

DOC# 1996047207

File No. Sketch File 78

Nueces County
Mollie Beattie Habitat Site

STATE OF TEXAS §

§

Filed December 4 19 96

COUNTY OF NUECES §

GARRY MAURO, Com'r

By Douglas Howard

BOUNDARY AGREEMENT

This Boundary Agreement ("Agreement") is made and entered into by, between, and among the State of Texas, acting by and through Garry Mauro, Commissioner of the Texas General Land Office and Chairman of the School Land Board, on behalf of the Permanent School Fund (the "State"), and Nueces County, Texas, a political subdivision of the State of Texas (the "County").

WHEREAS, the State is the owner, by sovereignty, of coastal public lands in Nueces County, Texas; and

WHEREAS, the State and the County assert claims of title to portions of land in Corpus Christi Bay along or near the boundary between the western boundary of the William Bryan Survey, L. S. 64, Nueces County, Texas (the "Bryan Survey") and coastal public lands in Corpus Christi Bay; and

WHEREAS, the State and the County deem it to be in their respective best interests to resolve the dispute and conflict regarding the boundary between the western boundary of the Bryan Survey, and coastal public lands in Corpus Christi Bay without the necessity of protracted and costly litigation; and

WHEREAS, a legal description of the boundary between coastal public land owned by the Permanent School Fund in Corpus Christi Bay and the Bryan Survey is attached hereto as Exhibit "A" and included herein by reference for all purposes; and

WHEREAS, the State and the County have agreed to evidence the boundary by entering into a written agreement to be recorded by the County in the Real Property Records of Nueces County, Texas; and

WHEREAS, pursuant to TEX. NAT. RES. CODE ANN., §33.060 (Vernon Supp. 1996), the School Land Board, on behalf of the Permanent School Fund, has the authority to locate a boundary separating coastal public land from other land; and

WHEREAS, the State has agreed not to assert a claim of title to lands located east of the east right-of-way line of Park Road 53 as depicted on the map attached hereto and incorporated herein by reference as Exhibit "B";

NOW, THEREFORE, the parties being in agreement that each is receiving a benefit and value equal to that being received by the other, in consideration of the mutual agreements herein contained, the parties mutually agree as follows:

1. The common boundary between certain State-owned coastal public land in Corpus Christi Bay, Nueces County, Texas, and the western boundary of the Bryan Survey is hereby mutually agreed to be the boundary line depicted on and described in Exhibit "A" hereto.

2. This Agreement, with Exhibits "A" and "B" attached, upon execution by the respective parties hereto shall be filed for record in the Real Property Records of Nueces County, Texas, within five (5) days of final execution of this Agreement on behalf of the State. The recording of this Agreement shall be at the sole cost and expense of the County. Within ten (10) days of recording, the County shall provide the State with a certified copy of such recorded Agreement.

3. This Agreement is executed by the State, acting by and through Garry Mauro, Commissioner of the Texas General Land Office and Chairman of the School Land Board, on behalf of the Permanent School Fund, by virtue of and under the authority of TEX. NAT. RES. CODE ANN., §33.060 (Vernon Supp. 1996).

4. Upon the effective date of this Agreement, the State has agreed not to assert a claim of title to lands located east of the east right-of-way line of Park Road 53 as depicted and described in Exhibit "B" attached hereto, the northern boundary of which area is the north line of the Bryan Survey, and the southern boundary of which is the south line of the north 280 acres of the William Bryan Survey, L. S. 64, as said line is described in Tracts 1 and 4 in the Judgement of the District Court, 28th Judicial District, in Cause No. 115340-A styled, The State of Texas, et al vs. Padre Island Investment Corporation.

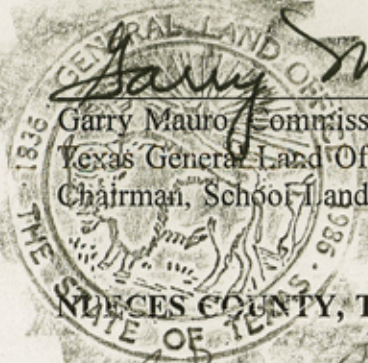
5. This Agreement shall be binding on and inure to the benefit of the successors, heirs, representatives, and assigns of the parties hereto, but is limited to the specific areas described in Exhibits "A" and "B" hereto. Nothing in this Agreement shall be deemed nor construed as being an admission or a recognition of, or constitute a bar to the assertion of, a different basis for the determination of a boundary between the parties hereto, or any of the parties hereto and any other party, at any other place or location.

IN WITNESS WHEREOF, this Agreement is executed under Seal of Office this 4th day of DECEMBER, 1996, effective November 8, 1996.

STATE OF TEXAS

Garry Mauro
 Garry Mauro, Commissioner,
 Texas General Land Office, and
 Chairman, School Land Board

Richard M. Borchard
 Richard M. Borchard
 Nueces County Judge



STATE OF TEXAS §
 §
 COUNTY OF NUECES §

This instrument was acknowledged before me on Nov. 20, 1996, by
Richard M. Borchard.

Mary Louise Leal
 Notary Public in and for
 the State of Texas



Commission expires: 2/10/99

EXHIBIT "A"

The boundary between certain privately owned uplands and coastal public lands owned by the Permanent School Fund is the east right-of-way line of the State Highway designated as Park Road No. 53 as it presently exists adjacent to lands designated as the north 280 acres of the William Bryan Survey, L. S. 64, in Nueces County, which right-of-way is more particularly described as follows:

BEGINNING at the intersection of the east right-of-way line of Park Road No. 53 with a westerly extension of the south line of the north 280 acres of the William Bryan Survey, L. S. 64, as said line is described in Tracts 1 and 4 in the Judgement of the District Court, 28th Judicial District, in Cause No. 115340-A styled, The State of Texas, et al vs. Padre Island Investment Corporation;

THENCE in a northeasterly direction with the east right-of-way line of Park Road No. 53, at all times 200.00 feet easterly from and parallel with the centerline of said road, to the intersection of said right-of-way line with a westerly extension of the north line of the William Bryan Survey, L. S. 64.



FOR INTRACOASTAL WATERWAY (SEE
 NUECES COUNTY DEED RECORDS
 VOLL 382, P. 307.

EXHIBIT "B"

Pg. 6 of 31

counter 33064

ANY provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of Race, Color, Religion, Sex, Handicap, Familial Status or National Origin, is void and unenforceable under FEDERAL LAW, 3/13/88.

Doc# 1996047207
Pages: 6
Date : 12-09-1996
Time : 02:30:39 P.M.
Filed & Recorded in
Official Records
of NUECES County, TX.
ERNEST M. BRIONES
COUNTY CLERK
Rec. \$ 19.00

STATE OF TEXAS
COUNTY OF NUECES

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped herein by me, and was duly RECORDED, in the Official Public Records of Nueces County, Texas



Ernest M. Briones
COUNTY CLERK
NUECES COUNTY, TEXAS

13/6

AFTER RECORDING RETURN TO:

Texas General Land Office
Kay Molina, Legal Services Division
Stephen F. Austin Bldg.
1700 N. Congress Ave. Rm. 626
Austin, Texas 78701-1495

