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cc:
Subject: French Response Comments

As promised, here is what I have written to date. Ken



COMMENT Response to French Review.d

COMMENT Response to French Review:

- Q:** "I was not able to access or read the Oil and Gas Management Plan/FEIS (FEIS) that is referred to throughout the Lemon/Lemon Seed EA."
- A:** The FEIS document was completed in February 2000 and was widely distributed to local libraries, Federal Agencies (US Fish and Wildlife Service, Texas General Land Office, US Army Corps of Engineers ... Complete this list from mail list. We also have several copies available for review at the park headquarters and the visitor center during normal working hours (Monday – Friday, 8 a.m. to 4 p.m.). Requesting access to this document at most of these locations would have allowed you to review the FEIS and its contents. We are not responsible under the National Environmental Policy Act (NEPA) to provide copies of this document to every person, organization or agency that requests this document. We are required to have public access to the document to review during the 30-day comment period, however. This opportunity was provided as described above. We are in the process of reprinting about 50 copies of the FEIS that will be available at the costs of reproduction on a first come first served basis. We are authorized by the (PUT IN REFERENCE HERE) to recover direct administrative costs associated with program administration of the Oil and Gas Program.

- Q:** Several comments were concerned about the "apparent lack of full discussion of the alternatives selected," and those "considered but dismissed from further analysis." "The Environmental Assessment (EA) should have analyzed and discussed the alternatives in the same manner as the "Proposed Action" and the "No Action" alternatives."
- A:** The evaluation of "feasible" alternatives was conducted during the internal scoping of the project by the Interdisciplinary Team, consisting of park personnel from several divisions, and from experts from the Regional Offices in Denver, Colorado and Santa Fe, New Mexico. The choice of "feasible" alternatives came from these discussions, and feed back from BNP, on feasible industry drilling techniques, well pad location and access needs, and access to the targeted geologic formation(s). The Council on Environmental Quality (CEQ) states that the range of alternatives carried forward for analysis must "meet project objectives to a large degree, although not necessarily completely." They must also be "...developed with environmental resources (rather than cost, e.g.) as the primary determinant." In addition, the document must look at those "reasonable alternatives" that are "economically and technically feasible, and that show evidence of common sense." CEQ continues to state that "alternatives that could not be implemented if they were chosen, or that do not resolve the need for action and fulfill the stated purpose in taking action to a large degree, should be eliminated as unreasonable before impact analysis begins."

CEQ defines unreasonable alternatives as those that may be "unreasonably expensive; that cannot be implemented for technical or logistical reasons; that do not meet park mandates; that are inconsistent with carefully considered, up-to-date park statements of purpose and significance or management objectives; or that have severe (major) environmental impacts..." None of these factors automatically renders an alternative unreasonable. The National Park Service's "Director's Order #12," states that an EA or EIS should include a section discussing those alternatives that were considered but rejected and briefly explain the reasons for their elimination." It is the NPS belief that these conditions were met for the Alternatives discussed in the Lemon/Lemon Seed EA, and that the brief statements, or reasons given for the elimination, are sufficient to uphold the intent of CEQ, and meet requirements of DO #12. We also agree that more information could have been provided in the EA, to make the decision to reject or accept an alternative. However, enough information was provided to assess the impacts to species, habitat, and the visitor experience, given all existing knowledge. Please review response # XX and the attached updated mitigation measures for further information on this matter.

- Q:** The EA mentions the possibility of a total of 18 wells being drilled in the future. With this in mind, the EA does not adequately address impairment to certain resources (T&E species and wetlands), and cumulative impacts of the action on several topic resources (T&E or State sensitive

species, wetlands, geology and soils, water resources, vegetation, soundscape, wildlife, and the visitor experience)? An EIS is therefore needed to properly assess these impacts.

- A: In reviewing the EA to address these comments, many cumulative impacts were addressed under the "No Action" alternative, cumulative impact section. These were often cited in the corresponding section under "Cumulative Impacts of Alternative B." Also, several cumulative impacts, to wetlands, T&E species, vegetation, soils and water, soundscapes, wildlife, and the visitor experience, are not expected to increase above the FEIS trigger points as discussed in detail in the FEIS for the Oil and Gas Management Plan for Padre Island NS (Chapter 4, pages 4-1 through 4-62).

The FEIS fully analyzed these resources and set thresholds of impacts, based on a scenario of drilling up to 18 wells from several different locations, and in several different habitats. Cumulative effects in the Lemon/Lemon Seed EA were compared against those values. The FEIS thresholds for the above resources are attached at Appendix 1. The NPS believes that the levels found in the impact and cumulative affects sections adequately address the proposed Lemon/Lemon Seed activity and are well within the impact thresholds analyzed and established in the FEIS. Therefore, no additional analysis is required, and the overall assessment of "no adverse affect" still holds.

However, the NPS does agree with the comments that "not enough documentation of the cumulative effects were presented in the Lemon/Lemon Seed EA to provide a complete analysis," without utilizing the FEIS as an additional source of information. It is the NPS belief that providing the additional information to the EA would not change the determinations of no impairment to park resources, and no affect on T&E species. Nor would the assessment of impacts on T&E species, the Visitor Experience, and the other resources mentioned previously be changed by the additional information. The addition of the pertinent information from the FEIS and better documentation of all the steps taken to protect park resources would provide the information that was omitted and better address concerns of those commenting about T&E species and traffic impacts to visitors. It is the NPS determination, after review of the comments and additional information provided in this FONSI, that the analysis was consistent with DO-12 planning guidelines, and that the determination of impacts and cumulative effects is still valid.

- Q: How is Padre Island NS staff prepared to monitor BNP's compliance with said conditions (stipulations and mitigations)?
- A: To date, staff of two divisions have been monitoring and conducting oversight of BNP operations quite satisfactorily. We have a few permanent staff in the Resources Division (4) and Resources Protection Division (5) to accomplish this task. In addition, there are seasonal NPS and USGS employees that patrol the beach and provide additional help in compliance as a part of their patrol duties. The assistance provided by the summer employees is limited to traffic oversight and periodic observations of the BNP effort. To date compliance by BNP has been acceptable and effective in protecting park resources as planned. BNP has assisted in the spotting of a stranded sea turtle, and recovery of a sea turtle nest on the stretch of beach they utilize. This is due in part to the training by NPS resource management staff and USGS response to notification of sea turtle nesting activity. So far the joint effort with BNP has helped with sea turtle protection measures and has been effective and well received by their staff.