



United States Department of the Interior

NATIONAL PARK SERVICE

Padre Island National Seashore
P. O. Box 181300
Corpus Christi, Texas 78480-1300

IN REPLY REFER TO:

L 3025

April 4, 2002

Ms. Pat Clements
U.S. Fish & Wildlife Service
Texas A & M University – Corpus Christi
Campus Box 338
6300 Ocean Dr.
Corpus Christi, Texas 78412

Dear Ms. Clements:

Padre Island National Seashore has received from BNP Petroleum Corporation (BNP), a Plan of Operation and an Environmental Assessment (EA) for the purposed Lemon/Lemon Seed Unit Wells No. 1-1000S and No. 1-1008S within Padre Island National Seashore. The location is approximately 12.5 miles south of the end of Park Road 22 and approximately 900 feet west of the Gulf Mexico. In accordance with the regulations at 35 CFR part 9 subpart B, Non-federal Oil and Gas Rights, a Plan of Operation is required. The Plan of Operation will serve as the permit for BNP to operate at Padre Island National Seashore.

Enclosed is a copy of the Environmental Assessment, Statement of Findings for Floodplains and Wetlands, and an informal Biological Assessment. The National Park Service is asking for your input in this matter and looks forward to receiving your comments. Please review, add your comments, and sign the last sheet of the informal Biological Assessment. Please return the signature/ comment sheet within 30 days from receipt of this letter. If you have any questions, please feel free to contact Arlene Wimer, of my staff at 361-949-8173 extension 224.

Sincerely,

Jock Whitworth
Superintendent

Enclosures

INTERMOUNTAIN REGION
NATIONAL PARK SERVICE
SECTION 7 BIOLOGICAL ASSESSMENT FORM

 X INFORMAL

 FORMAL

1. FIELD AREA: INTERMOUNTAIN FIELD AREA
2. PARK: Padre Island National Seashore REF: PAIS -02-002
3. LOCATION: Kenedy County, Texas
4. DEVELOPMENT ACTION PLANNED: Approve a Plan of Operations by BNP Petroleum Corporation, for the proposed Lemon/Lemon Seed Unit Wells No. 1-1000S and No. 1-1008S, 12.5 miles south from Park Road 22 and 900 feet west of the Gulf of Mexico, Padre Island National Seashore, Texas.
5. DEVELOPMENT ACTION OBJECTIVES: Permit BNP Petroleum to develop their mineral lease at Lemon/Lemon Seed Unit Wells location.
6. ALTERNATIVES TO PROPOSED ACTIONS: No legally supportive alternative.
7. BRIEF DESCRIPTION OF ENDANGERED SPECIES SURVEYS:

Numerous park floral and faunal surveys document plants and animals known to be present at Padre Island National Seashore. No known endangered plants have been identified to date within the project area at the National Seashore. Park staff, operator, U.S. Fish and Wildlife Service, and other resource agency representatives have visited the site and/or reviewed the Plan of Operations in order to assure protection of the natural environment.

Arlene Wimer (NPS) and Pat Clements (US Fish & Wildlife) conducted a site visit December 10, 2001 to become familiar with the project area. There were several concerns:

- The terminal end of the proposed pipeline crossed a wetland area. Original delineation stated that all areas were upland.
- A Corps of Engineer site visit would be required to clarify the wetlands areas.
- Migratory bird habitat was not an issue.

THREATENED OR ENDANGERED SPECIES: **Peregrine falcon** (Falco peregrinus/F. p. tundrius) common spring and fall migrant, some birds over winter. **Brown pelican** (Pelecanus occidentalis) coastal resident seen in Gulf of Mexico and the Laguna Madre year round. **Kemp's Ridley turtle** (Lepidochelys kempii), **Green sea turtle** (Chelonia mydas), **Loggerhead sea turtle** (Caretta caretta), **Leatherback sea turtle** (Dermochelys

coriacea), and **Hawksbill turtle** (Eretmochelys imbricata) nest and hatchlings found on beaches. **Piping plover** (Charadrius melodus) are commonly observed migrant that uses wind tidal flats, washover passes, and Gulf beaches August-May.

CATEGORY 2 REVIEW SPECIES:

Plants: None

Invertebrates: None

Reptiles/amphibians:

Category 2: No documentation supporting occurrence of Texas horned lizard (Phrynosoma cornutum).

