



United States Department of the Interior

U. S. GEOLOGICAL SURVEY

Columbia Environmental Research Center
4200 New Haven Road
Columbia, Missouri 65201

April 24, 2002

Memorandum

To: Superintendent, Padre Island National Seashore

From: Leader, USGS Padre Island Field Research Station *Donna J. Shaver-Mullen*

Subject: BNP Gas Development at PAIS

I want to express several concerns and problems related to BNP gas development at PAIS and to request your assistance in resolving them. These concerns and problems are associated with 1) misrepresentation of my participation in the development, review, and approval of protocols being used by PAIS for BNP gas development to ensure that threatened and endangered sea turtles are protected, 2) my lack of access and opportunity to review other documents related to BNP gas development at PAIS, including the Environmental Assessments and Plans of Operations documents, 3) the modification of protocols designed to protect and study sea turtles without review and comment from me and other sea turtle specialists and 4) the absence of my participation in protocol-related training of BNP personnel.

On 04/16/02, the U.S. Fish and Wildlife Service informed me that the PAIS Chief, Science and Resources Management Division, told Mary Orms, USFWS Endangered Species Team Leader, that I had reviewed the documents for BNP gas development and that I was in agreement with the protocols being used by the park related to sea turtle protection. I have worked with Padre Island National Seashore staff for the past 22-years on sea turtle issues. However, prior to 04/17/02 I was not invited by either you or your staff to meet with BNP regarding sea turtle protection. Furthermore, I was not asked to participate in the development of BNP observer protocols for sea turtle protection or in the training of BNP personnel. Therefore, it was impossible for me to have any knowledge of the sea turtle protection measures your staff implemented. I was later informed that, in addition to Ms. Orms, other USFWS personnel were misled by the PAIS Chief, Science and Resources Management Division regarding my involvement in the BNP gas development issue.

On 04/17/02, Ms. Orms requested that I participate in a meeting with your staff and BNP regarding observer protocols. In this meeting I stated that I had not been given the Environmental Assessments and Plans of Operations documents to review. Mr. McMullen stated that "that was untrue" and that I had been "provided the documents on the park's file server". However, a few years ago, the PAIS Computer Specialist was instructed to deny me access to all files in the "F:\OIL&GAS" user area where these documents are filed. If I don't have access to documents, either hard copy or electronically, I can't possibly provide comments or a review.

This was partially addressed on 04/22/02, when a copy of the Environmental Assessment for BNP Lemon/Lemon Seed Units (BNP's next proposed project) was placed in a user area that I am able to access, but I still do not have copies of the documents for the existing project.

Four years ago, I provided input on the Minerals Management Plan regarding generalized sea turtle protection during oil and gas exploration and development. That document contained generic material and did not deal with specifics for individual projects. The Oil and Gas Management Plan, which I assume is a later version of the Minerals Management Plan, was distributed to numerous groups, but I was not provided a copy until I requested one on the morning of the meeting with the USFWS, BNP, and your staff (04/17/02). At that time, I noticed that much of the sea turtle material in the plan had been changed since I had seen it a few years ago. Also, I still do not have a copy of the Environmental Impact Statement for the Oil and Gas Management Plan.

I was informed for the first time of the observer protocols approved by your staff during the meeting of 04/17/02. During this meeting Mr. McMullen stated that the observer protocols were "patterned" after those that I developed for the sea turtle patrols. However, I did not review nor do I approve of the changes that were made to the original protocol. For example, one person searching for tracks from a pick-up truck is not equivalent to either two people in a truck (one driving, one looking for tracks) or one person on an ATV. We learned years ago that a person driving a truck couldn't efficiently search for tracks or turtles. Furthermore, I strongly disagree with changes in the protocol for reporting turtle nests or tracts, which BNP will use. Changing the contact for BNP to report turtle nests or tracts will decrease the efficiency and effectiveness of the reporting. Having one contact person (me) reduces possible errors that could result when information is relayed through several people before reaching the responder. Having one contact also reduces the time for receiving reports, which is critical in these observations, making the difference in whether a nesting turtle is seen (for documentation as to if it is a returnee) and whether the nest is located for egg retrieval. The original protocol was developed from years of experience with turtle reports and has worked exceptionally well since it was implemented. All others operating on North Padre Island have been asked to adhere to this protocol, which is widely publicized on posters that are distributed throughout the local community and park, handouts that are distributed to beach visitors, media contacts, and the park web site. Standardization, efficiency, and effectiveness are major objectives of the turtle reporting protocol and changes would diminish our ability to meet these objectives.

I was also unaware of the content of the BNP sea turtle training until the meeting on 4/17/02. At this meeting, Ms. Orms requested that PAIS provide me a copy of the training presentation to review. On 4/23/02, your staff provided the training presentation to me in a format that I could access on my computer and I am now in the process of reviewing it. Mr. Scott Taylor and Mr. Bo Waters, both from BNP, had approached me previously to give them the training. However, NPS staff did not request that I provide the training nor did they notify me about when and where the training was to be held.

I hereby request that you take steps to ensure that the USGS, Padre Island Field Research Station's involvement in the BNP or other issues are not misrepresented by members of your staff. Additionally, to avoid inaccuracies and misunderstanding with our mutual partners, I am

requesting that in the future these partners be referred directly to me if they have questions about USGS opinions or involvement in the BNP project.

cc: Laverne Cleveland, CERC, Chief, Field Research Branch
Michael Mac, CERC, Center Director