

5.0 EVALUATION OF ALTERNATIVES:

5.1 Trustee Selection Criteria for Project Evaluation:

The extent to which individual proposals would benefit injured resources and the services provided by those resources was determined according to criteria established to evaluate restoration alternatives. The first set of criteria was applied in a primary screening to determine the overall appropriateness of each project for funding by the Trustee Council. This primary screen consisted of the following questions:

- 1) Is the project within the Galveston Bay tidal system impacted by the spill?
- 2) Does the project address the injured natural resources and the services they provide?
- 3) Does the project cost \$1.3 million or less?

The first question reflects the objective of the Trustee Council to implement restoration actions within the tidal system of Galveston Bay as the relevant area for spill impacts. The second question reflects the requirement that the restoration actions undertaken provide a substantial benefit to the natural resources injured as a result of the oil spill. This question was perhaps the most important of the three screening criteria as restoration proposals that did not substantially benefit one or more of the key injury categories were eliminated from further consideration. The third question addressed the limit of available funds and resulted in the elimination of any proposal requesting more than the funds available to implement a plan.

If the Trustee Council considered the answer to any of these three primary screening questions to be clearly "no", then the alternative was eliminated from further consideration. Proposals that emerged through this initial screening (answers to all primary screening questions were yes or not clearly no) were examined in more detail in a secondary screening. In this secondary screening, the alternatives were analyzed on the basis of the following five factors: environmental, cost, risk, legal, and community acceptance. Most of this analysis centered on environmental and cost factors; thus, these factors were emphasized in the evaluation of alternatives. Risk, legal, and community acceptance factors only entered into the decision-making process if these factors had a strong negative or positive bearing on the proposed project.

Environmental factors - This analysis considered the habitat type being restored or constructed and the potential relative productivity of that habitat for the injured resources. For example, salt marsh and seagrass habitats were considered more beneficial than brackish or fresh marshes in replacing productivity of fishes and crustaceans. The Trustee Council also considered the total number of habitat acres involved in the project. Hydrology and salinity regime were considered in this analysis; brackish and marine habitats were felt to be more beneficial in restoring the injured natural resources than freshwater habitats, and the presence of water-control structures

that may inhibit access to the area was considered detrimental to a fully functional habitat for fishery organisms. In this analysis, the Trustee Council considered whether one habitat was being replaced with another in the project and what the benefit of the existing habitat was for the injured natural resources. The possibility of the project site being contaminated was considered along with the potential for use of contaminated dredged sediments in the project; the Trustee Council considered habitat constructed with or on contaminated sediments to be of reduced benefit to injured natural resources. Compatibility of the project with the surrounding land use was also considered; the presence of buffer zones around the project was considered a positive project attribute. Potential conflicts with any endangered species were also considered here.

Cost factors - The cost per acre of habitat constructed or restored was considered as a major factor in the economic analysis. Problems associated with project timing were considered, and the potential for substantial delays in project implementation was assessed. The Trustee Council considered whether unforeseen problems getting access to the project site (for example with heavy equipment) would increase project costs. Recognizing the importance of documenting project successes, the presence of an adequate monitoring component was also considered a positive attribute. The potential for leveraging project funds through other grant programs was considered a positive project attribute in this analysis; although the project also had to be economically viable without such leveraging.

Risk factors - In this analysis, the Trustee Council considered technical factors that represented either risk to the success of project construction or the long-term viability of the habitats involved. For example, high rates of subsidence at a project site were considered a risk to long-term existence of constructed habitats. Project sites that were susceptible to future degradation or loss through contaminant spills or erosion were considered less viable in this analysis. The Trustee Council also considered whether unexpected technological difficulties in project implementation were likely and whether maintenance of project features was likely to be necessary and was included in the proposal.

