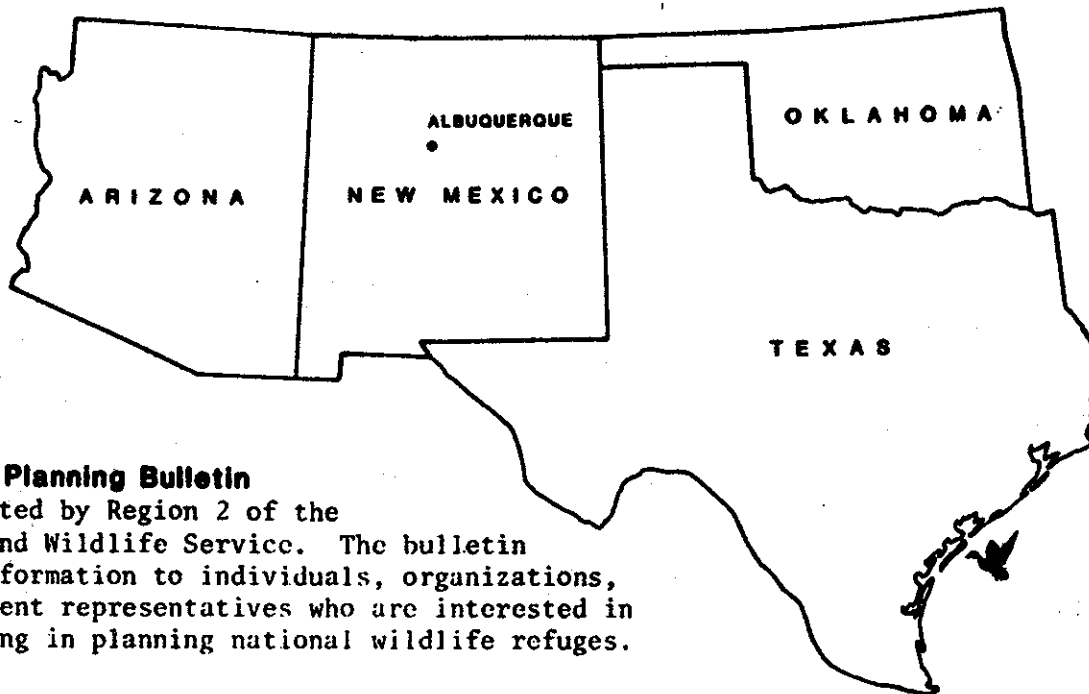


# Refuge Planning Bulletin

Matagorda Island...Edition 3



The **Refuge Planning Bulletin** is distributed by Region 2 of the U.S. Fish and Wildlife Service. The bulletin provides information to individuals, organizations, and government representatives who are interested in participating in planning national wildlife refuges.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE  
U.S. FISH & WILDLIFE SERVICE  
P.O. BOX 1306  
ALBUQUERQUE, N. MEXICO 87103

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## ***MATAGORDA ISLAND PLANNING NEARLY COMPLETED***

### **Documents Revised**

The public comment period for the Matagorda Island National Wildlife Refuge and State Natural Area draft planning documents ended on June 29, 1990. In the following weeks, the three agency team--Texas Parks and Wildlife (TPWD), Texas General Land Office (GLO), and U.S. Fish and Wildlife Service (FWS)--reviewed the comments and discussed possible changes to four documents--the Memorandum of Agreement (MOA), the Comprehensive Management Plan (CMP), the Environmental Assessment (EA), and the Nature Conservancy Agreement (TNC Agreement). These draft documents were revised to include suggestions made by the public and State and Federal agencies. A schedule for the final steps in the planning process was developed. This edition of the Refuge Planning Bulletin presents the public comments, schedule, and the changes made to the documents as a result of public and agency concerns.

### **Public Comments on the Proposed Documents**

The three agencies received over one hundred written comments, in addition to the many comments offered at two public meetings held in June. The comments reveal that the public is divided about the best management approach for Matagorda Island. A majority of the comments from people living in the vicinity of Matagorda Island opposed major aspects of the proposal, whereas the majority of comments from other parts of Texas generally supported the plan. From both groups, there were a variety of specific suggestions made for improving the MOA, CMP, EA, and TNC Agreement. Included in this Bulletin with the summary of all the public comments are the responses to each suggestion. We are pleased that many of the suggestions made by the public are included in the CMP and MOA.

It appears that there are strong feelings on all sides of the major issues concerning Matagorda Island. Especially among residents of Calhoun County, there are many who have a deep mistrust of the Federal government and are angry about past use of the Island "by a privileged few". After spending two evenings (at the two public meetings) with some of those residents, we have a much better understanding of your thoughts and feelings on those matters. Obviously, the team cannot accommodate directly opposing views. The team looked at all the comments with the intent to accommodate all suggestions which would not compromise the balance of programs derived from the agencies' policy and legal constraints.

### Summary of Major Changes

Changes made to the planning documents are more fully explained starting on page 73 of this Bulletin. Below is a brief summary of the major changes made to the planning documents:

- For the time being, the TNC Agreement has been revised to involve TNC and the FWS, only. This TNC Agreement will be signed and put into action for an interim period. Once the MOA is signed and ratified by Congress, another TNC Agreement, consistent with the CMP, will be signed by FWS with concurrence by TPWD and GLO.
- The MOA now clearly states that the Island's annual work plans and any revisions to the CMP or the MOA will be made available for public review. Any amendments to the MOA would have to go through legislative approval processes as well.
- The MOA was changed to clarify that there are now no conflicts between the MOA and the National Wildlife Refuge System manual; should inconsistencies arise in the future, the MOA would govern.
- Language was added to the MOA which states that hunting and fishing have historically occurred on the Island's beaches, bayside waters, and marshes. Paragraph 14 of the MOA was changed to clarify that nothing in the MOA will impair the ability of TPWD to permit hunting or fishing on State lands in accordance with good wildlife management practices, TPWD Code, and Federal laws.
- Paragraph 19 on the MOA, which outlines procedures for reviewing and/or halting activities inconsistent with the MOA or one of the conservation easements, was revised so that the activity could be immediately halted under some circumstances but not others. Additional language in paragraph 20 makes it clear that any public or private organization may also petition to have an activity stopped. See page 76 of this bulletin for details.
- Language in the MOA was changed to clarify that any one of the three parties to the MOA can cancel the MOA.
- The CMP was revised as necessary to be consistent with the above changes.
- Recognizing historic sites with appropriate interpretive programs was added to the CMP.

### Schedule of Final Steps in Planning and Public Involvement

During June, 1990, the revised documents were reviewed under Section 7 of the Endangered Species Act. The Section 7 review ensured that the proposals avoid undue impacts on rare animals.

The Regional Director of the U.S. Fish and Wildlife Service signed a "Finding of No Significant Impact" (FONSI), indicating that an Environmental Impact Statement will not be needed for the Matagorda Island MOA, CMP, or TNC Agreement. The FONSI will be published in the Federal Register approximately November 30, 1990.

The final MOA, EA, CMP, and TNC Agreement are now available for review. Copies of the documents will be available at libraries, TPWD and GLO main offices, the headquarters of the Aransas National Wildlife Refuge, and upon request from the FWS address given below:

Minda J. Stillings, Refuge Planner  
U.S. Fish and Wildlife Service  
P.O. Box 1306  
Albuquerque, NM 87103-1306

When the final public review period is over, the package will be submitted to Congress for ratification.

If you live in Texas, you may review the planning documents at any of the following libraries:

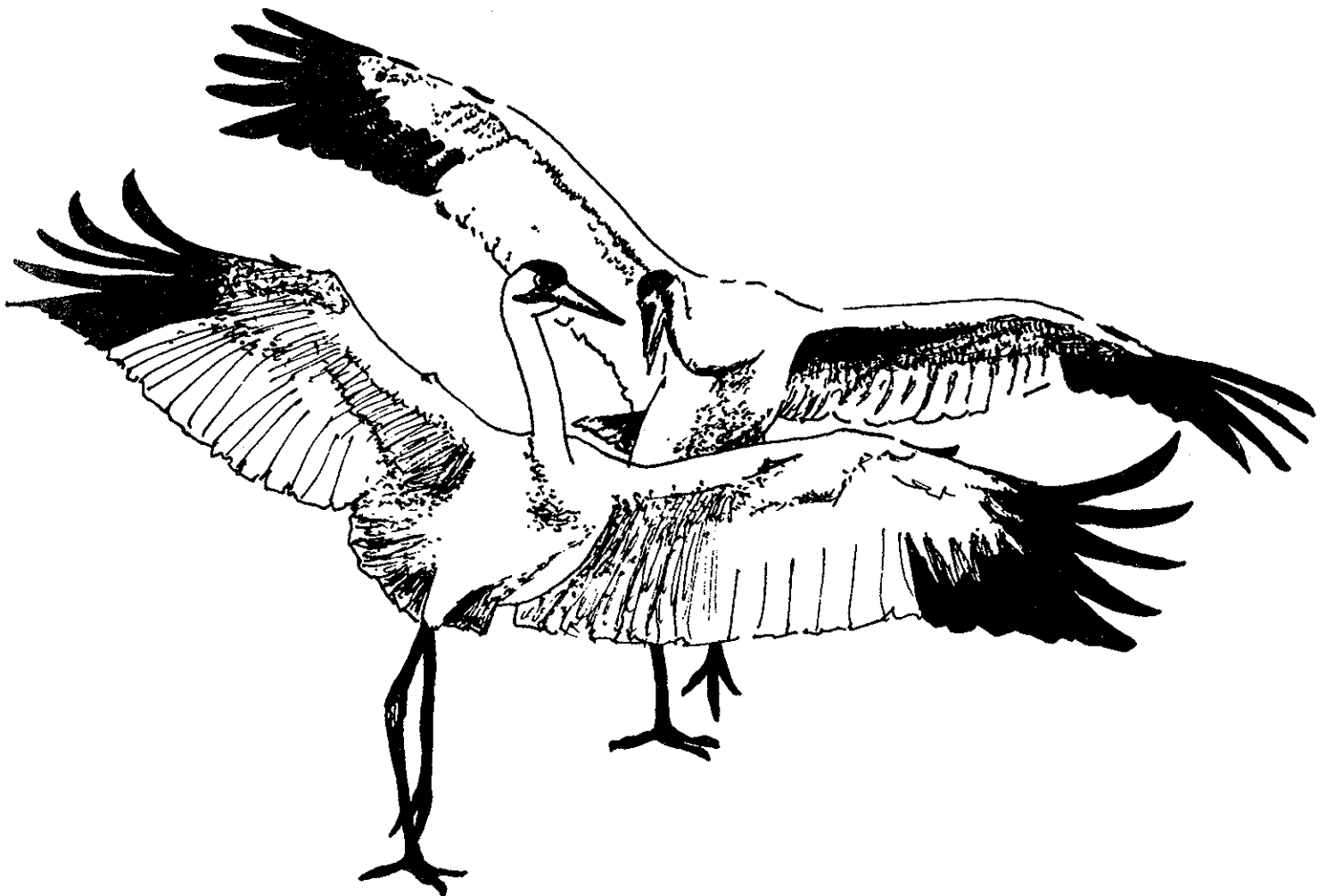
Texas A & M University, Undergraduate Library  
Texas A & I University, Undergraduate Library  
University of Texas, Undergraduate Library  
Victoria Public Library  
Austin Public Library  
Bay City Public Library  
Houston Public Library  
Corpus Christi Public Library

### Meeting Transcripts Available

Full transcripts of the public meeting notes--as opposed to the extensive excerpts presented here--will be mailed to anyone requesting them. You will be asked to pay the cost of reproducing the notes. If you would like a copy of the entire transcript of either or both meetings, please write Ms. Stillings at the address given above.

**Thank you!**

It is clear that the Matagorda Island's interested public helped to shape the planning documents for this special area. Concerned groups and citizens provided information and suggestions which were very helpful to the three agency team. We appreciate your interest in Matagorda Island National Wildlife Refuge and State Natural Area and the time you devoted to studying the possibilities and offering suggestions!





**SUMMARY OF PUBLIC COMMENTS**  
**on**  
**MATAGORDA ISLAND DRAFT DOCUMENTS**  
**with**  
**Responses by TPWD, FWS, & GLO**

Summary of Written Comments.....	1
Summary of Port Lavaca Meeting Comments.....	42
Summary of Austin Meeting Comments.....	63
Responses from TPWD, FWS, & GLO.....	73

## Summaries of Written Comments

\*Individual letters are numbered. Following the number are excerpts quoted directly from each letter, which summarize the main points the writer made.

### COMMENTS

### RESPONSE

#### 1. Private Citizen:

...That the Hawes family will once again be kicked off the Island made me sick....We are giving the animals and birds all the benefits and us humans get what is left...

C; I\*

A

#### 2. Sierra Club, Lone Star Chapter, Scott Royder:

I am speaking on behalf of the Lone Star Chapter of the Sierra Club's 18,000 members across the State....We strongly support the Island being managed according to the regulations of the National Wildlife Refuge System....It is extremely important that all U.S. citizens are represented in the final outcome of this management plan.

In plan

G; GG

...To manage the Island for a holistic biological and administrative stewardship and to maintain the integrity of the Island's coastal barrier island ecosystem, is a very welcome change....We are also pleased with FWS role as manager of the Island's habitat and the TPWD's role as manager of public use.

In plan

In plan

....We support the minimum tool management scheme, the removal of artificial structures such as fences, the restriction of airboats use, the no causeway language...the name change, and "preservation in place" of archeological resources.

In plan

...Make sure that the Island's proposed public transportation system is studied carefully to ensure that it is compatible with the goals of the Island.

In plan

The SC officially supports this new management plan with four suggested changes:

\*I - Explanation I; explanations start on page 73.



1) Language which provides for an MOA override of the NWRs law should be deleted....

J; X

2) The "hunting will be compatible" language in the MOA should be re-worded....The Club agrees with the hunting and fishing language in the CMP....

