



Linda Dansby

01/22/02 05:19 PM MST

To: Greg Cody/DENVER/NPS

cc: Lisa Norby/DENVER/NPS

cc:

Subject: PAIS - EA on BNP Lemon-Lemon Seed Plan of Ops

Hello Greg:

Attached is the revised comment memo for the EA on BNP's Plan of Operations to Drill and Produce the Lemon and Lemon Seed Unit Wells at Padre Island. I incorporated Lisa Norby's comments (shown in red) into the consolidated IMDE-PE memo. Lisa caught many deficiencies I'd missed, and also discovered some errors I'd made in the Dunn-Murdock Well #1 EA that was used to prepare this EA. I appreciate the fact that you and Chris were amenable to incorporating all comments into the regional NEPA review memo so that one consolidated response is sent to the park.

Your title needs to be inserted in the "From" line on page 1, and in Comment 33 on the last page. When you finalize the memo, please convert all text to black.

Call if you have any questions.

Linda



PAIS - BNP Lemon Lemonseed EA.doc



United States Department of the Interior

NATIONAL PARK SERVICE
INTERMOUNTAIN REGION
12795 W. Alameda Parkway
P. O. Box 25287
Denver, Colorado 80225-0287

In reply refer to:
L3025(IMS-F-RMO and
IMDE-PE)

January 17, 2002

Memorandum

To: Superintendent, Padre Island
Attention: Ken McMullen, Chief, Resource Management
Arlene Wimer, Environmental Protection Specialist

From: Greg Cody, (insert title), Environmental Quality, Intermountain Support
Office-Denver

Subject: Review of Environmental Assessment for BNP Petroleum Corporation Plan of
Operations to Drill and Produce the Lemon and Lemon Seed Unit Wells
within Padre Island National Seashore

We appreciate the opportunity to review the subject environmental assessment (EA). The following comments were provided by Greg Cody (IMR Environmental Quality), Linda Dansby (IMR Office of Minerals/Oil and Gas Support); and Lisa Norby (WASO Geologic Resources Division). Overall, the EA is well-organized and thorough. We have the following specific comments:

1) Editorial Comments.

- The Office of the Regional Director recommends strongly against the use of acronyms to refer to parks in our public documents. Padre Island National Seashore is referred to as "park," or by the acronyms "PAIS," or "PINS" throughout the EA. We recommend the use of "park" or "national seashore."
- We recommend the use of "would" in place of "will" throughout the EA, particularly to describe alternatives and environmental consequences. The use of "would" implies that specific actions and their associated impacts have the potential to occur if the alternative is selected for implementation; whereas "will" implies it's a given.
- Throughout the EA, use "ground water" rather than "groundwater."

- Throughout the EA, use Alternative B, Proposal (Preferred Alternative) in headings; and "Alternative B," "Proposal," or "Proposed Action" in the text.
 - There are numerous spacing and indenting errors throughout the EA. We have attempted to list many of these, but recommend a final edit and formatting of the document.
- 2) Page i, Summary, 2nd paragraph, 4th sentence. Change "...impact on BNP if the well was not drilled..." to "...impact on BNP if the wells were not drilled..."

In the 2nd paragraph, 7th sentence, remove "or other sensitive resource areas" from the list of resources that would not be impacted. This text was appropriate for the Dunn-Murdock EA because no Sensitive Resource Areas identified in the park's Oil and Gas Management Plan would be impacted, but does not apply to the Lemon-Lemon Seed EA because foredunes would be impacted. Also in the latter part of this sentence, include "wetlands" in the list of resources that would be impacted by the proposal.