GENERAL LAND OFFICE

GARRY MAURO
COMMISSIONER

MEMORANDUM

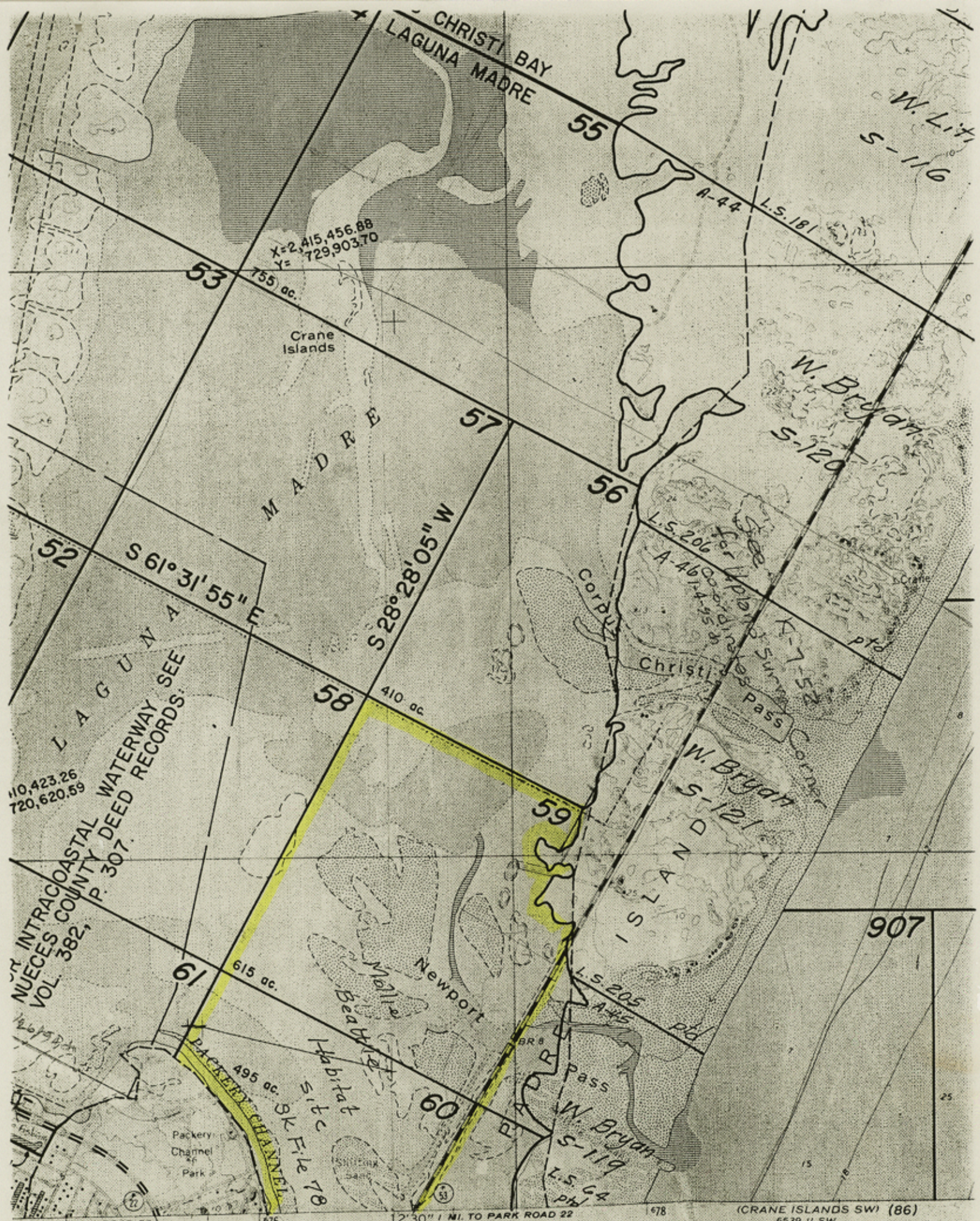
DATE: December 4, 1996

TO: Ben Thomson, Director of Surveying
FROM: *la* LaNell Aston, Senior Deputy's Office
SUBJECT: Boundary Agreement

Attached is an executed boundary agreement entered into between the Texas General Land Office and Nueces County, Texas in which an agreed boundary was set between Coastal Public Lands and a portion of Mustang Island, Nueces County.

Please set up a Nueces County Sketch File in which this document can be retained for permanent record and have it properly noted on the official maps of this office.

File No. Sketch File 78
Mollie Nueces
Beattie Habitat Site
December 4
GARRY MAURO, Com'r
Douglas Howard
19 96



INTRACOASTAL WATERWAY SEE
 NUECES COUNTY DEED RECORDS: SEE
 VOL. 382, P. 307
 110,423.26
 720,620.59

X=2,415,456.88
 Y=729,903.70

5 MI. TO PARK ROAD 53 12' 30" 1 MI. TO PARK ROAD 22 65.39 11 SW

(CRANE ISLANDS SW) (86)
 65.39 11 SW

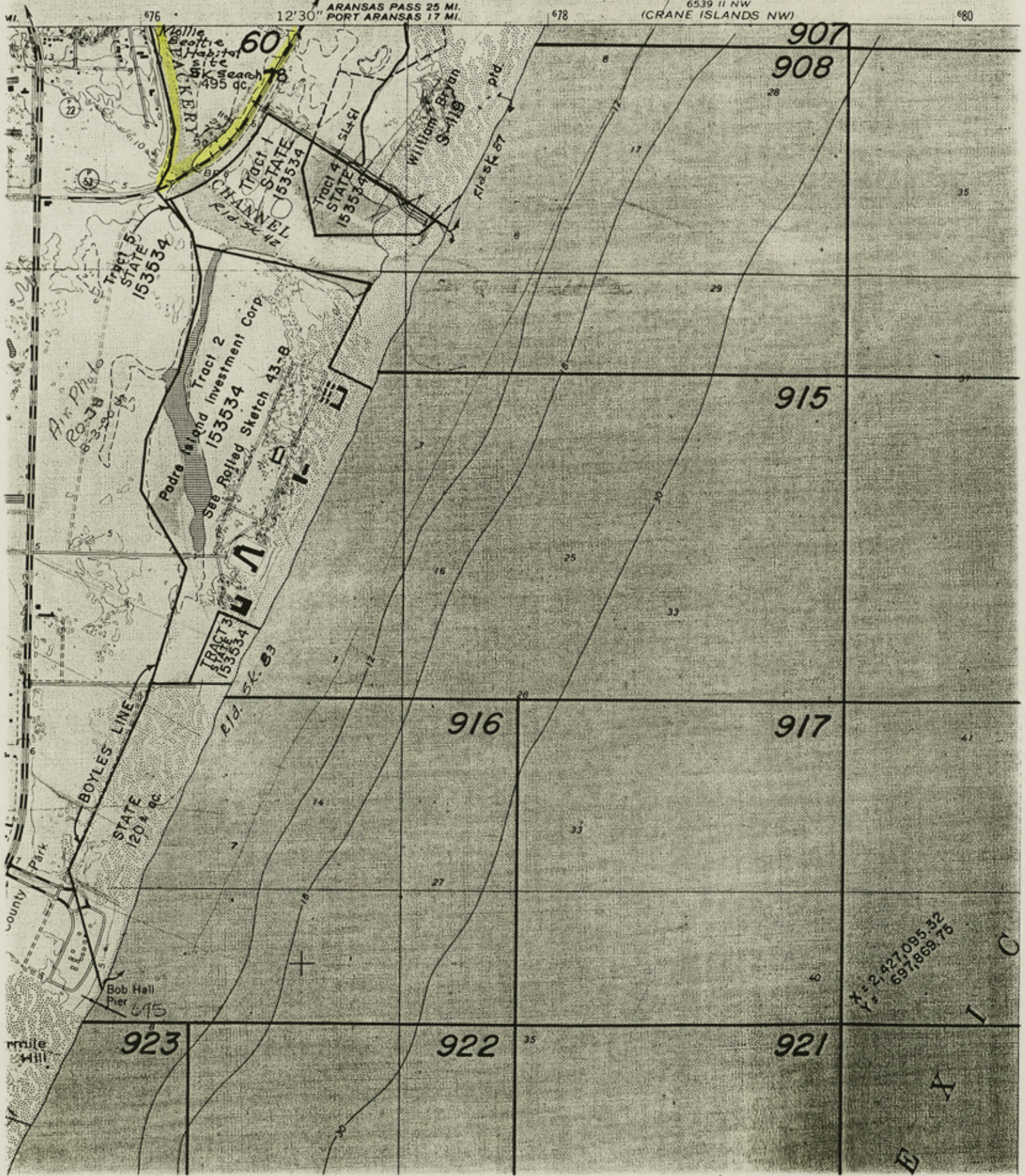
SCALE 1:24000

counter 33067

2,420,000

(83)
6539 11 NW
(CRANE ISLANDS NW)

12'30" ARANSAS PASS 25 MI.
PORT ARANSAS 17 MI.