L

3) The proposed MOA amendment process should be open to public input and Congressional approval....and

Change made; J

4) The TNC Agreement process should be changed or removed....

K

We applaud the decision not to include the use of cattle as a wildlife habitat management tool.....

In plan

....We believe it is important to allow the opportunity for increased visitation to the public and to...provide education....It is obvious to us that MI will be more assessable to the public with this plan, not less, anybody can visit Matagorda Island.

In plan

### 3. Private Citizen:

....Offers support and endorsement to the Calhoun County Commissioners' Court in their efforts to secure guaranteed and improved accessibility to Matagorda Island so that all our citizens, including the handicapped, will have the opportunity to enjoy the recreational and historical amenities of Matagorda....

Change made; B

### 4. Private Citizen

....The most important concern for me is the maintenance of the environment in its undisturbed form...I strongly object to the presence of airboats in this sensitive area and would consider any form of private motor vehicle traffic on the island to be an uncontrollable intrusion to the environment....I feel further limitation of airboats on all parts of the Island and not just restricted to the southern portion is necessary....Another area of concern is the construction of a fishing pier in the Army Hole. The present pressure that this small area presently experiences during peak fishing time may be extended beyond its capacity by this proposed construction....

In plan; E

U

....I would also like your close consideration of the controlled burning of the island....The use of burning could...kill certain sensitive animal and plant species which cannot escape....

D

...I am in favor of the Matgorda Island Comprehensive Management Plan...

5. National Wildlife Refuge Association, Russel Clapper:

....The NWRA...has a membership of nearly 1,000...

...NWRA has steadfastly supported federal management of Matagorda Island as a unit of the National Wildlife system....

....The State was given management of the entire 44,000 acres as a park and wildlife management area, even though the land continued to be officially designated as a National Wildlife Refuge. The NWRA was opposed to this....

....[The new documents present] a new proposal, a fresh approach that appears to answer all of our serious objections to the five year plan.

....The NWRA holds fast to the principle that federal refuges should be managed by the U.S. Fish and Wildlife Service. However, [State and Federal] habitat and wildlife resources require coordinated management.

In plan

The division of responsibilities for each of the three agencies party to the new Agreement is acceptable to the NWRA....The quality of management by all parties will be our chief concern as long as the new MOA is in effect.

In plan

Our compliments are extended to the three agency planning team...

Thank you

6. Private Citizen:

....The plans themselves are laudable, however...none of them have been implemented....

I would like the new plan to include these proposals and a timeframe set as to when they will be implemented. I am opposed to any management plans that would further restrict the public use of Matagorda Island.

L

I am also opposed to any plan that would eliminate hunting on the island or in its adjacent state-owned wetlands as well as any efforts to restrict access to the waters around the island for fishing and other recreation.

L; F; E

7. Private Citizen:

[Form letter; see letter number 6 above.]

L; F; E

8. Private Citizen:

[Form letter; see letter number 6 above.]

L; F; E

9. Private Citizen:

[Form letter; see letter number 6 above.]

L; F; E

10. Private Citizen:

[Form letter; see letter number 6 above.]

L; F; E

11. Private Citizen:

[Form letter; see letter number 6 above.]

L; F; E

12. Private Citizen:

[Form letter; see letter number 6 above.]

L; F; E

13. Private Citizen:

[Form letter; see letter number 6 above.]

L; F; E

14. Private Citizen:

....As a friend and supporter of both the Nature Conservancy and the FWS Refuges I was pleased to be able to experience, first-hand, some of the things for which we all work. It seems to me that the cooperative agreement on Matagorda successfully blends respect for wildlife on a Refuge and the desire of some of us to see a bit of it while minimizing the disturbance....I am trying to applaud the Service for trying the experiment. In my opinion, it is worthwhile....

In plan; K

15. Calhoun County Commissioner Stanley Mikula:

....This is my personal statement. There are 20,000 Residents of Calhoun County that would like to go to Matagorda Island--unfortunately most will not go because they do not have the necessary mode of transportation. Access to Matagorda Island should be equal for all of the public....That has not been the case...nor is it intended to be under the proposed management plan....Unless transportation access to the Island is significantly improved, the Island will continue to be basically a private park for a few privileged people with the taxpayers footing the bill. Since the State and Federal Government own the entire island, then those entities should provide the...transportation....

Change made; B

....[Nature Conservancy] fundraising at the taxpayers facility, the Wynne Lodge, is allowed under the proposed CMP....[The] lease and financial transaction between Nature Conservancy and Department of Interior is confidential and exempt from P. Act. Why?...

K

Regarding hunting and fishing in the...Whooping Crane Critical Habitat....FWS...stated they reserve the right...to make whatever changes to hunting and fishing in that area that are necessary to maintain the compatibility with the purposes for which the Refuge was established....Those words are so flexible that if one person can make the decision to terminate cattle grazing, one person can make the decision to restrict or terminate the hunting and fishing. If those governmental agencies truly believe their pledge of not

tampering with the hunting and fishing within that area, then they without any reservation should so state in the proposed CMP.

Change made; 0

....Perhaps more people using the Island would help keep the beach clean. Matagorda Island [is] exempt from [the] Open eashes Act--Why? Tells me you don't want people on the Island beach.

....[The] Whooping Crane population [has] grown from 14 to 146--it's time they live in the real world. Whooping cranes are not edible--cattle are--whooping cranes don't pay taxes--and whooping cranes do not elect people to office.

M

16. Private Citizen:

....I firmly believe that the present user should be permitted to continue his grazing lease....Obviously, either grazing or burning will be necessary in the future....

C

17. Private Citizen:

Thank you for representing the needs of wildlife in requesting an end to cattle grazing on Matagorda Island. It is important to restore or maintain native habitat for migratory and endangered species....

In plan

18. Private Citizen:

....[I am] opposed to any management plan for Matagorda Island which would restrict access to the island and Long, Contee and Pringle Lakes....Further restriction in what remains as some of the better fishing grounds would be a major setback....There is no danger to the wildlife as a result of sport fishing along the island and the lakes....

L; F; E

19. Private Citizen:

....Falconry demonstration?...trap peregrines in the fall...allow [peregrines to] hunt ducks and falcons in the fall...release birds to the wild....

N

20. Private Citizen:

...My support for the Matagorda Island Management Plan....I can agree with the entire plan, but of particular importance to me are the provisions of no motor vehicle access and continued hunting and fishing opportunities as resources allow....

In plan

21. Private Citizen:

....The current draft of the revised 1990 Memorandum of Agreement represents a vast improvement over the earlier agreement particularly with respect to State input in the management plan and the termination option.

...The present form of the revised MOU [does not] go far enough to protect Texans' rights to hunt and fish in Matagorda wetlands from unilateral action by FWS....Please note the following changes:

1. The CMP...should include specific and conclusive language to the effect that extensive hunting and fishing in the Matagorda wetlands has been compatible with the successful rehabilitation of the Whooping Crane population in the area.

Change made; O

2. Paragraph 14 of the proposed MOU appears to define hunting and fishing as compatible....Subordinating hunting and fishing to the requirements of the Endangered Species Act, combined with an overly rigid appeal procedure in Paragraph 19, allows FWS to unilaterally determine that hunting and fishing are incompatible with the purposes of the NWRS and cause them to immediately cease....[Paragraph 19 should be changed so that]...Hunting and fishing regulations in

Change made; Q

the Matagorda Refuge and State Natural Area shall not deviate from applicable federal and state laws without the unanimous consent of the parties to the MOU, nor without conclusive evidence of the deleterious impact of such activities toward the purposes of the NWRS...

3. ...Paragraph 19 in the proposed MOU should also be amended to exclude hunting and fishing issues from the immediate cessation and appeal provisions....Paragraph 19 should specifically state that hunting and fishing will not cease during an appeal process. ...it should be amended to distinguish that appeals of activities occurring on the State owned wetlands should be directed to the TPW Commission and not the Secretary of the Interior.

Change made; Q

4. The termination provision in Paragraph 21 needs to be strengthened....changing "may" be cancelled with one year's written notice to "will" be cancelled with one years's written notice...Language specifying that the desire to terminate by either State party will be sufficient to cause termination would be appropriate...

Change made; R

22. Texas Committee on Natural Resources, Susan Peterson:

The spirit of cooperation is evident throughout the documents and discussions....

Thank you

The working title Matagorda Island National Wildlife refuge and State Natural Area is the appropriate name for the island....The legislation should be pursued to legally change the name.

In plan

....The holistic ecosystem management approach coupled with the philosophy of minimal tool needed to create needed result with that tool replicating nature whenever possible should allow the island to regain and maintain its natural character....Results should not be demanded within a time table such that artificial means must be utilized...

In plan

...Strongly supports that there be no causeway, vehicular, ferry, or private vehicles allowed on or to the island....

In plan

...Supports the discontinuation of grazing on the island....grazing detracts from the recreational value...

In plan

...The language in the management plan seems to call for an aggressive campaign to increase the island visitation....Changing the phrase to read "accommodate increased visitation... changes the thrust....We are by no means advocating beach activities but honesty demands that we anticipate its increase...and that the controls are in place to manage the people and protect the dunes....

B

...Not in favor of allowing bicycles on the island, especially trail bicycles....

S

We do not feel that dune protection is adequately addressed in plan....

[Offers 4 pages of specific language changes to the documents].

23. Anonymous Comment:

No meeting should be held in Austin, Texas. Austin has nothing to do with Calhoun County or Matagorda Island.

V

24. Private Citizen:

....Why discontinue grazing now?....Why are you proposing to limit access to Matagorda?....

C  
B



25. Private Citizen:

This WORLD cannot afford to lose the nature of this breeding environment of Matagorda Island to freeways, causeways, multi-vehicular ferry, etc....Leave the island as is...If THE NATURE CONSERVANCY can use private funds to subsidize environmental education workshops and save the historic Wynn Lodge without spending my tax dollars, more POWER TO THEM....

In plan

26. Private Citizen:

....I have...the highest hopes that I will be able to take my kids to Matagorda someday, to share in the educational experience the Ranch and the Island provide....

B

27. Private Citizen:

...I back all portions of your plan keeping the area natural....I agree with your ideas on hunting also. I would suggest a larger restriction on the use of airboats....

In plan

E

The main portion of your plan I have a problem with is the portion that encourages more fishing/fishermen....I like the idea of the piers to be added, but would prefer the area without an increase in fishermen...

U

28. Private Citizen:

...The plan is essentially a good one....My first and main concern...was the additional population of the Island (however temporary) would detract from the Island's natural beauty...I do not want to see any commercialism on the Island....I hope the plan will include an unobtrusive one [restroom] on the beach by Cavallo Pass....

In plan

I'm pleased to see plans for the removal of hazardous waste, and hope that includes regular cleaning and maintaining of beaches...I'm very glad to see that the

In plan

educational aspects of the plan are there....Would like to stress the need for close monitoring of all species..Deleterious disturbance factors must be controlled....I'd like to see the proposed plan adopted and carried out as described...

In plan

29. Private Citizen:

....Why not let the cows make use of the natural food? In 150 years it seems that the cattle...already have their own eco systems going....Regular prescribed burning would be creating an unnatural state.

C

D

....I just don't see why "John Q. Public" has to have access to the entire island....

L

30. Private Citizen:

...The Nature Conservancy and U.S. Fish and Wildlife Coop on Matagorda Island is a rare and beautiful example of partnership between private conservation efforts and those of our government...to provide a showcase for the efforts of the FWS and to acquaint conservation minded individuals with what can be done in an all-out private/public effort. An equally important benefit of The Nature Conservancy's use of the ranch house is conservation education....

In plan

31. Victoria County Commissioner's Court:

...support position adopted by the Calhoun County Commissioner's Court....We are very interested in seeing that the public is allowed use of Matagorda Island as part of any comprehensive management plan...

B

32. Private Citizen:

Matagorda Island...is a treasure for all Texans, not just a private one for a few people in Calhoun County. There are many other areas available for Mr. Hawes...to place his herd....Please continue with your plan to protect Matagorda Island...

In plan

33. Private Citizen:

I am in full support of the Texas Nature Conservancy maintaining and using the Wynne Lodge for the use of environmental education. It is not going to be my money as a taxpayer, but the money earned and raised by the Texas Nature Conservancy which operates the facility....

In plan

34. Private Citizen:

....I truly believe the Texas Nature Conservancy program at the Wynne Ranch on Matagorda should continue....

In plan

35. Private Citizen:

...In general, I approve of the plan....I do not approve of....additional fishing piers in the Army Hole area....there is no reason to encourage additional fishing in the area....To me, airboats and nature do not mix....

U  
E

36. Private Citizen:

Please count me as in favor of the management plan that will allow the Nature Conservancy to continue their operation on Matagorda Island....

In plan

37. Private Citizen:

...I support the Texas Nature Conservancy and their role on the Matagorda Island....

In plan

....I totally support the MOA and cooperative agreements...I'm pleased that all the agencies are working together to save Matagorda Island in its pristine state.

In plan

38. Private Citizen:

....I urge you to work against efforts to build a  
causeway... and to oppose all proposals to give land  
back to those who owned it many decades ago....Limit  
all activities on the island that are incompatible with  
the preservation of the many animal species (especially  
the whooping cranes)....

B  
I  
L

39. Private Citizen:

I am writing in support of the proposed management  
plan...It is imperative to restrict vehicular  
traffic....I would...like to see Matagorda Island  
become a permanent extension to this refuge, to provide  
for range expansion and dispersal of the whooping  
cranes and other species....

In plan

40. Private Citizen:

....If [The Nature Conservancy] can utilize an old  
ranch house to further their goals - I think they  
should be encouraged to do so.

In plan

41. Private Citizens:

...We approve of the approach you are taking....The  
area should be preserved in a natural state for the  
protection of marine life and birds of all types....The  
area should be developed with walking trails...with  
access to them by public transportation....

In plan

42. Private Citizen:

....I...became a believer in what wonderful things the  
government and private sector [TNC] do accomplish  
together....

In plan

43. Private Citizen:

....A cause way would destroy the very thing that we are trying to preserve. The cattle are damaging the fragile ecosystem and I believe the Nature Conservancy should be allowed to continue....

