

Jack Whitworth

05/22/02 07:40 AM CDT

To: Linda Dansby/SANTAFE/NPS@NPS, Carol McCoy/DENVER/NPS@NPS, Lisa
Norby/DENVER/NPS@NPS
cc: Arlene Wimer/PAIS/NPS@NPS
Subject: Padre Gas EA

FYI, here are NPCA's comments.

Jack

----- Forwarded by Jack Whitworth/PAIS/NPS on 05/22/2002 07:38 AM -----



"Randy Rasmussen"
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05/08/2002 01:17 PM AST

To: <Jock_Whitworth@nps.gov>
cc: <Mike_Snyder@nps.gov>
Subject: Padre Gas EA

Jack:

Attached are NPCA's comments on the Lemon/Lemon Seed Wells EA. I dropped a copy of these same comments in the mail Monday to ensure they were postmarked by May 6.

I'm providing you this electronic copy as a "heads up," and will give you a call today to see if you would like to discuss these comments. I am also curious as to the status of the PWC decision.

I look forward to speaking with you,

Randy Rasmussen
Acting Director
National Parks Conservation Association
Southwest Regional Office



Lemon - Lemon Seed Comments.doc

NPS DOCUMENT # 535



NATIONAL PARKS CONSERVATION ASSOCIATION
COMMENTS ON THE ENVIRONMENTAL ASSESSMENT FOR THE BNP
PETROLEUM CORPORATION LEMON/LEMON SEED UNIT WELLS NO. 1-1000S
AND NO. 1-1008S IN PADRE ISLAND NATIONAL SEASHORE, TEXAS
MAY 6, 2002

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

Dear Superintendent Whitworth:

On behalf of the National Parks Conservation Association (NPCA), thank you for the opportunity to comment on the Environmental Assessment (EA) for the BNP Petroleum Corporation Lemon/Lemon Seed Unit Wells No. 1-1000S and No. 1-1008S within the Padre Island National Seashore, Texas. NPCA is a private, non-profit advocacy organization dedicated to protecting, preserving, and enhancing the U.S. National Park System. Founded in 1919, NPCA has over 425,000 members, with over 20,000 members in Texas.

NPCA is mindful that the BNP Petroleum Corporation (BNP) holds the subsurface mineral interests in the area, and the company's desire to exploit the subsurface resources is understandable. However, we believe that allowing another oil and gas operation in the Seashore could result in significant direct and cumulative impacts, and there is not sufficient information available in the EA to quantify these impacts in order to determine whether these impacts are acceptable. We therefore urge that you select Alternative A, that of "no action." Because of the national importance of the seashore and its resources, the public requires better assurances that its natural seashore will not be impaired. If the "no action" alternative is not selected, we consider the only other reasonable option is, at a minimum, delaying the decision until more analysis has been completed. We therefore strongly oppose the selection of the Preferred Alternative, Alternative B, which approves the proposed plan with certain stipulations. Alternative A is not only the environmentally preferred alternative identified in Section 2.4, it is also the alternative that is most consistent with the purposes of the Seashore and the principles of good stewardship.

The purpose of Padre Island National Seashore is "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." Thus the Seashore must be held to a standard above that of the prevention of impairment mandated by the National Park Service (NPS) Organic Act and the National Park System general Authorities Act. The higher standard is to strive to maintain the Seashore's undeveloped character, while balancing existing mineral interests. Without the existing mineral interests, the enabling legislation clearly sets a "no development" standard. So while this balancing may require that some wells be drilled, this "no development" standard must limit the number of these operations based on their cumulative effects on the character of the Seashore. This begs for a determination about a threshold where the cumulative impacts of these wells unacceptably alters the undeveloped nature of the Seashore. In fact, the EA falls far short of making this analysis. The EA does not even examine whether this project, in combination with the 13 other existing oil and gas operations within the Seashore, cumulatively impairs the park's

resources and violates the impairment standard. Section 3 mentions that such cumulative impacts will occur, but dismisses these impacts discussed in each subsection with reference to the fact that impacts are localized, are minor, and/or balanced out by the fact that some of the other operations will be “abandoned and reclaimed.” NPCA considers it impossible to judge whether cumulative impacts are illegal unless there is a clear standard and a stated threshold where such impacts are unacceptable.