X = 2,427,095.32
Y = 697,869.75

November 8, 1996

TO: Spencer Reid
FROM: Leda Roselle *LR*
SUBJECT: Speech/Habitat

Please be advised that Asset Management has determined the Mollie Beattie Habitat site contains approximately 1,000 acres - not the 1,200 as originally stated.

Attached is for your information.

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE U.S. FISH AND WILDLIFE SERVICE
AND
THE TEXAS GENERAL LAND OFFICE

I. INTRODUCTION:

Land management and conservation agencies have a special responsibility to sustain diverse, healthy, and productive ecosystems while meeting the diverse needs of people for whom they are managed. As such, the Texas General Land Office, hereinafter referred to as GLO, and the United States Fish and Wildlife Service, hereinafter referred to as FWS, recognize the values inherent in the preservation of the natural heritage of the State of Texas.

The GLO is the manager of Permanent School Fund land; the lead state agency for the response to and the prevention of oil spills affecting coastal waters; the lead state agency for administration of the coastal management program; the permitting authority for actions on coastal public lands; and a natural resource trustee. The GLO encourages public and private partnerships which allow for orderly economic development while ensuring that valuable natural areas are maintained.

The FWS is a federal land management and regulatory agency responsible for the implementation of the Endangered Species Act and for coordinating with other federal and state agencies in a national effort to prevent the extinction of species. The FWS is also responsible for the conservation of migratory birds and anadromous fisheries.

The Memorandum of Understanding (MOU), is made and entered into by and between the GLO and the FWS. Collectively, the parties to this MOU will be referred to as the cooperators.

II. PURPOSE

The purpose of this MOU is to establish a general framework for cooperation and participation to conserve species federally-listed as threatened or endangered species and their habitats.

The conservation of these species can be achieved through proper protection and management of their habitats and ecosystems upon which they depend.

The cooperators propose to work together to achieve additional common goals by developing management plans for habitat conservation to protect all species utilizing selected habitats. The species categorized as sensitive, candidate, or proposed species (see Attachment A for definition of terms), or selected migratory bird species should be emphasized in the mutually developed management plans.

III. AUTHORITY

The legal authority for this MOU is based upon the Endangered Species Act, 16 U.S.C.A. §1531 et seq., the Fish and Wildlife Coordination Act, 16 U.S.C.A. §661 et seq., and the Migratory Bird Treaty Act, 16 U.S.C.A. §703 et seq.

IV. STATEMENT OF MUTUAL BENEFIT

In 1973, the Endangered Species Act (ESA) was enacted to "provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved," 16 U.S.C.A. §1531(b) and made it "the policy of Congress that all Federal departments and agencies shall seek to conserve endangered and threatened species and shall use their authorities in furtherance of the purposes of this Act," 16 U.S.C.A. §1531(c). Data collected by the state Natural Heritage Programs across the United States show that some 9,000 U.S. plant and animal species are rare, seriously declining in numbers and/or are likely to be at risk of extinction within the foreseeable future. Addressing the threats to these species, thereby reducing or possibly eliminating the need for their listing as endangered or threatened, is of benefit to the cooperators and the nation. This agreement will be of particular value for those species that require an ecosystem approach to effectively conserve their habitats.

The cooperators seek to improve efficiency in natural resource management by combining their efforts, to foster better working relationships and to promote the conservation of species, thereby encouraging the conservation of biological diversity.

V. RESPONSIBILITIES

THE COOPERATORS SHALL:

1. Work together and participate in the conservation of species federally-listed as threatened or endangered and their habitats by developing and implementing management plans. The management plans may also include other selected species, groups of species, or specific ecosystems.
2. Ensure adherence to all legal requirements in the development of various management plans or conservation initiatives.
3. Develop management plans for selected state lands.
4. Work together to support ongoing sea turtle conservation education efforts at the Texas State Aquarium.

THE GLO SHALL, subject to the availability of funds:

1. Establish a program to be known as "Adopt-A-Habitat".
2. Designate certain Permanent School Fund land for the "Adopt-A-Habitat" program.
3. Manage, within applicable constitutional and other legal restrictions, those designated lands for the benefit of selected species or groups of species.
4. Develop and implement, with the advice of natural resource agencies and others, management plans for the lands within the "Adopt-A-Habitat" program.

THE FWS SHALL, subject to the availability of funds:

1. Identify areas where preservation would be most likely to benefit selected species, groups of species, or specific ecosystems.
2. Evaluate areas, based on the best available scientific and technical information, for the purpose of assisting the GLO in the selection of state lands of highest value.
3. Assist the GLO and other interested and appropriate parties in the development of management plans for the areas nominated under the "Adopt-A-Habitat" program.

4. Assist the GLO in an annual review of the management plans to determine whether they represent the most appropriate measures to achieve the desired conservation goals.

VI. AGREEMENT TERM

This MOU will remain in force for a period of five years from the date of execution.

VII. SPECIAL PROVISIONS

A. This MOU is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between the parties of this MOU will be handled in accordance with applicable laws, regulations, and procedures.

B. This MOU may be modified or amended as necessary upon written consent of all parties or may be terminated by either party with a sixty day written notice to all other parties.

C. The principal contacts for this MOU are:

Leda Roselle, Director
State Government Liaison Office
Texas General Land Office
1700 N. Congress Avenue
Austin, Texas 78701-1495
(512) 463-6279

Conrad Fjetland,
Geographic Manager (Texas)
U. S. Fish and Wildlife Service
500 Gold Avenue, SW
Albuquerque, NM 87103-1306
(505) 248-6865

In Witness Whereof, the parties have caused this Memorandum of Understanding to be executed as of the date of the last signature below.

APPROVED:

U.S. FISH AND WILDLIFE SERVICE
REGION 2
500 GOLD AVENUE, SW
ALBUQUERQUE, NEW MEXICO 87103-1306

TEXAS GENERAL LAND OFFICE
1700 NORTH CONGRESS
AUSTIN, TEXAS 78701

BY: *Nancy M. Kaufman*
Nancy Kaufman
Southwest Regional Director

BY: *Garry Mauro*
Garry Mauro
Texas Land Commissioner

DATE: NOV 04 1996

DATE: OCT 29 1996

FWS/GLO MOU
ATTACHMENT A
DEFINITION OF TERMS

Endangered Species

Any species which is in danger of extinction throughout all or a significant part of its range.

Threatened Species

Any species which is likely to become endangered within the foreseeable future.

Candidate Species

Those plant and animal species that, in the opinion of the Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS), may qualify for listing as endangered or threatened.

Proposed Species

Any plant or animal species that is proposed by the FWS or NMFS in a Federal Register notice to be listed as threatened or endangered.

Sensitive Species

Those plant and animal species identified by a Regional Biologist or a State Director for which population viability is a concern, as evidenced by:

1. Significant current or predicted downward trends in population numbers or density.
2. Significant current or predicted downward trends in habitat capability that would reduce a species' existing distribution.

Texas Coast

That part of the State of Texas encompassed by the inland boundary of the Coastal Zone Management Program to the three marine league limit of the jurisdiction of the State of Texas.