In plan

44. Private Citizen:

....As far as opening up the island more for the public at large, I think this will be a fatal mistake....Off road vehicles would be evident everywhere....If people want to camp, fish, sightsee on an island, let them go to Padre Island....I just wish more had been said about the supposed "public meetings." Please reconsider this plan....

L

V

45. Private Citizen:

...Unlimited vehicle traffic...would virtually destroy the north end of the island....I cannot emphasize enough; please keep these restrictions in the present plan....We need some restrictions on airboats, outboard jets and any other type of water vehicle capable of running in very shallow water....I believe the ecosystem can coexist with cattle....

In plan

E

C

46. Private Citizen

I am very very upset over the decision to end cattle grazing....How can prescribed burning be better than grazing?...Burning the grasslands could prove more dangerous than helpful....

D

47. Private Citizen:

....The island and all environs should remain under the complete control of the state of Texas....

G

48. Private Citizen:

....I am against any causeway, ferry, or other structure that could connect private motor vehicle traffic to the island....Another area of concern is the proposed construction of a fishing pier in the Army Hole....may place undue pressure...and would require additional individual limits on certain fish....Additional restrictions placed on airboats....animal and plant life should not be further stressed by boats....The length and limits of hunts needs to be evaluated specifically for each species each year....

In plan

U

E

F

49. Private Citizen:

....Even though the agencies asked for public input, they are ignoring them, plus the agencies are discounting the reports of their own biologists. It is getting to be a hate relationship....I don't trust them [FWS and TPWD] to use good judgement in managing parks and wildlife....I oppose the elimination of adequate transportation to the Island....I oppose the Wynne Ranch being used as a club for the rich. I oppose the removal of cattle. I oppose burning as a management tool....I definitely approve of weakening the Endangered Species Act.

B

K

C

D

M

50. Private Citizen:

1. I am for federal control over people access also.
2. The levys should be removed in the marshes.
3. Against air boats.
4. Against cattle on Island.

A; L

E

C

51. Private Citizen:

...My support for the proposed management plan....Please stick by your guns and don't let the Calhoun County group or any other group with vested interests change your mind. Keep the cattle, the cars, and commercial interests off the island....The majority of Americans support you....

FF

In plan

52. Private Citizen:

I agree wholeheartedly.

53. Private Citizen:

....What a favorable impression the management plan leaves with me. I am particularly impressed with the objectives of no causeway, no highway, no bridge, no vehicular ferry, no public airport, etc....I very much like...the compatible visitation notion...and the general aim of protecting the delicate ecosystem....I find nothing about the management plan (April 1990 edition) that I would want to see changed....I would like to see this barrier island kept as close to a primitive state as possible, and still permit a controlled public access....

In plan

In plan

In plan

54. Private Citizen:

....An Educational Center operated [by the Nature Conservancy] with strict guidelines would be quite beneficial....A causeway or any type of commercialization would be a tragic mistake....Removal of all cattle would surely be a supportive step in the protection of the Island. The Beach...cleanup would surely be a worthwhile project....

In plan

In plan

55. Private Citizen:

....This hearing is just a formality. Was it necessary to employ a out of state Moderator and his assistants to run the meeting and made (sic) a farce of recording the minutes?....I object to ...the Nature Conservancy [have] the exclusive use of the Wynne Ranch House....Do not allow anyone to build a Causeway....One very import (sic) vehicle has been completely overlooked....how about the "Hovercraft"....

V

K

In plan

56. Commissioner John Wilson Kelsey, TPWD

....The three-agency planning team has done a superb job....There are a number of issues that...are not adequately addressed by specific language....I have enclosed specific proposals...which I will recommend be incorporated into those documents....:

Thank you

1. Be more specific that concurrence of all three agencies must exist for the reaching of management decisions and the implementation....

Change made; H

2. The plan inadequately documents use of the island by hunters and fishers....The whooping crane has...grown in number and expanded its range. During that period, airboats, jetboats, prop boats, and extensive duck hunting and fishing have proven to be not inconsistent....It is essential that the Comprehensive Management Plan reflect that fact....The "goal statements" place too much importance on only one of those goals. It is my suggestion that each of those goals be considered equally important...Attached specific suggestions....

Change made; O

W

[Ten pages of suggestions of specific language changes to be made in the CMP and MOA follow, which were not excerpted. The suggestions reflect a desire to strengthen the position of public uses in relation to wildlife and habitat management.]

57. Private Citizen:

....My appreciation for the combined efforts between a private conservation group and those of our federal government....If the Coop Agreement [with TNC] is not extended, the educational potential of Matagorda Island will never be reached....I urge you to allow this program to continue.

In plan

58. Private Citizen:

....My concern is that the new Memorandum of Agreement requires any activity or management practice to cease immediately upon written notice of a complaint....You suggested that I submit some proposed language.



[Three paragraphs were submitted, to replace paragraph 19 in the MOA, which state that if all parties had agreed that the activity was suitable and compatible, one party could not unilaterally cause the activity to cease; on the other hand, an activity that had not been considered or had been considered and rejected would cease pending resolution of the matter.]

Change made; Q

I wouldn't want any of the parties to think that by complaining of this specific language this is the only problem that I see....

59. Private Citizen:

....Must state unequivocally that the primary use...shall be:

I. Preservation of Habitat  
Preservation of Wildlife....

II. There shall be no Airboat usage in the designated Refuge Area.

E

III. No bridges or causeways shall be constructed....

In plan

IV. Private motorized vehicles shall not be permitted....Bicycle and other concessions shall be controlled so that only acceptable adverse impacts...occurs.

In plan

V. ....Access shall be limited and controlled....

L

VI. All...activities will require a written and publicly distributed analysis of their impacts on the habitat and wildlife....

P

VII. ...."The National Wildlife Refuge Manual" shall take precedence in all management....

X

60. Private Citizen:

....My main interest is in preserving Matagorda Island in its pristine state....It is absolutely necessary that access is my [sic] boat only. No causeway, no

In plan

vehicular ferry and no sale concessions is the only way the Island can survive....Matagorda Island is of educational value....Accessibility to Matagorda Island is available....I resent the clamor of a few greedy persons who want their "right" to "easy" accessibility....What about our responsibility to preserve something for posterity?

61. Private Citizen:

....There should be no causeway...no reversion to prior owners, and no "investigation" of the Island's land exchanges. Airboat usage should be controlled or banned, past damage from oil and gas activities need to be addressed, and shuttles, ferries, and bike concessions...strictly regulated or prohibited. All activities ...should be reviewed for compatibility.... Private organizations should not be allowed to use the island for fundraising....Decision not to allow grazing is especially commendable.

In plan

E  
T

L; P  
K

In plan

62. Private Citizen:

...Protect Matagorda Island with a strong management plan. We surely don't need a bridge to the island, airboats..., and enlarged airport runway there....The damage by oil and gas activity should be restored....Let's keep it...as a NWR.

In plan

T

63. Private Citizen:

....The land ...should have been returned to the original owners....Instead the Texas Parks and Wildlife along with the U.S. Fish and Wildlife Service used their inside influence to keep this property. Neither of these agencies can satisfy the requirement for the condemnation of this property.....Should support as a minimum the right of grazing to the previous owners....There is no way the Island can be accessible to the public without excessive causeway construction costs. Without such a project the public will be denied access....The land should be returned to the Hawes family.

I

C

B

64. Private Citizen:

....What a Recreational Treasure it could be if made available to the General Public, as a State Park (which it is supposed to be)....Special interests and groups have had easy access to it for years. I think it's time for a change, with the General Population of Real Taxpayers in mind....Even multiple Ferrys and Jitneys most certainly are not the answer....Lets be practical there is only one easy and reasonable way for an average Texan or Tourist to see Matagorda Island and thats by car over a ridge just the way you see all the other Hot Spots in Texas.

B

65. Private Citizen:

Please preserve Matagorda Isle by immediately establishing the Isle as a national wildlife sanctuary.

In plan

66. Private Citizen:

..Eliminate grazing....Would like to see the island managed for wildlife, not game.... Needs to be some restrictions on aircraft access, restrictions on access to areas used by whooping cranes....How about reintroduction of the red wolf?

In plan

Y

67. Private Citizen:

I support the management plan...strongly with a few reservations: language regarding hunting and fishing should be worded so that it is compatible with the overall concept of natural area/wildlife refuge. An MOA should not supersede federal laws regarding wildlife refuges. The Conservancy's presence should...be compatible with the overall management concept. Matagorda Island is a National natural treasure...it should be managed as a natural ecosystem....

L

X

In plan

In plan

68. Private Citizen:

....Should not restrict grazing by livestock until research has been [done].

C; P

69. Private Citizen:

Why were alternative options not considered? Such as-- Fish and Wildlife Service management of the former Wynne property plus adjacent state lands--Texas/Calhoun County or both, management of the former Air force range plus adjacent lands....The classification of this agreement (TNC - Int[erior]) as privileged information is not acceptable....TPWD biologist studies....and findings were made on MGI after years of work and to ignore them, just doesn't make sense....Why not simply state "the rights of the public to hunting, fishing, or recreation on MGI cannot be abrogated by this agreement."...The CMP - MOA makes very plain that public use is subject to all other purposes "for which the refuge was established." None of the stated purposes include public use....On MGI burning violates the very purpose for which the refuge was established....To say the Texas Horned Lizard or milksnake can outrun a fire or find a hole, is inaccurate, at best.

Z

Change made; 0

W; L

D

70. Private Citizen:

...Grazing should continue...as the number one management tool. Fire should not be considered as it kills creatures who can't move from it's path....I also believe the State of Texas should remain in control of its lands. I have grave concerns about the power the US FWS have [sic], especially where the critical habitat is concerned....I also support...the resolution put forth by the Calhoun County Commissioners Court.

C; D

Change made; 0

L

71. Private Citizen:

The new plan emphasizes public uses...but always subject to the "purpose for which the refuge was established"--...the National Migratory Bird program and...endangered species. Pages from Management Plan MGI 1984 - 1989..."There is no evidence that grazing by domestic livestock is detrimental to any of the endangered species in the area."...In a letter from Fish and Wildlife Service..."Whether to grant a permit for livestock grazing is a discretionary matter for the refuge manager based primarily on whether grazing is

L; W

A

C

compatible with the purposes for which the refuge was established." Mr. Brent Giezentanner [refuge manager] and FWS say one thing now, but as evidenced by eliminating grazing in spite of all the available studies and recommendations that grazing be continued, have decided to stop grazing. Public use can suffer the same fate!

Change made; H

....Common sense and direct observation plainly show that FWS lacks the dedication or expertise to manage MGI. The nearby Aransas Refuge of some 53 years is a classic example....FWS has been directly involved on MGI since 1975 and have done nothing for wildlife; not even the endangered whooping crane....Control by TPWD or Calhoun County is much better than FWS.

G; FF

....The Texas permanent school fund public Gulf beach and 1,000 ft. offshore should not be included in FWS refuge unless TPWD or Calhoun County is allowed full management of the former Air Force range....

G; FF

....This high dollar purchase by Interior [Wynne Ranch] should continue to be run by FWS. What happens on the SW end of MGI has little effect on Calhoun County....TNC should not be part of FWS operation of the Wynne lodge and associated facilities....Surely if Interior can afford the \$13,600,000 to purchase this property, it would be able to maintain these facilities....

K

....Makes burning the only management tool....This...is against the law [the Endangered Species Act]....Grazing on the other hand has repeatedly been shown by years of actual study on MGI by qualified personnel to be the top priority tool for wildlife management on MGI....

D; C

....Public accommodations and use are emphasized again and again in the CMP--but, always subject to the purpose for which the refuge was established....

Change made; O

....Matagorda Island...was acquired with the "primary purpose of wildl life management." Not SO! Northern 19,000 acres A.F. range condemned and taken for Military purposes, not wildlife management....

AA; A

....Why is this agreement [TNC purchase contract] not available to the public?

....Dr. Sam Beasom, A. and I. University, and others want to do research on grazing vs no grazing on MGI....Why not accommodate these experts?

C; P

...."No private motorized vehicles will be allowed on the Island." Even TNC?

CC

....The studies, research and recommendations by numerous experts on MGI are in hand and address that need [to manage habitat by grazing]....

C

....Willard Lewis, a special assistant to Interior Department Secretary Thomas Kleppe as stating the chief concern of the Department of Interior...was not to protect the whooping crane but to keep a causeway from being built to the island.

72. Private Citizen:

...Support of MI Comprehensive Management Plan....Please do not permit a causeway....Support the following issues: Better control of airboat useage...Restore areas damaged by oil and gas exploration and restrict further development resulting in environmental damage. Restrict growing impact of public ferries, shuttles, and bicycles....Improve management of recreational activites to prevent further diminishment of Matagorda Island's wildlife resources. Encourage public review and input into the protective stipulations of the CMP....

In plan  
E

T

L

73. Private Citizen:

....The Island is worthy of preservation to the fullest extent possible....A short ferry ride from Port O'Connor to the Island is a small price to pay for such a place of peace and beauty....

In plan

74. Private Citizen:

I would like to see land transportation be provided to the various shipwrecks....The proposed fishing pier on the Gulf beach is an excellent proposal....I would like to see the shuttle to the beach leave a little earlier so that one may catch the better morning fishing...[ditto evening fishing]....[favor] a man made reef close to the pass....

DD  
In plan

75. Private Citizen:

....I am very much in favor of the 4 broad proposals and goals....The proposed shuttle service on the island is excellent....Public access to the island by boat or a ferry service (boat) is ideal in my mind....I believe governmental agencies...can do us all a lot more good in the management of this resource than letting it be influenced by the heavy hands of politicians and eventually having the island fall under the control of the private sector.

In plan

In plan

76. Bill Tigrett, President, and the Port O'Connor Chamber of Commerce:

RESOLUTION....urges all three agencies to live up to the spirit of the 1982 agreement and take immediate steps to accommodate visitors to Matagorda Island, and...take the following actions:

1. Established [sic] a regular transportation schedule between the docks on the island and the trailheads, beach, and points of interest on the island.