Legal factors - In this analysis, the Trustee Council considered future project site ownership and management. Ownership by state or federal agencies and the opportunity for conservation easements to protect the public interest in the restoration project were considered positive project attributes. Problems in obtaining state or federal permits were considered along with problems of acquiring the land needed to complete a project, and potential liability from project construction were also considered in this analysis. An assessment of any potential archeological impacts was also conducted.

Community acceptance factors - In this analysis, the Trustee Council assessed the level of support for a project from local communities and from governmental agencies. Projects that appeared to be supported by the widest group of constituents were

considered more favorably than other projects. The Trustee Council also considered community access and educational opportunities provided by a project as positive attributes.

5.2 Evaluation of Alternatives:

1 - No Action - This alternative was not preferred. No action would be appropriate where no significant injuries occurred as a result of the oil spill or where restoration actions to benefit injured natural resources and their services are relatively not cost-effective or technically feasible. The alternative was not acceptable since significant injuries occurred in the Galveston Bay ecosystem as the result of the Apex oil spill. The no action alternative would not impact the physical, biological, or cultural environment since natural recovery is occurring.

2 -San Jacinto River Wetland Construction - This alternative was not preferred. Consideration of this alternative did not advance past the primary screening process because the project location, while within the Galveston Bay watershed, is not within the general Galveston Bay tidal system. The freshwater wetlands to be constructed do not directly or immediately support fishery resources (fishes and crustaceans) injured by the Apex oil spill. These wetlands are not used as nursery grounds for fishes and crustaceans to the same extent as brackish and saltwater wetlands. Project benefits include potentially increasing the variety of plants available for future construction efforts, by adapting these plants to varying saline conditions. For planted areas, erosion of the river bank could be reduced, but the actual quantity of wetlands is undefined. No negative impacts to the physical and biological environment are predicted during the planting phase. There are no negative impacts to the cultural environment anticipated as a result of this action.

3 - Habitat Restoration and Enhancement at the Galveston Bay Prairie Preserve - This alternative was not preferred. Consideration of this alternative did not advance past the primary screening process because only a small portion of the project (limited wetland construction and oyster reef construction) would benefit aquatic resources injured by the Apex oil spill. Most of the project area consists of upland habitats, which were not impacted by the spill, and the planned water control structures may actually decrease marine fisheries productivity by restricting access to habitats used by fishery species. Predicted negative impacts to the aquatic resources would include interim effects during the construction phase, in the form of decreased water quality, disturbance of sediment and benthos, and impacts to the surrounding area. These impacts can be minimized by onsite construction controls. Oyster reef construction would result in the benthos underneath the reef being impacted, but this should be offset by the increased productivity associated with the reef. There are no negative impacts to the cultural environment anticipated as a result of this action.

4 - Dredging the Channel to Liberty for Reconstruction of Vingt-et-Une Islands - This alternative was not preferred. Consideration of this alternative did not advance past the primary screening process because the project did not adequately address the aquatic resources injured by the Apex oil spill, and the project cost exceeded the entire restoration budget of \$1.3 million. No wetland habitats were proposed for restoration or construction on the dredge disposal island, and the Trustee Council did not consider that any substantial benefit to fishes and crustaceans would be derived from the hypothesized protection of wetlands on Smith Point. Negative impacts to the physical and biological environment are expected due to the dredging action and to the placement of dredge material, which could cause injury to the benthos and significantly remodel the subtidal area. There are no negative impacts anticipated to the cultural environment as a result of this action, and the positive cultural effects would be the improved navigation access for recreational and commercial boaters.

5 - Restoration of Colonial Waterbird Nesting Habitat on Vingt-et-Une Islands - This alternative was not preferred. Consideration of this alternative did not advance past the primary screening process because the project did not address the aquatic resources injured by the Apex oil spill. The alternative would primarily benefit colonial waterbirds by providing foraging and nesting habitat. Negative impacts to the physical and biological environment are expected due to the dredging action and to the placement of dredge material, which would destroy the subtidal area under the footprint of the island restoration. The cultural environment is not anticipated to be negatively impacted as a result of this action, and may in fact be enhanced by the provision of bird watching opportunities to the public.

