



**Lisa Norby**

05/22/02 09:43 AM  
MDT

To: Jock Whitworth/PAIS/NPS@NPS  
cc: Arlene Wimer/PAIS/NPS, Linda Dansby, Jim C  
Woods/DENVER/NPS@NPS, Carol McCoy/DENVER/NPS@NPS  
Subject: Substantive comments on the Lemon / Lemonseed EA

Jock,

At your request, I am sending you a Word document that contains a summary of the substantive comments on the Lemon / Lemonseed EA made by the Sierra Club, FWS and NPCA. I look forward to talking to you at 1:45 pm (MST) about your decision on how to proceed with the EA.

Lisa Norby



Substantive comments on the Lemon EA

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## **SUBSTANTIVE COMMENTS ON THE PAIS LEMON/LEMONSEED EA**

(L. Norby DRAFT 5/22/02)

According to DO-12 (see page 75, Section 5.5 (D)), 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, the U.S. Fish and Wildlife Service, and the NPCA, 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, the Biological Assessment should be revised 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. The 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, 6<sup>th</sup> 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, 6<sup>th</sup> 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 is 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 Floodplains Statement of Findings**

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

#### **NPCA comments submitted 5/6/02**

Bottom line is that the NPCA believes the NPS should adopt the No Action alternative or proceed with the preparation of an EIS. They stated that there is an inadequate analysis of impacts on T&E species and visitor use and experience, particularly from the truck traffic associated with moving the rig, drilling the well, hauling water, and disposal of mud and well cuttings. The cumulative impacts of the overall drilling program and existing production in the park were also not adequately analyzed in the EA.

1. Cumulative impacts of the existing operations were inadequately addressed (p. 1, para. 3).
2. There is potential for significant impacts and an EIS should be prepared (p. 2, para. 2 & 3 and p. 6, para 2).
3. EA failed to consider alternative that allows operations outside the Kemp's ridley sea turtle nesting season (p. 2, para. 4 & 6).
4. EA does not thoroughly analyze the impacts of truck trips on sea turtles (p. 2, para. 6 & 7). They recommend revising the EA or preparing an EIS.
- 4a. EA does not analyze the impacts of truck traffic from water hauling if drilling of a water well

is unsuccessful (p. 3, para. 3).

- 4b. EA does not analyze the impacts of truck traffic associated with hauling mud and well cuttings (if annular injection is not possible) (p. 4, para. 4).
5. EA determination of 'no effect' on Kemp's ridley sea turtle is not based on formal consultation with FWS (p. 4, para 2).
6. There is an inadequate analysis of impacts on sea turtles in EA. NPCA recommends that the NPS initiate formal consultation with the FWS for this project (p. 4, para 3 & 4 and p. 6, para. 2).
7. There is an inadequate analysis of impacts on visitor experience (p. 4, para. 5 and p. 5, para 1 & 2 & 3).
8. There is no analysis of the impacts on visitor experience from venting gas (blow down) (p. 5, para. 4).
9. Impact analysis of high tolerance gas kick tolerances needs layperson interpretation in the EA (p. 5, para.5 and p. 6, para 1).