In plan

2. That the schedule be published and posted....

In plan

3. The Texas Parks and Wildlife Department furnish materials, including the transportation schedule, to the Texas Highway Department for display at visitor centers.

Will do

4. The...facilities outlined in the five-year plan be constructed as soon as possible.

Will do

5. The fishing pier on the Gulf be rebuilt.

In plan

6. The department actively promote...public or private boat transportation to the island.

In plan

E IT FURTHER RESOLVED...opposes any plans that would prohibit recreational fishing or hunting on the island or its wetlands, bay and Gulf waters.

77. Gulf Coast Conservation Association, Venable B. Proctor:

1. ....Will public have an opportunity to review "annual operations and reviews"?

Upon request

2. Reference is made on page 4.13 to the "revised whooping crane recovery plan" and..."airboat restrictions in critical habitat." [Does this apply] to the whole of the "Whooping Crane Critical Habitat"...or only to certain "critical whooping crane use areas..."?

Certain areas

3. ..."These marshes" refer only to those marshes within the levee system on the south end of the Island?

Yes

4. What are "approved means of transportation"....?

In plan

5. It appears that with the exception of snow goose, hunting and airboats...no restrictions on the public's current recreational use of the State-owned bays and marshes will initially result from the plan....Further, any additional restriction of the public's recreational use of bays and marshes would require the unanimous written consent of the three agencies...Correct?

Yes; H

6. ....[Will] cancellation of the new agreement...cancel the conservation easements....?

No

7. Will Texas legislative approval be required to subject the State owned [property] to the proposed [MOA]....?

No

8. ...Disturbance..."deleterious distrubance....How are these terms defined?

Serious impacts



78. Private Citizen:

....People want to use the Matagorda Island at will and not as a place to look at....We want freedom.

B

79. Private Citizen:

[Requests copy of Congressman Laughlin's comments.]

80. Calhoun County Commission Resolution:

1. Allow Calhoun County....administrative action, as per Disclaimer and Reservation of Civil Action No. 70-V-14, 17,499.11 acres...to set aside a National Historical Shrine to be constituted by the acreage on Matagorda Island...fronting on the Gulf of Mexico and Pass Cavallo, with connecting causeway and highway easements to Port O'Connor, Texas.

Change made; EE

2. Delete prohibition clause on vehicular access to Matagorda Island....

B

3. Authorize an independent biological and ecological study to determine effects, if any, of cattle grazing as a range management tool, and until such time as the study is completed, the present grazing lease be continued.

C; P

4. Avoid using fire as a range management tool until the independent cattle grazing study is completed....Using fire...would endanger...the Texas Horned Toad Lizard and the milksnake....

D

5. Provide for assurance...that hunting and fishing will not be restricted or eliminated, other than by enforcement of the standard game and fish regulations, within the...Whooping Crane Critical Habitat....

Change made; L; O

6. Include Calhoun County, Texas, as a party to any agreement involving the surface land management of any part of Matagorda Island....

FF

7. Set aside the implementation of the proposed Comprehensive Management Plan or any future plan, including the discontinuation of cattle grazing,

until...these issues are resolved with Commissioners Court of Calhoun County, Texas, and furthermore, until such time as proper investigations, hearings, if any, of the Matagorda Island issue from condemnation of the land for military purposes....

GG

8. Respectfully request [Federal, State and local elected officials]...vigorously oppose the proposed Comprehensive Management Plan... unless the requests of the Calhoun County Commissioners Court...are approved by Federal and State authorities, and the Commissioners Court of Calhoun County....

81. Port O'Connor Chamber of Commerce Resolution, June 20, 1990:

RESOLUTION....urges all three agencies live up to the goals set forth in the 1982 MOA and the proposed 1990 CMP, by taking immediate steps to accommodate visitors on the island by taking the following actions...

I. Create a Matagorda Island Advisory Committee to include representatives from Calhoun County, to work with TPWD in achieving those goals they accepted in regards to increased visitor use of the island.

HH

II. Enlist an experienced Program Director to promote Public and Private sector use of the island....

III. Provide:

- |   |           |
|---|-----------|
| 1. Pedestrian ferry...affordable...   | In plan   |
| 2. Jitney service....   | In plan   |
| 3. Mainland Visitor Center (Port O'Connor)....  | In plan   |
| 4. Island Visitor Contact Stations (N & S)....  | In plan   |
| 5. Campgrounds, providing shade shelters, picnic tables, firepits, water and sanitary facilities. | In plan   |
| 6. Picnic Shelters....  | In plan   |
| 7. Piers, Minimum of 1 Gulfside, 2 Army Hole (N), 1 Cedar Bayou (S).                              | In plan   |
| 8. Trails, Interpretive and Self-Guided.  | In plan   |
| 9. Boardwalk Trails....   | If needed |
| 10. Observation Towers....  | In plan   |
| 11. Dock Facilities....   | In plan   |
| 12. Ferry Channel...maintained....  | In plan   |

13. Actively Promote and Advertise the Facilities, Activities, and Programs....
14. Provide a Suitable Time Table for Completion of above necessities....

...opposes any plans that would prohibit recreational fishing or hunting on the island, its wetlands, bay and gulf waters.

Change made; B; F; O

82. Private Citizen:

My major concerns....

1. The portion of the MOA which deals with allowing the Texas Nature Conservancy to bring non conservation oriented groups to fundraise and to fundraise from its members on MI must be voided....Could set a negative national precedent for the entire NWRS....Wynn Lodge...should either be torn down or moved to the mainland and serve as an environmental center....If after several years the TNC decides to leave...FWS would be stuck...and wildlife monies would be used for these purposes rather than directly for wildlife....The CMP...talks about the FWS having to build new staff quarters. This is an unnecessary waste of money since if quarters that will be used for the NC staff were used then much or all of this new construction would not be needed....

K

II

2. My next comments are to the local people and the Calhoun County Commissioner's Court...which supports building a causeway to MI, a full investigation of the land tenure on MI, and return to the original owners of MI. I believe such proposals are...counterproductive since national law and policy are attacked....The larger good of all the public has been decided by Congress as being the best way to deal with this special place....All of us should accept this and work together to make MI the best NWR possible and not try to turn back the clock of time to a day which can never be relived again.

3. The MOA must...be changed to reflect that all recreational and management activities must be deemed compatible with the wildlife purposes of MINWR via a written compatibility determination....I have seen the damages that oil and gas activities have caused on MI...and yet there are no summaries of past oil and gas activities, what their impacts have been....

L;O

T

4. Airboat usage in marshes on MI must be controlled fully even if it is necessary to ban this usage....The current FWS policy...allows impacts to occur first before doing something....

E

5. I continue to express concern about private or public ferry boats, island shuttles, and bicycles on MI without proper limitations....While visitor use should be allowed when compatible....what is more important is ensuring a quality visitor experience while ensuring that wildlife is maximally protected....Using a shuttle over the entire Island seems overkill....

L

6. The problem with who will make the final decision onsite when something is found by FWS that it considers incompatible is not really fully addressed....

Change made; H

7. The FWS must include the coming year's operations plan (annual) with this CMP so that it can be compared with the CMP for compatibility.

JJ

8. The FWS must outline how it plans to regulate unauthorized airplane landings on MI.

Specific Comments....[Continues with two typewritten pages of specific language concerns in MOA, CMP, EA documents.]

[Summary statement:] I request that the MOA between FWS and TNC be voided...and this plan come back out for review....

83. County Judge Howard G. Hartzog:

...I...speak against the Memorandum of Agreement and in support of the resolution on Matagorda Island as adopted by the Calhoun County Commissioners

B

Court....Calhoun County has rights and easements on Matagorda Island which...have not been addressed in this Memorandum of Agreement....Those people who seek to set up private lodging and accommodations for the privileged few at the expense of the taxpayers of Texas should be stopped....I therefore stand...in opposition...and will continue to do so until everyone is guaranteed access to Matagorda Island and Calhoun County has some say into the disposition of these agreements....

L

FF

84. National Audubon Society, Dede Armentrout, Regional Vice President, Southwest Region:

....My statement is given on behalf of the National Audubon Society and, particularly on behalf of over 20,000 Audubon members who reside in Texas....

Matagorda Island is an International Resource....

The National Wildlife Refuge System Must Not be Compromised

The national wildlife refuge system is the only system of public lands which are, by policy and by law, managed with primacy for wildlife. That primacy is defended through a process called the compatibility test....We strongly support the compatibility test and oppose any effort to erode the principle that activities on a national wildlife refuge must be compatible with the purposes for which the refuge was established....

In plan; L

...We are generally in favor of a change in management of Matagorda Island. We favor the [USFWS] assuming the management of wildlife and wildlife habitat throughout the island. We favor...TPWD assuming the management of public-related programs, except that we believe the FWS should also be involved in the design of some interpretive materials and the interpretation of a national wildlife refuge....We concur with the priorities and purposes for which the refuge has been established. We applaud the cooperating agencies for bringing to the public a workable partnership... However, we cannot give unqualified support....

In plan

In plan

### GRAZING

....Regarding grazing on Matagorda Island....new information regarding whooping crane mortality and new studies regarding the impact of cattle grazing on whooping crane winter habitat compel the elimination of grazing as a management tool....Impacts with fences and power transmission lines rank as the highest know reason why whooping cranes die....On Matagorda Island, the fences needed to control cattle pose an unnecessary hazard to whooping cranes...

C

....Studies on the mainland...reveal that cattle create adverse impacts on whooping crane habitat....Cattle themselves are disturbing to whooping cranes at times, as is the on-the-ground management of the herds.

....We have asked for results of the department's [TPWD] studies for over three years and the department has chosen not to release the information. We can only conclude that the information the department has is not good science and not worthy to be released. We oppose any extension of the grazing on Matagorda Island, including any new grazing operation in the name of research.

### PUBLIC ACCESS

We strongly favor the continuation of the ban on a causeway or vehicular ferry to the island. We do not oppose a pedestrian ferry or an increase in the operation of a shuttle system....human activity and more recreational use of the island should be monitored carefully to assure compatibility. We are very enthusiastic about the development of interpretive materials and information by TPWD. We urge a "pack it in", "pack it out" approach....

In plan

....Three areas in which we oppose language currently in the draft Memorandum of Agreement: 1. the extent to which the MOA and comprehensive management plan supersede national wildlife refuge policy and pertinent federal laws;

J

2. the implication that hunting and fishing are considered compatible per se and;

L

3. the lack of Congressional oversight in the process for amending the MOA and the...plan....

Change made; J

In addition, we have concerns for the precedent set by the Cooperative Agreement between the FWS and the Nature Conservancy....

K

[Following this statement are 2 pages of detailed discussion concerning the three points listed above.]

85. Houston Audubon Society, Dave Smith, Vice President, Environmental Affairs:

We oppose continued grazing of cattle on Matagorda Island....There are situations in which limited, controlled cattle grazing can be a useful part of managing a wildlife refuge. In this situation, we believe grazing cattle will have a significant, adverse effect on water quality and habitat....

In plan; C

86. Texas Committee on Natural Resources, Janice Bezanson, Issues Coordinator:

Because of the timing of Texas Committee on Natural Resources's newsletter mailing, I am sure that some of our members will be submitting comments regrading Matagorda will come in lightly past the June 29 deadline. We request that you consider citizen comments part of the record, even if they do not reach Albuquerque by June 29....

We have

87. Private Citizens:

The Comprehensive Management Plan and Memorandum of Agreement are excellent pieces of work....However, I think...there is a significant omission in the Comprehensive Management Plan of documentation of the use of the bayside waters and marshes...and I believe the priorities in the Comprehensive Management Plan should all be of equal importance, not all subordinated to the first priority.

Change made; O

W

I have drafted and enclosed specific changes to the language...

....The plan proposes to close the leveed area on the south end....If the plan permits that action because it is "better to err on the side of caution," it permits action without thorough professional documentation that the action is necessary. I am concerned that the same approach might be applied to hunting and fishing the bayside waters.

Change made; L; 0

My principal interest is preserving the hunting and fishing on the bayside waters and marshes of this Island....

Change made; 0

It is also undeniable that the whooping crane...has expanded in number and range on this Island during a period when hunting, fishing, airboat, jet boat and prop boat use has been extensive in the bayside waters and marshes of this Island. The Comprehensive Management Plan should reflect that fact....Any curtailment should also require concurrence of all three agencies.

Change made; 0

H

[Ten pages of suggestions of specific language changes to be made in the CMP and MOA follow, which were not excerpted. The suggestions reflect a desire to strengthen the position of public uses in relation to wildlife and habitat management. These same language changes were also included in the comments of Texas Parks and Wildlife Commissioner John Wilson Kelsey.]

88. Private Citizen:

Mr. Giezentanner (USF&W) ...stated that shrimping could be stopped in Gulfside waters because of a plan to release Ridley turtles on Matagorda Island....If established (turtles laying eggs on Matagorda Island Gulf beach) beaches would be closed to public access during that time....Taking previous statements I would gather that the only months available for public access would be July through September.

KK

Access is year round



I am opposed to a Nature Conservancy having use of State or Federal owned land or buildings if that's the case all the public should have access to such buildings....

K

89. Sierra Club, Coastal Bend, Patricia H. Suter, Chairwoman:

This letter is being written on behalf of the Coastal end Sierra Club specifically and the Coastal end Environmental Coalition which included environmental groups from the area including Kingsville and Victoria, Texas.

We are concerned about the proposed MOA....

First:...the proposed agreement with the Nature Conservancy needs further study....because it will be precedent setting....do not feel TPWD should have sole use of the house on the former Wynne property....

K

Second: We applaud the removal of cattle....

In plan

Third: We agree with the shuttle concept. However...some control must be specified on the location of the stops (and hiking trails) during times when endangered species are present....

In plan

Fourth: We have problems with the use of airboats on the bay side....Some restrictions are a must.

E

In general, we are in agreement with the proposed plan....