6 - Swan Lake Wave Barrier and Wetland Construction - This alternative was not preferred. This project involves construction of two segments of rock barrier and 20 acres of salt marsh wetlands at a cost \$1.1 million. The alternative addresses aquatic resources injured by the Apex oil spill and is located within the Galveston Bay tidal system. In addition, the potential exists for future wetland development projects adjacent to the proposed construction area. However, the project is not an acceptable alternative because the cost per acre of constructed wetland (approximately \$55,000 per acre) was much higher than other comparable projects. In addition, the proposed site is near the refineries at Texas City, which makes the wetland vulnerable to impacts from oil or other toxic materials released in the immediate vicinity. Predicted negative impacts to the aquatic resources would be interim effects during the construction phase, in the form of decreased water quality, disturbance of sediment and benthos, and impacts to the surrounding habitat. There would be additional negative impacts to the biological environment due to injury of benthic communities from placement of the barrier, and the removal of subtidal area. There are no negative impacts to the cultural environment anticipated as a result of this action.

7 - Wetland Construction in Galveston Bay - This alternative would construct emergent estuarine salt marsh along shorelines within Galveston Bay. The Trustee Council

tentatively considered this a preferred alternative, specifically in regard to wetland construction at the Marrow Marsh location. Wetlands at Marrow marsh were directly impacted by the Apex spill, and wetland construction at this site would directly compensate injury to these wetlands in addition to the fishery resources supported by the wetlands. However, the cost per acre of constructed wetlands (\$29,900) in this proposed project is relatively high, and the Trustee Council intends to implement this alternative only if one of the other preferred alternatives cannot be constructed due to unsuitability of the site. The predicted negative impacts to the aquatic resources would be minimal since no dredging or regrading would be required, and planting would be by the least impacting method. Any impacts that occur as a result of the construction could be minimized by onsite construction controls. There are no negative impacts to the cultural environment anticipated as a result of this action.

8 - Pierce Marsh Wetland Construction - This alternative was preferred. The project will construct 34 acres of estuarine emergent wetlands and submerged aquatic vegetation on state owned lands within Pierce Marsh, Galveston County, Texas. The wetlands to be constructed will provide a complex habitat and are expected to be extremely productive in supporting fishery resources injured by the Apex oil spill. The proposed wetlands would also benefit bird resources by providing foraging habitat, and they would improve water quality in the bay. This projection is based on the higher productivity associated with the varied elevations and submerged aquatic plants of the proposed project. The estimated cost of the project is \$207,000; thus constructed wetlands are estimated to cost \$6,100 per acre. Negative impacts to the physical and biological environment include the destruction and modification of shallow-water bay bottom. Interim negative impacts during the construction phase include decreased water quality, disturbance of sediment and benthos, and impacts to the surrounding area. These negative impacts would be offset by the increased productivity of the constructed habitats for fishery resources, and interim effects can be minimized by onsite construction controls. There are no negative impacts to the cultural environment anticipated as a result of this action.

9 - Galveston Island State Park Wetland Construction - This alternative was preferred. The project will construct wave-protection berms with associated wetland habitats in the Galveston Island State Park; 1000 linear feet of shoreline protection will be constructed along with at least 30 acres (in the absence of additional requested grant funding) of intertidal salt marsh at a cost of \$17,900 per acre of constructed wetland. Restoration of these wetlands is expected to be highly beneficial for aquatic and fishery resources injured during the Apex oil spill. The proposed wetlands would also benefit bird resources by providing nesting and foraging habitat, and they would improve water quality in the bay. The predicted negative impacts to the physical and biological environment would be benthos and subtidal loss due to berm and fill material placement, and interim effects during the construction phase, in the form of decreased water quality, disturbance of sediment and benthos, and impacts to the surrounding area. These impacts would be offset by the increased productivity of the created wetlands, and construction impacts can be minimized by onsite construction controls. The cultural

environment is anticipated to be enhanced as a result of this action, by providing fishing and bird watching opportunities.

