

**National Park Service
U.S. Department of the Interior**



**Padre Island National Seashore
Texas**

BEACH VEHICLE ENVIRONMENTAL ASSESSMENT FINDING OF NO SIGNIFICANT IMPACT

Padre Island National Seashore (the Seashore) is located on a 113-mile-long barrier island (North Padre Island), whose northern end is located approximately 8 miles southeast of Corpus Christi, Texas. The 130,434 acres of the Seashore were set aside as part of the national park system 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" (Public Law 87-712, codified at 16 U.S.C. § 459d).

The Seashore provides a wide range of recreational opportunities for fishing, swimming, beachcombing, and beach camping, including access to remote camping and fishing locations along the 65.5 miles of beach stretching south to Mansfield Channel. The Seashore also provides habitat to a wide range of wildlife, including the endangered Kemp's ridley sea turtle, other sea turtles, and piping plover, and is globally important for migrating birds. Vehicles are permitted on the beach; however, while sand conditions typically allow two-wheel-drive vehicles to access the first 5 miles of the beach, four wheel-drive (4WD) vehicles are needed to travel to the more southern (down island) parts of the Seashore. The heavily used portion of South Beach from mile marker 0 south to mile marker 2.5 currently has a speed limit of 15 miles per hour (mph). The beach speed limit currently is 25 mph from mile marker 2.5 south to the Mansfield Channel at mile marker 60. For the past three years, there has been a temporary reduction in the speed limit to 15 mph from April to July (with various start/end dates), as described in the Superintendent's Compendium compiled under 36 C.F.R. § 1.7.

The original vehicle speed regulations were put into place when the Seashore was established in 1962, when there was limited use of 4WD vehicles. Over the past 10 years, Texas and the Corpus Christi area have seen a dramatic increase in the number of registered 4WD vehicles capable of reaching down-island environs via beach driving. This coincides with observations by Seashore rangers of increased visitation to destinations such as Big Shell Beach (approximately mile marker 18 to 30) and at Mansfield Channel (approximately mile marker 60). The Gulf beach is an important habitat for wildlife, including migratory shorebirds and the highly endangered Kemp's ridley sea turtle, as well as four other listed sea turtle species. The number of endangered Kemp's ridley sea turtles nesting on the beach has increased steadily since 2004, and there are concerns for their safety related to beach nesting and beach driving. Although there have been no reports of nesting sea turtles being struck or run over by vehicles at Padre Island National Seashore, these incidents have occurred at other locations (Cape Hatteras National Seashore, Bolivar Peninsula, Matagorda Peninsula, and South Padre Island), and incidents have occurred at Padre Island National Seashore where stranded sea turtles have been run over by vehicles on the beach.

With the increased number of vehicles on the beach, there are also increasing opportunities for vehicle and visitor-use conflicts. Speed, unsafe operations, not paying attention, foolish behavior, and alcohol use are all factors contributing to accidents. Of these, the primary thing the Seashore can control in

efforts to provide a safer environment is the speed limit. Accidents average 3 to 4 per year; however, these represent minimal estimates, since there is evidence that some accidents are never reported. The Seashore's law enforcement staff receives phone calls two to three times each weekend during high visitation periods from visitors complaining about vehicles speeding and accident near misses.

An environmental assessment (EA) was prepared to examine the effects – both on the natural and human environment – associated with proposed changes to speed limits for vehicles on the Gulf beach in response to the observed and expected effects of that use on the safety of Seashore visitors, Seashore staff and volunteers, and wildlife. The impacts of different alternatives on wildlife (including endangered species), visitor use and experience, visitor and employee safety, Seashore management and operations, and socioeconomics within or near the Seashore were evaluated. The EA was also prepared to provide an opportunity for public comment on alternatives. Concerns identified during scoping and evaluated in the EA included access to the southernmost beaches, possible beach closure, how decisions are made and the NEPA process, the extent of impacts to resources and visitors, other options available to prevent impacts, and safety.

PREFERRED ALTERNATIVE

NPS identified alternative 3 in the EA as its preferred alternative, and is now selecting that alternative. Under the preferred alternative, longer seasonal restrictions limiting the speed limit to 15 mph will last from March 1 through Labor Day (early September). Outside of these dates – from the day after Labor Day to February 28 (or 29) – the speed limit from mile marker 2.5 to Mansfield Channel will remain 25 mph. This seasonal restriction includes peak visitation periods (March through September, including spring break weeks, Memorial Day, Fourth of July, and Labor Day) and the majority of the potential nesting season for all sea turtle species. In addition, the preferred alternative will include the following measures, which are common to all of the alternatives considered:

- Beach driving will continue to be permitted 365 days a year, 24 hours per day;

- Driving on the dunes will not be permitted;

- Vehicles travelling north on the beach have the right of way;

- The current 15 mph year-round speed limits will remain on North Beach and South Beach to mile marker 2.5;

- Closed Beach, the 4.5 miles of beach between the north and south bollards passing in front of the Malaquite camp ground and visitor center, will remain closed to visitor vehicles;

- The NPS will communicate and educate the public regarding rules and regulations of the Seashore; and

- Regulations with respect to wildlife harassment or reckless driving will continue to be enforced.

MITIGATING MEASURES

No specific mitigation measures were identified for the preferred alternative. Reducing the speed on the beach is intended to reduce current and potential future impacts on both visitor safety and wildlife. Impacts to visitor experience and to park staff from the additional time required to travel the beach due to the reduced speed are addressed, but specific mitigation for these impacts was not identified while maintaining the lower speed.

ALTERNATIVES CONSIDERED

The no action alternative and three other action alternatives (one with two options) were considered and analyzed in detail in the EA. These are described below with the reasons why they were not selected as the preferred alternative.