90. Private Citizen:

11. ...Things could very possibly change from what is being planned for Matagorda Island at this time....I am afraid that...in the beginning the public will be allowed limited access but eventually this may be taken away from them including the right to hunt and fish within the boundaries of Matagorda Island.

L

2. ....I...know what can happen when grazing is totally eliminated from our local pasture....an explosion of Prairie Willows, McCartney Rose, and other undesirable foliage....Even with controlled burning, I do not think that it will replace the balance that having grazing...does for the whole system....I have not seen any detrimental effects....

C; D

3. ...the Wynne Ranch would be an ideal place to try the theory of no grazing and controlled burning, if it works on that end of the island then I would say strong considerations should be given to putting the whole island under the same plan. I do not feel that there is ample proof that the proposed plan...will accomplish what we all hope for...public access...keeping the wildlife intact...keeping grazing rights...and allowing hunting and fishing to continue....

91. Fort Worth Audubon Society, Earl H. Burnam,  
Conservation Committee:

I cannot support the proposed Memorandum of Agreement...however, I am generally in favor of the change in management of Matagorda Island....

I favor the FWS assuming the management of wildlife and wildlife habitat throughout the Island...[and TPWD] assuming the management of public-related programs....

In plan

I am opposed to the language used in the draft MOA that states that the MOA will govern any inconsistencies with the...NWRS manual. Specific language is needed to provide assurance that this agreement requires management consistent with the Refuge Administration Act, The Refuge Recreation Act and all other pertinent federal laws and regulations...

X

The MOA should be clear that hunting and fishing may be prohibited in certain areas and that certain times if those activities are determined to be incompatible with the Endangered Species Act, but the Refuge Recreation Act and the Refuge Administration Act, that hunting and fishing is not precluded...

Change made; O; L

...Congressional oversight should be extended to amendments of the MOA and major amendments to the plan...

Change made; J

92. Private Citizen:

...Establish a suitable resting place with minimal human harassment for migrating wildlife...

93. Private Citizen:

We need to right the wrongs of our government...Give the Hawes all grazing rights...

I; C

94. Private Citizen:

....If you change current grazing patterns I doubt you can guarantee that these species will still migrate through this area. Nor can you prove that cattle and endangered species cannot coexist. The Nature Conservancy should pay rent for use of any property....This property has been used as a playground for the military, the prestigious Wynne family and government officials....Cattle grazing is conducive to wildlife....Give the Hawes back their grazing rights....Build a causeway....

C

K

C

B

95. Private Citizen:

....My grandfather founded Port O'Connor in 1909....I think that access to the "J Hook", the "Gulf beach", and the Bays and Wetlands owned by the state...should be assured in the proposed MOA of 1990....I would like to see the Joe Hawes family be able to continue to graze cattle on the island.

Change made; 0

C

96. Private Citizen:

....I feel that public access to the "J Hook", the "Gulf beach" and the bays and wetlands...are of vital importance to the economy of Calhoun County, in general, and to Port O'Connor, in particular. I would like to see assurance of this access spelled out in the proposed 1990 MOA.

Change made; 0

97. Private Citizen:

I am 12 years old....I love to fish and I hope that MI will be open to me to fish and enjoy when I grow up.

L; 0

98. Susan P. Rust, Consulting Ecologist, Stewardship Services:

Finally...a planning document which appears to be truly comprehensive, integrated and well thought out!

Thank you

Memorandum of Agreement

The proposed separation of agency responsibilities...is a progressive solution....The checks and balance...seem to insure that all parties will live up to their agreed upon obligations....The 10-year planning horizon with 3 to 5 year review and revision insures...adequate opportunities to provide input...The provision allowing for grievance consideration...is both generous and reasonable....The goals are clearly stated and prioritized. They make biological sense while providing for appropriate public use, and they are not internally competing. The concept of management at the landscape level to achieve a balanced natural-functioning ecosystem...is progressive and exciting - and unusual, if not unique, in Texas. The emphasis on research, monitoring, education and a full range of other compatible public uses would reap tremendous benefits....

In plan

In plan

In plan

In plan

Cooperative Agreement

I do continue to have serious reservations about this ...The precedence which this may set in allowing the Federal Government to grant special privileges to certain parties...does not seem consistent with the expectations of the public....Should the agreement dissolved, the public could be saddled with an incredible liability....I would be far more comfortable if...in the event the Conservancy cannot continue to maintain the Wynne Ranch...the house will be dismantled....Even this caveat would not make the Agreement appropriate, in my opinion.

K

### Comprehensive Management Plan

Brilliant! [Goes on in considerable detail, specifically mentioning the airboat study, goals and objectives, biological monitoring, fire and considering other tools, unmanipulated control areas, agency staff interaction, ODRs, Info. and Planning Needs and Funding Needs section, as being excellent. Suggests that staff from all three agencies have common training and cooperative responsibilities.]

In plan

### 99. Congressman Greg Laughlin

....First, I strongly support a management plan that provides increased public access to the Island, whether by shuttle service, multi-vehicular ferry or causeway. Citizens...should not be prohibited from gaining access to waterfront or inland areas that are not within specifically designated areas cited as habitats of endangered species.

B

....Second, I feel that grazing of cattle should continue as a range management tool....I propose that a study be conducted by an accredited research team....

C

Third, I have asked the Department of the Interior to provide documentation setting out the terms of the sale of the portion of Matagorda Island purchased by the Texas Nature Conservancy...This information will also provide the terms of the agreement allowing the Nature Conservancy to retain ...the ranch houses and other buildings....

Information  
provided;  
CC

....I am committed to working closely with the Commissioner's Court to accomplish the goals set forth in [their] resolutions.

### 100. Gulf Coast Conservation Association, L. Don Perkins:

....We would request assurances that...no further curtailment nor limitation on the public's right to hunt and fish...is anticipated.

Change made; L; 0

....The authority to provide ample protection for [endangered species] already exists under federal statute without the necessity of the State of Texas giving up its authority....Assure the citizens of Texas that nothing in the plan will abrogate the state's managment responsibility nor diminish its authority to control access to stae-owned lands and the activities undertaken thereon.

Change made; 0

101. Private Citizen:

...I support the new management plan for Matagorda Island, that will ban building a causeway, stop grazing, and emphasize managing the island as a part of the National Wildlife Refuge System.

In plan

...I think the interests of more of the people of Texas and the country would be better served by preserving Matagorda as a viable part of the refuge system.

102. Private Citizen:

...Regarding the Texas Nature Conservancy and US FWS cooperative agreement, I support whole heartedly this agreement....No causeway should ever be allowed on Matagorda....By using private contribution money this conservation group is preserving a piece of Texas history by maintaining the Wynne Lodge. May I go on record as....a supporter of conservation here....

In plan

In plan

103. Private Citizen:

I...want to express my support of The Nature Conservancy's plan to preserve this as a natural refuge....The cooperation of The Nature Conservancy and the U.S. Fish and Wildlife Service is to be applauded for working together to...educate the public on conservation matters.

In plan

104. Private Citizen:

I am writing to request that support for the new management plan for Matagorda Island be maintained. That plan assures natural management of the Island be had with no grazing and no causeway construction....Take appropriate care of lands already in the National Wildlife Refuge System.

In plan

105. Private Citizen:

I understand you are reviewing your relationship with the Texas Nature Conservancy Coop. The one occasion I had to utilize the facilities at Wynne Ranch....I gained a greater appreciation for conservation efforts and hope this worthwhile program is allowed to continue.

In plan

106. Commissioner, General Land Office, and Chairman, School Land Board, Garry Mauro

I hope to clear the air about some of the concerns and objections...and express to you my conviction that this new proposal is in the best interest of Texas. In 1982, the State of Texas was presented with a rare opportunity to [make] 19,000 acres of federal land on Matagorda Island available for the use and recreation of Texas citizens.

....The 1982 partnership and management agreement has served us well, but, I think the new proposal that is being considered is better....We are presented with a new opportunity to add more land to the partnership [the Wynne property]....

....Management will be split along functional lines....The new proposal preserves the rights of the general public to review and have regular input into the management plans....It requires a greater accountability from both the State and Federal managers than did the 82 agreement. It also clearly and explicitly preserves the rights of Texans to hunt and fish in the State marshlands....Finally, if any of the

promises are broken...any one of the parties to the agreement can terminate the partnership with one year's notice....We can't do that under the 1982 agreement....

....I would rather be armed with the proposed agreement that gives Texans a right to public access to a National Wildlife Refuge and gives State officials the right to veto the deal altogether if the right to hunt and fish the State marshland is jeopardized....I am convinced that this new proposal is a better deal for Texas.



## SUMMARY OF ISSUES

Port Lavaca Public Meeting  
June 20, 1990

THE LEFT HAND COLUMN, UNDER "MEETING EXCERPTS," HAS EXCERPTS TAKEN FROM THE PORT LAVACA MEETING NOTES. THE EXCERPTS SUMMARIZE THE MAIN POINTS MADE BY EACH SPEAKER. THE RIGHT HAND COLUMN, UNDER "RESPONSE," REFERS THE READER TO THE "EXPLANATIONS" SECTION, STARTING ON PAGE 73. IN ADDITION, THE RESPONSES GIVEN BY THE THREE AGENCIES IN THE MEETING ARE SHOWN IN THE EXCERPTS.

### MEETING EXCERPTS

### RESPONSE

Commissioner, General Land Office, and Chairman, School  
Land Board, Gary Mauro:

[See written comment number 106.]

Congressman Laughlin:

[See written comment number 92.]

Senator Armbrister:

Past meeting records show my dissatisfaction with the plan as proposed but I want to clarify certain points....I do not support the proposed plan. I would like to see increased accessibility and I would like you to clearly state you do not intend to close the perimeter to public access....You need to look at grazing. I ask that Texas and the FWS go by their own biologists' opinions that grazing is not a detriment to wildlife....Regarding grazing verse fire: Is fire really a natural occurrence? Using fire as a management tool, how can we kill some endangered species with fire?

B

C

D

FWS: Fires do occur naturally. The  
horned lizard evolved with fire  
and is able to seek shelter from  
the kind of fast cool fire that we  
would use on the Island.

Representative Holzhauser:

One thing to keep in mind, this is a dynamic plan which can change. If you don't like the '82 proposal, you won't like the '90 proposal....Cedar Bayou is signed as being closed and that is being enforced by wardens.

FWS: Cedar Bayou is open to a certain point. It is signed beyond that point because boats are restricted in fish passes. There is camping allowed below the sign.

Representative Holzhauser:

...We are very frustrated...there is no information that grazing endangers wildlife. We need quantifiable information that shows that grazing hurts endangered species.

P

....There's no difference between the Wynn ranch house being used by special interest groups and the Hawes' grazing....In this plan, we do have the potential to lose access. The plan should speak directly to this. On a more positive note,...with this agreement, we have the opportunity for Texas to opt out....I strongly recommend that Texas use this agreement to take back control of the wetlands.

Change made; 0

What would the FWS foresee for future access?

FWS: One of the proposed plan goals is to increase public access. The plan projects substantial increases with the ferry and the on-island shuttle. FWS has a firm commitment to increase public use of Matagorda Island.

Representative Holzhauser:

But an incompatible use would be stopped? Would hunting and fishing be inconsistent?

L

FWS: Any use must be compatible. As the proposed plan states, the plan is compatible as designed. However, over time the conflict could develop. If that were to happen, the 3 agencies would try to mitigate the problem. Generally, it is possible to modify rather than eliminate activities.

Representative Holzhauser:

If we increase public access and increase the tax dollars we invest, and then an activity is deemed to be incompatible, are those investments lost?

FWS: As proposed in the plan, public use will be developed slowly so that we invest in developments judiciously.

Judge Hernandez:

[See written comment number 73, the Calhoun County Commissioners' Court resolution]

Mr. Stanley Mikula, Calhoun County Commissioner:

[See written comment number 15.]

TPWD: Regarding your comments re: the compatibility of hunting and fishing, page nine of the MOA states that Hunting and Fishing are compatible with refuge purposes.

George F. Rhodes, Chairman, Calhoun County Historic Commission:

I'm disappointed that there is no provision for preservation of historic sites in the plan. We need to let people know the historical importance of Matagorda

Change made; EE

Island. [Provides a historical review and perspective]....A historical park should be developed where the remnants of the forts remain....If improved access can be provided, a historical park would have a large influx of people....

TPWD: Historic and archeological sites on the Island are protected by State and Federal antiquity laws. Parts of the Island have been surveyed and will survey the rest of the Island. Maintenance and interpretation of the light house is provided for in the plan.

FWS: On page 5.5 of the CMP there is an objective which is to provide protection and interpretation of historical and archeological resources on the Island.

John Griffin:

I support preserving natural resources but I oppose this Comprehensive Management Plan....Flaws of the plan are:

(1) Access to the Island is not provided. You say "Encourage", but you should provide access.

B

(2) Plan prohibits efforts by tax payers to gain vehicular access to the Island.

B

(3) The MOA ends grazing on the Island. That appears to be an arbitrary decision and there is no mention of TPWD biologist and Texas A&I reports on grazing.

5-year plan ended grazing, not MOA  
C

...We can speak with you, but are you listening? All who favor changes in this plan, please raise your hands [addressing the audience]. [Almost unanimous show of hands].

Howard Hartzog:

[See written comment number 76.]

Bill Flaharty:

I'm a conservationist, however....in the last 3 years, I've been checked 17 times in my boat. What you have is a people management plan, not a wildlife management plan....If you guys are going to take the Island, will you take care of it? I have no faith in TPWD.

Steve Plumb:

....I want to see environmental compatibility for all God's species....Now the Whooping Crane needs to learn how to live in the outside world. I'm not satisfied with the three documents. Any changes to current public use on the Island should be slow....To restrict air boats, you should require conclusive studies that they impact whooping cranes....It should be that if there are conflicts, an activity will not be curtailed until after the appeals process is completed. This should be in the hands of the people of Texas. If hunting and fishing are compatible, are they compatible for 100 years, like the plan?