- 3) Page i, Public Comment, 1st sentence. Change "...and Floodplains Statement of Findings,..." to "...and draft Combined Floodplains and Wetlands Statement of Findings,..." Also change the 2nd sentence to read: "These documents will be on public review for 30 days..." Italicize the name of the local newspaper, "Corpus Christi Caller Times."
- 4) Page 1, Purpose and Need, 3rd paragraph, 3rd sentence, reads: "BNP has revised the Plan of Operations to include all NPS comments." We noted that the EA incorporates some but not all of the NPS comments attached to the park's December 13, 2001, letter accepting BNP's plan for processing for consideration for approval, as follows:
- Water Supply Well and Surface Casing Setting Depth of Well 1008S – text on page 15 of the EA under the heading "Use of Water for Drilling" and page 33, in the discussion of impacts on water resources and floodplains under Alternative B
 - Source of Water and Annular Injection - inserted as mitigation measure #33 in Table 3
 - Dry Hole Well Plugging – inserted as mitigation measure #53 in Table 3
 - Spill Reporting – inserted as mitigation measure #54 in Table 3

Because of the statement in the EA that "BNP has revised the Plan of Operations to include all NPS comments," we suggest it is inconsistent to see mitigation measures #'s 53 and 54 listed in Table 3 as "NPS conditions of approval for Lemon/Lemon Seed Plan of Operations." With the statement on page 1 of the EA, we assume BNP has amended its plan of operations by adopting the NPS's comments. The easiest and most appropriate method to document this would be to attach to the front of the plan of operations a letter from BNP to the park, with the 3 pages of NPS comments enclosed, stating that BNP is incorporating the attached NPS technical adequacy review comments to its plan. The reference column in Table 3 could then show "BNP incorporated into plan by letter of (insert date)."

We recommend the remaining 2 NPS comments attached to the December 13 letter be incorporated in the EA, as follows:

- Performance Bond Amount – We recommend the following 2 paragraphs be inserted at the end of Alternative B, after Table 3 under a heading "Conditions of Approval":

Conditions of Approval

As per 36 CFR §9.48, approval of the Plan of Operations would be conditioned upon BNP tendering a performance bond to: (1) ensure timely and effective plugging of the well and reclamation of the operations area upon abandonment; and (2) guarantee rapid and effective response and cleanup of a spill. The regulations further state that the amount of the surety cannot exceed the sum of: (1) the cost of plugging the well and reclaiming the operations area; and (2) the liability amount estimated by the Superintendent required to effectively contain, cleanup, and minimize the damages resulting from the escape of oil, oil-waste, contaminating substances, or fire resulting from the operation. The regulations limit the liability amount for the operation of a single well to \$50,000. The regulations further limit the maximum overall bond for any entity to not exceed \$200,000 for operations by a given operator within a unit of the National Park System.

The well plugging and surface reclamation costs listed in Section I of the Reclamation Plan total more than \$200,000. Therefore, the NPS has set the performance bond for the Lemon/Lemon Seed Unit wells at \$200,000. BNP already has on file with the park a bond specific to the Dunn-Murdock Well No. 1 plan of operations. As a condition of approving the Plan of Operations, the NPS would require BNP to modify the language of the bond to include the Lemon and Lemon Seed Unit operations.

Insert any additional conditions of approval here.

- Section X. Background Environmental Information – We recommend the following text suggested by GRD be included in mitigation measure #29 in Table 29:

In accordance with the approved Hurricane Preparedness and Evacuation Plan, BNP will secure the well site in the event of a hurricane. If a hurricane or tropical storm is within 540 miles or 36 hours of the operation site and the operation site is predicted to be in the severe weather area, BNP will fill the hold with drilling mud; set drill pipe slips safety clamps and safety valves 50' above the deepest casing string; lay down and secure drillpipe; close and lock pipe rams and annular BOP; secure loose tools, equipment and electrical connections; lower drilling derrick; close all valves in mud system; and place generators, SCR on oilfield truck floats and chain down. If the well is producing hydrocarbons, BNP will close the storm valve in the well or install backpressure valve in the tree, shut in all valves on tree, replace all hydrocarbons in storage tanks with water, and remove or secure all loose equipment and supplies.