NO ACTION ALTERNATIVE

The no action alternative is defined as the continuation of beach management conditions as they were prior to the temporary seasonal restrictions implemented during the 2009 - 2011 turtle nesting seasons. Under the no action alternative, the speed limit on North Beach and from mile marker 0 to mile marker 2.5 would continue to be 15 mph, and the speed limit on the beach south of mile marker 2.5 to Mansfield Channel on South Beach would continue to be 25 mph.

The no action alternative was not selected because it did not meet the purpose and need or objectives related to protection of wildlife and increasing vehicle safety. No additional safeguards would be put into place to avoid animal strikes or provide for sea turtle protection during the nesting season, and vehicle travel would not be as safe as possible. Accidents would continue at the existing rate or possibly increase with increasing numbers of 4-wheel drive vehicles on the beach, and protection for park resources and visitors would not be improved.

ALTERNATIVE 2: SHORTER SEASONAL RESTRICTIONS COMBINED WITH "SAFETY ZONE" MANAGEMENT

Under this alternative, a seasonal 15 mph speed limit for the full length of South Beach would be implemented when the first Kemp's ridley sea turtle nest is observed in the Seashore or on April 15, whichever is earlier. The speed limit restriction would continue through the end of the Kemp's ridley nesting season, which is defined as five days after the last nest has ever been recorded in the Seashore. Based on the latest recorded nest of July 15, the Kemp's ridley sea turtle nesting season would currently end on July 20. Outside of these dates, the speed limit from mile marker 2.5 to Mansfield Channel would be 25 mph. In addition to the seasonal speed limit restriction, a safety zone speed reduction to 15 mph would be in effect outside of the seasonal restriction period for those areas within 100 yards of any named hazards including people, pets, vehicles, structures, birds, and other wildlife.

This alternative was not selected because while it would allow access without substantial impacts to most users, it would not add protection to visitors, Seashore staff, or wildlife during the entire peak visitor use season and critical sea turtle nesting periods, and may not minimize conflicts outside of the restricted period. There would also be adverse impacts due to safety zone training and enforcement.

ALTERNATIVE 4: YEAR-ROUND RESTRICTIONS

Under this alternative, a 15 mph speed limit for the entire beach year-round would be implemented. The implementation of such would be consistent with the 15-mph speed limit on state beaches prescribed by Texas Transportation Code Section 545.352.

This alternative was not selected because although it would provide better protection to both resources and people than other action alternatives based on a shorter stopping distance with reduced speed, with a year-round restriction visitors may not be able to spend as much time recreating or even make the trip to the Mansfield Channel during a single day, for the entire year. The increased travel time required for staff performing duties down island would also impact Seashore operations year-round. Fewer down-island duties could be scheduled around speed limit reductions due to long travel times within an eight hour shift leaving little time to accomplish tasks in the southern part of the park. Additionally, the added protection measures this alternative would provide would occur during seasons when there are fewer visitors and no or limited sea turtle nesting, minimizing their potential benefit, so it was thought that an alternative with a shorter restriction timeframe would better meet all objectives.

ALTERNATIVE 5: CITIZENS FOR ACCESS AND CONSERVATION ALTERNATIVE AND OPTION

This alternative was proposed by the Citizens for Access and Conservation (CAC). As in the no action alternative, the speed limit would remain at 25 mph past mile marker 2.5. However, two options for safety zones were included for analysis:

Option A is the alternative exactly as proposed by the CAC. This includes year-round safety zones that would be implemented for those areas within 100 feet of people, pets, parked vehicles, and structures.

Option B was developed in response to public input on the CAC alternative. It includes year-round safety zones that would be implemented for those areas within 100 feet of wildlife, people, pets, parked vehicles, and structures (wildlife was added to better meet project objectives, purpose, and need).

This alternative was not selected because the year-round 100 foot safety buffer may not be large enough to provide adequate stopping distance or enough time to slow down and avoid accidents. Accidents involving two moving vehicles would not be reduced since there is no requirement to slow down for moving vehicles. Also, the CAC alternative (Option A) does not provide any additional protection for birds, mammals, or sea turtles at any point throughout the year. The option with "wildlife" added (Option B) would provide some protection to these resources, but drivers may not be able to avoid animal strikes within the 100 foot safety buffer due to the increased stopping distance associated with driving 25 mph and the difficulty in seeing Kemp's ridley sea turtles and other wildlife. It would also not provide speed limit restrictions during the entire sea turtle nesting season. Driver time further down island, including to Mansfield Channel, would not be impacted, but the 100 foot safety zone may not provide adequate stopping distance to avoid accidents, although it would provide some level of increased protection.

In addition to the above alternatives that were analyzed in detail, the following alternatives or alternative elements were considered, but were not carried forward for analysis for the reasons given.

Close the entire beach seasonally to all unauthorized vehicle use during turtle nesting season / busy visitor use periods, or close it year-round. These options were dismissed because they would reduce visitor access to most of the beach, which is not in accordance with the Seashore's enabling legislation and does not meet the project's objective to allow for safe recreational (vehicle) access and use island-wide while protecting Seashore resources and visitors.

Consider other speed limits; for example, use a 20 mph (or other lower speed limit) from mile marker 2.5 to Mansfield Channel on a year-round basis with 15 mph safety zone. This type of alternative was dismissed due to its difficulties associated with enforcement and prosecution. There is limited ability to discern the difference between 20 mph and 15 mph.

Designate a defined corridor on the beach in which vehicles would be allowed to drive between mile marker 2.5 and Mansfield Channel, with a 25 mph speed limit. This was dismissed because beach conditions change on a daily basis; therefore, designating a permanent corridor would potentially place vehicles in unsafe driving conditions.

Require vehicles to drive along the water's edge between mile marker 2.5 and Mansfield Channel. Although the sand is hard-packed in this area and makes driving easier, this alternative was dismissed for safety reasons. Topography at the water's edge during various tide levels can prevent vehicle operators from seeing hazards. The water's edge is frequently not accessible in Big Shell.