FWS: We can't make a prediction a hundred years into the future.

Commander Sanders:

The Federal government stole the Hawes' land and now plans to steal Texas' childrens' land....Who knows the plan best from TPWD? [Asks Andy Sansom about a letter Sansom wrote in 1970s as a special assistant to the Secretary of Interior, regarding bombing impacts on the whooping crane] Did you believe that to be true at the time?

TPWD (Andy Sansom): At the time, yes.

E; P

Change made; Q

L

Commander Sanders:

The letter said that Mr. Armstrong would lease or give Matagorda Island to the State of Texas and you, Mr. Samson, were worried that Texas would put in a causeway. Now you work for TPWD. Why are you working for TPWD? You were putting out lies 17 years ago and maybe you're lying today.

How many acres of land did the American Liberty Company buy and how many were sold to the government? There was a law suit about damming the wetlands.

GLO: That law suit involved levies which made salt water marshes into fresh water marshes.

Commander Sanders:

How much did the American liberty company end up owning?

GLO: I don't have those figures here. I'll have to get them and provide them to you.

Commander Sanders:

To sum this up, now you are putting effort to getting salt water back into those areas. I think there should be an investigation of Andy Samson, the Wynnes, and Armstrong.

\_\_\_\_ Wittnebert, representing the shrimpers of Seadrift Shrimp House 1:

....What scared me is a map showing a proposed area which took in parts of San Antonio bay....I'm a conservationist but this is ridiculous to ban cattle and then burn the grass if it gets to high....This borders on the ridiculous....Calhoun County needs to be able to give input. The question that really bothers me

D

FF

is that will my sons be able to have a livelihood as shrimpers?...The agencies go overboard in protecting the whooping cranes. If you put man and the cattle off the Island, what will you do with fishermen?

L

Helen \_\_\_\_? \_\_\_\_:

....I can't feature why cranes can't go to Aransas, what's it for? Matagorda Island land was taken from the Hawes and yet rich people got to do what they wanted on the Island. It makes me pooping mad.

Elliot Tucker:

[See written comment number 81.]

Thomas E. Lambright:

I support the Calhoun County Commissioners, the Hawes family, and the public officials' comments....I have a few questions for Andy Sansom.

1. Did you work for the Nature Conservancy during the Wynn Ranch purchase?

TPWD (Samson): Yes, I did work for TNC.

2. Did you have information on a "Quit Claim Deed" to Armstrong concerning damming on the west end of the Island?

TPWD (Sansom): I don't know anything about that.

Thomas E. Lambright:

This is the first time I've been at any meeting where they have used magic markers to record comments. The stuff she's written will be thrown away. You should have a court reporter here.

V

3. The plan states that there were 534 official guests in 1987 and in 1988 there were 563 official guests to the TNC Wynn Ranch House. Who is an official guest?

FWS: Mostly, those are TNC guests for fund raising. We've had one meeting each year of FWS people at the Wynn Ranch House and we have had a marine science camp. These are the kinds of guests that are referred to.

4. Re: turtles, especially Kemp ridley, shrimpers are concerned about statements in the plan regarding protecting the Kemp ridley. We already have to use TEDs. Will you be requiring more restrictions? Can you keep me from dragging the beach?...If turtles do come on to the beach, what will happen? Will you restrict shrimping? Will there be a buffer zone 1, 2, 3 miles wide?

FWS: No one agency would make that decision. Any restriction proposed would only go out 1000 feet passed the shoreline.

Don Perkins, Gulf Coast Conservation Association:

[See written comment number 93.]

Bill Seerden:

The issue of hunting and fishing is a concern. I want to believe but you need to make clear that the people of Texas will have an eye on you. We won't forget if promises are broken. I would like to see a more official record than what is being produced in front of us. Regarding paragraph 19 pg 10 of the MOA,...the MOA allows for cessation of activities on just one



complaint by any of the parties, until a final determination is made. It allows for the unilateral determination by any one party. You need to clear that language up....

Change made; Q

GLO: You've made some good points....We enter into these contracts understanding that each party offers it's good faith. The determination of incompatibility would show that the public use of buildings, roads, etc., would do irreparable harm. If you have some suggested changes in the language, we would like to see that.

Bill Seerden:

I will submit proposed language. [See written comment number 51.]

GLO: Regarding airboats and other new technologies, there are always going to be questions and assessments.

Bill Seerden:

Before any changes are made...they must have good documentation to keep from making unilateral decisions.

H; P

Brandt Mannchen:

[See written comment number 75.]

Russell W. Clapper, Retired Refuge Manager and spokesman for the National Wildlife Refuge Assoc.:

[See written comment number 5.]

Rex Wahl, Nat'l Audubon Society:

Question: will Federal officials stop human activities if such activities, such as hunting and fishing, were harming endangered species?

L

FWS: If a conflict develops, we are obliged by law to take some action. We would have to reexamine the management process further, so as to eliminate the conflict.

GLO: Nothing in the agreement exempts the endangered species act. The agreement gives a forum for Tx agencies, which is not now in the law.

Rex Wahl:

If the agencies dissolved the existing agreement, would human activity be stopped, if it effected endangered species?

FWS: Yes, or modified to eliminate the conflict.

Rex Wahl:

Is it the intent to say that hunting and fishing will be compatible?

FWS: It is not the intent to say that these activities will always be compatible.

Rex Wahl:

As and hunter and fisherman, I look forward to taking part in those activities. Based on the answers to my questions, your proposal is sound. Management via the plan as a total ecosystem is sound.

Fred Bates:

....The cattle...don't seem to bother anybody or anything, and here someone decides cattle are bad. And you want to implement burning in its place? I can't believe it will work to replace grazing with fire. You shouldn't have taken the Hawes' land.

C; D

I

H. M. Browning:

....Agencies are paid by taxpayers to represent us and not special interest groups or personal gain. [Gives some examples of dollars spent on improvement projects without public use or access, e.g. Lake Texana you can't get to the Lake.] We're leery of the same thing on Matagorda Island....Don't take my dollars and tell me I can't use the Island.

K

L

FWS: Cedar bayou is open to camping. There is some confusion re: the boundary signs. There are closed signs on the island...St. Joe's Island, because that island is private property.

H. M. Browning:

But there are "no boat" signs.

FWS: That's because the State law on fish passes restricts boats on fish passes. But in the plan, we want to change the distance to let boats come closer to the gulf.

\_\_\_\_\_ Folchun:

....Cows have been there longer than the cranes. Here is a comment to TPWD: This proposal states that all activities are based on compatibility and that wildlife takes priority over public uses. I want the basic facts. Stipulate in the plan what cannot be done. Who determines compatibility?

H; L; O; Q

FWS: Compatibility will be determined by collaboration of all three agencies.

Folchun:

When the compatibility determination is made it will aim toward conservancy and exclude hunting and fishing etc. How do you call it management when you restrict camping on Shell Beach?

L

GLO: GLO has jurisdiction there....It's the same as in 1982....The point is that the compatibility situation exists right now. Neither Texas nor the Federal government can allow incompatible uses. It was TPWD that threw you out of that area. Your point is well taken that compatibility is dynamic. The new agreement will preserve our right to be involved.

Folchun:

Right now, in transportation to the Island, the plan discriminates against the handicapped. We need to get a causeway.

B

Bill Tigrett, President, Port O'Connor Chamber of Commerce:

[See written comment number 69.]

TPWD: We need to discuss the idea of an advisory committee. Regarding the pedestrian ferry, we have approached private contractors to provide this service and it is possible the contractor would need a subsidy to fund the ferry.

HH

Jack Hollingsworth:

The whooping crane has the potential to extend to the east end of the Island. That worries the hell out of me. Maybe it will include Matagorda Peninsula and St. Jose Island. What are your intentions?

FWS: That's looking at the critical habitat shown on map 5, but there is no proposal to expand the whooping crane critical habitat [even though cranes may use areas outside the critical habitat].

Jack Hollingsworth:

That 'blank, blank' [Andy Sansom] tried to extend critical habitat before....

Kelly Parks:

There's a lot of good in this plan. But there is no commitment to the citizens. Citizens of the state should use that land as we see fit. Guarantee us the right to use that land to hunt and fish. Add that to the plan....If the Island were in the State of Texas' hands, they would be more responsive to Texans....I have a problem with what was done to the Hawes. They have a right to the land. But you just by-passed that. Take Texas citizens into consideration.

L

G

I

Russell Jones:

[To FWS:] I run a charter service. We've had more duck regulations. Do you want to eliminate fishing and hunting? How can I feel confident, when you are taking my right to make a living? You tell me there are no birds in that area, but there are.

L

FWS: There has been a gradual reduction of bag limits do to a decline in international duck populations. The North American Waterfowl Management Plan laid out recovery strategies. There may be concentrations of ducks in localized areas but overall, populations are down. The Texas coast is a premier waterfowl area; winter concentrations continue to occur here.

Russell Jones:

You should be better informed. There are millions of ducks in various places all over the U.S. The birds may be in trouble, but your restrictions don't give me any confidence.

FWS: We'll be glad to send you more information re: duck populations and strategies.

Russell Jones:

I don't feel you're qualified to manage the land....You need to take a hard look at your rules and regulations. I won't buy a duck stamp to shoot one pintail.

Joe Hawes:

[See also written comment number 71.]

I'm a member of a historical Matagorda Island family. I know more about Matagorda Island than anyone of you agency people. W. Lewis, Assistant to Interior Department wrote a memo re: "chief concern is not the whooping crane, but to prevent a causeway". What do you people know about that?

FWS: I don't know anything about that letter.

Joe Hawes:

You talk about public uses. But all public uses are tied to compatibility with the purpose statement....The Texas owned bayside land and beach should not be included unless you allow full management participation by Calhoun County and TPWD....

H; Q; FF

Re: whooping crane use area, we need to use that land for the Texas school fund....The plan allows for TPWD to build some facilities, but they will be cost shared with the federal government. Yet the Wynn purchase price was \$13 million.

The plan incorporates the Nature Conservancy; that should not be allowed. They aren't a public agency. If you can afford the purchase price, you ought to be able to afford the building.

K

Regarding using burning and stopping grazing, burning would not be in keeping with the endangered species law and grazing has been shown to be the top tool for Matagorda Island. Why were these studies not used by the planning process?

D

By the authority of the agreement, public use is subject to compatibility determinations with purpose of the refuge and endangered species will receive priority. And you are telling the public, "use, but"? It's subject to being cut off by one man....

Change made; L;  
O; Q

Regarding The Nature Conservancy and fund raising, make that agreement available to the public.... Critical whooping crane habitat may be considered for closure and there goes the hunting season. No motor vehicles are allowed....

CC

Today I received the denial of our appeal in spite of all evidence that grazing is ok with endangered species. Cattle do not compete with whooping cranes. How can cattle have an adverse reaction to whooping cranes when cattle have been used for 150 years without negative impacts? The appeal denial states that grazing is not compatible with refuge purposes--and that applies to public uses as well.

C; D

Georgia Ann Hawes:

[See also written comment number 69.]

Why were all the alternatives not considered? Calhoun County could manage the Island. Protection of endangered species is always mandated. Why do we need a Comprehensive Management Plan?....

Z, FF

GLO: The agencies didn't feel the prior arrangement was acceptable. Texas wanted to manage the whole Island for public use....We could leave it in the status quo. Texas has no role except with the new agreement yet we will still have compatibility role and so on. The causeway paragraph has not changed from the 82 agreement. The state went after \_\_\_\_\_ acres but this option was considered to be better. We felt cooperative management of the entire Island was a better solution.

TPWD: Five options were considered in the EA.

Georgia Ann Hawes:

....Why don't the U.S. and TNC make the purchase agreement public?....[We] tried to get the

reports, but they were delivered after the grazing permit was denied. It was withheld from the Calhoun County Commission.

BB

FWS: We will investigate that. Would think it would be available. We'll get back to you.

Georgia Ann Hawes:

Why does FWS have a problem with using the TPWD studies?

TPWD: The studies were not ignored. Various divisions and people at TPWD had input. There were differing opinions. The plan uses the majority opinion.

Joe Hawes:

After many requests for a copy,...Sen. Armbrister got the information very late. The information was withheld. Why?

TPWD: Your information is inaccurate. It was delivered within 24 hours.

Someone Calling from Audience:

I talked to Sen. Armbrister and he said he didn't get what was requested.

Georgia Ann Hawes:

If FWS is sincere about the hunting and fishing, they should put a statement in the plan such as "the rights of the public cannot be abrogated"....Why 1,000 feet offshore? As it is, public use is subordinate to all other purposes.

Change made; 0

W

FWS: The gulf beach 1000 foot buffer zone was extended but that will not limit hunting and fishing....That buffer already exists and there have been no problems in 8 years.



Georgia Ann Hawes:

Now burning is your number one tool. This violates the endangered species act because it kills horned lizard and milk snakes. In the past burning got out of hand.

D

FWS: We share those concerns and that is why we are hiring a fire ecologist.

Georgia Ann Hawes:

That's more tax dollars for burning. Out-go vs income.

Joe Hawes:

...You cut our herd and raised our fees....I know Matagorda Island ecology. Grazing put the ecology into its current shape. Wildlife has not declined.

B; D

Ross C. Hoff:

All of these comments are in earnest and I'm sure we will work it out. I hope you will protect hunting and fishing rights. One thing about burning, it must be controlled. The smoke from one burn was terrible in Seadrift. Ensure that you burn when smoke will go to the Gulf.

Change made;

L; O

Gilbert Heideman:

There are good things and bad things in this plan. I am concerned that...if someone in power wants change to it, it will change. The people in power can do what they want to.

Commissioner Mikula:

We're requesting a Congressional investigation and we have asked Senator Armbrister to conduct public hearings....We aren't happy with the plan and we want you to respond to us.

Alvin Mullens:

I support Greenpeace and I recycle. Burning in the Amazon is a big problem, but you want to burn....

D

Elmer Deforest:

....I have a question regarding the whooping crane habitat, does the MOA cover that whole area?

FWS: No, it applies only to Matagorda Island.