ADDENDUM TO
MEMORANDUM OF UNDERSTANDING
BETWEEN
TEXAS GENERAL LAND OFFICE
AND
UNITED STATES FISH & WILDLIFE SERVICE

WHEREAS, the Texas General Land Office (GLO) and the United States Fish & Wildlife Service (USFWS) have entered into a Memorandum of Understanding regarding the management of the Mollie Beattie Coastal Habitat Community (Community), consisting of State Submerged Tracts 59 and 60, Nueces County, Texas (described in Exhibit A, attached hereto and made part of GLO Contract 98-198);

WHEREAS, State Submerged Tracts 59 and 60 constitute approximately 1,110 acres of submerged land are part of the Permanent School Fund;

WHEREAS, the GLO and the USFWS have agreed to jointly develop a management plan for the Community and the management plan will be designed to preserve the natural ecological functions of the Community;

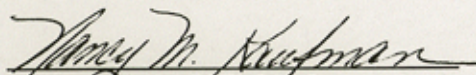
WHEREAS, the GLO and the USFWS will seek input from other governmental natural resource agencies and the public in developing a practical effective management plan;

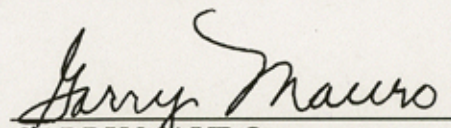
THEREFORE, the GLO pursuant to the Memorandum of Understanding (GLO Contract #98-198) between GLO and USFWS, hereby designates State Submerged Tracts 59 and 60, except excluding that portion of said tracts lying within the right-of-way of State Highway 361, as the "Mollie Beattie Coastal Habitat Community," to be managed in accordance with GLO Contract #98-198 and the management plan developed thereunder.

APPROVED:

U.S. FISH AND WILDLIFE SERVICE
REGION 2
500 GOLD AVENUE, SW
ALBUQUERQUE, NM 87103-1306

TEXAS GENERAL LAND OFFICE
1700 NORTH CONGRESS AVE.
AUSTIN, TX 78701-1495


NANCY KAUFMAN
Southwest Regional Director


GARRY MAURO
Texas Land Commissioner

Dated: 2/10/98

Dated: 2/9/98

Mollie Beattie Habitat Community

TEXAS GENERAL LAND OFFICE
Austin, Texas



SARNEY MAURO
Cartographer
January 1998



- Divided Highway TxDOT
- State/Federal Highway TxDOT
- City Street/County Road TxDOT
- County Boundary TMRCC 124.000
- STATE SUBMERGED TRACTS S.L.C.
- Survey Boundary (Approximate)
- Survey Block or Bay Boundary (Approximate)
- Sub-divided Survey Boundary (Approximate)

WETLANDS (NATIONAL WETLANDS)

- Estuarine Subtidal Aquatic Bed (E1A) USFWS 124.000
- Estuarine Intertidal Aquatic Bed (E2A) USFWS 124.000
- Estuarine Intertidal Emergent (E2EM) USFWS 124.000
- Estuarine Intertidal Forested (E2FC) USFWS 124.000
- Estuarine Intertidal Scrub-Shrub (E2SS) USFWS 124.000
- Estuarine Intertidal Unconsolidated So. Estuarine Flats (E2FL-1978) USFWS 124.000
- Marine Unconsolidated Shore (M2U) Estuarine Beach Bar (E2SB-1978) Marine Beach Bar (M2SB-1978) USFWS 124.000
- Lacustrine (L) USFWS 124.000
- Lacustrine Aquatic Bed (LAB) USFWS 124.000
- Palustrine Aquatic Bed (PAB) USFWS 124.000
- Palustrine Emergent (PEM) USFWS 124.000
- Palustrine Forested (PFC) USFWS 124.000
- Palustrine Scrub-Shrub (PSS) USFWS 124.000
- Palustrine Unconsolidated Shore (PU) Palustrine Flats (PL-1978) USFWS 124.000
- Riverine (R) USFWS 124.000
- Open Water/Unconsolidated Bottom (O1O2, O1, O2, FOW, FUB, M) USFWS 124.000
- Water USGS 124.000
- Inundated Area USGS 124.000
- Intermittent Water Body USGS 124.000
- Marine Wetland or Swamp USFWS (N/W) 124.000
- Flats (Mud, Sand, Gravel, Tidal) USGS 124.000
- Beach, Bar USFWS (N/W) 124.000
- Submerged Aquatic Vegetation USFWS (N/W) 124.000

SCALE 124.000
One inch represents 0.38 miles
0 0.2 0.4 Miles
0 0.2 0.4 Kilometers

Albers Equal Area projection.
1927 North American Datum.
First Standard Parallel: 28.00 Degree North
Second Standard Parallel: 38.00 Degree North
Central Meridian: 100.00 Degree West
Latitude of Origin: 31.00 Degree North



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The Texas General Land Office makes no representation regarding the accuracy or completeness of the information depicted on this map or the data which it was produced. This map is NOT suitable for navigation purposes and does not purport to be a nautical chart.

FOR INTRACOASTAL WATERWAY SEE
NUECES COUNTY DEED RECORDS:
VOL. 382, P. 307

W.M. BRYAN
8-119 PFD

361

4

13333

60 AC



3 of 3 (added 3-2-1998)

counter 33078

November 1996

MOLLIE BEATTIE HABITAT COMMUNITY

SITE DESCRIPTION

General Description

The Mollie Beattie Habitat Community (MBC) lies within the Texas General Land Office's State Tracts # 59 and # 60. The tracts are located along the bayshore margin of Mustang Island (Map 1). Situated along Texas's coastal bend, the MBC lies within a coastal ecotone between 2 vastly different coastal ecosystems. To the north, an estuarine ecosystem exists extending along the northern Gulf Coast. The baywaters in this ecosystem are generally less salty than ocean water (i.e. < 35 ppt). The bayshore habitats in the estuarine ecosystem are characterized by densely-vegetated cordgrass (*Spartina* sp.) marshes bordered by narrow bands of tidal flats. South of the MBC lies the Laguna Madre. The Laguna Madre is a hypersaline lagoon ecosystem extending beyond the Rio Grande into Mexico. Baywaters in the Laguna Madre ecosystem are generally more salty than ocean water (i.e. > 35 ppt). The bayshore habitats in the Laguna Madre are characterized by broad tidal flats that are almost completely devoid of cordgrasses and other vascular plants that are incapable of surviving in the hypersaline conditions. The bayshore habitats within the MBC exhibit characteristics of both ecosystem types, and therefore, the MBC is best described as an ecotone, which is defined as a zone of transition between different environments.

The Mollie Beattie Habitat Community encompasses approximately 1,000 acres of coastal habitats. The landscape protected within the MBC is dominated by tidal flats and sea grasses (Map 2). Bayshore tides in the preservation area are controlled by both astronomical forces and winds. A seasonal tidal cycle produces extremely low tides during the winter and summer, creating vast areas of emergent tidal flats. Winter cold fronts, however, are often accompanied by strong winds that push water onto the tidal flats. It is not uncommon for the tidal flat system within the MBC to become completely covered by baywaters during winter north fronts. Therefore, the tides within the MBC are unpredictable, and vary greatly in magnitude throughout the year.

At the center of the Mollie Beattie Community is a washover pass called Newport Pass. Newport Pass is one of a inter-related group of three washover passes. The group also includes Corpus Christi Pass to the north, and Packery Pass to the south. Presently, all three passes have "shoaled-in", and exist as upland remnants of old tidal channels. The passes periodically revert back into water channels after tropical storms events, which scour the channels and re-establish a temporary connection between the gulf of Mexico and Corpus Christi Bay.