Implement a year-round 15 mph speed limit from mile marker 2.5 to Big Shell Beach and a year-round 25 mph speed limit from Big Shell Beach to Mansfield Channel. This was dismissed because it would not adequately protect resources, visitors, or wildlife south of Big Shell Beach.

Use a 15 mph sea turtle patrol vehicle escort program similar to existing oil and gas industry escorts from April through July. This was dismissed due to safety issues that could occur by making visitors wait for turtle patrol vehicles during periods of bad weather or medical emergencies.

Include a permit system for visitors who want to operate a vehicle on the beach in any alternative. This option was dismissed due to the need to construct additional entrance stations at the beach access points and the lack of staffing.

Reduce the speed limit from 25 mph to 15 mph from mile marker 2.5 to Mansfield Channel on days when Kemp's ridley nesting is reported within the state of Texas and/or on high probability nesting days (high winds). These options were dismissed due to the inability to adequately inform visitors of the change in speed limit if the visitors were already on the beach.

Relocate Kemp's ridley sea turtles to other barrier islands, including Matagorda and San Jose. This alternative was dismissed because it is outside the scope of this planning process and does not address public safety aspects of the purpose and need. Additionally, the NPS is tasked with protecting resources within Seashore boundaries. Such relocation is not in accordance with NPS Management Policies and the Endangered Species Act and is not physically feasible. Those other islands are less geologically suitable for turtle nesting, much less used for nesting, and outside the documented historic nesting range for the species.

Create a road behind the dune line to reach South Beach. This alternative was considered but dismissed because it only partially meets the purpose and need of the proposal, for it would not address safety and wildlife concerns on the remainder of the beach. However, it will be examined within the on-going General Management Plan revision.

Require the use of headlights and no decrease in speed limit from 25 mph to 15 mph during daylight hours. This suggested alternative was dismissed because the use of headlights would not meet the objective of protection of wildlife.

Add these elements to any action alternative: provide an informational handout to be given to all Seashore visitors on driving rules and etiquette; require a mandatory driving class; require certain safety items be kept in every vehicle that travels beyond the 5 mile marker.

These elements were not included for various reasons. The Seashore driving guide has previously provided a list of recommended items for visitors to bring in their vehicles. Once an annual pass is handed out, visitors no longer collect handouts. Currently a sign listing the rules is posted at the point where beach driving begins. An additional large sign is at mile marker 4.5. Mandatory driving classes would be a major expense and classes would need to be held on a daily basis. All alternatives include additional public communication and information.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

According to the Department of the Interior regulations implementing NEPA (43 CFR 46.30), the environmentally preferable alternative is the alternative "that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources." The environmentally preferable alternative is identified upon consideration and weighing

by the Responsible Official of long-term environmental impacts against short-term impacts in evaluating what is the best protection of these resources. In some situations, such as when different alternatives impact different resources to different degrees, there may be more than one environmentally preferable alternative.

Section 101(b) of NEPA identifies six criteria to help determine the environmentally preferred alternative. The act directs that federal actions should:

1. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.
2. Assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings.
3. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences.
4. Preserve important historical, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice.
5. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities.
6. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

The environmentally preferred alternative would best meet the 6 criteria mentioned above. The following compares how these objectives would be achieved under each alternative in order of their effectiveness. Because of the following rankings against the six criteria, Alternative 4 is the environmentally preferred alternative.

1. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations

- a) Alternative 4, setting the speed limit to 15 mph year round, provides protection to the greatest degree for the potential impacts from driving on the beach to park wildlife and other natural resources.
- b) Alternative 3, setting the maximum speed to 15 mph from March 1 through Labor Day, would help to protect the Kemp's ridley sea turtle during its nesting season. This alternative offers no protection of wildlife and other natural resources from September through February.
- c) Alternative 2, while providing mitigation for potential impacts to wildlife and other park natural resources does not provide protection for approximately nine (9) months of the year.
- d) Alternative 5 would not provide any mitigation measures for protection of wildlife and other natural resources.
- e) Alternative 1 would not provide any mitigation measures for protection of wildlife and other natural resources.

2. Assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings

- a) Alternative 4 would provide year round protection for the potential impacts from driving on the beach and provides the most complete protection for visitor, staff and resource safety. The lower speed may allow visitors to relax from the need for being vigilant of the threat of faster moving traffic in close proximity to beach recreational activities and thus be considered esthetically pleasing.

- b) Alternative 3 offers the same mitigation measures as Alternative 4, but would be limited to approximately six months.
- c) Alternative 2 offers the same mitigation measures as Alternative 4, but would be limited to approximately three months.
- d) Alternative 5 provides for some level of visitor and staff safety but may not allow visitors to relax from the need for being vigilant of the threat of faster moving traffic. Allowing vehicles to approach visitors, contractors, and staff on the beach at a speed of 25 mph with a 15 mph speed zone when within 100 feet, it would do little to alleviate the need for high vigilance. Some visitors may find the experience of traveling down island at 15 mph less esthetically pleasing than driving 25 mph.
- e) Alternative 1 does not mitigate potential impacts to staff and visitor safety.

3. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences

- a) Alternative 3 would provide the most complete balance between beneficial uses, such as fishing, wildlife viewing and playing on the beach while protecting human safety and the resources most at risk of being impacted by vehicles driven on the beach. Vehicles would be slowed to 15 mph when the beach is most crowded with visitors and staff and when the endangered Kemp's ridley and other sea turtles are on the beach nesting. Outside of this time, visitors have the opportunity to travel the length of the park in less than 2 ½ hours which would allow more time to recreate in the southern reaches of the Seashore.
- b) Alternative 2, while more restrictive than no action, would provide limited (three months) mitigation for impacts to the environment, and would provide three months for potential impacts to staff, contractors, and visitor safety or to park resources, however it would not span the time frame in which visitation, staff on beach and nesting sea turtles are on the beach for highest frequency, and it would leave resources unprotected for nine months of the year.
- c) Alternative 4 would provide year round protection for the potential impacts from driving on the beach and would provide the most complete protection for visitor, contractors, staff and resource safety. This alternative would add one hour and 36 minutes to the travel time for visitors, contractors, and staff going to the southern end of the Seashore and could limit time spent recreating or working in the southern part of the Seashore.
- d) Alternative 1 and 5, would offer little or no protection for human safety and the environment from vehicles driving on the beach, and would be the least restrictive of visitor use.