Elmer Deforest:

I think grazing should be allowed. Let's not burn the Island.

C; D

Whitberg Jr.:

There is no future for my son in commercial shrimping with people like you controlling things. We have more restrictions every year. I am worried: First Aransas, you have Matagorda Island, you have Welder Flats. I have a fear of land being taken away. Do whooping cranes have the ultimate rights over everyone?....The issue is, you people are land hungry.

L

Elaine Giessel:

I'm marine ecologist and I get out on the Island occasionally. I believe in trying to conserve Matagorda Island as an ecosystem. The gist of the plan is good. I support the concept of eco-systems management with compatible public use....If there is an incompatible activity, you would have to ban that use. You should ban vehicles from the Island....A visitor center at Port O'Connor is essential. There should be kiosks on the Island, not a major visitor center...

In plan

L; B; CC

Brandt Mannchen:

[See written comment number 75.]

FWS: TNC retained the furnishings in the Wynne ranch house.

Brandt Mannchen:

Make that clear in the MOA. I have a question re: the difference between a natural area and a state park.

TPWD: The statutes currently call it a State Park but we have tried to manage it under natural area guidelines. We are proposing legislation to make it a natural area.

Commissioner Mikula:

Why are you have a meeting here and a "hearing" in Austin?

V

FWS: They will be the same. We are simply having meetings in two locations. We will summarize the comments and send the summaries out with our response to the comments to everyone who is on the mailing list.

Commissioner Mikula:

This record [markers on flip charts] is not valid. These papers will be lost.

V

Someone from Audience Calls Out:

You don't have to pay one bit of attention.

GLO: This is a federal process. We are invited here same as you were. There will be a school board meeting in July and there will be a TPWD commissioners meeting. Both of these will be formal public hearings.

FWS: We will send a transcript of this record to you. You can correct the transcript of your comments if you feel they are incorrect.

Commissioner Mikula:

We appreciate your being here but we're fixing to be sand bagged.

Glenn Hughes:

I've heard a lot of greed here tonight. I have heard a lot of people asking what will the agencies let ME do. Matagorda Island belongs to the lord....These agencies are trying to protect us from ourselves. If everybody got to do everything they wanted to do on that Island, there would be nothing left.

Commissioner Mikula:

You will hear a lot of positive comments from the Austin meeting and ignore these.

GLO: The issue is simply that most folks here in Calhoun County cannot afford to go to Austin so we had this meeting here. Austin is not an "official" meeting. The two meetings are the same.

Commissioner Mikula:

The Austin meeting is news to me. I've never heard about it before tonight.

V

GLO: Both meetings were included in the public involvement bulletin you received.

FWS: We made the decision not to tape record these meetings. We wanted informal meetings with the kind of give and take we have had tonight.

Glenn Hughes:

Someone has to speak up for the birds. I feel for those people who have to make a living in the area but there are lots of places available. The public simply has to make sure that the agencies stay within the law. Don't get too greedy.

Commissioner Mikula:

Will you accept the video tape made of the meeting and make it a part of the record?

FWS: Yes. And we will also see that officials get copies of the meeting notes.

Joe Hawes:

Regarding those state tracts, Wynne had a friendly suit and Wynn kept the mineral rights. I have a copy of this.

Facilitator Pete Taylor: Any more comments?

FWS: Thank you for your patience and for your input.

MEETING ENDED AT APPROXIMATELY 12:00 MIDNIGHT

SUMMARY OF ISSUES

Austin Public Meeting  
June 21, 1990

THE LEFT HAND COLUMN, UNDER "MEETING EXCERPTS," HAS EXCERPTS TAKEN FROM THE AUSTIN MEETING NOTES. THE EXCERPTS SUMMARIZE THE MAIN POINTS MADE BY EACH SPEAKER. THE RIGHT HAND COLUMN, UNDER "RESPONSE," REFERS THE READER TO THE "EXPLANATIONS" SECTION, STARTING ON PAGE 73. IN ADDITION, THE RESPONSES GIVEN BY THE THREE AGENCIES IN THE MEETING ARE SHOWN IN THE EXCERPTS.

MEETING EXCERPTS

RESPONSE

Congressman Greg Laughlin (read by Judge Hernandez):

[See written comment number 92.]

Judge Hernandez:

....The position of Calhoun County Commissioners Court is that Texas should control the island due to the access problem. The paramount issue is the taking of private property which was declared excess. The island should have gone back to Texas and not the Dept of Interior. The County had property on the island and they entered a reservation of rights for an easement for both a causeway and a National historical area. The proposed plan fails to provide for the historic shrine; should ask for input from National Park Service. Also there is no provision for vehicular access. The Commission passed a resolution. [Judge Hernandez reads the resolution--see written comment number 73.]

G; B

Change made; B

Change made; EE

Calhoun County Commissioner Stanley Mikula:

[See written comment number 15 and comments at the Port Lavaca Meeting.]

Calhoun County Commissioner Oscar F. Hahn:

Motor transportation is the issue... I would like to see that all senior citizens, handicapped, etc. have an equal opportunity to see and be on Matagorda Island....Calhoun County Commissioners Court would like to see a mode of transportation used by all. I would hate to see autos all over the island--that would be detrimental. But the northeast part of the island could

B

be accessible by car and that is where the historical parts are. Perhaps vehicular access to the island is not feasible now but will be in the future. We want an easement in CC's name so that when feasible, we can put in a causeway or other means of access....

Change made; B

Audubon, Southwest Region, Dr. Dede Armentraut:

[See written comment number 77.]

Larry L. Weishuhn:

1. What were recommendations of the TPWD Wildlife Division field staff?

TPWD: Recommended continued grazing.

2. Does Aransas NWR use grazing?

FWS: Yes. There are cattle on Aransas now.

3. Was it five whooping cranes that died last Year on Aransas or on or near Aransas?

FWS: There were three or four dead.

4. Were the carcasses found if so where?

FWS: The bodies were not found and that is why we are not certain of the number and cannot conclude cause of death etc.

Grazing and wildlife are compatible and...grazing may be necessary on Matagorda Island....

C

Sierra Club of Texas, Scott Royder, Director, State Conservation Office:

[See also written comment number 2. The following comments were not included in the written submission.]

The Sierra Club is pleased with the overall concept of the proposed Matagorda Island management plan....

We applaud GLO, FWS and TPWD's decision not to include the use of cattle as a wildlife habitat management tool....Artificially introduced disturbances such as grazing, which did not naturally occur as the Island evolved, induce an array of artificial responses in both plant and animal communities.

In plan

....The Sierra Club supports the MOA language requiring a fire management plan and an annual burn plan to be prepared for the entire Island....

In plan

The Sierra Club also agrees with the decision to change the name of the Island....

In plan

....Concerned that oil and gas development on the Island is exempted from the NWRS's compatibility requirement. We support the requirement that FWS and the GLO must be notified before the commencement of any mineral activities...CMP and MOA language is not adequate to protect the Island from oil and gas development.... It is appropriate that oil and gas companies will be required to conduct cultural resources assessments prior to development...

T

....Grateful to see the MOA call for the removal of all artificial structures within the natural communities....The Sierra Club will volunteer its services to help remove these structures....

In plan

The Club is also concerned about the implications of new construction projects on the Island [observations towers, fishing pier, and] also strongly question need for picnic tables, especially near sensitive areas along the beach....

We applaud the prohibition on airboats within the leveed marshlands to minimize disturbance to whooping cranes and interpretive activities.

In plan

However,...concerned that airboat use outside the leveed areas...could still impact wildlife. We anticipate the results of the proposed study, even

E



though we believe there is enough current evidence to restrict air boat use from the Island.

....We do not believe the TNC should be allowed to provide any special privileges to its visitors....TNC activities will occupy almost all of the current residence space on the south end....Thus this shortage encourages new building construction....The Sierra Club is strongly opposed to new construction on the Island.

K

II

The Club supports the CMP's projected carrying capacity section for visitation....The Club is concerned about the high initial numbers....We realize that after the first year...new data will be acquired....

In plan

We support the breakdown of habitat management guidelines into the different barrier Island characteristics....

In plan

The Sierra Club has no problem with passenger ferry service...operated in a compatible way....The Sierra Club is opposed to any ferry service from the Aransas National Wildlife Refuge.

In plan

The Club is concerned about the impacts of the proposed shuttle service....Only minimal compatible shuttle service should be provided. We are opposed to the shuttle running on the beach....should only provide access to minimal trail heads or dispatch points....The vehicles...should be...pollution free....

We are also concerned about the overuse of bicycles on the Island...must be closely regulated. The Sierra Club support interpretation and environmental education activities on the Island.... We believe that it is important that the Island is interpreted...as part of the NWRS....FWS should also play a major role in the interpretation and education program.

S

In plan

The Club is extremely pleased with the CMP's plans to protect and preserve all Island archeological sites in place....

In plan

...The Club will encourage the state and federal agencies to provide the minimum employees necessary to meet the goals and objectives of the Island....The Club

will stress the importance of a very efficient law enforcement presence on the Island, whose duties will lie strictly with Matagorda Island.

In conclusion, the Sierra Club has determined that the new Plan is very definite improvement over previous management plans.....We assume that our specific concerns can be better addressed when the annual plan is released.

Anne Clark:

[See written comment number 87.]

Doctor Sam Beasom:

These are my personal comments, not reflecting my affiliations. Regarding grazing the proposed plan...says that we would use grazing as a management tool only if it would benefit an endangered species. However, if grazing is removed, it would be difficult to prove any benefit to endangered species....We don't know how grazing impacts the Matagorda Island complex of species. The facts are not there. The agencies need to open the door to a grazing study. If you remove fences as is proposed in the plan that will obviously make it more difficult to do a study.

C; P

The plan proposes using minimal tools and selects fire as the minimum tool to be used on the island. It is purely conjectural that fire is natural on Matagorda Island....If you do use fire for habitat management, use great caution....Would denude the sandy land if you took the vegetation via fire and then had drought.

D

Texas Committee on Natural Resources, Janice Bezhnson:

[See written comment number 15. The following comments were not covered in the written comment.]

....We would like to see you expand limits on air boats....We are concerned about the use of fire on the island. In some areas fire has been overused. Especially would like to no use of "jelly gas" etc.

E

D

Regarding the Nature Conservancy agreement, this is not a resource issue if the activities don't damage the resource. TNC use of the island must be compatible with refuge purposes.

In plan

Hugh Hawes:

....In the late 1930s President FDR visited the Wynns and Murchisons in Port Aransas and based on what happened subsequently, it certainly appears that they conspired to take Matagorda Island from all the land holders except Wynn and Murchison....

....Regarding the proposed plan, why could you not strike the wording re: the causeway, since at some future date it would be possible to have a causeway.

Change made; B

Regarding grazing, from all I've read, I believe it is beneficial to wildlife....We agree with Dr. Beasom. I never did see natural fires on the island. ....I would recommend no burning because fires can get away from you. And I believe you should have further study on grazing.

D

P

Bill Minor:

[See also written comment number 92.]

...I generally support the proposed plan....I have these recommendations:

1. Consider setting aside increased areas for migratory birds to rest free of hunting.

In plan

2. I recommend a speed and noise limit on powered vehicles including boats. I have witnessed birds and fish practically harassed by boats.

E

3. I support controlled burning. I suggest you should consult with Hugh Hawes to design your burns.

In plan

4. I think a water trail would be a good idea. We'd need camping areas on the bay side....This is a low impact use.

Access available

5. I question...commercial use, although I am commercial with the kayaks. [Leads ocean kayak tours to Matagorda Island.]

6. ....I feel that boat access could accommodate anyone. No road to the island will allow wildlife to increase and will encourage tourists to use the area. This will benefit the economy of the area.

Calhoun County Commissioner Mikula:

[Second remarks.] The Calhoun County Commissioners Court [wants] equal access to allow people to get to the island...

Joe Hawes, representing Hawes family:

[See written comment number 64 and comments made at the Port Lavaca meeting. The following comments were not included in those.]

....The Corps of Engineers said they would notify us when the land was to be "surplused." But, it never was "surplused." It was "excessed" to the department of the Interior. So we went back on our grazing lease. Then Interior changed the lease to a yearly basis causing us considerable uncertainty. And then you required us to cut the herd in one year by one half, and you restricted the area we could graze. Our rate of weight gain was cut from 80 percent to 30 percent. And the tone of your communications was, "if you don't like it, get off!"

Hugh Hawes:

[Second comments.] I have a suggestion. On the south end the Wynn property, where the whooping cranes use, use this for wildlife. In the middle part, use for grazing and hunting, and on the east end from the west base forward use for historical interpretation and main public use area....Why not compromise?....

In plan

B

Hazel Clark:

[See also written comment Number 93.]

...They [Hawes] are not asking to throw people off the island they are asking to run cattle. You [FWS] should give the Hawes family the right to graze. Wildlife works with grazing.

C

Dan McNamara:

[See written comment number 60.]

Judge Hernandez:

[Second comments.] I have one last thing to say concerning how the causeway is conceived of. We see it on the Port O'Connor end and limited to a very small area with a turn around....but we need access as well as we need the island managed to protect the environment. I do not envision a road for the public up and down the island.

B

TPWD: We appreciate your input very much. We have heard something from you about cooperative efforts. Can Calhoun County cooperate with us on a ferry?

Judge Hernandez:

Yes. We have a right to the national history site. I would think the Court would consider cooperating on a ferry.

Change made; EE

Calhoun County Commissioner Mikula:

...What was Andy Samson of TPWD saying regarding cooperation? Dollars or what?

TPWD: Any level of cooperation.

Calhoun County Commissioner Mikula:

My suggestion is that since Texas and the federal government own and operate the island as a refuge and park, then the state of Texas and the federal government should fund the ferry. Can we bargain to eliminate the causeway provision?

TPWD: We can bargain on access. But we are not in the position to bargain about a causeway.

GLO: We appreciate all these comments. Especially those from Calhoun County. We are still in the planning process. Your comments will be heeded. There will be changes made.

