



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
c/o TAMU-CC, Campus Box 338
6300 Ocean Drive
Corpus Christi, Texas 78412

May 17, 2002

Consultation #: 2-11-02-I-037 (Dunn-Murdock)

Consultation #: 2-11-02-I-192 (Lemon/Lemon)

Jock Whitworth, Superintendent
Padre Island National Seashore
P.O. Box 181300
20301 Park Road 22
Corpus Christi, Texas 78418

Dear Mr. Whitworth:

On April 19, 2002, Ken McMullen and Darrell Echols, of your staff, provided the U.S. Fish and Wildlife Service Ecological Services Field Office (Service) an outline and slides of the turtle training provided to BNP employees, contractors and monitors as part of their avoidance and minimization measures. This information was also made available to Dr. Donna Shaver, the Texas Sea Turtle Stranding and Salvage Network Coordinator, from U.S. Geological Survey (USGS). Dr. Shaver reviewed the material and provided comments on April 26, 2002 to our office and the Padre Island National Seashore (PINS). The Service has reviewed the outline and slides provided and have the following comments and recommendations.

Endangered Species

It is important to stress the purpose of the training. The purpose of the training is to prevent a violation of the Endangered Species Act (Act) by incurring a "take" of endangered species from their oil and gas operations, and not to impair PINS as defined by the National Park Service. We recommend including a slide defining "take".

"Take" is defined as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. In addition to the direct take of an individual animal, habitat destruction or modification can be considered take, regardless of whether it has been formally designated as critical habitat, if it would result in the death or injury of wildlife by removing essential habitat components or impairing essential behavior patterns, including breeding, feeding or sheltering.

A short summary of what the NPS's responsibility is under Section 7 of the Act may be useful for them to understand why NPS is obligated to provide the training. Under 7(a)(1) the NPS is responsible for reviewing their programs and utilizing them to further the conservation of listed

action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or destruction or adverse modification of designated critical habitat.

We recommend an informative slide on how many listed species occur on PINS and depending on where or when the proposed actions occur, some or all of these species may or may not be potentially impacted. At the present time of primary concern are the sea turtles. Provide examples of direct or indirect impacts on sea turtles that could be incurred by their drilling operations. Explain it is NPS's goal to avoid or minimize all potential impacts to the point they believe impacts will not occur or it is extremely unlikely that sea turtles could be "taken". If NPS cannot insure this, then formal consultation process with the Service is necessary. Examples of avoidance and minimization efforts, besides the training may help the employees see what they are accomplishing.

Stress proper implementation of the training determines the difference between a successful or unsuccessful sea turtle avoidance and minimization measure. Failure to adhere to those measures could have significant consequences not only to endangered species such as the sea turtles but for themselves, their employer and/or contractor BNP, NPS, USGS, and the Service.

A short section describing the ongoing USGS and NPS sea turtle research and protection program on PINS is also recommended. Briefly describe that the program documents all observations, strandings, nests, and tracks to protect sea turtles and their eggs. The Service believes it is important for monitors and employees to understand that their efforts are not only helping protect endangered species and insure no "take", but also helping their company document an environmentally responsible record.

Contacts

It takes a sea turtle approximately 45 minutes to complete their nesting process. This includes crawling up the beach, laying of eggs, covering their eggs and returning to the water. Depending on where the turtle is sighted it may take 10 minutes or "more" for responders to reach the site. It is important to receive the reports immediately and necessary information correctly. Therefore, the Service suggests all monitors and dispatchers should be instructed to contact both the NPS and the Sea Turtle Stranding and Salvage Network Coordinator if a sea turtle, tracks or nest are observed. The contacts are:

NPS - Arlene Wimer (361) 949-8173 ext. 224 or Darrell Echols (361) 949-8173 ext. 223

Dr. Donna Shaver, Sea Turtle Stranding and Salvage Network Coordinator at:
(361) 949-8173 ext. 226

Monitors

Monitors on all terrain vehicles (ATV) should be instructed to operate in front of all vehicles large or small and escort them down the beach while searching for turtles or tracks. It should be made clear that escorts are to be available 24 hours a day with no exceptions, if vehicles are allowed to

drive at night. Monitors should also be used at any location large equipment, being used to eliminate ruts, remove debris or assist vehicles, is moving in a forward or backward direction. The monitors should always search for tracks prior to the driver smoothing the surface. It is important that the dispatcher and monitors work together to insure that all trucks entering or exiting the park are accounted for, provided and escort and truck traffic is limited to no more than ten trucks on PINS at one time as agreed to. If monitors observe USGS turtle volunteers at a sea turtle site during their patrol or escort, they should contact BNP dispatcher to insure all other vehicles are aware and approach with caution.

Kemp's Ridley turtle's peak nesting season occurs during April through June. Monitors should use ATV's during this period. It will afford them a better visual field. Therefore, a section on ATV training as provided for the volunteers should be included.

The other four species of sea turtles normally nest at night. Monitors and dispatcher should be made aware that there may be a possibility, later in the season, early morning and night traffic restrictions may be put in place. They will be informed if this becomes necessary and instructions will be provided.

The Service suggests that maybe a modified handout using Dr. Shaver's *Procedures To Report Your Sightings of Live and Dead Sea Turtles (2002)* and *Procedures to report Visitor Sightings Live and Dead Sea Turtles (2002)* could be provided to monitors to educate them on the type of information they should be prepared to report. Monitors having a camera available should also be valuable. We also concur with Dr. Shaver's suggestion to add stranded turtles to the last slide and having monitors report their findings to the two contacts listed above.

Speed

Volunteers working with USGS and the NPS research project are taught to proceed at 10-12 miles per hour (mph). Patrolling at faster rates may reduce the chances of seeing tracks. The posted speed limit at PINS is 25 mph. During the turtle nesting season it is recommended the speed limit be posted to 15 mph and the escorts instructed to escort trucks at 10-12 mph. Emphasize the speed limit will be enforced and the consequences BNP has stated will result if employees are found speeding or violating any part of their agreement. Instruct volunteers and BNP monitors to report tag numbers or description of vehicles to BNP dispatcher and NPS contacts if a vehicle is seen speeding.

Turtle Behavior

Behavior characteristics are important to stress how turtles react to traffic or humans, such as the fact that they may not necessarily move out of the line of traffic. Coloration changes that may occur at different times of the day. Susceptibility of tracks to disturbance, winds, foot traffic, vehicle traffic, tides, obstacles, sargassum, trash, etc.

Beach Demonstration and Taggings

In reviewing some of the training volunteers and technicians receive, we noticed there was a section where different taggings or markings were discussed for identification and reporting and a beach demonstration was offered. These items were not mentioned in the current NPS training. The Service would defer to NPS and USGS judgement as to whether it would be helpful to include this in training of BNP monitors.

The Service thanks you for the opportunity to comment on the training. Once the training is refined we recommend portions not previously covered are provided to the current monitors being used for the Dunn-Murdock well and any other potential actions in the future. We also encourage NPS and USGS to continue to work together to monitor the training and make any necessary improvements.

If you have any questions or comments, please contact Mary Orms at (361) 994-9005 or by e-mail at mary_orms@fws.gov.

Sincerely,



Allan Strand
Field Supervisor

Scott Taylor, BNP
Dr. Donna Shaver, USGS
Susan MacMullen, USFWS-R2