions of the road that have been worn by vehicular traffic, and graded to match adjacent grade. Following repair, a cooperative agreement with TXDOT, Nueces County or the City of Corpus Christi will be negotiated for regular maintenance. The road repair should be completed before the proposed bollard and cable is installed on the sides of the road.

Project construction would take place along Corpus Christi Pass within the exist prism of the road. As the site is frequented by park visitors, the area is heavily impacted by vehicle and foot traffic. There is no wetland habitat in this location. A construction zone would be established around the worksite for regulating public access. Construction equipment may potentially include: a grader, tractor/front-end loader, dump truck, small vehicles to transport staff, and hand tools. Surficial sediment removal and/or grading and re-placement of material along the road may be necessary to ensure ground stability prior to installation of the launch and/or restroom facility. The depth and volume of sediment displacement, if any, will be determined in final design phases of this project.

A construction schedule has not yet been finalized, construction is not expected to take longer than three months. The date the contract is awarded may impact the timing of the project. Contracts awarded towards the end of the year (August – December) may not be completed until the following spring or late summer, depending on weather conditions.

Project Locations:

Location: Mustang Island State Park

County: Nueces

State: TX

Mitigation(s):

- Any vehicles or equipment thought to be carrying any biological material – especially seeds – from noxious weeds and non-native invasive species will be cleaned before entering the project area.
- All workers will be informed of the penalties of illegally collecting artifacts or intentionally damaging any archeological or historic property.
- If historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties. The TPWD Cultural Resources Manager also will be notified immediately.
- If buried cultural materials are encountered during construction or disturbance activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains. The TPWD Cultural Resources Manager also will be notified immediately.
- All construction would occur during daylight hours, Monday through Friday (Saturdays could be allowed if circumstances require it).
- Visitor foot or vehicular traffic will be restricted from construction areas.
- If it appears these projects will cause high levels of dust, dust suppression will be required of the contractor.
- TPWD biological monitors will survey the interior portion of MISP regularly and identify any active Northern Aplomado falcon nests.
- Construction work will not occur within 1,000 ft of an active nesting site, whether a natural or manmade structure, during Aplomado falcon nesting season, i.e., approximately March through July.
- During any time of year, construction work must be halted immediately if TPWD biological monitors observe that construction activities are possibly interfering with other Aplomado falcon activities such as roosting and foraging anywhere at MISP. Work could resume once the biological monitor indicates that interference has ended.

CE Citation: C.9 - Repair, resurfacing, striping, installation of traffic control devices, repair/replacement of guardrails, etc., on existing roads.

CE Justification: This project involves the repair and resurfacing of an existing dirt (sandy) road. Sand in the project area will be moved around – i.e., the existing road will be graded and then raised with sand transported from the adjacent parking lot such that ruts and holes in the road are removed and the road is less prone to erosion and is more drivable during minor flooding events. The project will occur in an area (existing road and parking lot) that is already severely impacted.

Decision: I find that the action fits within the categorical exclusion above. Therefore, I am categorically excluding the described project from further NEPA analysis. No extraordinary circumstances apply, particularly given both the conservation measures that were explicitly spelled out in the Biological Assessment (and listed above) and the determination of No Effect made by the SHPO.

Signature

Mark E. Spier

Date:

8/21/2019

NPS Representative to Skaubay/Berge Banker Oil Spill Trustee Council and Superintendent of Padre Island National Seashore

Extraordinary Circumstances:

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



Categorical Exclusion Form

Project: Bollard and Cable Fencing Removal/Repair/Installation

PEPC Project Number: 88374

Description of Action (Project Description):

Bollards are wooden posts that are 4-8" in diameter (or width) and are driven approximately 20-40 inches into the ground. Bollards installed to protect pedestrian areas will be approximately 4-6 ft apart; bollards installed along roads will be approximately 20-25 ft apart. The cable hung between the bollards is ½ to ¾ inch thick and made of galvanized wire. Installation of this fencing will keep cars out of visitor beach areas and out of adjacent habitat.

Construction activities would involve removal and replacement of deteriorated bollards and cable or, in two cases, the installation of new bollards and cable where there currently are none. Seven bollard and cable projects are planned in Mustang Island State Park totaling approximately 21,056 linear feet (3.9 miles) of fencing, including approximately 733 to 1,365 bollards installed. All construction, regardless of whether the fence is new or being repaired/replaced, will be in areas that are already impacted – i.e., where a fence currently exists or along or across an existing road prism. A construction zone would be established around the worksite for regulating public access. Construction equipment may potentially include hand tools such as hand shovels, a backhoe, skid steer, auger, concrete truck, mid-size delivery trucks, and generators. Materials would be transported to the worksite by truck or medium-sized vehicle. Nearby visitor parking lots would serve as staging areas for equipment and materials.

