

TEXAS



GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

October 25, 2013

Nathan Kuhn  
Lead Facilitator, Texas Seagrass Monitoring Workgroup  
Texas Parks and Wildlife Department  
4200 Smith School Road  
Austin, TX 78744

RE: *Seagrass Conservation Plan for Texas: Ten-Year Review and Update -2012*

Dear Mr. Kuhn:

On behalf of Commissioner Patterson, the General Land Office (GLO) thanks you for the opportunity to review and comment on the *Seagrass Conservation Plan for Texas: Ten-Year Review and Update -2012*. The GLO recognizes the time and effort from 2008 until present to obtain, organize, and synthesize all of this information into a single document; incorporating information from many different stakeholders, including state and federal agencies, representatives from academic institutions, non-profit groups, government entities, and private citizens.

Overall, the GLO supports protecting all of the natural resources of Texas, including seagrasses, whenever feasible. The GLO also supports a holistic bay system management approach that allows prudent stewardship of all state lands and resources. Through several initiatives and programs at the GLO, many of the reports findings are included in existing management practices for natural resource conservation. Furthermore, GLO supports the new legislation passed regarding uprooting of seagrass (Parks and Wildlife Code Sec. 66.024). This coast-wide approach allows all users to access Coastal Public Land and enjoy it in a responsible manner.

It must also be noted that the GLO does not support redefining the role of the Seagrass Monitoring Workgroup (SMWG) to include assisting with coordinating agency policy and addressing agency conflicts related to seagrass management. GLO recommends the SMWG continue to serve an advisory role regarding coordinating policy and addressing agency conflicts.

The GLO respectfully submits the attached specific comments regarding the plan. Should you have any questions or concerns, please contact Amy Nunez by phone at 361-825-3038 or by email at [amy.nunez@glo.texas.gov](mailto:amy.nunez@glo.texas.gov).

Sincerely,

Rene D. Truan  
Deputy Commissioner  
Professional Services Program

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## **Seagrass Conservation Plan for Texas – Ten Year Review and Update - 2012**

### **Chapter One - Research**

GLO continues to support seagrass research through several grant programs, including Coastal Impact Assistance Program (CIAP) and the Coastal Management Program (CMP).

### **Chapter Two - Regulatory**

#### **Priority Problem I. Seagrass beds are being lost or degraded, and/or species composition is changing.**

GLO continues to recognize the importance of protecting and restoring lost seagrass habitat; however, GLO also supports a holistic approach to the management of bay systems. The Coastal Bend Bays & Estuaries Program (CBBEP) documents in their 2010 Environmental Indicators Report that seagrass along the Texas Coast overall is expanding. Reasons for this expansion include, but are not limited to: sea-level rise, erosion of dredge placement areas or bay shorelines, subsidence, and improved water quality. While this habitat is expanding, other critical habitats, such as rookery islands and wind tidal flats, are decreasing. Moving forward, GLO proposes focusing this Priority Problem on a regional (bay system basis) to better understand areas where seagrass beds are being lost or degraded.

**Objective I.2: Protect seagrass through effective application of the mitigation sequence: avoidance, minimization, compensation.**

**Strategy I.2.1: Develop consistent and effective mitigation policies**

**Objective I.3: Restore/enhance/create functions and values of seagrass at a watershed/system-wide level, where feasible**

**Strategy I.3.1: Develop guidelines for site selection, planting methods, and monitoring of seagrass restoration, enhancement and/or creation projects.**

GLO supports meeting with other Agencies to discuss requirements for site selection, planting methods, and monitoring (reporting) for restoration, enhancement, and / or creation projects.

**Strategy I.3.2: Conduct bay by bay ecosystem services needs assessment for seagrass and other use habitats.**

Some bay ecosystem services needs assessments are in progress.

**Strategy I.3.4: Identify landscape scale seagrass habitat preservation/protection, maintenance, restoration, enhancement and/or creation project site locations for each bay.**

Presently, mitigation banking is the US Army Corps of Engineers (USACE) preferred option over compensatory mitigation, when a bank is available. This change in policy potentially addresses some of the new Strategies added to Objective I.3.