TPWD: Thank you! We appreciate your level of interest. I think we are beginning to establish a dialogue. We in TPWD try to see the public interest and respond to that as best we can.

Anne Mosely Hawes:

....Before we can talk about management of the island, the rightful ownership has to be restored. You might consider making recommendations to reopen this issue and the way it was handled....

I

Calhoun County Commissioner Mikula:

Don't try to slip this through Congress.

Dr. Dede Armentrout:

Couple of questions:

(1) If Congressional Committee makes changes, do documents come back to the agencies?

LL

(2) Does there need to be a law amended to make it a refuge/park or natural area?

TPWD: It will require State legislative action to change the name of the island, however, the plan will dictate appropriate management no matter what the name is.

Dr. Armentrout:

There is no other substance in the law that would have to change?

GLO: Will we need enabling legislation? Is that your question? Existing authority is enough. There will be a series of agreements.

...A comment to Rex regarding compatibility. It's not our tent to deem hunting and fishing compatible as you stated last night. What we do want, is a strong statement that hunting and fishing are not per se incompatible. It must be clear that hunting and fishing are anticipated to continue.

Dr. Armentrout:

But new hunting and fishing technologies may be incompatible in the future. I believe we understand each other.

TPWD: That is our understanding too.

Facilitator Pete Taylor:

Well, it looks like we're winding down.

MEETING ENDED AT APPROXIMATELY 10:30PM

RESPONSES FROM TPWD, FWS, AND GLO TO PUBLIC COMMENTS

- A. Refuge lands on Matagorda Island were purchased for endangered species and to support the national migratory bird management program, consistent with the mission of the U.S. Fish and Wildlife Service mandated by Congress. All national wildlife refuges are managed to provide, preserve, and restore a national network of lands and waters sufficient in size, diversity and location to meet society's needs for the widest possible spectrum of benefits associated with wildlife and wildlands. In addition to the responsibility to preserve, restore, and enhance all species of animals and plants that are endangered, and to perpetuate migratory bird resources, FWS will work with TPWD to provide the public an understanding and appreciation of fish and wildlife ecology and humans' role in the environment.

- B. Based on Calhoun County comments, a change was made to the MOA. The following language was added: "Subject to pre-existing, valid rights-of-record." This underscores the fact that the provisions of the MOA cannot abrogate legal rights Calhoun County may have to build a causeway.

Nevertheless, it is still the position of the 3 agencies that a vehicular causeway to Matagorda Island would be inappropriate: Matagorda Island has long been identified as a significant natural area, in spite of human impacts on its delicate ecosystem. The Island's isolation provides a special opportunity for protection of its natural resources. The CMP states clearly that it is the intention of the Department of the Interior and the State of Texas to increase public access -- compatible use and visitation will be encouraged. Equal access will be provided to all, including the handicapped and older citizens, via a pedestrian ferry. The cost of a ride on the pedestrian ferry should be affordable for most people.

- C. The CLO grazing lease for State lands on Matagorda Island expired December 31, 1989. GLO requested that the cattle be removed by September 1, 1990. (This has since been extended until the end of the appeals process on the Federal grazing lease). The grazing permit for Federal lands also expired on December 31, 1989. The FWS concluded that cattle grazing at this time is incompatible with the purposes for which the refuge was established. However, the use of all tools, including grazing or other biological management, will be preserved as options for possible use in the future.

- D. Matagorda Island is unique. It is the only Texas coastal barrier island with Federal ownership acquired for the primary purpose of wildlife management and which currently exists in a relatively undisturbed and undeveloped state. All agencies concerned with the management of Matagorda Island agree that this Island should be allowed to be influenced primarily by natural processes. However, it was agreed that a balance of natural processes, along with active or manipulative management, is needed to meet goals for endangered species and migratory birds. We believe that the minimal tool which replicates



natural ecosystem process is fire. The Island likely evolved with natural fires, whereas the coastal barrier island ecosystem did not evolve with large ungulates.

Any manipulative tool might affect some horned lizards--fire, cattle grazing, dicing, etc. But horned lizards and the rest of the ecosystem are probably better adapted to survive a natural process like fire than other manipulative processes. It should be noted that no burn/no manipulation control areas will help the FWS, TPWD, and GLO to discover whether top priority wildlife objectives can be achieved with no manipulative practices. If prescribed fire proves inadequate to meet endangered and threatened species and migratory bird objectives, and manipulation is needed to meet these objectives, the agencies will reexamine alternative manipulative tools, such as grazing.

- E. The agencies do not want to curtail a public activity unnecessarily. Speed or noise restriction on all boats are considered unnecessary at this time. Airboats can disturb both wildlife and other public users, but this disturbance would have to be significant before public land managers would further restrict a public use. The 1986 Whooping Crane recovery Plan does not call for closure of the critical habitat to airboats. However, there continues to be great concern regarding the effect of airboat usage on whooping crane population and their areas of expansion. The agencies will continue to study airboat/whooper interactions. The Texas General Land Office will fund and oversee an independent 2 to 3 year study on Matagorda Island. Based on this and other study results, a decision will be made on whether further restrictions of airboat use in whooping crane critical habitat is necessary for the six months the cranes are in residence.
- F. One of the plan objectives is to provide a high quality fishing opportunity and accommodate and expected increase to 9,125 anglers per year. The plan also provides recreational deer, quail, and dove hunting as appropriate. The number of hunters and hunting days will be set annually based on demand, capability, the status of population, and the needs of other wildlife species. These objectives have a 10 year horizon, with regular reviews and periodic updates.
- G. Complete control of Matagorda Island by the State of Texas would not be appropriate since the U.S. government owns slightly more than one half of the entire island and likewise, it would not be appropriate for the U.S. Government to control the entire Island. Both the State of Texas and the U.S. Government hold to the philosophy of cooperative, unified management so that the integrity of the Island's entire coastal barrier ecosystem will be maintained. Both the State of Texas and the entire nation have a stake in the management of Matagorda Island.
- H. The agencies have been working together very closely and all understand that concurrence is of the utmost importance in implementation and decision making. (See also Q.)

- I. The issue of rightful ownership is one that is outside the jurisdiction of each of the agencies concerned with the CMP for Matagorda Island. The FWS policy is that grazing activities are not considered a right but rather a privilege which is granted only if such activity is considered compatible with the purposes for which the refuge is established. Managing agencies must have the discretion of determining whether grazing should be used as a habitat management tool to accomplish program objectives.
- J. Language in the MOA has been clarified so that there are no inconsistencies between the MOA and existing authorities with respect to wildlife management, refuges, and endangered species. The MOA must undergo congressional scrutiny prior to ratification. Once ratified, the MOA becomes law. Language was added so that amendments to the MOA must have Congressional approval and public review.
- K. It is recognized that the arrangement with the Texas Nature Conservancy is one that causes some concern. However, it is believed that the benefits occurring to the general public by virtue of the support provided for environmental education and research activities by the Conservancy are worth allowing them to engage in fundraising. These activities provide long term benefits to the public without cost to the taxpayer. In addition, the arrangement eliminates government (taxpayer!) expense for maintenance of some buildings on the property.
- L. The plan allows continued hunting, fishing, and other public uses on Matagorda Island, however, those activities must be compatible with the purposes for which the refuge was established. The relationship between public activities and the purposes for which the refuge was established is dynamic. Therefore, such activities are constantly being evaluated, with the objective of maintaining public use opportunities whenever possible. (See also answer O).
- M. Congress passed the Endangered Species Act with its protections provided to whooping cranes and other species; this is the law of the land.
- N. This use of the endangered peregrine falcon would be illegal.
- O. Language was added to both the CMP and the MOA, which states that: "Hunting and fishing have historically occurred on the beaches, bayside waters, and marshes of Matagorda Island", and "nothing in this agreement shall impair the ability of Texas Parks and Wildlife Department to permit hunting and fishing on State lands in accordance with good wildlife management practices and consistent with Texas Parks and Wildlife Department Code and applicable Federal law. All hunting and fishing shall be managed to assure that these activities will not jeopardize any federally listed endangered or threatened species."
- P. "Conclusive evidence" is almost impossible to find or create. Take, for example, the 20-year controversy about the health effects of

smoking with reams of studies supporting each side of the issue. Land use managers must be able to act on their professional judgment, or nothing would ever get done on public land.

Q. The MOA was revised to read as follows:

"If any party to this MOA has any reason to believe that activities are occurring on the property or that management practices are being employed in a manner that are inconsistent with the terms of this MOA or one of the conservation easements which have been previously granted, they shall simultaneously notify the other two parties of their concerns in writing. The notice shall include a detailed description of the specific activity or management practice that is involved, identity of the responsible party, the reason the complaining party believes it to be inconsistent with the terms of this MOA or one of the conservation easements, and whatever remedial action the complaining party considers appropriate.

If the complained of activity or management practice has not been previously included in the comprehensive management plan or any amendments thereto or authorize in writing by the complaining party, the party responsible for regulating or conducting the activity or management practice, upon receipt of written notice of complaint, shall immediately cease the activity or practice pending appeal and shall respond in writing within 30 days.

In the complained of activity or management practice has been previously included in the comprehensive management plan or any amendments thereto or authorized in writing by the complaining party and, in the latter case, is being conducted in accordance with all terms, conditions, or limitations required in the original written authorization, for regulating or conducting the activity or management practice, upon receipt of written notice of complaint, shall respond in writing within 30 days, Provided, that notwithstanding the provisions of this paragraph, the party responsible for regulating or conducting the activity or management practice shall immediately cease the activity or practice if the party raising the objection finds that continuing the activity or practice would result in immediate and irreparable harm to the habitat resources, or would otherwise be prohibited under the Endangered Species Act.

The party receiving the complaint may reject the complaint and exercise its rights of appeal, take the recommended action suggested by the complaining party, or renegotiate an alternative response that shall be agreed upon by all parties to this agreement.

In the event that complaint is rejected or an acceptable remedy cannot be agreed upon, the complaining party can appeal to the Secretary of the Interior, if it occurs on Federal land, or to the Commissioner of GLO if on State land, who will make a final decision after notice and opportunity for any of the parties to submit arguments with regard to the dispute."

This section of the MOA is intended to provide an effective mechanism for dealing with those rare instances where a specific activity might be of concern to one of the agencies. Basic changes in approved, on-going programs, such as hunting and fishing, would only occur through negotiation and agreement by the three agencies.

- R. The paragraph was clarified so that is clear "any one of the three parties to this MOA" can cancel the agreement.
- S. The team would like to give the public the opportunity to responsibly use bikes on the Island. The plan provides for regulating this activity. If the activity proves "unregulatable" it may have to be curtailed.
- T. Oil and gas activities are prior rights which are not subject to the FWS compatibility rule. The plan states that in the future, the Refuge Manager and Park Superintendent would work cooperatively with oil and gas companies to minimize adverse impacts.
- U. Increases in fishing activity are expected, and the team feels that the natural resources can accommodate this demand.
- V. Matagorda Island is important to all the people of Texas. Therefore, meetings were held in both Port Lavaca and Austin. The public meeting were advertised via newspaper, TV, radio, and Refuge Planning Bulletin announcements. Because these meetings were not legal proceedings, an informal format and note-taking method were used. This style of meeting was developed and has been used by various Federal agencies--including the Corps of Engineers, the Forest Service, the National Park Service, and the FWS--after vigorous complaints by the public that the hearing format hampered the give-and-take needed for true communication.
- W. The relative importance of the Matagorda Island goals is taken from FWS policy, and cannot be changed for this plan. All of the goals are important.
- X. The MOA would take precedence over the NWR Manual, if an inconsistency arose in the future.
- Y. The agencies cannot recommend reintroduction of the red wolf. The Recovery Team for the red wolf would be the group which would identify the Island as a potential reintroduction site. At that time, the Island's suitability for the wolf would be carefully studied. In addition, the compatibility of the red wolf program with refuge purposes would be determined.
- Z. The Environmental Assessment considered a full range of feasible alternative options.

- AA. When the Department of the Interior "acquired" the land on the northern end of the Island from the Department of Defense, the stated purpose was migratory bird management.
- BB. A copy of this contract has been provided to the party who requested it. Anyone else wishing a copy of the contract may request it from The Nature Conservancy.
- CC. The Texas Nature Conservancy will be allowed limited use of motorized vehicles, consistent with the comprehensive management plan.
- DD. The shuttle will drop visitors, including anglers, at various trailheads on the Island providing access to one or more shipwrecks. Shuttle schedules will be determined by demand. The State of Texas is preparing an artificial reef plan. If that plan recommended one or more artificial reefs off Matagorda Island, the land managing agencies would evaluate that proposal in light of the objectives of the Island's comprehensive management plan.
- EE. Provisions have been added to the comprehensive management plan to establish historical sites with appropriate interpretive programs. The Island shuttle routes will provide convenient access to those sites.
- FF. The FWS and the State of Texas welcome the input of the Calhoun County Commission, but it would not be appropriate for the commission to have management jurisdiction on Matagorda Island, which is owned entirely by the State and Federal governments.
- GG. This would not be appropriate since the plan must be ready for presentation to Congress in early September, 1990.
- HH. The three agencies will continue to seek broad public input into decisions affecting Matagorda Island management.
- II. The proposed staff quarters building will replace those lost to fire in 1989.
- JJ. The annual operations plan will be prepared after the MOA and the comprehensive management plan are approved. The annual operations plan will be available for public review and comment.
- KK. This was offered as an example of a case in which public use in a selected area might be limited (a section of beach, not the whole Gulf beach) and near shore shrimping in that limited area could be restricted. There is currently no plan to use Matagorda Island as a Ridley turtle nesting beach, but such a plan could conceivably be developed in the future. Refuge Manager Giezentanner was explaining that there are no plans to close portions of the Island to public use. Then, in response to several "what if" questions, he gave a hypothetical senario where use of a designated area might be controlled.

- LL. Congress will ratify only MOA. If changes were made to the MOA by the Congressional Committee, the MOA would be returned to the agencies for revision. However, as there has already been considerable coordination with the Committee, changes are not foreseen.