No bollard-and-cable project is expected to take longer than three months. The date the contract is awarded may impact the timing of the project – e.g., contracts awarded towards the end of the year (August – December) may not be completed until the following spring or late summer, depending on weather conditions.

Project Locations:

Location: Mustang Island State Park

County: Nueces

State: TX

Mitigation(s):

- Any vehicles or equipment thought to be carrying any biological material – especially seeds – from noxious weeds and non-native invasive species will be cleaned before entering the project area.
- All workers will be informed of the penalties of illegally collecting artifacts or intentionally damaging any archeological or historic property.
- If historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties. The TPWD Cultural Resources Manager also will be notified immediately.
- If buried cultural materials are encountered during construction or disturbance activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the

THC's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains. The TPWD Cultural Resources Manager also will be notified immediately.

- All construction would occur during daylight hours, Monday through Friday (Saturdays could be allowed if circumstances require it).
- Visitor foot or vehicular traffic will be restricted from construction areas.
- If it appears these projects will cause high levels of dust, dust suppression will be required of the contractor.
- TPWD biological monitors will survey the interior portion of MISP regularly and identify any active Northern Aplomado falcon nests.
- Construction work will not occur within 1,000 ft of an active nesting site, whether a natural or manmade structure, during Aplomado falcon nesting season, i.e., approximately March through July.
- During any time of year, construction work must be halted immediately if TPWD biological monitors observe that construction activities are possibly interfering with other Aplomado falcon activities such as roosting and foraging anywhere at MISP. Work could resume once the biological monitor indicates that interference has ended.
- Only construction vehicles that absolutely have to drive into the Gulf-side or Bay-side "wet" zones and equipment during project implementation will do so and they will be there as briefly as possible.
- All equipment will be stored off the beach and away from shorelines to limit interactions with Piping plovers and Red knots.
- Areas around trucks and equipment will be checked prior to starting to ensure Piping Plovers and Red Knots are not in the area.
- Construction work must be halted immediately if TPWD biological monitors observe that construction activities are possibly interfering with Piping Plover and Red Knot activities such as roosting, foraging, and sheltering. Work could resume once the biological monitor indicates that interference has ended.
- Fence off construction sites on Gulf beaches with orange safety fencing to exclude turtles from sites.
- State Park personnel, along with volunteer turtle patrols as appropriate, conduct regular beach and construction site patrols during nesting season looking for crawling or nesting turtles, or established turtle nests.
- A trained turtle spotter will escort all equipment movements and inspect the construction sites daily before and during construction activities.
- Halt construction work if a turtle is sighted onshore where project activities could disturb it and notifying the Texas Sea Turtle Stranding and Salvage network per established protocols.
- Store all project vehicles, equipment, and materials off the beach when not being used.

CE Citation: C.9 - Repair, resurfacing, striping, installation of traffic control devices, repair/replacement of guardrails, etc., on existing roads.

CE Justification:

Although a couple short sections of fences are designed to keep both pedestrians *and* vehicles out of sensitive habitat, *all* the bollard and cable fences are meant to keep vehicles within the

established road prism and/or parking area. For this reason, these fences are considered to be guardrails of sorts and traffic control devices. All work will occur along or across existing road prisms or where a bollard and cable fence already exists - i.e., areas that are already moderately to severely impacted.

Decision: I find that the action fits within the categorical exclusion above. Therefore, I am categorically excluding the described project from further NEPA analysis. No extraordinary circumstances apply, particularly given both the conservation measures that were explicitly spelled out in the Biological Assessment (and listed above) and the determination of No Effect made by the SHPO.

Signature

Mark E. Spivey Date: 8/21/2019

NPS Representative to Skaubay/Berge Banker Oil Spill Trustee Council and Superintendent of Padre Island National Seashore

Extraordinary Circumstances:

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



Categorical Exclusion Form

Project: Equipment Rental
PEPC Project Number: 88422
Description of Action (Project Description):

This project would provide funds to create an equipment rental service in the visitor center of Mustang Island State Park of recreation-enhancing tools to lend to park visitors. This service may include books, binoculars, fishing poles, and/or other items that would improve visitor experience and provide additional connection with the park's natural resources. This service would be managed during park hours by a park staff member, who would monitor the equipment inventory and assist with item reservations.

Project Locations:

Location: Mustang Island State Park

County: Nueces

State: TX

Mitigation(s):

- None applicable

CE Citation: D.3 – Minor changes in programs and regulation pertaining to visitor activities.

CE Justification: The lending of these recreational related items to park visitors will be a modest addition to the existing visitor-use services and facilities that the park currently provides.