**Priority Problem II: Lack of coordination, conflicting policies, and difficulties in resolving conflicting policies may prevent adequate management.**

**Objective II.1: Reduce conflicts between policies of different agencies and improve agency coordination.**

The GLO has entered into a Cooperative Agreement with the USACE, administering the General Permit simultaneously with authorization from the GLO for proposed residential structures that meet minimized size guidelines, as well as other criteria. This reduces both conflicting policies between agencies and minimizes the cumulative footprint of residential pier structures. This agreement has been in place for 4 years and has been a very effective streamlining tool. Currently, coordination with the USACE is ongoing to expand the agreement to include additional residential structures.

**Strategy II.1.2: Produce a concise summary of written and unwritten State and Federal agency policies concerning seagrass, including footnotes and full summaries and text of enabling legislation, regulation, pertinent case law and administrative histories for subsequent independent review.**

GLO enabling legislation is detailed in the Natural Resources Code; Chapter 33. Management of Coastal Public Land and Chapter 155 of the Texas Administrative Code.

**Strategy II.1.3: Agencies should collaborate and develop an updated data base on seagrass loss/damage to track regional changes in seagrass distribution/abundance, the amount of compensatory mitigation performed, and the mitigation success rates in order to measure policy effectiveness.**

GLO has begun an initiative to review and map all historic mitigation projects located state land. Presently, this information has been completed for the lower coast, using ArcGIS. This information consists of all habitat types, including seagrass mitigation. Phase two of this project includes adding mitigation sites for the entire coast and making this data layer available on a web viewer for public use. Additional projects such as designing a rapid assessment protocol for evaluating historic mitigation sites, as well as adding attributes to the mitigation sites already entered into the geodatabase, are in the developmental stages.

**Strategy II.1.5: Redefining the role of the Seagrass Monitoring Workgroup (SMWG) to include assisting with coordinating agency policy and addressing agency conflicts related to seagrass management. *WARNING NEW Strategy II.1.5 is Controversial and would require substantial changes to the SMWGs mission and membership.***

Incorporating this Strategy as stated above will result in GLO no longer participating in the Seagrass Monitoring Workgroup in the same role as today. This presents a direct conflict of interest, as GLO is the Agency that authorizes the use of state land.

GLO recommends this statement be revised to state: Define the role of the Seagrass Monitoring Workgroup (SGMWG) in serving **an advisory role** regarding coordinating agency policy and addressing agency conflicts related to seagrass management.

### **Future Considerations**

***3. It is likely that future seagrass conservation will require designation of additional State Scientific Areas (SSA) or similar, Resource Management Areas (RMA). SSAs, Coastal preserves and RMAs have potential for managing seagrass resources by accommodating and reducing user conflicts. Resource Management Areas may provide long-term spatial protection of specific areas with concentrations of high value seagrass resources that otherwise cannot be achieved by project-by-project regulatory permitting programs.***

GLO supports the existing Coastal Preserves and the increases in awareness they create, including: research conducted in these areas, the specific Management Plan for each Preserve, and the opportunity to educate the public on critical habitat, including seagrasses. As mentioned earlier, on a coast-wide level, GLO supports the new legislation passed regarding uprooting of seagrass (Parks and Wildlife Code Sec. 66.024). This coast-wide approach allows all users to access Coastal Public Land and enjoy it in a responsible manner, without limiting access. The GLO continues to be a strong proponent of public access to State-owned land. Any limitation of this access must be extensively coordinated with the GLO and would only be approved if deemed absolutely necessary.

### **Chapter Three - Seagrass Education and Outreach**

Overall, GLO supports all efforts regarding Seagrass Education and Outreach. These efforts should focus on bay ecosystems as a whole and include all critical habitat types and how they interact with each other.

#### **Specific Recommendations**

**Action II.2.2: Maintain existing markers and signage in seagrass areas and expand to entire coast and create mechanism for long-term finance strategy.**

GLO has worked with The Nature Conservancy regarding marking of channels and supports this method of educating and promoting responsible boating.

**Action II.3.1: Maintain seagrass conservation project in the Redfish Bay State Scientific Area and duplicate efforts in other appropriate areas such as Christmas Bay and South Bay.**

Regional plans and educational efforts can be very effective to inform the public about safe and non-destructive bay use. However, regarding specific legislation, GLO favors a coast wide approach to uprooting of seagrass vs. bay use restrictions.