- 5) Page 2, Section 1.2.2, 3rd paragraph, 1st sentence. We suggest the following text be delete as it is redundant with the text provided in Section 1.2.1: "...to "insure that activities undertaken pursuant to [nonfederal oil and gas rights] are conducted in a manner consistent with the purposes for which the National Park System and each unit thereof were created, to prevent or minimize damage to the environment and other resource values, and to insure to the extent feasible that all units of the National Park System are left unimpaired for the enjoyment of future generations"..."

- 6) Page 3, 3rd paragraph – delete the 2nd sentence, beginning “The action alternative...”
- 7) Page 5, Table 1. Please delete E.O. 13211 from the table. We had included this reference in the BNP Dunn-Murdock Well No. 1 EA. We subsequently realized this E.O. applies to rulemaking only. Please also delete E.O. 11644 – it is also not applicable. If a nonfederal oil and gas operator requested ORV use to undertake 9B operations, it may be allowed via an NPS permit, in this case an approved plan of operations. The E.O. pertains to visitor ORV use that could be allowed by the Superintendent via publication of procedures specific to ORV use in 36 CFR 7.
- 8) Page 6, Section 1.3, Issues and Impact Topics Evaluated.
- Include Wetlands on the list, after “Water Resources and Floodplains.”
 - We recommend that Threatened and Endangered Species, specifically sea turtles, be evaluated in the EA because the first well is likely to be constructed and drilled in April, with the 2nd well possibly drilled May-June. Therefore, the drill rig most likely would be moved twice along the Gulf Beach during sea turtle nesting season. The location approximately 1,000 to 1,500 feet from the Gulf Beach could introduce artificial light onto the beach corridor. Because of these issues, we wonder if the “no effect” determination would still apply, or if a “May Affect, but Not Likely to Adversely Affect” determination is more appropriate. We suggest the park consult further with F&WS about these revised timelines and whether the “no effect” determination remains applicable. If not, a Biological Assessment may need to be prepared for F&WS concurrence. Is Mitigation Measure #7 sufficient, or would F&WS recommend additional mitigation. If adverse effects of artificial light on the Gulf beach during drilling is an issue, we suggest the condition of Mitigation Measure 14 be made a requirement by deleting the text: “to the extent possible.”
- 9) Page 6, Table 2, Issue Statements.
- Insert issue statement(s) for wetlands,
 - Insert issue statement(s) for threatened and endangered species, specific to sea turtles,
 - Geology and Soils – 2nd bullet - change “soil” to “soil and sands” and, insert issue statement(s) for foredunes,
 - Water Resources and Floodplains – 1st and 6th bullets – delete “...and subsurface...” and 3rd bullet – delete “...and quantity...”
 - Vegetation – 2nd bullet – delete “...and subsurface water flow...”
 - Wildlife – 2nd bullet – change “...catch basins...” to “...open-topped tanks and/or secondary containment...” so that the issue statement and mitigation measure #23 consistently use the same terminology; 5th bullet – delete “...and subsurface...and quantity...”
 - Visitor Use and Experience – 2nd bullet – replace “...impair...” with “...degrade...” or “...adversely affect...” The word “impair” has specific meaning under the Organic Act.
- 10) Page 9, Section 1.4.4, Cultural Resources. Replace “Warren” with “William Moore and James Warren.”
- 11) Page 10, Section 2.2, Alternative B, Location of the Well. Rephrase the 1st sentence to read: “The surface location of well No. 1-000S is located 150,320 feet from the north line, and

1082.1 feet from the east line (Boyles Meander Line) of the Juan Jose and Nicolas Ballie Survey, Abstract-10 Kenedy County, Texas.”

Insert before the list of figures, “True Vertical Depth”, “Measured Vertical Depth,” and “Surface Offset Distance” and insert the measurements.

Figures 3 and 4, 1nd sentence. Modify to read: “This figure depicts...”

We think the quality of the maps are poor. In general, they are not readable; and for those unfamiliar with the park, the maps are not helpful to locate the boundaries of the park.