10 - Interstate 45 Highway Corridor Wetland Construction - This alternative was preferred. The project will construct a 57-acre wetland out of degraded habitat (dredge-disposal site and borrow pit), and this wetland is expected to be highly beneficial and productive for fishery resources injured during the Apex oil spill. The proposed wetland would also benefit bird resources by providing foraging habitat, and it would improve water quality in the bay. The cost per acre of wetland construction for the project is \$7,000. The project has a great deal of community support and high visibility due to the current degraded conditions at the site. The site is also adjacent to additional wetlands, so the proposed project would become part of a larger wetland preserve. The predicted negative impacts to the physical and biological environment would be interim effects during the construction phase, in the form of decreased water quality, disturbance of sediment and benthos, and impacts to the surrounding area. These impacts would be offset by the increased aquatic productivity and water quality resulting from the wetland creation, and can be further minimized by onsite construction controls. The cultural environment is expected to be enhanced by creating bird watching and scenic enjoyment of the preserve, and no negative impacts are anticipated.

11 - San Jacinto State Park Wetland Construction - The Trustee Council tentatively identified this project as a preferred alternative. The project would use dredged material from the Houston Ship Channel to construct approximately 40 acres of intertidal brackish wetlands in open-water ponds within the San Jacinto Historical State Park. The construction of brackish marsh habitat at this site should substantially improve production of fishery resources and provide nesting and foraging habitat for birds. However, concerns about contamination of the dredged material to be used in marsh construction have delayed final selection of this alternative, and it would only be considered for remaining funds if the issues associated with the proposed dredged material are resolved successfully. An evaluation of the dredge material for contaminants would need to be conducted prior to approval of this proposal. Negative impacts to the physical and biological environment are expected due to the dredging action and to the placement of dredge material, removing some subtidal areas and temporarily decreasing water quality. These impacts would be offset by the increased productivity of the brackish wetlands and the improved water quality. The cultural environment is expected to be enhanced as a result of this action, since the marsh has a historic role in the fight for Texas independence, and this action would preserve this area.

6.0 SELECTED ALTERNATIVES

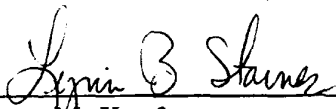
After careful review and consideration of all selection criteria, the Trustees have selected the following three alternatives for restoration of the injured natural resources of Galveston Bay from the Apex Oil spill: Pierce Marsh Wetland Construction, Interstate 45 Highway Corridor Wetland Construction, and Galveston Island State Park Wetland Construction. The Trustees have also conditionally approved an allocation of \$109,000 to the San Jacinto State Park Wetland Construction project. The final selection of this project is conditioned upon confirmation by the Trustee Council that the dredged material designated for marsh construction is adequately free of contamination and the project is otherwise technically suited for successful wetlands creation. If these conditions are not met, the Trustee Council will apply these funds to the Wetland Construction in Galveston Bay project as its alternate choice for the construction of wetlands in the Galveston Bay system.

Each project selected for implementation will undergo additional environmental and NEPA review in the permitting process. Although no negative impacts on endangered species were identified for selected projects, a Section 7 (Endangered Species Act) consultation will be made for each of the projects to ensure compliance. Projects will also be reviewed for compliance with the Texas Historic Preservation Act. Each funded restoration action will compensate for injuries due to the Apex oil spill, and all projects constructed as a result of these restoration activities will remain in the public trust in perpetuity.

7.0 Finding of No Significant Impact

Finding of No Significant Impact.

Having reviewed the attached environmental assessment and the available information relative to the proposed actions in Galveston Bay, Texas, I have determined that there will be no significant environmental impacts from the proposed actions. Accordingly, preparation of an environmental impact statement on these issues is not required by Section 102 (2) (c) of the National Environmental Policy Act or its implementing regulations.

