



Lisa Norby

05/15/02 04:34 PM MDT

To: Linda Dansby

cc:

Subject: Lemon/Lemonseed substantive comments

Linda,

I have attached a list of substantive comments that I put together from the Sierra Club and the FWS on the Lemon/Lemonseed EA.

I'll talk to you soon,

Lisa Norby



Substantive comments on the Lemon EA.d

P.S. Would you send me the comments we made on the EA? I don't seem to have an electronic copy of the comments we provided to the park.

National Park Service - Geologic Resources Division
Mineral Operations Branch
7333 West Jefferson Avenue, Suite 480
Lakewood, CO 80235

email: lisa_norby@nps.gov
<http://www.nature.nps.gov/grd>

phone - 303-969-2318
FAX - 303-987-6792

Mailing Address:
WASO-GRD
12795 West Alameda Parkway
Lakewood, CO 80228

SUBSTANTIVE COMMENTS ON THE PAIS LEMON/LEMONSEED EA

(L. Norby DRAFT 5/15/02)

According to DO-12 (see page 75), the NPS has the following options for responding to comments / revising the EA:

1. If major substantive new issues or new alternatives are raised that the NPS decides to consider, NPS must rewrite the EA and reissue it for a second 30-day review.
2. If issues that are raised point to major impacts, a NOI should be prepared for an EIS
3. If corrections of fact have no bearing on impact significance, the NPS should add the text to the EA. Errata sheets are used only if changes do not result in increasing the intensity of the impact. FONSI + errata sheets + responses to comments = decision document, or preferably, a revised EA + FONSI + responses to comments would complete the administrative record

Based on my assessment of the comments received from the Sierra Club and the U.S. Fish and Wildlife Service, I believe that the park should rewrite the EA and release it for an additional 30-day public review. The EA should incorporate all of the IM Region's (and GRD's) previously submitted comments, the issue statements for T&E species should be revised, T&E species should be fully analyzed in the document, and the impacts on Visitor Use and Experience should be revised. The analysis of impacts on T&E species and visitor use and experience does not adequately cover the timeframe of the drilling operation (summer months versus spring as is presented in the EA). In addition, a Biological Assessment should be prepared and submitted to the FWS to determine whether formal consultation under Section 7 of the ESA is required.

NOTE: Substantive comments are those that 1). question the accuracy of the info in the EA, 2). question the adequacy of info in the EA, 3). present reasonable alternatives, or 4). cause changes or revisions to the proposal.

All of the following comments are referenced by page number and partial paragraph.

SIERRA CLUB COMMENTS (LONE STAR CHAPTER SUBMITTED 5/6/02)

Bottom line is Sierra Club believes the NPS must prepare an EIS on the proposal (p. 4, para. 8; p. 7, para. 3)

1. EA inadequately addresses the short and long-term impacts on visitor experience (p 1, para 2)
2. There is an inadequate assessment of cumulative impacts of BNP drilling program (15+ wells) (p.1, para 3)
3. Inadequate disclosure of impacts on endangered sea turtles and other wildlife (p.2, last para).
4. Impact section on wildlife does not assess impacts on Kemps ridley or other T&E species. (p. 3, para 1) Also see SC comment #3. Note: T&E species were eliminated from further analysis in EA.
5. Impact assessment does not cover period of time when operations will occur (summer vs. spring). Impact on sea turtles were not discussed in EA (p. 3, para 2 + a-e). The EA

dismissed T&E species as an impact topic and altogether failed to address the potential impacts outlined in Sierra Club's comment letter. Also see SC comment #s 3 and 4 above.

- a). interferes with mating process
 - b). interferes with imprinting
 - c). direct injury to sea turtles, egg clutches or hatchlings
 - d). tire tracks create obstacles for hatchlings
 - e). vehicle compaction and rutting can interfere with and prevent successful nesting
6. Mitigation does not adequately reduce impacts outlined in #5 above. (p.4, para 6)
 7. No discussion of who will monitor for compliance with required mitigation measures and what the recourse is if BNP fails to comply with mitigation (p. 4, 6th para.) This may just need clarification in the text.
 8. Inadequate discussion of direct, indirect, and cumulative impacts (vague comment) (p. 4, para. 7)
 9. All reasonable alternatives not considered: (p. 4, para 9)
 - restricting truck traffic to winter months (timing restrictions)
 - hire staff to oversee ops.
 10. Failure to consult with USGS turtle expert Donna Shaver (is this an omission in document or did they not consult with D. Shaver?) (p. 5, para. 2)
 11. NPS did not consider alternatives that were not in the best financial interests of BNP (p. 5, para. 3)
 12. NPS failed to initiate formal consultation with the FWS (p. 5, 6th para.). Impacts must be considered in combination with future wells (cumulative impacts).
 13. Impacts on Visitor Use and Experience would constitute an impairment. (p. 6, para. 2-9, p. 7, para. 1)
 14. Impairment definition needs clarification (p. 7, para. 4-6) see page 2 of the EA
 15. Clarify the protection of groundwater through separation of water well and depth of casing (p. 7, para 7) – may not be substantive, but needs clarification for the layperson

USFWS COMMENTS (CORPUS CHRISTI SUBMITTED 5/13/02)

Bottom line is FWS believes the NPS must revise the EA and re-release it for an additional public review (p. 3, para. 2)

1. FWS concerns and impacts on T&E species not adequately addressed in EA. T&E species section should not have been eliminated from further analysis -> appears predecisional (p. 2, para. 1) see SC comments # 3,4, and 8 above
2. Inadequate assessment of cumulative effects (p.2, para 3) see SC comments #2,8 above
3. Document need definition of impairment (p. 2, para 3) see page 2 of EA – is this just a clarification of text?
4. FWS proposed mitigation measures are not addressed in EA (p.2 para 5)
 - a. Have additional monitors during sensitive times
 - b. limit truck traffic, reducing necessary trips
 - c. increase storage space for liquids and well cuttings
 - d. timing and staging of rigs and convoys

- e. eliminate night trips
 - f. delay or not move Lemon/Lemonseed after September or at least until July
5. Wetlands monitoring plan for revegetation efforts recommended along pipeline route (p. 3 para 8). Note: FWS says this should also apply to revegetation throughout the park (see FWS para 10)
 6. EA does not discuss impacts on T&E species, including crushing nesting turtles and hatchlings, rutting trapping nesting turtles, compaction could make excavation of nests impossible, disorientation from lighting. EA should also list sea turtle nesting seasons (p. 4 para 2) (note: this is in the O&GMP) see SC comments #3, 4, and 8 above
 7. Could the road affect the hydrology of the dunes or beach? (p. 4 para 9)
 8. Clarify the meaning of a high pressure kick (p. 5, para 2) see SC comment #15 above
 9. Describe long-term impacts that would result from production operations (p. 5, para 5)
 10. Failure to consult with USGS turtle expert Donna Shaver (p. 5, para 13) see SC #10 above

General Comments on the Biological Assessment

All of the comments require clarification of text (pp. 6&7, #s 4-10)

General Comments on the Wetlands Statement of Findings

All of the comments require clarification of text, including the description of existing conditions, direct and indirect impacts, monitoring plan (see FWS comment #5 above) (p. 8, para 2)

General Comments on the Wetlands Statement of Findings

Clarify that structures do not have to be elevated above the base flood level (p. 8, para 5)