- 12) Page 15, under “Access” and “Surface Location and Well Pad.” We weren’t sure what “conventional techniques” meant.
- 13) Page 15, Surface Location and Well Pad, 5th line, specify the type of “liner” that would be used.
- 14) Pages 16 – delete the 1st sentence, “The benefit gained by setting deeper surface casing is minimal.

Change the 2nd sentence to begin with “The” rather than “However,” and change “may” to “would.”

Change the 3rd sentence to read “The surface casing would be set at 2200 feet.” We recommend this revised text also be inserted in place of the text at the top of page 34.

- 15) Page 17, Table 3, Mitigation Measures under Alternative B, Proposal, Plan of Operations as Submitted. We appreciate the ease in reviewing the list of the mitigation measures in order of when they would be applied during the conduct of operations. We recommend that mitigation measures 2, 7, and 55 that deal with BNP training be reorganized as #'s 2, 3 and 4; and #'s 40 and 53 that deal with plugging issues be reorganized as #'s 40 and 41.

Mitigation Measure #4 – change “...to avoid wetlands...” to “...to minimize impacting wetlands...”

Mitigation Measure #15 – 2nd column, delete the “;”

Mitigation Measures #18 and #44 – delete the underlining under “state-approved.”

Mitigation Measure #28 – Add “...and NPS-approved herbicides.” This will provide consistency with text on page 37 (2nd paragraph).

Mitigation Measure #50 – clarify what “PINS regulations” mean – list of mitigation measures and park rules?

Delete the extra lines in some of the mitigation measure rows.

16) Because the proposal would have potential adverse impacts on park floodplains and wetlands, a draft statement of findings (unsigned) needs to be made available with the plan of operations and EA for public and agency review. You have the option of preparing a floodplains SOF and a separate wetlands SOF, or a combined SOF for both floodplains and wetlands.

17) Page 23, insert a line between the "Northern" and "Southern" alternative paragraphs.

Gulf of Mexico Alternative. Change "...over the Gulf..." to "...in the Gulf..."

Change the 3rd sentence to read: "A Gulf of Mexico location could have the potential for visual impacts to Gulf beach visitors."

18) Page 24, Table 4, Extent that Each Alternative Meets Objectives. Change "well" to "wells" because the proposal deals with drilling two wells.

19) Page 26, Table 6, Comparative Summary of Impacts. We recommend deleting "Under Alternative A," and "Under Alternative B," because this is already provided in the heading. It will save space.

Quantify impacts as much as possible. For example, provide acreages, particularly under Geology and Soils, Wetlands, Vegetation, Wildlife. Under Visitor Use and Experience, provide some quantification of the numbers of visitors that could potentially be affected. Please see the suggested revisions provided below under Comment 31, Impacts on Visitor Use and Experience.

Wetlands. Correct the last sentence to reflect "no impairment to wetlands would result from implementation of this alternative."

After revising the conclusion statements throughout the Environmental Consequences section, please revise this table.

20) Page 28, Environmental Consequences. Change the 1st sentence to read: "This section describes direct, indirect, and cumulative impacts under the two alternatives."

2nd paragraph, 2nd sentence. Change the 2nd "is" to "are."

21) Page 29, Impacts on Nonfederal Oil and Gas Development, Affected Environment. Revise the 2nd sentence to read: "A total of 72 operations have been permitted within the park." After the sentence, "Currently, there are five...", insert a sentence to describe the recently-permitted BNP Dunn-Murdock #1 well, and then modify the next sentence to give the updated total acreage of surface disturbance. Correct this throughout the EA.

Page 29, Cumulative Impacts. Replace 1st sentence with: "Under Alternative A, No Action, if the two wells were not drilled and placed in production, there would be a negligible, adverse impact on the nation's domestic energy supply."