 _____ Date 7/16/97
Nancy M. Kaufman
Regional Director, Region 2
Fish and Wildlife Service
U.S. Department of the Interior

_____ Date _____
Rolland A. Schmitt
Assistant Administrator for Fisheries
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
U.S. Department of Commerce

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Nancy M. Kaufman
Date 7/16/97
Nancy M. Kaufman
Regional Director, Region 2
Fish and Wildlife Service
U.S. Department of the Interior

Rolland A. Schmitt
Date 10/27/97
Rolland A. Schmitt
Assistant Administrator for Fisheries
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
U.S. Department of Commerce

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8.0 Trustee Council Signatures

In accordance with the Memorandum of Agreement among the U.S. Department of Interior (DOI) represented by U.S. Fish and Wildlife Service (FWS), the National Oceanic and Atmospheric Administration (NOAA), the Texas Parks and Wildlife Department (TPWD), the Texas Natural Resource Conservation Commission (TNRCC) and the Texas General Land Office (GLO), executed 06/16/95, the following designated members of the "Galveston Bay/ Apex Barges Oil Spill Natural Resources Trustee Restoration Council," indicate by signature below, their agreement to adopt, in its entirety, this final "Apex Barges Oil Spill Restoration Plan/ Environmental Assessment.

The date of final approval for this document shall be the date of the final Trustee Representative's signature.

For DOI/FWS Allan M. Strand 05-28-97
Allan M. Strand Date
Lead Administrative Trustee Representative
NRDA specialist
U.S. Fish and Wildlife Service
TAMU-CC, Campus Box 338
6300 Ocean Drive
Corpus Christi, Texas 78412

For NOAA/NMFS _____
Dr. Thomas Minello Date
Chief Fishery Ecology Division
Galveston Laboratory
National Marine Fisheries Service
NMFS/SEFC Galveston Lab
4700 Avenue U
Galveston, Texas 77551

For TPWD Don Pitts 6/2/97
Don Pitts Date
Natural Resource Damage Assessment Coordinator
Texas Parks and Wildlife Department
Resource Protection Division
4200 Smith School Road
Austin, Texas 78744

For TNRCC

Richard Seiler 6-5-97
Richard Seiler Date
Unit Manager, Natural Resource Trustee Program
Texas Natural Resource Conservation Commission
Pollution Cleanup Division
P.O. Box 13087
Austin, Texas 78711-3087

For GLO

Diane Hyatt Date
Natural Resource Damage Assessment Coordinator
Texas General Land Office
Legal Services
Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701

For TNRCC

Richard Seiler Date
Unit Manager, Natural Resource Trustee Program
Texas Natural Resource Conservation Commission
Pollution Cleanup Division
P.O. Box 13087
Austin, Texas 78711-3087

For GLO

Diane Hyatt 10-9-97 Date
Diane Hyatt
Natural Resource Damage Assessment Coordinator
Texas General Land Office
Legal Services
Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701