While we appreciate BNP’s willingness to minimize potentially adverse environmental impacts through its site selection process, directional drilling, and via methods such as constructing the well pad with an polyethylene protective liner, we remain concerned that adoption of the Preferred Alternative in the EA will result in potentially significant and adverse environmental impact, and thus an irreversible impairment of park resources and values. Consequently, barring the agency’s adoption of the No Action Alternative, it is our opinion that this federal undertaking must be the subject of more comprehensive environmental analysis (i.e., an Environmental Impact Statement)—as any decision by NPS to approve BNP’s current plan of operation as submitted could be considered by the courts as arbitrary, capricious, and an abuse of discretion.

NPCA’s claim that an EIS is necessary for this undertaking is based upon the fact that potentially significant impacts from BNP’s drilling and production from the Lemon/Lemon Seed Unit Wells would indeed result from implementation of the Preferred Alternative. And, coupled with the cumulative development scenario as described in the EA that is comprised of the drilling and production of over 18 additional natural gas wells within the National Seashore, it is NPCA’s opinion that such oil and gas activity will not be able to avoid adverse impact to the endangered Kemp’s ridley sea turtle or to the experience of the many people that visit the Seashore. Our specific comments follow.

The EA fails to consider alternatives to drilling operations outside of the nesting season for the endangered Kemp’s ridley sea turtle. The EA (page 9) states that:

“Drilling...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.”

Mitigation measures are included in the EA that would require the use of monitors “should equipment need to be moved down the Gulf Beach between April and September.” Yet the nature of this monitoring or who would perform it are undefined. Based on these and other dubious mitigation measures, the EA concludes that “These mitigations are expected to prevent any impacts to sea turtles.”

NPCA finds this conclusion in the EA to be erroneous and not based on a thorough analysis of the expected number of truck trips on the Gulf Beach nor the actual ability of the NPS to monitor such traffic to ensure that there is no impact to sea turtles. At a minimum, the EA must include alternatives that analyze well drilling activities outside of the nesting season for Kemp’s ridley. To not include such alternatives is contrary to the objectives of the National Environmental Policy Act (NEPA), the Endangered Species Act, and NPS’ own guidelines for implementing NEPA (i.e., NPS-12).

The EA lacks a discussion of expected heavy truck traffic as a result of the drilling of the

Lemon/Lemon Seed wells under a normal or hypothetical drilling scenario. Similarly, the EA lacks information on the current amount of traffic, be it associated with either BNP's existing Dunn-Murdock Well No. 1 or normal recreational traffic, along the Gulf Beach and thereby lacks sufficient information on the net increase in vehicle traffic expected as a result of BNP's current Plan of Operations. Therefore, the analysis found in the EA with regard to the impacts of truck traffic on sea turtles is inadequate and sorely lacking. Other than adopting the No Action Alternative, NPCA recommends that a revised EA or EIS be prepared that tabulates existing and anticipated traffic levels along the Gulf Beach and that such information be tabulated by type and weight class of vehicle; tire width; amount of expected trips on a daily, weekly, and monthly basis; total beach miles driven throughout the course of drilling and production operations; the expected number of maintenance vehicles/trips that would be necessary to maintain the beach by blading the sand smooth in order to accommodate such traffic, etc. Only after such analysis can the agency be able to determine whether it does indeed have the resources to monitor all such heavy vehicle traffic throughout the course of well drilling, production, and cumulative development. Furthermore, such data is necessary to determine the degree to which truck traffic poses risks to egg clutches deposited by sea turtles that traversed the beach at times when monitors were not present.

Elsewhere in the EA (page 17) the claim is made that:

"The potential for a successful drilling of a water source well at the location has yet to be determined...If a water source well cannot be made, the water used for drilling would have to be obtained from the fire hydrant at the south end of Park Road 22....The water would be hauled by transport to the location...this would require approximately 155 loads of water hauled during the course of drilling Well No. 1-1000S and approximately 85 loads while drilling Well No. 1-1008S."

Consequently, the EA provides an estimate of a total of 240 additional truck trips along 12.5 miles of Gulf Beach under the scenario that BNP was unsuccessful in its attempt to drill a freshwater well at the Lemon/Lemon Seed location. Yet nowhere in the EA's analysis of potential impacts is this added burden of truck traffic, and its attendant requirements for NPS monitors, either mentioned or addressed in terms of the ability of NPS to ensure that there would be no impact to sea turtles as a result of this significant increase in beach truck traffic.