Under "Impacts of Alt B, No Action, on Nonfederal Oil and Gas Development," replace with: "Under Alternative B, Proposal, the Lemon/Lemon Seed Unit Wells would be drilled, and if

placed in production, up to 250 BCF of petroleum resources could be produced, resulting in a negligible beneficial impact on the nation's domestic energy supplies. Costs and time BNP has invested to contract the preparation of the Plan of Operations and for drafting the EA, and to drill the well with the mitigation measures would result in minor adverse impacts. Should the wells not be placed in production, this could result in moderate to major adverse impacts on BNP."

Conclusion under Alternative B: "Under Alternative B, Proposal, if the Lemon/Lemon Seed Unit wells leads to full development of nonfederal oil and gas resources underlying the park, there could be a cumulative, minor beneficial impact on the nation's domestic energy supplies. The costs and time to prepare a plan of operations and draft an EA, and to drill the well with NPS required mitigation would result in a minor adverse impact on BNP; but if the well is not placed in production, there could be moderate to major adverse impacts on BNP."

- 22) Page 30, Impacts of Alternative A, No Action, on Air Quality. Replace with: "Under Alternative A, No Action, the Lemon/Lemon Seed Unit wells would not be drilled; therefore, there would be no impacts on air quality." We noted that we'd made the error in the Dunn-Murdock EA of describing continuing impacts under No Action for several of the impact topics. These continuing effects on the resources belong under the cumulative impact analysis.

Replace the first 2 sentences of the Conclusion with: "Under Alternative A, No Action, the Lemon/Lemon Seed Unit wells would not be drilled, resulting in no impacts on air quality."

Page 30, Impacts of Alternative B, Proposal, on Air Quality. Replace the beginning of the first sentence with: "Under Alternative B, Proposal, vehicle use and construction of the access road, well/production pad and pipeline would result in localized and short-term, negligible increases of particulate matter..."

- 23) Page 32, Section 3.4. Move the impact analysis for foredunes from "Water Resources and Floodplains" and place under "Geology and Soils."

Under Impacts under Alternative B, and Conclusion: We suggest the duration of impacts would be "short- to long-term."

- 24) Page 32, Section 3.4, Impacts on Water Resources and Floodplains, 1st paragraph, 3rd line, delete "system." In the 4th line, change to "...2 to 5 feet deep, depending on the season."
- 25) Page 34, 3rd paragraph, change "water source well" to "water well" throughout the paragraph. Also change the first sentence to read: "There is no assurance that drilling a water well for this operation would be successful."

4th line from bottom: We recommend not capitalizing "fire hydrant," but to capitalize "Park Road 22." Revise the end of the sentence: "...Park Road 22 and hauled to the wellsite."

- 26) Page 34, description of wetlands impacts. The NPS adheres to the administration's "no-net loss" principle for wetlands protection. This section should describe BNP's minimum 1:1 compensation for the 0.17 acre of wetlands that would be adversely impacted by the proposal. Compensation of a disturbed wetlands of the type proposed to be adversely impacted must be accomplished at a location within the park prior to or at the same time

that BNP would begin to implement the proposal. The park's Oil and Gas Management Plan provides a sequence of sites to satisfy wetlands compensation requirements. In addition, the description of the alternative and impact analysis should explain that BNP would be responsible to restore the adversely impacted wetlands – to the wetlands type and values originally impacted – during reclamation. Information including the 0.17-acre adverse impacts to (insert type) wetlands, along with a description of compensation and restoration at reclamation requirements should be included in Tables 5 and 6. The compensation for wetlands impacts (include acreage and type of wetlands and location of compensation site), and restoration of wetlands at reclamation should be included as mitigation measures in Table 3.

Page 34, Section 3.5, Impacts to Wetlands. Change to "Impacts on Wetlands" for consistency throughout the environmental consequences section. Replace the 3rd and 4th sentences with: "Based on a site survey performed by BEI, the proposed pad site, operations area, and access road are located in uplands; therefore, a U.S. Army Corps of Engineers Section 404 permit would not be needed for these areas of the proposed operations."