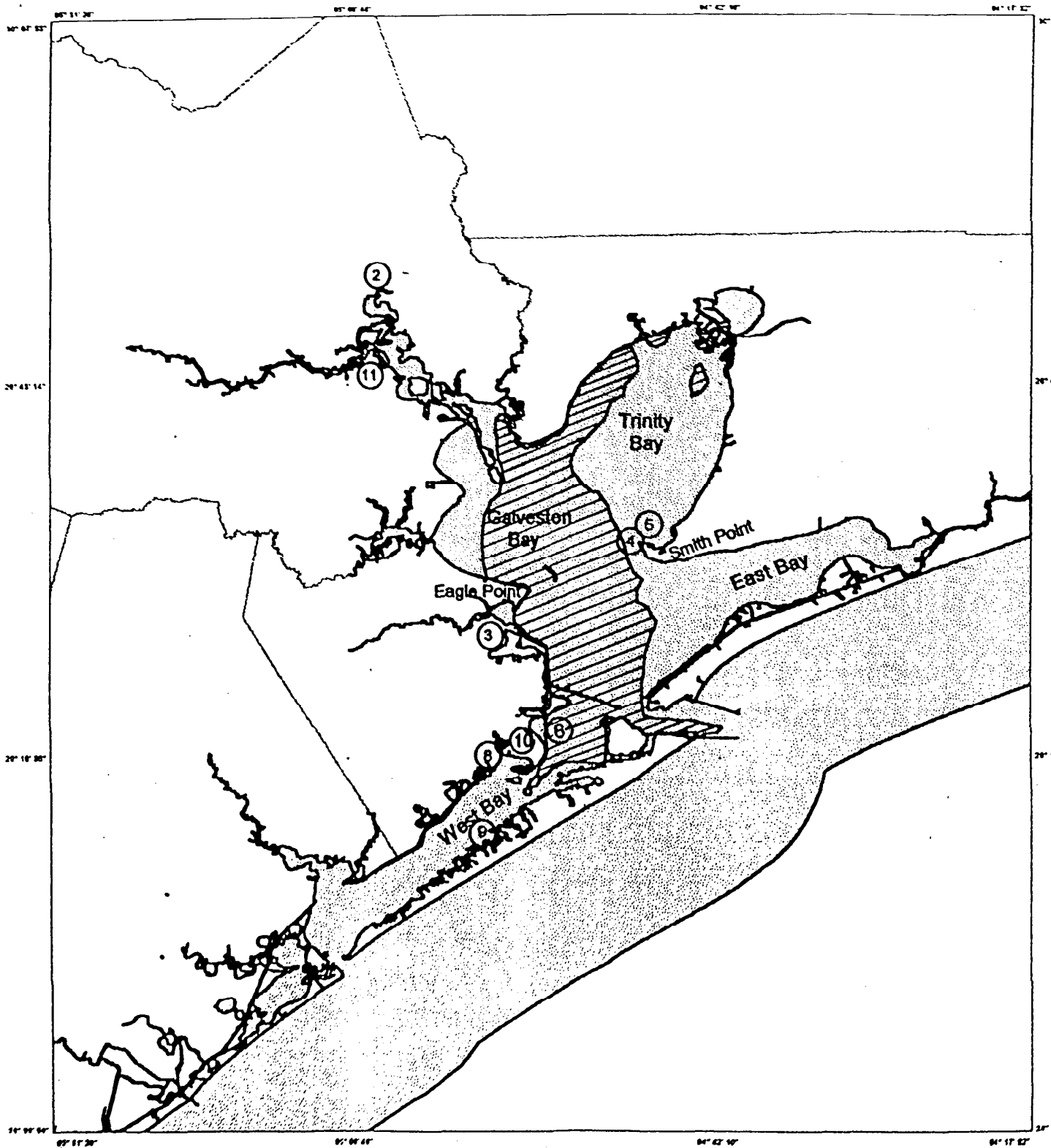


Figure 1. Oiling in Galveston Bay from the Apex oil spill. The hatched area represents the extent of oiling, regardless of the degree of oiling (sheen to heavy oiling). Information was compiled from observations taken on U.S. Coast Guard overflights during the event. Also shown are locations of restoration alternatives (2-11) in the bay system. Alternative 7 is not indicated because a specific location was not given.