Biological Characteristics

Sea grass beds and tidal flats are the most dominant habitat types at the MBC. These two habitats support prey populations that attract many species of herons, egrets, terns, spoonbills, gulls, and shorebirds. The Mollie Beattie Coastal Habitat Complex (MBC) is perhaps best known for its shorebirds, and this community has been characterized in greater detail than have other bird and animal groups. The numbers and types of mammals and reptiles that occur within the MBC have not been thoroughly catalogued. Please refer to the Appendix for a more thorough list of the plant and animal species that are likely to be seen within the MBC.

The Piping Plover

Among the shorebird species that depends upon these flats is the Piping Plover (*Charadrius melodus*). Listed as a federally threatened species in 1985, the Piping Plover spends about 75% of its life along the Gulf Coast, and a large portion of the world's Piping Plovers have recently been shown to winter in Texas. Although Piping Plovers do not breed in Texas, thousands of Piping Plovers migrate from their breeding grounds in the Great Plains, Great Lakes, and Atlantic Coastal regions of the United States and Canada. Piping Plovers depend heavily on high quality winter areas, such as that protected by the MBC. Piping Plovers, and dozens of other shorebird species, rely upon these winter sites to build up enough body fat to survive the nonbreeding season and successfully migrate to breeding locations and raise their young. The protection of sites such as the MBC is one of the primary goals of the Piping Plover Recovery Plan, which was developed to facilitate the recovery of the threatened Piping Plover.

Other Species of Concern

Other species of concern that use the MBC are the federally endangered Peregrine Falcon (*Falco peregrinus*), and the state threatened Reddish Egret (*Egretta rufescens*). A close relative of the Piping Plover, the Snowy Plover (*Charadrius alexandrinus*), relies on the MBC as both a winter home and a breeding site. Many biologists are concerned that Snowy Plovers and Reddish Egrets are declining and may eventually need to be federally protected if the habitats they rely upon are not protected. The habitat protection that will result from the establishment of the MBC, and from the establishment of other such sites, may help to prevent the listing of these and other species.

Habitat Types

Numerous small islands of coastal prairie occur within the preservation area, as do such unique microhabitats as blue-green algal flats and relict oyster reefs. To illustrate this point, let's consider a heron, foraging on small fish and crustaceans while perched on one of the site's numerous oyster reefs (~ 5 acres of relict oyster reefs occur within the MBC). As the heron wades from the reef onshore and finally into the upland prairie, it will traverse several habitat types.

Upon stepping off of the reef, the heron finds itself walking through one of the site's sea grass beds. Almost 200 acres of sea grass beds occur within the MBC. Shoal grass (*Halodule wrightii*), is the most common sea grass species occurring within the MBC, and it is a keystone species that is essential to the survival of many of the life forms that occur within the MBC and the adjoining Laguna Madre ecosystem. Shoal grass, and other sea grasses, provide refuge and substrata for a large assortment of other plants and animals, and their photosynthetic activity produces and stores large amounts of energy that directly or indirectly is passed on to hundreds of other plant and animal species that make up the rest of the coastal food chain.

As the heron approaches the shallower waters along the shoreline, the sea grasses slowly disappear and give way to unvegetated sand flats and algal flats. About 450 acres of sand flats occur at the MBC. Sand flats are broad, flat areas of sand and mud that experience a frequent cycle of tidal inundation and emergence. While walking through the sand flats, the heron finds itself surrounded by shorebirds, which are attracted to the benthos (bottom-dwelling organisms) that occur within the sand flats at the MBC. The benthos at the MBC are dominated by a diverse community of marine worms and crustaceans which extends waterward of the sand flats into the sea grass beds, and landward of the sand flats into the less frequently inundated habitat types. As it proceeds above the sand flats, into the region of shoreline that is less frequently inundated by the tidal cycle, the heron finds the ground beneath its feet has become greenish-black in color and has begun to feel somewhat leathery. The heron has just entered a zone of the tidal flats covered by blue-green algal mats. About 65 acres of the MBC are covered by algal mats. Algal mats are thin, multispecific communities made up of photosynthetic relatives of bacteria, called blue green algae. The benthic community within algal mats is different than that occurring in sand flats. Flies and other insects are often more common on algal mats than are marine worms and crustaceans. However, some shorebird species, such as the Piping Plover, are able to feed efficiently in both habitats.

As the heron proceeds away from the algal mats toward the coastal prairie, it begins to stride through a drier portion of the flats and passes erect, vascular plants, such as Glasswort (*Salicornia bigelovii*) and Saltwort (*Batis maritima*). Glasswort and Saltwort are the dominant members of the vegetated salt flats, which arise just landward of the mean high tide line and are only rarely inundated by bay waters. Finally, as the heron reaches the most upland portions of the MBC, it begins to encounter halophytic plants such as Sea ox-eye daisy (*Borrchia frutescens*), Sea lavender (*Limonium nashii*), and plants normally associated with coastal prairie such as Bushy beardgrass (*Andropogon glomeratus*) and Marshhay cordgrass (*Spartina patens*). About 300 acres of the MBC are covered by either vegetated saltmarsh or coastal prairie upland habitat.

APPENDIX

Animal and Plant species that are likely to be seen within the Mollie Beattie Coastal Habitat Complex

BIRDS

The following is a list of the shorebirds and other bird species that are likely to occur during all or part of the year within the MBC.

Plovers

- Piping Plover (*Charadrius melodus*)
- Snowy Plover (*Charadrius alexandrinus*) (B)
- Semipalmated Plover (*Charadrius semipalmatus*)
- Wilson's Plover (*Charadrius wilsonia*) (B)
- Killdeer (*Charadrius vociferus*) (b)
- Black-bellied Plover (*Pluvialis squatarola*)

Small Sandpipers

- Ruddy Turnstone (*Arenaria interpres*)
- Sanderling (*Calidris alba*)
- Red Knot (*Calidris canutus*)
- Dunlin (*Calidris alpina*)
- Semipalmated Sandpiper (*Calidris pusilla*)
- Western Sandpiper (*Calidris mauri*)
- Least Sandpiper (*Calidris minutilla*)
- White-rumped Sandpiper (*Calidris fuscicollis*)
- Wilson's Phalarope (*Phalaropus tricolor*)

Large Sandpipers

- Lesser Yellowlegs (*Tringa flavipes*)
- Greater Yellowlegs (*Tringa melanoleuca*)
- Willet (*Catotrophorus semipalmatus*) (B)
- Black-necked Stilt (*Himantopus mexicanus*) (b)
- American Avocet (*Recurvirostris americanus*) (b)
- Marbled Godwit (*Limosa fedoa*)
- American Oystercatcher (*Haematopus palliatus*)
- Short-billed Dowitcher (*Limnodromus griseus*)
- Long-billed Dowitcher (*L. scolopaceus*)
- Upland Sandpiper (*Bartramia longicauda*)
- Whimbrel (*Numenius phaeopus*)
- Long-billed Curlew (*Numenius americanus*)

Pectoral Sandpiper (*Calidris melantos*)
Stilt Sandpiper (*Calidris himantopus*)
Buff-breasted Sandpiper (*Tryngites subruficollis*)

Hérons and Egrets

Great Blue Heron (*Ardea herodias*)
Reddish Egret (*Egretta rufescens*)
Great Egret (*Casmerodius albus*)
Snowy Egret (*Egretta thula*)
Tricolored Heron (*Egretta tricolor*)
Little Blue Heron (*Egretta caerulea*)
Cattle Egret (*Bubulcus ibis*)
Green Heron (*Butorides striatus*)
Black-crowned Night Heron (*Nycticorax nycticorax*)
Yellow-crowned Night Heron (*Nycticorax violaceus*)

Ibises and Spoonbills

Roseate Spoonbill (*Ajaia ajaja*)
White Ibis (*Eudocimus albus*)
White-faced Ibis (*Plegadis chihi*)

Terns

Least Tern (*Sterna antillarum*) (B)
Forster's Tern (*Sterna forsteri*)
Sandwich Tern (*Sterna sandvicensis*)
Royal Tern (*Sterna maxima*)
Caspian Tern (*Sterna caspia*)
Black Tern (*Chidonias niger*)
Gull-billed Tern (*Sterna nilotica*)