Birds:

Category 2: Reddish egret (Egretta rufescens), White-faced ibis (Plegadis chihi), Fulvous whistling duck (Dendrocygna bicolor), Long-billed curlew (Numenius americanus), Loggerhead shrike (Lanius ludovicianus), Cerulean warbler (Dendroica cerulea), Black-capped vireo (Vireo atricapilla), and the Western snowy plover (Charadrius alexandrinus nivosus) known to occur in the park.

Ferruginous hawk (Buteo regalis) and Mountain plover (Charadrius montanus) not documented, but may migrate through the park.

Mammals:

Category 2: Texas maritime pocket gopher (Geomys personatus maritimus) not documented, but thought to occur in the park.

8. LISTED OR PROPOSED SPECIES OR CRITICAL HABITAT:

WITHIN THE ACTION AREA: None

ADJACENT TO THE ACTION AREA: Turtles on beach access from March – September.

9. ANALYSIS OF IMPACTS/ACTIONS ON ENDANGERED/THREATENED SPECIES:

Impacts of the Proposed Action on Threatened and Endangered Species: No Federally listed threatened or endangered plant species are known to occur at Padre Island National Seashore.

Several animals identified at Padre Island National Seashore which are included on the Federal list of threatened (T) or endangered (E) species include: Peregrine falcon (Falco peregrinus anatum and (Falco peregrinus tundrius)(E), Brown pelican (Pelecanus occidentalis)(E), Piping plover (Charadrius melodus)(E), Green sea turtle (Chelonia mydas)(T), Kemp's Ridley sea turtle (Lepidochelys kempi)(E), Loggerhead sea turtle (Caretta caretta)(T), Leatherback sea turtle (Dermochelys coriacea)(E), and the Hawksbill sea turtle (Eretmochelys imbricata)(E).

There were 11 sea turtle nest on the Texas coast documented in 2001. Four nests were found (3 Kemp's and 1 Loggerhead) at Padre Island National Seashore.

The following chart lists the times of sea turtle activity in the South Texas coast.

Event	Dates	Locations
Kemp's Ridley nest/tracks	Mid March-Aug.	From Padre Island N.S. to Mustang Island
Hawksbill next/tracks	Apr.-Aug	From Padre Island N.S. to Mustang Island
Loggerhead nest/tracks	Apr-Sept.	From Padre Island N.S. to Mustang Island
Green nest/tracks	May-Sept.	From Padre Island N.S. to Mustang Island

Drilling the Lemon/Lemon Seed Unit during the late spring months will require monitors for transporting the drill rig, supplies, and other heavy equipment down the Gulf beach during sea turtle nesting season. This will be required during all hours of operation on the Gulf shoreline. BNP staff and contracted personnel will receive turtle awareness training from NPS/USGS staff. In addition weekly meetings are required to access potential impacts on sea turtles and habitat and to address required number of daily truck trips for the week.

The Peregrine falcon stages on Padre Island National Seashore during the spring and fall migration. Previous scientific studies reported numbers of falcons to be 800+ during the migration on the southern end of the park. The greatest number of Peregrine falcons utilizes the wind tidal flats from Yarrowborough Pass to South Padre Island. However, Peregrine falcons could be observed anywhere on Padre Island.

The Brown pelican utilizes the Gulf of Mexico and the Laguna Madre for feeding. The Piping plover is observed on Padre Island ten months a year (August through May). They utilize the wind tidal flats, the washover channels, and the gulf beaches for resting and feeding.

10. CONCLUSION:

- ☒ IS NOT LIKELY TO ADVERSELY AFFECT
- ☐ MAY AFFECT (Requires Formal USFWS Consultation)
- ☐ BENEFICIAL EFFECTS
- ☐ ADVERSE EFFECTS

11. RECOMMENDATION: Proceed with Approval of Plan of Operations by BNP Petroleum Corporation, for the proposed Lemon/Lemon Seed Unit Wells No. 1-1000s and No. 1-1008S, 12.5 miles south of Park Road 22 and 900 feet west of the Gulf of Mexico, Padre Island National Seashore with approved mitigation measures and permit conditions.

Preparer: Arlene Wimer, Environmental Protection Specialist; National Park Service; Padre Island National Seashore; P. O. Box 181300, Corpus Christi, Texas 78480-1300. Telephone (361) 949-8173 X 224.

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 Unit Wells No. 1-1000S and No. 1-1008S Kenedy County, Texas.

_____ 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:

Signed: _____

Title: _____

USFWS Office: _____

Date: _____