Appendix I

List of people involved in the preparation of this draft plan

(* indicates member of Trustee Council)

(** indicates Lead Administrative Trustee Representative)

Name	Title	Affiliation
Allan Strand **	Natural Resource Damage Assessment Specialist	Department of Interior, U.S. Fish and Wildlife Service
Peter A.H. Samuels	Environmental Quality Specialist, Natural Resource Damage Assessment	Texas General Land Office
Richard Seiler *	Unit Manager, Natural Resource Trustee Program	Texas Natural Resource Conservation Commission
Don Pitts *	Natural Resource Damage Assessment Coordinator	Texas Parks and Wildlife Department
Thomas Minello *	Chief, Fishery Ecology Division Galveston Laboratory	U.S. Department of Commerce, National Atmospheric Administration, National Marine Fisheries Service
Michael Devany	Southeast Restoration Center Manager	U.S. Department of Commerce, National Atmospheric Administration, National Marine Fisheries Service
Stephanie Fluke	Attorney-Advisor	U.S. Department of Commerce, National Atmospheric Administration, Office of General Counsel

Appendix II

Summary of results from notice of availability and request for comments on the Draft Restoration Plan (DRP) and Environmental Assessment (EA).

A notice of availability of the draft RP/EA was published March 4, 1997 in the Texas Register by Texas Parks and Wildlife Department (TPWD). A 30 day public comment was established with April 7, 1997 as the final date for submitting comment. A concurrent news release was also issued by TPWD soliciting public comment on the DRP/EA.

Written comments received from the following:

1. Received April 7 from Mr. Greg Mason, Houston, Texas.
Letter in Support of the I-45 Highway Corridor Wetland Construction Project (see attached).
2. Received April 7 from Evangeline Loessin Whorton, Galveston, Texas
Letter in support of the I-45 Highway Corridor Wetland Construction Project (see attached).

Requests received for copies of the DRP/EA:

1. Ambiotec (Carol Jackson), Harlingen, Texas.
2. David Pitts, Plano, Texas.
3. Hill Country Environmental (William R. McCurley) Austin, Texas.
4. Turner, Collie & Braden, (Ben West), Austin, Texas.
5. Dr. James Parker, La Marque, Texas.
6. KUHF Radio Houston (Paul Pendergraft), Houston, Texas.
7. TAMU Sea Grant (John Jacob), Bryan, Texas.
8. Mayor, Day, Caldwell & Keeton, (Kathleen Bethune), Houston, Texas.

Copies of the DRP/EA were mailed to each of the above named requestors within 48 hours of receiving the request.

In addition copies of the DRP/EA were mailed March 7, 1997, to the following named project proposal participants:

1. Ms. Gretchen Mueller, Executive Director, Houston Audubon Society, Houston, Texas.
2. Dr. Robert McFarlane, Houston Audubon Society, Houston, Texas.
3. Mr. Rusty E. Swafford, National Marine Fisheries Service, Galveston, Texas.
4. Mr. Andrew V. Sipocz, Texas Parks and Wildlife Department, Seabrook, Texas.
5. Mr. Ben H. Nelson, Jeri's Seafood, Inc., Anahuac, Texas.

6. Mr. Ray Johnson, Texas Nature Conservancy, Nassau, Texas.
7. Mr. Eddie Seidensticker and/or Ms. Nancy Webb, U.S. Department of Agriculture, Baytown, Texas.
8. Mr. Ted Hollingsworth, Texas Parks and Wildlife Department, La Port, Texas.
9. Ms. Evangeline Warton, Chairman, Scenic Galveston, Inc., Galveston, Texas.
10. Mr. Robert W. Nailon, ENTRIX, Houston, Texas.
11. Ms. Linda Shead, P.E., Executive Director, Galveston Bay Foundation, Webster, Texas.
12. Mr. Robert Potts, Texas Nature Conservancy, San Antonio, Texas.
13. Mr. Will Roach, U.S. Fish and Wildlife Service, Clear Lake, Texas.

Comment Consideration: The trustee have considered all written comments received during the public comment period. No negative comments were received. Supportive comments did not request modification of the DRP/EA. The Trustees herein determine the DRP/EA does not require amending and adopt it as the final plan.