Skimmers

Black Skimmer (*Rynchops niger*)

Gulls

Herring Gull (*Larus argentatus*)
Lesser Black-backed Gull (*Larus fuscus*)
Laughing Gull (*Larus atricilla*)
Ring-billed Gull (*Larus delawarensis*)

Pelicans

Brown Pelican (*Pelicanus occidentalis*)
White Pelican (*Pelicanus erythrorhynchos*)

Cormorants

Double-crested Cormorant (*Phalacrocorax auritus*)
Neotropic Cormorant (*Phalacrocorax olivaceus*)

Waterfowl

American Wigeon (*Anas americana*)
Northern Pintail (*Anas acuta*)
Mottled Duck (*Anas fulvigula*)
Northern Shoveler (*Anas clypeata*)
Blue-winged Teal (*Anas discors*)
Green-winged Teal (*Anas crecca*)
Black-bellied Whistling Duck (*Dendrocygna autumnalis*)
Fulvous Whistling Duck (*Dendrocygna bicolor*)
Redhead (*Aythya americana*)
Canvasback (*Aythya valisineria*)
Bufflehead (*Bucephala albeola*)
Ring-necked Duck (*Aythya collaris*)
Lesser Scaup (*Aythya affinis*)
Common Merganser (*Mergus merganser*)
Red-breasted Merganser (*Mergus serrator*)
American Coot (*Fulica americana*)
Pied-billed Grebe (*Tachybaptus dominicus*)

Raptors

Osprey (*Pandion haliaetus*)
Northern Harrier (*Circus cyaneus*)
White-tailed Hawk (*Buteo albicaudatus*)
Red-tailed Hawk (*Buteo jamaicensis*)
Peregrine Falcon (*Falco peregrinus*)
Merlin (*Falco columbarius*)
American Kestrel (*Falco sparverius*)
Crested Caracara (*Polyborus plancus*)
Black Vulture (*Coragyps atratus*)
Turkey Vulture (*Cathartes aura*)

Songbirds

Horned Lark (*Eremophila alpestris*) (B)
Great-tailed Grackle (*Quiscalus mexicanus*)
Eastern Meadowlark (*Sturnella magna*) (b)
Savannah Sparrow (*Passerculus sandwichensis*)
Swamp Sparrow (*Melospiza georgiana*)
Brown-headed Cowbird (*Molothrus ater*)
Bronzed Cowbird (*Molothrus aeneus*)
Common Nighthawk (*Chordeiles minor*) (b)
Barn Swallow (*Hirundo rustica*)

Tree Swallow (*Tachycineta bicolor*)
Northern Rough-winged Swallow (*Stelgidopteryx serripennis*)
Cliff Swallow (*Hirundo pyrrhonota*)
Purple Martin (*Progne subis*)
Mourning Dove (*Zenaida macroura*)

Owls

Great Horned Owl (*Bubo virginianus*)
Common Barn Owl (*Tyto alba*)

(B)documented as having bred at the MBC
(b)undocumented, but probably occasionally
breeds at the MBC

OTHER TERRESTRIAL VERTEBRATES

The following species are among the non-avian, terrestrial vertebrates species that are likely to occur at MBC.

Coyote (*Canis latrans*)
Pocket Gopher (*Geomys personatus*)
Black-tailed Jackrabbit (*Lepus californicus*)
Spotted Ground Squirrel (*Spermophilus spilosoma*)

Western Diamondback Rattlesnake (*Crotalus atrox*)
Western Massasauga (*Sistrurus catenatus tergimimus*)
Western Coachwip (*Masticophis flagellum testaceus*)

PLANTS

The following plants have been documented to occur at the MBC. However, this list is not exhaustive.

Ambrosia psilostachya
Andropogon glomeratus
Aphanostephus skirrhobasis
Aristida sp.
Atriplex pentandra

Western Ragweed
Bushy Bluestem
Lazy Daisy
Threawn Grass
Saltbush

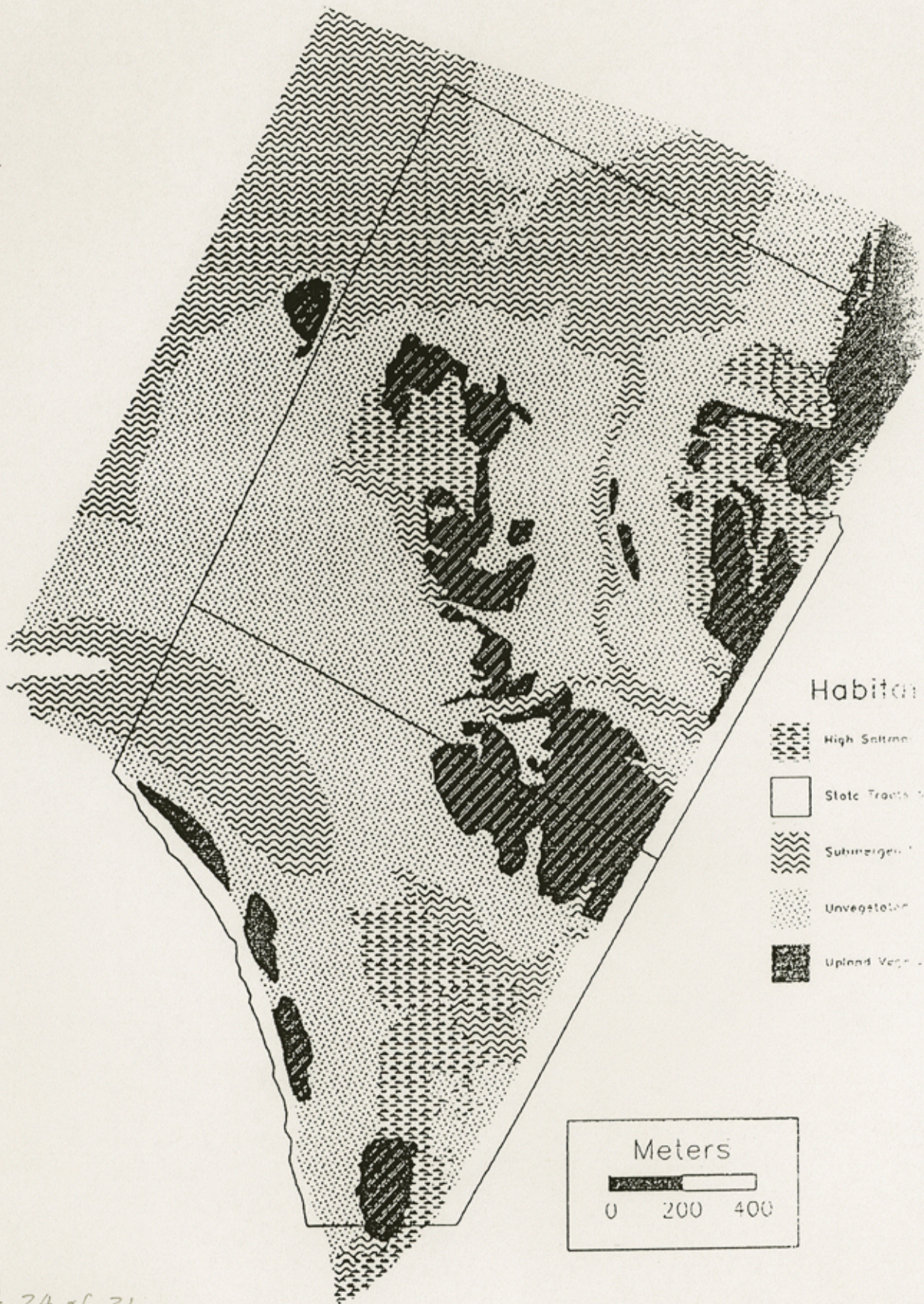
<i>Avicennia germinans</i>	Black Mangrove
<i>Batis maritima</i>	Saltwort
<i>Borrchia frutescens</i>	Sea Ox-eye
<i>Buchnera floridana</i>	
<i>Cakile</i> sp.	Sea Rocket
<i>Calylophus australis</i>	
<i>Cassia fasciculata</i>	Buffelgrass
<i>Cenchrus ciliaris</i>	Coast Sandspur
<i>Cenchrus incertus</i>	Windmillgrass
<i>Chloris</i> sp.	Dayflower
<i>Commelina erecta</i>	Beach Tea
<i>Croton punctatus</i>	
<i>Croton</i> sp.	
<i>Distichlis spicata</i>	Seashore Saltgrass
<i>Eragrostis oxylepis</i>	Red Lovegrass
<i>Euphorbia maculata</i>	
<i>Eustoma exaltatum</i>	
<i>Fimbristylis castanea</i>	Western Umbrellasedge
<i>Gaillardia pulchella</i>	Indian Blanket
<i>Gerardia</i> sp.	
<i>Halodule wrightii</i>	Shoalgrass
<i>Heliotropium curassavicum</i>	Seaside Heliotrope
<i>Helianthus annuus</i>	Common Sunflower
<i>Helianthus argophyllus</i>	Silver-leaf Sunflower
<i>Indigofera miniata</i>	Scarlet Pea
<i>Ipomoea trichocarpa</i>	
<i>Iva angustifolia</i>	Narrowleaf Sumpweed
<i>Lantana horrida</i>	Lantana
<i>Limonium carolinianum</i>	Sea Lavender
<i>Lycium carolinianum</i>	Carolina Wolfberry
<i>Machaeranthera phyllocephala</i>	Camphor Daisy
<i>Monanthochloe littoralis</i>	Shoregrass
<i>Neptunia pubescens</i>	
<i>Oenothera drummondii</i>	Beach Evening Primrose
<i>Opuntia lindheimeri</i>	Texas Pricklypear
<i>Orobanche multiflora</i>	Broom Rape
<i>Palafoxia</i> sp.	
<i>Paspalum monostachyum</i>	Gulfdune Paspalum
<i>Philoxerus vermicularis</i>	Silverhead
<i>Prosopis glandulosa</i>	Mesquite
<i>Rhynchosia americana</i>	American Snoutbean
<i>Salicornia</i> sp.	Glasswort
<i>Samolus ebracteatus</i>	Water-pimpernel
<i>Schizachyrium scoparium</i> var. <i>littoralis</i>	Seacoast Bluestem
<i>Sesuvium portulacastrum</i>	Sea Purslane
<i>Sophora tomentosa</i>	Necklace Pod
<i>Spartina patens</i>	Marshhay Cordgrass
<i>Sporobolus virginicus</i>	Seashore Dropseed

