



United States
Department of the Interior
Fish and Wildlife Service
Ecological Services



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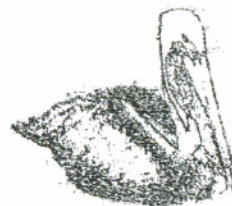
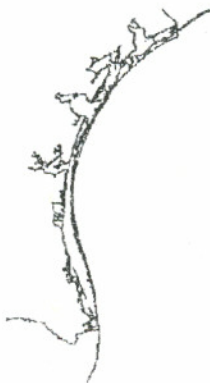
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Subject:

*Lemon Lemon BA**original**Hard Copy will be sent by mail.**Thanks for all your hard work & patiently dealing
with my extensive
Comments.*

Total Number of pages including this header

*3**Mary*

**PADRE ISLAND NATIONAL SEASHORE
NATIONAL PARK SERVICE
SECTION 7, BIOLOGICAL ASSESSMENT**

 X **INFORMAL**

 FORMAL

1. **REGIONAL AREA:** Intermountain Region, National Park Service
2. **PARK:** Padre Island National Seashore **REF:** PAIS-02-002
3. **LOCATION:** Southwest Cluster, Kenedy County, Texas
4. **ACTION PLANNED:** Approval of a Plan of Operations by BNP Petroleum Corporation (BNP) for the proposed Lemon/Lemon Seed Unit Wells No. 1-1000S and No. 1-1008S.

5. PURPOSE AND NEED:

Padre Island National Seashore was established by Congress on September 28, 1962 (16 U.S.C. §459d, *et seq.*), "In order to save and preserve, for purposes of public recreation, benefit, and inspiration, a portion of the diminishing seashore of the United States that remains undeveloped..."

At the time of the park's establishment, surface ownership was held by the State of Texas or by private landowners. In 1973, the surface estate owned by the State of Texas was conveyed to the U.S. Government, while those surface rights held by private landowners were acquired by the federal government through condemnation. All subsurface mineral interests underlying the park were retained by private owners. Those underlying the submerged lands under the Laguna Madre and Gulf of Mexico were retained by the State of Texas and are administered by the Texas General Land Office. Thus, the federal government does not own any of the subsurface oil and gas rights in the park. However, Congress directed in the park's enabling act that nonfederal oil and gas development be regulated.

Also, pursuant to its authority at 16 U.S.C. §3 and several other park enabling statutes, the NPS promulgated regulations at 36 CFR Part 9, Subpart B ("9B Regulations") to provide a systemwide regulatory scheme governing the exercise of nonfederal oil and gas rights. The purposes of the regulations are 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."

14. OVERALL CONCLUSION:

 X NOT LIKELY TO ADVERSELY AFFECT
 MAY AFFECT (Requires Formal USFWS Consultation)
 BENEFICIAL EFFECTS
 ADVERSE EFFECTS

15. **RECOMMENDATION:** Proceed with Approval of Plan of Operations by BNP Petroleum Corporation, for the proposed Lemon/Lemon Seeds Wells, at 12.5-miles, Padre Island National Seashore with approved mitigation measures.

CONCURRENCE FORM
ENDANGERED SPECIES BIOLOGICAL ASSESSMENT

We have reviewed your INFORMAL Biological Assessment for the Plan of Operations for BNP Petroleum Corporation, Lemon/Lemon Seed Wells, at 12.5-miles, Padre Island National Seashore, Kenedy County, Texas.

 X We concur with your findings that the proposed National Park Service action is not likely to affect listed species or critical habitat.

 We do not concur with your Biological Assessment and believe additional informal/formal consultation may be necessary in this matter.

Stipulations as necessary: (Attach additional sheets as necessary)

Cons# 2-11-02-I-0192

Signed: Allan M. Stone USFWS Office: Ecological Services
Corpus Christi, Tx.
Title: Field Supervisor Date: 07/22/02

Prepared by: Arlene Wimer and Darrell L. Echols, National Park Service, Padre Island National Seashore, PO Box 181300, Corpus Christi, Texas 78480-1300

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