R. Gregory Mason

2201 Macarthur Street at Montclair

Houston, Texas 77030

April 7, 1997

Mr. Allan Strand
Lead Administrative Trustee Representative
Apex Restoration Council
United States Department of the Interior
Fish and Wildlife Service
c/o TAMU-CC Campus Box 338
6300 Ocean Drive
Corpus Christi, Texas 78412

Via fax: (512) 994-8262

Re: I-45 Scenic Estuarial Corridor

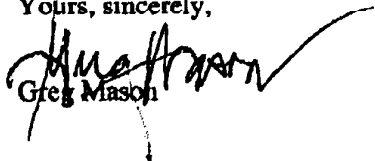
Dear Allan:

My wife is on the Board of Scenic Galveston, and has given a tremendous amount of time and energy to the I-45 Estuary. She felt a little awkward about writing to you yet another support letter, since she is clearly a project participant and not an 'innocent bystander', but I have no such compunctions. I write to you today to urge you to assist this project by releasing the much-needed remediation funds for use in the Estuary, to help remove the Tamburine 'landfill' from the marsh in question.

The fill site is an environmental tragedy of horrendous proportion. I am an avid coastal saltwater flyfisherman (besides being a member of Ducks Unlimited, the Coastal Conservation Association, the Nature Conservancy, the Fly Fishing Federation, etc.) I pass by the I-45 Estuary constantly on weekends. I cannot tell you how many of my friends and coworkers and fellow fisherman, upon hearing socially of my wife and her Board's work with the I-45 marshlands, ask me: "What's the story with that enormous pile of dirt as you go down to Galveston? Is that part of the project? Can they really get rid of it?"

Please support this hard-working volunteer group and help them rid Galveston County's remaining wetlands of this nightmare. Your funds will never find a more appreciative audience.

Yours, sincerely,


Greg Mason

Office - Noram Energy Services, Houston: (713) 654-5584
Home: (713) 664-1584



SCENIC GALVESTON Inc.

An Affiliate of Scenic Texas, Inc.

20 Colony Park Circle
Galveston, Texas 77551
409-744-7431

April 7, 1997

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Mr. Allan M. Strand
Lead Administrative Trustee Representative
Apex Restoration Council
United States Department of the Interior
Fish and Wildlife Service
c/o TAMU-CC, Campus Box 338
6300 Ocean Drive
Corpus Christi, Texas 78412

Via Fax (512) 994-8262

Dear Allan:

SCENIC GALVESTON and the Friends of the I-45 Estuary, as proponents of the Apex restoration projects of the Galveston Bay system, comment specifically on this last day of public comment in favor of these private set-aside penalty funds to be used for the restoration of the degraded landfill uplands and borrow ponds within the habitat preservation project being performed by our organization within the I-45 Estuary.

Our diverse nonprofit conservation organization has raised almost \$800,000 of private funding for a 1:94 to 1 match to leverage \$400,000 of North American Wetlands Conservation Act (NAWCA) wetlands purchase funds to accomplish the acquisition and remediation of the 900-acre corridor wetlands on the high visibility interstate approach to Galveston. The substantial amount of private funds raised was instrumental in NAWCA's selection of the I-45 Scenic Estuarial Corridor project for funding. As well, the Apex Restoration Trustees selection 'for remediation' of a potential threat for development in heavily degraded uplands in the Estuary was a significant reason the project was funded by NAWCA. With the \$350,000 set-aside funds from the Apex Trustees, the major visual and ecological problems within the wetlands will be resolved.

Negotiations with the landowners in the I-45 marshes is ongoing currently and moving quite well. One parcel has been acquired and another offer, for almost 440 acres, should be accepted this week. We are excited about the present momentum. Ray Johnson, with The Nature Conservancy of Texas, and our pro bono negotiator for the acquisition phase, is delighted with the progress.

Thank you for this opportunity for comment. Please accept our communication as the strongest endorsement for the use of the Trustee funds.

Sincerely yours,

Evangeline Whorton
Evangeline Loessin Whorton
Chairman



An Affiliate of Scenic America, Inc.