4. Preserve important historical, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice

- a) Alternative 3 would provide the most complete balance between helping to preserve natural aspects of our national heritage and maintaining a variety of individual choice. During the six months when the highest potential for safety and resource conflicts exist, the speed would be lowered to 15 mph thus protecting natural aspects of the Seashore, such as birds, sea turtles and other wildlife. During the time when there is less potential for impacts to these natural aspects of the Seashore, visitors would be allowed to travel at 25 mph, thereby allowing them to travel farther towards the southern end of the Seashore within a shorter time frame.

- b) Alternative 4 would help preserve the natural aspects of the Seashore for the entire year, but may be restrictive of individual choice.
- c) Alternative 2 would help preserve the natural aspects of the Seashore for three months of the year, and may allow for greater individual choice for approximately nine months of the year.
- d) Alternatives 1 and 5 may provide for the greatest amount of individual choice, but would do nothing for preserving the natural aspects of the Seashore.

5. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities

- a) Alternative 4 would provide the safest access to the Seashore for visitors and the greatest protection of resources helping to insure that visitors, now as well as future generations will be able to share in experiencing the beach along with all of its flora and fauna.
- b) Alternative 3 provides six months of safer access to the Seashore for visitors, as well as six months of increased protection of resources. This would mitigate less than 1/2 of the impacts to human safety and potential resource damage that Alternative 4 would provide.
- c) Alternative 2 provides three months of safer access to the Seashore for visitors as well as three months of increased protection of natural resources. This would mitigate less than 1/4 of the impacts to human safety and potential resource damage that Alternative 4 would provide.
- d) Alternatives 1 and 5 would not provide a balance between population and resource use.

6. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources

- o No alternative proposed addresses this criterion.

WHY THE PREFERRED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT

As defined in 40 CFR §1508.27, significance is determined by examining the following criteria:

Impacts that may be both beneficial and adverse. A significant effect may exist even if the agency believes that on balance the effect will be beneficial.

Implementation of the preferred (selected) alternative will result in some adverse impacts; however, the overall benefit of the project, particularly to visitor and park staff safety and resource protection, outweighs these negative effects. The adverse effects are summarized as follows.

Visitor and Employee Safety: Potential long-term minor adverse impacts if lower speed causes vehicles to get stuck in the sand.

Wildlife (Mammals, Beach Invertebrates, and Birds): short- and long-term negligible to minor adverse impacts flushing.

Special-status Species: Birds: short- and long-term negligible to minor adverse impacts from flushing/disturbance which would occur regardless of speed.

Visitor Use and Experience; long-term negligible to minor adverse impacts (moderate adverse during reduced speed season to small segment of visitors due to increased travel time down island.

Seashore Operations and Management; short- and long-term negligible to moderate adverse impacts (due to the effects on travel time for duties)

Socioeconomics; may be a very slight change in visitation, but not anticipated to result in any discernible change in economic activity.

The preferred alternative will have long-term beneficial impacts to both visitor safety and wildlife due to slower speeds during peak visitation periods and peak sea turtle nesting periods, with increasing beneficial impacts if sea turtle populations continue to increase with long-term benefits to those concerned with speeding vehicles. No effects to cultural resources were identified for the preferred alternative. Impacts of other alternatives varied and are described in the EA.

Degree of effect on public health or safety

Under alternative 3, the speed limit reduction will occur during the busiest visitor use periods on the beach, which will include all peak-use holidays, including Spring Break, Memorial Day, Fourth of July, and Labor Day weekends. This will result in long-term beneficial impacts on public safety along South Beach due to shorter stopping distances at lower speeds and an expected decrease in accident rates. Overall, alternative 3 is expected to result in long-term beneficial impacts from the reduction in vehicle speeds during peak visitor and employee use periods, and potential long-term minor adverse impacts on visitor and employee safety from the potential of getting stuck in soft sand at lower speeds, more driving on beach at night, and driver fatigue from longer driving periods. Cumulative impacts on visitor and employee safety will be long-term beneficial.

Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas

As described in the EA, no effects to cultural resources were identified for the preferred alternative or any action alternative. There are no prime farmlands or wild or scenic rivers affected. The island is designated as a "Globally Important Bird Area" by the American Bird Conservancy, and in 2007 the Seashore was recognized as a Site of International Importance by the Western Hemisphere Shorebird Reserve Network. However, a reduction in speed from 25 mph to 15 mph is not expected to result in appreciable beneficial impacts to shorebirds since the flushing of species due to vehicles is more a function of the presence of a vehicle and how close it approaches a bird or flock of birds than the speed at which it approaches the bird/flock. Reduced vehicle speeds may negligibly reduce the severity of disturbance or injury to shorebirds because both drivers and birds have more time to react, and impacts on shorebirds under the preferred alternative 3 are expected to be short- and long-term negligible to minor beneficial, with little if any impact on the designations described.

Regarding wetlands, as noted on page 17 in the EA in the dismissal of wetlands from further analysis and in the errata to this FONSI, the entire Gulf beach is considered to be a wetland under the Cowardin classification system, i.e., an intertidal unconsolidated shore that includes the beach and splash zone used by vehicles. While the Gulf beach is considered wetland, and there is no other practicable alternative for reaching down island locations. Some adverse impacts to the wetland would continue as a result of driving on the beach; however, it would not be anticipated that implementing any of the alternatives under the proposal would result in additional measurable impacts on wetlands as speed is not much of a contributing factor to the impact. Additionally, vegetation is generally not present in the driving zone, being limited to sand dunes and inner-island environments, which would not be affected by a change in management policies as part of this project. Because the proposed project would not result in any measurable impacts on wetlands, this topic was dismissed from further analysis.