Replace the 5th sentence with: "There are wetlands located along the pipeline corridor, within 300 feet of the tie-in point to AEP's pipeline. Wetlands totalling 7500 square feet (0.17 acres) would be directly impacted by construction and maintenance of this segment of pipeline."

Page 35, Impacts of Alternative B, Proposal, on Wetlands. Replace the 1st sentence with: "Under Alternative B, Proposal, construction of a pipeline from the well(s) to an existing AEP pipeline would result in localized short- to long-term, minor adverse impacts on 7500 square feet of (type of) wetlands."

27) Page 35, Section 3.6, Impacts on Vegetation, Affected Environment, 3rd line, change "...15 grasslike..." to "15 grasslike species..."

28) Page 37, Section 3.7, Impacts on Natural Soundscapes, 4th sentence, add "is" between "sound level" and "exceeded."

Impacts under No Action – "Under Alternative A, No Action, the Lemon/Lemon Seed Unit wells would not be drilled, resulting in no impacts on natural soundscapes."

Page 38, Conclusion under Alternative A on Natural Soundscapes, replace the 1st sentence with: "Under Alternative A, No Action, the Lemon/Lemon Seed Unit wells would not be drilled, resulting in no impacts on natural soundscapes."

29) Page 39, Change the first sentence to: "Mammals likely to utilize habitat in the general project area include the kangaroo rat..."

30) Page 40, Impacts of Alternative B, Proposal, on Wildlife. Change 2nd sentence to read: "Wildlife would be displaced from the project area. Displaced wildlife could increase competition in adjacent areas."

31) Page 41, Impacts of Alternative B, Proposal, on Visitor Use and Experience. Change the 1st sentence to read: "Under Alternative B, Proposal, construction and maintenance of the access road and well/production pad would result in the direct loss of 3.6 acres of hummocky

uplands. Pipeline construction would disturb 3.76 acres of hummocky uplands of which 0.17 acres is (type of) wetlands. If the well is placed in production, the total area of disturbance would be reduced to approximately 5.76 acres, which would be inaccessible for visitor use during the life of the well for up to 20 years. However, if the well is unproductive, the area would be reclaimed and returned to visitor use over the short-term. Of the 775,567 visitors to the park annually, a small percentage (you might have better statistics to quantify this more accurately) of visitors that are able to access this stretch of Gulf Beach by four-wheel drive vehicles could be adversely impacted by the operations."

Page 42 – last line, insert "...localized, short- to long-term,..."

Conclusion – 3rd line, insert "...localized, short- to long-term,..."

- 32) Page 41, Section 4.0, Consultation and Coordination. Revise the 1st paragraph, 1st sentence to read: "A Notice of Availability for the Plan of Operations, EA, and draft Combined Floodplains and Wetlands Statement of Findings will be published..."

2nd paragraph, replace 1st sentence: "Following the 30-day public review period, NPS will consider written comments received. Additional mitigation measures resulting from the public involvement process may be applied by the NPS as conditions of approval of the plan of operations."

Revise the 2nd paragraph, last sentence to read: "Copies of the decision document will be sent to those who comment on the Plan of Operations, EA, and draft Combined Floodplains and Wetlands Statement of Findings during the public review period or request a copy."

- 33) Page 42, please add the following names to the Section 4.1 list of individuals and agencies consulted:

Linda Dansby, Intermountain Regional Minerals Coordinator Intermountain Support Office-Santa Fe, National Park Service, Santa Fe, New Mexico

Greg Cody, (insert title), Intermountain Support Office-Denver, National Park Service, Denver, Colorado

Joel Wagner, Servicewide Wetlands Coordinator, Water Resources Division, National Park Service, Denver, Colorado

Should you have any questions, or need further assistance, please contact Greg Cody at 303-969-2377.

cc:

IMDE-PE, G.Cody

IMSF-RMO, L.Dansby

WASO-GRD, L.Norby

LDansby:IMSF-RMO/LNorby:NRPC-GRD/GCody:IMDE-PE:1/22/02