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

Signature

Date:

8/21/2019

NPS Representative to Skaubay/Berge Banker Oil Spill Trustee Council and Superintendent of Padre Island National Seashore

Extraordinary Circumstances:

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



Categorical Exclusion Form

Project: Removal and Restoration of Corpus Christi Pass Road and Well Pad

PEPC Project Number: 88435

Description of Action (Project Description):

This project would completely remove approximately 4,000 lf. of existing caliche Corpus Christi Pass Road North and Well Pad in order to allow sensitive dune habitats to recover naturally. The old caliche road on the north side of Corpus Christi Pass was built through sand dunes, coastal prairie and tidal flats in the 1960s to provide access to an oil and gas drilling site. The road is now used to provide vehicular access to the shoreline in this area. Access is unmanaged and vehicles often get stuck in low spots after rain or during high tides, creating holes that other vehicles later drive around, infinitely enlarging the impact on surrounding sensitive habitats which include emergent marsh, tidal flat (much of which is piping plover critical habitat), freshwater wetlands, coastal prairie, and documented cultural resource sites. 4WD vehicles also leave the road to drive through tidal flats and over sand dunes, further destroying habitat and wildlife. Without a clearly marked road that can be easily traveled by visitors and park staff, enforcement of park regulations is difficult. The area is often the site of illegal activity and is strewn with trash and construction debris. Road improvement costs are prohibitive, as is the cost of maintaining and managing the existing caliche road.

The project is currently in the conceptual phase of design. Although the current road prism runs through sensitive habitats, such as emergent marsh, tidal flats, freshwater wetlands, and coastal prairie, all project work will occur within the footprint of the existing road. The existing road will be abandoned, the caliche will be removed and transported off TPWD property. The well on the well pad is non-functional and any caliche there will be removed also. If there is above-ground equipment or minor infrastructure (e.g. pipes) on-site that can be removed under budget, it will be. Restoration of the well pad itself will not impact the integrity of the plugging. The site will be graded to match adjacent contours, and native vegetation will be allowed to passively restore. The site will be monitored during the first two years after road removal to detect the presence of invasive vegetation, vehicular trespassing, or other disturbances.

Construction on the north road of the Corpus Christi Pass area would include low-impact equipment where practicable. Possible equipment includes: hand shovels, a backhoe, grader, dump trucks transporting material to and from the site, mid-size delivery trucks, small trucks for transporting staff, and generators. A construction zone would be established around the worksite for regulating public access. Likely, access to the road would be cut off completely during construction.

A construction schedule has not yet been finalized and construction is not expected to take longer than three months. The date the contract is awarded may impact the timing of the project. Contracts awarded towards the end of the year (August – December) may not be completed until the following spring or late summer, depending on weather conditions.

Project Locations:

Location: Mustang Island State Park

County: Nueces

State: TX

Mitigation(s):

- Any vehicles or equipment thought to be carrying any biological material – especially seeds – from noxious weeds and non-native invasive species will be cleaned before entering the project area.
- All workers will be informed of the penalties of illegally collecting artifacts or intentionally damaging any archeological or historic property.
- If historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties. The TPWD Cultural Resources Manager also will be notified immediately.
- If buried cultural materials are encountered during construction or disturbance activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains. The TPWD Cultural Resources Manager also will be notified immediately.
- All construction would occur during daylight hours, Monday through Friday (Saturdays could be allowed if circumstances require it).
- Visitor foot or vehicular traffic will be restricted from construction areas.
- If it appears these projects will cause high levels of dust, dust suppression will be required of the contractor.
- TPWD biological monitors will survey the interior portion of MISP regularly and identify any active Northern Aplomado falcon nests.
- Construction work will not occur within 1,000 ft of an active nesting site, whether a natural or manmade structure, during Aplomado falcon nesting season, i.e., approximately March through July.
- During any time of year, construction work must be halted immediately if TPWD biological monitors observe that construction activities are possibly interfering with other Aplomado falcon activities such as roosting and foraging anywhere at MISP. Work could resume once the biological monitor indicates that interference has ended.

CE Citation: E.4 – Removal of non-historic materials and structures in order to restore natural conditions.

CE Justification: This project involves removing caliche and any abandoned equipment – i.e., non-historic materials – and any pipes that may be present – i.e., non-historic structures. The road and pad will then be left alone so that natural conditions can be restored. Also, regardless of the final design of the project (longer, shorter, structures removed or not, etc.), it will occur in a severely impacted area and restore natural conditions, so this categorical exclusion remains appropriate.

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

conservation measures that were explicitly spelled out in the Biological Assessment (and listed above) and the determination of No Effect made by the SHPO.

Signature

Mark E. Speer

Date: 8/21/2019

NPS Representative to Skaubay/Berge Banker Oil Spill Trustee Council and Superintendent of Padre Island National Seashore

Extraordinary Circumstances:

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