Degree to which effects on the quality of the human environment are likely to be highly controversial

43 CFR § 46.30, Definitions: *Controversial* refers to circumstances where a substantial dispute exists as to the environmental consequences of the proposed action and does not refer to the existence of opposition to a proposed action, the effect of which is relatively undisputed. None of the effects are highly controversial.

Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks

No highly uncertain or unique or unknown risks were identified in the analysis.

Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration

This was an issue of some concern to commenters, who were concerned that the reduction in speed could lead to a beach closure. Under "alternatives considered but dismissed" on page 23 of the EA, it was explained that any beach closure options were dismissed because other alternatives addressed potential impacts better does not meet the project's objective to allow for safe recreational (vehicle) access and use island-wide while protecting Seashore resources and visitors. Because, action for this project will not set any NPS precedent. The preferred alternative is consistent with similar conditions elsewhere on Texas beaches and many NPS Seashore beaches.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts

No major (significant) cumulative effects were identified in the EA.

Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

As described on pages 14-15 of the EA, the proposed action will not adversely affect any category of cultural resources. The only historic structure located in the study area is the wreckage of the Nicaragua, and any change in beach driving requirements will not affect this artifact. Changes in vehicle speed are not anticipated to disturb archeological sites or lead to inadvertent discoveries; therefore, the proposed action will not disturb any known archeological sites. The proposed action will not result in changes to resources associated with the cultural landscape or any ethnographic concerns, and there will be no impact on museum collections. Compliance with §106 of the National Historic Preservation Act was completed by providing a copy of the EA to Texas State Historic Preservation Officer; no response was received.

Degree to which the action may adversely affect an endangered or threatened species or its critical habitat

A Biological Assessment was completed on May 18, 2011, and the U.S. Fish and Wildlife Service concurred with the determination of no effect on threatened or endangered species in its letter dated June 29, 2011.

Whether the action threatens a violation of Federal, state, or local environmental protection law

This action violates no federal, state, or local environmental protection laws.

PUBLIC INVOLVEMENT

The NPS provided two opportunities for the public to comment on the proposed action: during public scoping at the beginning of the NEPA process (including a public meeting), and by soliciting public comment on the EA. Public scoping for the EA was initiated by issuing a scoping brochure on July 23, 2010. The brochure was sent to a mailing list consisting of 502 recipients and was posted to the Seashore's PEPC website. The brochure described the EA process and the preliminary purpose, need, objectives, and alternatives that were developed by the Seashore during internal scoping. In accordance with NEPA and Director's Order 12, the issuance of the scoping brochure began the at minimum 30-day requirement for public comment. The public scoping comment period began on July 23, 2010, and was subsequently extended to September 29, 2010, to allow for additional comment and accommodate a public meeting. On September 14, 2010, a public meeting describing draft project alternatives was held in Corpus Christi, Texas, at the Harte Research Institute from 6:00 pm to 9:00 pm. A meeting notice was published in a local paper and a public notice was posted on the Seashore's website. Seventy-five people signed in to the meeting. Comment sheets were provided at the public meeting. Those attending the meetings were also given a brochure providing additional opportunities for comment on the project including directing comments to the NPS PEPC website.

During the public scoping comment period, 154 pieces of correspondence were received, containing a total of 387 comments. Comments received represented a wide range of views. A large percentage of commenters (about 18 percent) offered ideas for new alternatives or alternative elements, including an alternative suggested by the CAC. A relatively large percentage of commenters included questions on the scientific data used and NEPA issues. Commenters both supported and opposed the preliminary alternatives that included seasonal reductions in speed. Many commenters supported the no action alternative (retain 25 mph speed limit), but a relatively large number supported year-round reduced speeds or longer seasonal restrictions. Concern was expressed that the reduced speed would result in a lack of beach access. It was also suggested that the Seashore should ban beach driving altogether. Several concerns centered on safety and whether there is a need to reduce speeds given the safety record, while others were concerned about the effects of higher speeds on the safety of Seashore turtle patrollers and visitors. Questions and concerns were raised about the turtle program, potential beach closures, the NEPA process and possible segmentation of issues under NEPA, the range of alternatives considered, data availability and sufficiency, effects on listed species, effects on visitation and local socioeconomics, enforcement, safety zone distances proposed, and timing for seasonal reduced speeds.

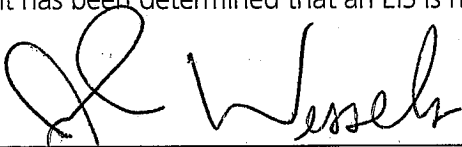
The EA was made available for public review and comment during a 30-day period ending July 25, 2011. During the public comment period, the Seashore received 3,050 correspondences, including 2,914 form letters, containing 6,052 individual comments. In processing the form letters, if an individual included additional substantive comments on their form letter, that letter was considered as an individual piece of correspondence and not a form letter. Of the correspondence received, two were from federal agencies, two were from state government, one was from a recreation group, five were from conservation/preservation groups, and 3,040 were from unaffiliated individuals. The most common comment received expressed support for Alternative 3 - longer seasonal restrictions, representing 49 percent of all comments. The second most prevalent comment received was in regard to project Purpose and Need - Planning Process and Policy, representing 48 percent of all comments. Some of the comments resulted in minor changes to the text of the environmental assessment and are addressed in errata sheets attached to this FONSI. The FONSI and errata sheets will be sent to all commenters.