Strophostyles helvola
Suaeda linearis
Tidestromia lanuginosa

Trailing Wildbean
Annual Seepweed
Wooly Tidestromia

MOLLIE BEATTIE COASTAL HABITAT COMMUNITY

Map 2. Habitat types during low tide conditions.



ography - Nancy Kaufman

Nancy Kaufman was appointed Regional Director for the Fish and Wildlife Service's Southwest Region in May 1995. She replaces John Rogers, who became the Service's Deputy Director last March.

Kaufman, a 21-year Service veteran, most recently served as Deputy Assistant Director for Ecological Services in the agency's Washington, D.C., headquarters. Prior to that she was Deputy Regional Director for the Service's Northeast Region.

"Kaufman has excelled in a wide variety of roles within the Service, from fishery management to habitat conservation," said Mollie Beattie, Director of the Fish and Wildlife Service. "She has a solid record for working effectively with our partners in State fish and wildlife agencies and with our constituencies, including hunters, anglers and other wildlife enthusiasts."

A graduate of American University, Kaufman started her career with the Smithsonian Institution's Museum of Natural History. She worked for the National Zoological Park and the National Aquarium before joining the Service.

During her career, Kaufman has served as Associate Supervisor for Fisheries in the Northeast Region, Chief of the Branch of Permits and Licenses in Washington, and Field Supervisor at the Ecological Services Field Office in Laguna Niguel, California.

"The people of the Southwest have a proud history of caring for the land and its wildlife resources," Kaufman said. "I will work in partnership with them to ensure that these resources are sustained for future generations."



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

ADDRESS ONLY THE DIRECTOR
FISH AND WILDLIFE SERVICE

MOLLIE H. BEATTIE DIRECTOR OF THE U.S. FISH AND WILDLIFE SERVICE

Mollie H. Beattie of Grafton, Vermont, was nominated by President Bill Clinton to serve as Director of the U.S. Fish and Wildlife Service and was confirmed by the U.S. Senate on September 10, 1993.

Beattie came to the Service from The Richard A. Snelling Center for Government in Vermont, an institute for public policy and service, where she was Executive Director.

Prior to that position, she served as Deputy Secretary for Vermont's Agency of Natural Resources from 1989-90, with responsibility for fish and wildlife, forestry, public lands, water quality, and energy issues.

As Commissioner of the Vermont Department of Forests, Parks and Recreation from 1985-89, Beattie was responsible for the administration of public land, including management of wildlife habitat areas, and the operation of 48 state parks. She developed policies and legislation on forestry, taxation of resource lands, recreation, public lands, wetlands, and pesticide use.

Beattie also was Program Director for the non-profit Windham Foundation from 1983-85, and in this capacity directed a series of seminars on critical issues facing the State of Vermont. She also managed 1,300 acres of farm and forest land for the Foundation with a primary emphasis on wildlife habitat improvement.

She taught resource management to private landowners for the University of Vermont Extension Service and served as Project Director for an experimental game bird habitat program. Beattie was a Research Assistant for the Dartmouth College Resources Policy Center, a Mountaineering Instructor for Colorado Outward Bound, Director of Publicity and Public Relations for the Domestic Capital Corporation, and a news reporter.

She has been a Board Member of the American Forestry Association, the Vermont Land Trust, and the Vermont Natural Resources Council. She was Vice-Chair of a Defenders of Wildlife commission on the condition and future of the National Wildlife Refuge System, served on several commissions on environmental regulation in Vermont, and chaired Vermont's Nonpoint Water Pollution Task Force.

Beattie holds a B.A. in Philosophy from Marymount College in Tarrytown, New York, and an M.S. degree in Forestry from the University of Vermont. She also earned an M.P.A. from the Kennedy School of Government at Harvard in 1991.

A resident of Vermont since 1968, Beattie and her husband, Rick Schwolsky, still maintain their solar-powered home there.

Beattie is the first woman to serve as Director of the U.S. Fish and Wildlife Service.

Mollie Beattie: Accomplishments

In her last major speech as director of the U.S. Fish and Wildlife Service, Mollie Beattie recalled releasing Hope, a rehabilitated bald eagle, as a highlight of her career. "In my journal under the heading of 'Is this a great job, or what?' is my account of releasing a rehabilitated bald eagle back into the wild in 1994 to mark the change in the species' status from endangered to threatened."

Rodger Schlickelsen, president of Defenders of Wildlife, remembered Beattie in another historic moment--reintroducing the gray wolf to the Yellowstone ecosystem. "Smiling broadly in spite of rain, she is saying 'Any day you can touch a wild wolf is a good day.'" These landmark events were only two of Beattie's many accomplishments as the Service's director.

Word of Beattie's departure was received with sorrow by the nation's leading natural resource policymakers. Secretary of the Interior Bruce Babbitt commended Beattie for the, ". . . extraordinary spirit, commitment, and verve she has brought to the Fish and Wildlife Service and the Department of the Interior during the past 3 years. She has been an inspiration and a bright light to all of us here, as well as to so many people outside the Department who want the Service to flourish and to succeed in its important conservation missions."