In addition, the EA (page 18) states that addition truck traffic along the Gulf Beach may be necessary in the event the Texas Railroad Commission were to deny BNP a minor permit for disposal of drilling mud for both wells or if injection of such muds were prevented for mechanical reasons. Under such a scenario, the EA states that BNP "would be required to haul the excess liquids by transport out of the park to an approved disposal site, which could equal "120 loads hauled from the site while drilling the two wells." The reader apparently is to imply from this discussion that the potential 120 truck loads would be hauled along the 12.5 miles of Gulf Beach, but nowhere else in the EA is this fact specifically mentioned and nowhere in the EA is the total amount of potential truck traffic along the Gulf Beach quantified or its environmental impacts described.

Therefore, the EA does not adequately discuss the total amount of potential truck traffic resulting from routine drilling operations in addition to scenarios where water would have to be hauled from the park's fire hydrant and where drilling mud and excess liquids would be transported by truck out of the park. As such, NPCA views the analysis in the EA to be flawed as it currently

lacks an adequate accounting of the total potential for truck traffic along the Gulf Beach. Further, when viewed in this light, NPCA believes that NPS will be unable to justify allowing BNP to conduct well drilling operations during the sea turtle nesting season based on an apparent inability to actively schedule and monitor this extensive level of truck traffic. Without adequate reassurance in the EA and accounting from NPS that it has the manpower and resources to conduct such monitoring, "at all hours," we believe that the analysis in the EA to support its contention is flawed and that the potential to adversely impact sea turtles is extremely high and, thus, contrary to NPS resource protection mandates, NEPA, and the Endangered Species Act.

The EA's conclusion of "no effect" to the endangered Kemp's ridley sea turtle is not based on formal consultation with the U.S. Fish and Wildlife Service. The EA (page 9) mentions the fact that the USFWS, Ecological Services in Corpus Christi, Texas, was "consulted during project scoping" and that USFWS staff performed an inspection of the proposed operations area in December. However, EA fails to document any official correspondence from USFWS and does not include a Biological Assessment, which typically is required for such undertakings under Section 7 of the Endangered Species Act.

NPS' conclusion in the subject EA that the Preferred Alternative would not have the potential to adversely affect Kemp's ridley or other sea turtles is not supported in the EA. As an example of the threat that is posed by such traffic, the acting regional director of NPCA's southwest regional office was escorted along the Gulf Beach by Padre Island National Seashore's superintendent on April 5, 2002, to view well drilling activities by BNP at the present Dunn-Murdock site (beach mile 15). While enroute to the well site, both these individuals witnessed BNP's water hauling contractor exceeding the posted 25 m.p.h. speed limit and driving within the surf zone—both of which were actions in violation of BNP's existing permit for its Dunn-Murdock No. 1 gas well. Given that this infraction occurred during the sea turtle's known nesting period, it was entirely possible that such flagrant violation of BNP's permit could have resulted in injury or mortality to the endangered Kemp's ridley. As no NPS monitor was present along the beach immediately in front of this particular water truck, it further appears unlikely that the agency has the ability to adequately monitor the enormous amount of truck traffic that could result from the current Lemon/Lemon Seed well proposal.

Furthermore, given that USFWS' sole opportunity to comment on the proposal was during project scoping, it is unlikely that this agency had adequate data on the number of potential truck trips along the Gulf Beach (from both the current proposal and cumulative development) and, thus, an ability to assess potential impact to the endangered Kemp ridley's sea turtle. As such, the NPS decision in the EA that the Preferred Alternative would not impact sea turtles appears to have been made without thorough and adequate consultation with this agency. To ensure that the NPS NEPA analysis is indeed comprehensive and thorough, NPCA recommends that NPS immediately request formal consultation with USFWS on this topic and that NPS initiate an EIS if it decides to continue with the current well drilling proposal.