CONCLUSION

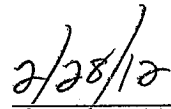
As described above, the preferred alternative does not constitute an action meeting the criteria that normally require preparation of an environmental impact statement (EIS). The preferred alternative will not have a significant effect on the human environment. Environmental impacts that could occur are limited in context and intensity, with generally adverse impacts that range from localized to widespread, short- to long-term, and negligible to moderate. There are no unmitigated adverse effects on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the action will not violate any federal, state, or local environmental protection law.

Based on the foregoing, it has been determined that an EIS is not required for this project and thus will not be prepared.

Approved:



Regional Director, Intermountain Region



Date

ERRATA SHEETS

BEACH VEHICLE ENVIRONMENTAL ASSESSMENT

PADRE ISLAND NATIONAL SEASHORE

Substantive comments to the Beach Vehicle Environmental Assessment resulted in minor changes to the text of the environmental assessment, which are listed below. The substantive comments, organized by comment code, are tabulated with the NPS response. If text changes resulted from the comment, they are so noted.

TEXT CHANGES

Chapter 1: Purpose and Need, Purpose of And Need For Action, page 3, replace the single sentence in the second paragraph with the following sentence: "Vehicles are permitted on the beach, and while firmer sand conditions typically allow two-wheel-drive vehicles to access the first 5 miles of the beach, 4 wheel-drive (4WD) vehicles are needed to travel to the more southern (down island) parts of the Seashore due to soft sand conditions (see figure 3)."

Chapter 1: Purpose and Need, Impact Topic Dismissed From Further Analysis, Wetlands, page 17, insert the following sentence after the last sentence of the second paragraph: "However, since driving activities on Padre Island National Seashore began prior to 1980, no statement of findings is necessary for this activity."

Chapter 1: Purpose and Need, Impact Topic Dismissed From Further Analysis, Wetlands, page 17, replace the third paragraph with the following paragraph: "While the Gulf beach is considered wetland, driving on the beach is the only practicable way to reach down-island locations. There is no road behind the dunes, though the creation of one will be examined in the on-going General Management Plan (GMP) revision, and while restricting beach driving to a specific corridor or along the water's edge would minimize the potential impact to the wetland, both alternatives were dismissed from consideration because both would potentially place vehicles in unsafe driving conditions as discussed in Chapter 2. Some adverse impacts to the wetland would continue as a result of driving on the beach; however, it would not be anticipated that implementing any of the alternatives under the proposal would result in additional measurable impacts on wetlands as speed is not much of a contributing factor to the impact. Additionally, vegetation is generally not present in the driving zone, being limited to sand dunes and inner-island environments, which would not be affected by a change in management policies as part of this project. Because the proposed project would not result in any measurable impacts on wetlands, this topic was dismissed from further analysis."

Chapter 1: Purpose and Need, Alternatives or Actions Considered But Dismissed, Create a Road Behind the Dune Line to Reach South Beach, page 24, replace the single sentence under this alternative with: "This alternative was considered but dismissed because it only partially meets the purpose and need of the proposal, for it would not address safety and wildlife concerns on the remainder of the beach. However, it will be examined within the on-going General Management Plan revision."

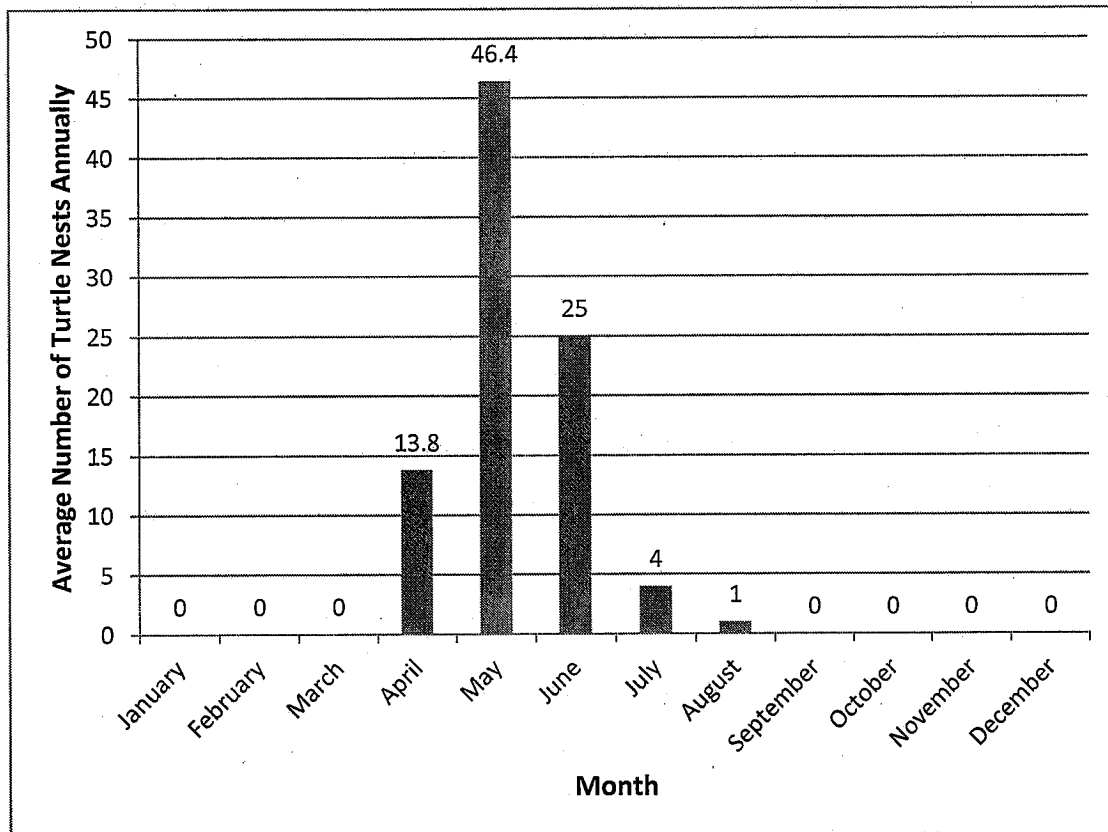
Chapter 3: Affected Environment, Special Status Species, page 42, Table 5, Column Federal Status, insert "Delisted" for Bald Eagle.

