



Linda Dansby

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MDT

To: Darrell Echols/PAIS/NPS@NPS
cc: Arlene Wimer/PAIS/NPS@NPS
Subject: Review of Lemon/Lemon Seed BA

Darrell:

Thanks for the opportunity to review the BA. I just did a quick review today. My comments are enumerated below. I suggest you share the BA with Eddie Kassman before it is reviewed in final and concurred with by FWS so he can help you fine-tune the 9B/regulatory language. Some of my comments highlight areas I think Eddie should take a look at. I think you did an excellent job and that once the other technical folks help to tweak it, you'll have a very good model for future applications. Thanks again.

Overall, this is an impressive Biological Assessment. I wouldn't doubt that this becomes a model not only for the NPS but that FWS will be asking to share it with other federal entities needing to prepare BAs.

1) Section 5, Purpose and Need, page 1, 3rd paragraph. Recommend Eddie review this section.

Page 3 - Figure 1, Project Location. Should the "analysis area" be the area described and mapped in the EA? Would it include the access route from the northern entry via Park Road 22 to the 4WD sign on the Gulf Beach, and along the Gulf Beach corridor. The ground-disturbing activities associated with the proposal would begin with the cut through the foredune, and construction of the access road, wellpad, and flowline.

Suggest adding in brackets after the 2nd sentence [36 CFR § 9.30] to denote the section where this text was derived.

2) Section 7, Project Team and Consultants, page 2. Dr. Loyal Mehrhoff's name is misspelled. His title is "National Endangered Species Coordinator, NPS Biological Resource Management Division, CO."

Suggest you insert a sentence before the table to explain that "The following individuals assisted in the preparation of the Biological Assessment." This will clarify the difference between the list of preparers of the EA and this list of preparers of the BA. You might also consider revising the title to be more descriptive.

3) Section 8, Project Objective. Suggest you use the same 3 objectives presented in the EA. ~0

4) Section 9, Description of the Proposed Action, Access Road. The 2nd paragraph would be better presented first.

Please also clarify in the 2nd paragraph what is the designated vehicle access corridor on the Gulf Beach - the zone above the wet/surf zone but not extending into the dune-forming area.

5) page 5, under Production Facilities, 3rd line, insert an apostrophe in pads to read "pad's."

6) Section 10, Alternative Locations and Discussion, 1st paragraph, 4th line. Delete "Denver Support Office" as there is only 1 Regional Support Office - predominantly we are in Denver and Santa Fe, but we also have staff in satellite offices in Phoenix, Austin, Salt Lake City, etc.

7) Page 6, Gulf of Mexico Alternative, 2nd paragraph. The first 3 lines do not correctly describe the 2- to 3-mile setback. Neither NPS nor GLO may require it be applied because we have no authority to require it. We negotiated with GLO in the early 1980's to have it included by the GLO as a Resource Management Code. The GLO provides the RMC's merely as advisory to their state lessees. When we are not successful in having it applied, we revert to encouraging the operator to drill directionally from behind the foredunes. This section should be revised because as it is currently described, folks could misconstrue that the NPS has authority to require it when we don't.

8) Page 8, 2nd paragraph beginning "The beach is also considered a roadway by the Texas Open Beaches Act, which allows unrestricted public vehicle access to the Gulf of Mexico." Please delete this sentence, as it is not relevant. Padre Island National Seashore is administered under federal laws and these take precedence over state laws.

9) Pages 9 - 11, Visitor Use. The detailed description about visitor use is not relevant for this BA. I suggest that this section be shortened. Further, please consider including references from surveys that make a link between visitor use and experience and the park's T/E. For example, can you quote specific research/survey data that supports that visitors come to the park to view specific T/E species, participate in the turtle hatchling program, etc.?

10) Pages 11-14. There are duplicative descriptions of the proposal which were described earlier under Section 9 (page 4). Suggest this repetitive text be deleted. Maps/figures should be moved to section 9.

11) Section 12, pages 14-16, Vegetation Classifications. Why not include a reference back to Figure 1 which shows not only the project area but does so on a landcover class map? Is it also possible to include a map of the vegetation in the analysis area to go with Photos 2 and 3 and the text on page 15?

12) Page 23, 4th paragraph, beginning "Operation of vehicles..." Rutting and compaction of sand by vehicles are direct impacts, not indirect impacts. After first describing the direct impacts by vehicles on the Gulf beach, which include rutting and compaction, indirect impacts to sea turtles should follow, which include sea turtles expending more energy to carry themselves over deep ruts to nest sites and to dig nests in compacted sand, or hatchlings falling into deep ruts and being unable to get out.

Page 24, 2nd paragraph, similarly, vehicle lights would cause direct not indirect impacts on nesting turtles.

13) Page 25, Conclusion, 1st paragraph, last sentence. Good to see the park identify future research needs.

14) Page 60, under Site Visit Dates, 2nd line, correct spelling for "proposed" locations.

Nice job on the species descriptions and potential impacts - I like the standard format.

Linda