Analysis of impacts to visitor experience as a result of the Preferred Alternative is inadequate. As the current EA lacks sufficient data on truck heavy vehicle traffic that would ply the Gulf Beach for over 12.5 miles for a duration of over four months during its busy visitation season, it too lacks adequate data to form the basis for the conclusion that the Preferred Alternative would

not adversely affect the experience of visitors to Padre Island National Seashore. Given the very high potential for an inordinate amount of trucks and heavy vehicles to travel up and down the Gulf Beach for a period of over 141 days (the time stated in the EA to drill the wells), coupled with a cumulative development scenario of up to 18 future wells, the potential is great for large amounts of heavy traffic to occur along the entire Gulf Beach over the course of many years. Unfortunately, the EA lacks an analysis of the impact of any such traffic on the experience of visitors to the National Seashore.

The EA completely ignores the fact that many National Seashore visitors arrive at Padre Island carrying with them an expectation of a visit that will be dominated primarily by natural sights and sounds. No doubt that the presence of truck traffic along many miles of the Gulf Beach during well drilling and production operations will come as a shock to many Seashore visitors and create conflicts with visitors sharing the beach driving corridor. Missing in the EA is any discussion or informal survey results about the expectations of visitors, the reasons they visit the Seashore, their attitudes regarding heavy truck traffic along the beach, and the potential for such use and traffic conflicts. Without such information, the EA incorrectly assumes that such traffic would be “short-term, lasting 141 days” and then quickly concludes that the Preferred Alternative would not adversely affect the visitor experience. Absent in the EA is a projection of the total amount of truck traffic over the life of the Lemon/Lemon Seed wells and the cumulative development scenario from which to form the basis of the conclusion that traffic resulting from the Preferred Alternative will not adversely affect the visitor experience over the long term.

Indeed, the EA (page 46) acknowledges that such cumulative impacts would result in “short- to long-term, minor to moderate adverse impacts on visitor use and experience...throughout the park,” but nowhere does it specify what these impacts might be nor does the EA provide any mitigation measures for what will clearly be a significant impact to the visitor experience. To be consistent with NEPA requirements and NPS mandates, the EA must first divulge the extent of such impacts and then attempt to mitigate them. If adequate measures to reduce such impacts to levels below significance cannot be found, NPS would be required to either adopt the No Action Alternative or to prepare an EIS.

The EA also is absent any analyses on the effects to the visitor experience from the common venting of natural gas wells under a process known as well “blow down.” During the production phase, most natural gas wellheads must be continually vented to the atmosphere several times a week (or daily) to prevent the dangerous buildup of formation pressures and condensation in the wellhead. This process, known as blow down, forces tremendous pressure through a relatively small orifice that can often be heard from distances of many miles—and sounds much like a jet engine. Assuming that blow down events will be necessary throughout the expected 20-year production life of wells subject to the Lemon/Lemon Seed EA, the NPS must analyze the probability of such occurrences, their impact on visitors and wildlife at the Seashore, and provide adequate mitigation to ensure that the Preferred Alternative and cumulative development of up to 18 additional wells will not adversely affect the visitor experience and natural soundscape of Padre Island National Seashore.

Data presented in the EA on high-pressure gas kick tolerances is meaningless without adequate interpretation by NPS. Assuming that BNP drills a usable water source well for the

Lemon/Lemon Seed Unit wells, the EA (page 17) eludes to the possibility of communication between the water well and well #1008S stating that "a high-pressure gas kick is possible and would be a concern." Yet the EA fails to describe the potential environmental impacts resulting from such a high-pressure gas kick and instead relies on obscure data on fracture resistance and kick tolerance, the source of which is not identified, to reassure the reader that such tolerances fall within some (unknown) range of acceptability. Thus, the failure of NPS to interpret the meaning of such data and to verify its reliability casts suspicion on whether this "concern" can be adequately mitigated to a level below significance.

In conclusion, NPCA views the existing EA as deficient in its analysis of potential impacts and respectfully requests that NPS either adopt the No Action Alternative (Alternative A) or immediately initiate a more detailed EIS for the proposed undertaking. As currently proposed, the Park Service's approval of the Lemon/Lemon Seed wells and potential cumulative development of up to 18 additional wells would have a tremendous potential to result in both short-term and long-term impairment of National Seashore resources and values. NPCA also encourages NPS to immediately make a request for formal consultation with USFWS on this topic, as there is no evidence in the current analysis that adverse impacts to endangered species such as Kemp's ridley sea turtle would be avoided under the current Plan of Operation.

We appreciate this opportunity to comment.

Sincerely,



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