Chapter 3: Affected Environment, Special Status Species, page 45, fourth paragraph, insert the following text after the third sentence: "All nesters located are documented and guarded until they safely re-enter the water. Once staff and volunteers detect sea turtle nests, they remove all of the eggs to either the Seashore's incubation facility or a protected beach corral to protect them from a variety of human related and natural threats, including beach driving. Visitor vehicles may be temporarily detained by Seashore staff to enable a nesting turtle to cross the beach to or from her

nest site, and to enable her to nest without disturbance." With the next sentence "Nesting Kemp's ridley turtles..." begin a new paragraph.

Chapter 3: Affected Environment, Special Status Species, page 46, third paragraph, add the following after the last sentence: "Figure 14 shows that sea turtle nesting occurs from April through August at the Seashore with May being the primary month. The figure shows nesting for all species of sea turtles at the Seashore including 30 nests for species other than Kemp's ridley which account for all of the nests occurring in August and 75 percent of the nests occurring in July."

Chapter 3: Affected Environment, Special Status Species, page 47, insert "Figure 14. Average Number of Sea Turtle Nests - All Species - by Month at PAIS 2006 – 2010"



Source: Shaver 2010a, 2009, 2008, 2007.

Chapter 4, Environmental Consequences- General Impact Analysis methods, page 64, second dash indentation under fifth bullet, add at end: "A major impact is considered to be a significant impact for the purposes of NEPA analysis."

SUBSTANTIVE COMMENTS

The following table summarizes the substantive comments received (identified by the PEPC comment number and organized by PEPC code or major subject area, along with the NPS response to the comment. If the comment resulted in a change to the EA, it is so noted after the response, and the change is included in the errata text changes, above.

PEPC COMMENT ID #	COMMENT	RESPONSE
Affected Environment: Species Of Special Concern		
219131	An impact from a speeding vehicle to a nesting, endangered Kemp's Ridley Sea Turtle or one of their hundreds of hatchlings would likely be fatal.	The NPS agrees that speed can contribute to the risk of hitting a nesting endangered or threatened turtle species, including Kemp's ridley turtles, and has discussed this in the analysis of the No Action alternative on pages 86-87 of the EA. The expected beneficial effects of a lowered speed limit are based largely on the reduction in the overall stopping distance and are first described under the analysis of impacts of alternative 2 on page 93 of the EA. The expected benefits are also based on the potential for growth in the nesting population of Kemp's ridley turtles at the Seashore.
Alternatives: Elements Common To All Alternatives		
211239	Waste of everyone's money and though I'm positive this is of special interest of some, more polling and reports should be needed for such a change.	National Park Service decisions are made based on a combination of factors including science, law, policy, regulation; resource impacts and information; visitor impacts and information; cost; and public comments. The best available data and information as reported and cited in the document were used to inform the decision made, as well as the input from the public, which includes many different interests. Please see pages 11 and 118 of the EA for a discussion about public involvement and the efforts made to gather public input. The Seashore followed federal and NPS guidance/procedures for involving the public and soliciting their input on this project. A brochure informing the public about the potential project and soliciting input was mailed to approximately 500 interested parties, including many out-of-town addressees, on July 23, 2010 and was posted on the NPS website. The public scoping comment period was subsequently extended to September 29, 2010, to allow for additional comment and accommodate a public meeting. On September 14, 2010, a public meeting describing the draft project purpose, need, objectives, and alternatives was held in Corpus Christi, Texas, and a meeting notice was published in a local paper and a public notice was posted on the Seashore's website. Seventy-five people

PEPC COMMENT ID #	COMMENT	RESPONSE
		signed in to the meeting. The NPS provided several methods for the community to provide input on the proposed project during the public comment period. Comment sheets were provided at the public meeting. Those attending the meetings were also given a brochure providing additional opportunities for comment on the project including directing comments to the NPS PEPC website.
219597	<p>There are reasons not to accept the optimistic estimate about temporarily stopping or slowing vehicles during arribadas. In the first place, arribadas would overload the ridley's protectors no less than its predators, in part by not conveniently nesting in a single 30- to 45-minute time frame and spaced well apart, but over a broader time frame and in possibly overlapping locations anywhere between the high tide line and the dunes. Succeeding waves of hundreds of turtles would obscure the crawl marks and nests of preceding waves, making it difficult to find, mark, relocate and/or corral all the nests so they won't be run over. Even worse, if there are two or more arribadas going on simultaneously on different parts of the beaches, the turtle patrollers may not even be able to reach them all to find, mark, etc. until after clearing paths for their own vehicles. Second, attempting to do these things while the nesting is occurring would interfere with nesting process itself. Third, the much-cited conservation mandate above to make the populations self-sustaining requires that the nests of arribadas eventually be left uncorraled and undisturbed for the ridley to be considered delisted. The arribadas would nonetheless still have to be protected like any other unlisted species of concern, following park rules, by closing the affected beaches at the PINS, as is done in Mexico. Cape Hatteras National Seashore</p>	<p>Closing the beach during nesting season was considered as a possible alternative but was dismissed because other alternatives were better suited to meet the parks mission and mitigate potential impacts.</p>