Congressman Don Young of Alaska, chairman of the House Resources Committee noted that, ". . . while Mollie and I often differed on legislative issues, we were able to work closely together because she was a person of the utmost integrity and professionalism. I respected the fact that when she took a position on an issue it was because she truly believed it was the right thing to do. She was a straight shooter who earned the respect of all of us in Congress."

Beattie's tenure as director was marked by intense national debates over reauthorization of the Endangered Species Act, concerted efforts to open the Arctic National Wildlife Refuge to oil exploration, proposed National Wildlife Refuge System legislation and often contentious Congressional funding issues. Under her guidance, the Service was able to weather these storms and reach many milestones, including taking the first steps to remove the peregrine falcon from the Endangered Species list.

Before stepping down as director, Beattie led an intensive effort to restart the Endangered Species Act listing program that Congress had once placed under moratorium. Amidst widespread publicity, she guided the first post-moratorium under the restarted program.

Beattie focused her public efforts on reconnecting the American people to the wildlife habitat around them. As a forester by training, and the first woman to hold the Director's spot.

Beattie's nomination was initially met with skepticism from some quarters of the conservation community. Prominent groups charged that she did not support such traditional constituencies as hunters and anglers. Beattie faced her critics and won their confidence through her actions. They were clearly impressed by her obvious, deep commitment to conservation, her personal integrity and her willingness to listen. Among the many highlights of her career as director:

- o The Department set up a 10-point plan that seeks to grant certainty, incentives, and a more "user-friendly" approach to Americans who harbor endangered or threatened species on their land. Under her direction, an unprecedented 131 habitat conservation plans ensuring habitat protection for species like the red-cockaded woodpecker and economic development were put in place and 300 more are in progress. Additionally, the list of candidate species for addition to the endangered and threatened list has been streamlined, updated, and made easier to understand.
- o At Director Beattie's urging, President Clinton issued a groundbreaking Executive Order that clearly defines the mission, purpose, and priority public uses of the National Wildlife Refuge System. The order recognized compatible wildlife-dependent recreational activities involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation as priority public uses on refuges. The order also directed Interior to expand opportunities for these priority uses, particularly for families, and to provide for these uses on a more timely basis when new lands are added to the system. Thirteen new refuges were added to the system during Beattie's service as director. She also proclaimed the first National Wildlife Refuge Week as part of a larger campaign to increase public awareness of the refuge system and its vital contribution to America's conservation movement.
- o The Service spearheaded two major multi-agency fisheries initiatives, responding to President Clinton's 1995 Executive Order on recreational fishing. The first is the joint Service and National Marine Fisheries Service policy to improve administration of the Endangered Species Act as it relates to recreational fisheries. The new policy ensures consistent and effective administration of the Endangered Species Act while giving full consideration to fish species and habitats important to anglers. The Service also took the lead in developing the Recreational Fisheries Resources Conservation Plan outlining strategies that Agriculture, Commerce, Defense, Energy, Interior, and Transportation and the Environmental Protection Agency will pursue during the next 5 years to improve recreational fisheries within the context of their programs and responsibilities.

- o Beattie was a strong proponent of the Farm Bill's wetlands conservation measures and credited the bill with having a major impact helping duck populations rebound strongly in 1994 and 1995 from the low levels of the 1980s. The 1995 breeding duck population in the U.S. Fish and Wildlife Service was up 10 percent over 1994 and the highest since 1980. Wetland restoration and conservation efforts on the prairie were a major reason for the rebound. Since the late 1980s, more than 2.5 million acres of wetlands have been restored or conserved under the North American Waterfowl Management Plan, a partnership among the United States, Mexico, Canada, state and local governments, outdoors groups, conservation organizations, corporations and private landowners.
- o Beattie set the wheels in motion to open 23 new refuge hunting programs and 18 new fishing programs during her tenure, bringing the total refuges with hunting programs to 283 and sport fishing programs to 276. The Service is also expediting the planning process so that hunting and fishing can continue on an interim basis when new refuges come into the System. Under her direction, the Service adopted an "Adaptive Harvest Management" approach to setting waterfowl hunting regulations. This new, more objective and consistent method for setting annual hunting regulations improves the way duck harvest seasons and bag limits are set. One of the advantages of Adaptive Harvest Management is it includes a built-in learning curve that will improve biologists' knowledge of the impacts of waterfowl harvest, allowing them to make better decisions.
- o She also launched a number of major public education programs. The Clean Vessel Act program aimed at protecting water quality by encouraging boaters to bring their untreated sewage to shore instead of dumping it overboard. The rhino-tiger effort alerted consumers that certain products in Asian medicine shops, purported to contain parts of endangered tigers and rhinos, may contain toxins potentially harmful to human health. She also helped steer proposed amendments to the Migratory Bird Treaty Act, an international treaty with the Government of Canada, through Administration approval. The amendments recognize the subsistence needs of Alaska's indigenous peoples and involve them more directly in migratory waterfowl management.
- o Although not as widely reported in the media, Beattie spearheaded many important internal organizational changes as well. She appointed the Service's first female Regional and Assistant Directors. And, as a champion of ecosystem approaches to natural resource management, she was also responsible for reorganizing the Service's regional office structures to achieve a more coordinated strategy for wildlife habitat management.



THE SECRETARY OF THE INTERIOR
WASHINGTON

JUN 5 1996

MEMORANDUM

TO: DoI Employees
FROM: Bruce Babbitt
DATE: June 5, 1996

All of you who have worked with Mollie Beattie know well the extraordinary spirit, commitment and verve she has brought to the Fish and Wildlife Service and to the Department of the Interior over the past three years. She has been an inspiration and a bright light to all of us here, as well as to so many people outside the Department who want the Service to flourish and to succeed in its important conservation missions.

Mollie's indomitable will and her sense of service brought her back to the Directorship full-time twice after serious operations in circumstances that would have been daunting for almost any other human being. Reluctantly, however, she has concluded that, given her medical condition, she can now no longer discharge the duties of the Directorship full-time, and so I have agreed with a heavy heart to honor her request to leave the Department.

We will miss Mollie's presence as a colleague and a friend, but I hope we will honor her values and her humanity by renewing our efforts to carry forward programs, such as the protection of endangered species and stewardship of the Wildlife Refuge System, that she holds so dear.

John Rogers, who has filled in for Mollie during the last year when she was unable to be here, will continue to do so as Acting Director.

PRESS RELEASE



Committee on Resources

Don Young, Chairman

U.S. House of Representatives, Washington, D.C. 20515 • (202) 225-7749 or 225-2761 • Fax (202) 225-2761

Contact: Steve Hansen, Communications Director
Internet: SHANSEN@HR.HOUSE.GOV

FOR IMMEDIATE RELEASE

June 6, 1996

Washington, D.C. - The following is a statement by House Resources Committee Chairman Don Young (R-Alaska) regarding the resignation of Mollie Beattie as Director of the Fish and Wildlife Service.

"While Mollie and I often differed on legislative issues, we were able to work closely together because she was a person of the utmost integrity and professionalism. I respected the fact that when she took a position on an issue it was because she truly believed it was the right thing to do. She was a straight shooter who earned the respect of all of us in Congress.

"She is the one person who is directly responsible for upgrading the Fish and Wildlife Service. She instilled a 'public service' attitude among her employees and brought a more compassionate approach to her agency because she personally believed that the needs of people were important in the administration of federal regulations.

"Mollie is also to be commended for the positive approach she brought to government. She was the least adversarial and least confrontational director I have ever worked with during my 24 years in Congress. Because of this, she was able to accomplish a lot of bi-partisan goals when others would have failed.

"I wish her the very best and pray for her recovery."

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