PEPC COMMENT ID #	COMMENT	RESPONSE
	(CHNS) has also set a precedent for seasonally closing areas of the beach to vehicular access to protect nesting sea turtles and shorebirds. Unable to drive across the northernmost arribada site on South Beach at the PINS, vehicles would consequently be unable to access every mile of the PINS beaches south of the blockage until after their last eggs hatched and the nestlings took to the sea, which would be after a matter of months, not hours.	
219530	The ban on artificial lighting- especially while driving in pitch dark, seems counterproductive to doing everything possible to avoid collisions with wildlife and leaving (or entering) as safely as possible. Driving lights serve a practical purpose: safety.	Vehicle headlights are legal on the Seashore's beaches.
219527	In the past decade, the NPS issued a couple of environmental assessments, nominally the documents which CEQ guidance says are intended to find significance in an agency action, that were written to justify placing restrictions on the oil and gas industry's vehicles when they wanted to reach well sites on and around PINS. To protect ridley nesting, among other things those restrictions prevented the industry from driving on the lower portion of the beach, and declared an alternative off-beach well access route unreasonable, leaving the upper beach where the turtles actually nest the lone agency-approved access route. Demonstrating an uncanny lack of anticipation, those EAs also declared the normal tourist and fishermen traffic no threat to the turtles, and still found no reasonably foreseeable significant impact regarding the major goal of the recovery program and its conflicts with the enabling legislation and other laws such as the Texas Open Beaches Act.	<p>The 2001 Oil and Gas Management Plan is 10 years old and currently under revision. The park has recognized that our policy for oil and gas traffic and visitor traffic is inconsistent and has changed our requirements for where oil and gas traffic is allowed to travel.</p> <p>The scope of this EA is limited to alternatives to manage beach vehicle use at the Seashore that focus on differences in speed, which is a variable that affects relative risk of impacts and accidents and which the Seashore can control or regulate.</p> <p>The National Park Service adheres to the Texas Open Beaches Act to the extent it is consistent with the federal policies and regulations concerning the management of Padre Island National Seashore</p>
219344	Speed limit signs are not enough of a deterrent if there are no consequences.	Enforcement of speed limit regulations as well as all other regulations pertaining to the

PEPC COMMENT ID #	COMMENT	RESPONSE
	Lowering and enforcing a lower speed limit will GREATLY benefit the endangered sea turtles nesting during that time, AND improve safety for ALL visitors who use the beaches.	operation of vehicles on the Gulf beach would continue under all of the alternatives being considered in the EA.
211282	Many studies have shown that artificial speed zones (not based on the 85% speed of the daily traffic) are totally ineffective as a majority of drivers will drive at the speed they feel safe at and not the posted speed. 15 mph? seriously? how did someone determine that speed? Certainly not by the 85% speed factor that 100% of almost every Transportation Department or highway department in every state has used since the 1930's. All you will do is create speed traps, driver frustration and more violators.	15 mph is the State of Texas' speed limit for all of its beaches in accordance with Texas Transportation Code, Section 545.352. Padre Island National Seashore is currently the only beach in Texas that allows a higher speed limit. Other speed limits were considered in the EA, including the no action alternative (Alternative 1) of maintaining the current speed limits.
Alternatives 1: No Action Alternative		
211261	In my experience the beach has dictated what the safe speed for a vehicle is and that by posting a ridiculously low limit of 15mph you have achieved nothing but create a way to generate money. The beach is no safer for humans as the reduced limit forces them to drive considerably more time at a reduced speed with plenty of distractions around them that get more attention than when they are driving faster and paying attention to what they are doing. The same goes for the turtles, when forced to drive that slow I spend more time looking at the water than I do for turtles that may be in my path. When driving faster I have to pay attention to what is in front of me to keep from throwing all of my gear out of the truck. Furthermore, the beach is really good at providing a faster than normal stopping distance, so just because I may be traveling at a whopping 10 mph faster (25mph) my stopping distance is well inside of my headlights even on a dark night. There simply is no reason to have the	The speed limit on all beaches within the State of Texas, except for Padre Island National Seashore, is 15 mph in accordance with Texas Transportation Code, Section 545.352. As discussed on page 70 of the EA, the Seashore conducted a braking distance study on both wet and dry sand. The results of the study showed that a vehicle, traveling at 15 mph can stop on average, in approximately one half the distance it can stop traveling at 25 mph (54 feet versus 107.5 feet). This takes into consideration not only the physical ability of the brakes to stop the vehicle, but a standard 1.5 second reaction time (time it takes to recognize a need to brake, to putting your foot on the brake, to having the brakes begin to slow the vehicle). Driving slower allows for more time to look at the water, wildlife, other visitors, etc. without necessarily increasing risk, and does not mean that drivers will not pay attention to what is in front of them.

PEPC COMMENT ID #	COMMENT	RESPONSE
	reduced speed limit and there has not been any statistical information posted to support the decrease. It is for this reason I select the ALTERNATIVE 1: NO ACTION.	
211296	Alternative 1 seems to make the most sense. Based upon the study PINS appears to be one of the safest stretches of public road in North America. And since NOT A SINGLE death to a turtle has been attributed to off-road vehicles on the beach the existing speed limit of 25mph south of the 4X4 sign are apparently working just fine. I could understand addressing speed limits if there was ANY indication of increased vehicle/pedestrian accidents or a bunch of turtles getting run over but that is simply not the case.	The purpose of this plan is to address not only current conditions, but also reasonably anticipated future conditions so that as visitation down island and wildlife populations increase, accidents to visitors and species protected by federal law do not occur. The need for taking action stems from concerns about recent marked increased 4-wheel drive vehicle use on the beach and the increasing numbers of sea turtles on the beach (EA, pages 5-6). While there have been no records of nesting turtles being struck by vehicles, as indicated on page 86, stranded sea turtles have been struck and killed by vehicles on the beach. In addition, as stated in the EA on page 87, there have been two incidents on South Padre Island that involved death of nesting Kemp's ridley sea turtles due to being struck by passing vehicles, and speed was a contributing factor in one of these. Regarding vehicle/pedestrian accidents, the EA provides information about accident rates (pages 36-37) and also indicates that Seashore law enforcement staff receive phone calls two to three times each weekend during high visitation periods from visitors complaining about vehicles speeding and accident near misses (page 38).
Alternative 3: Longer Seasonal Restrictions		
219345	We urge the Park Service ("NPS") to choose Alternative 4, or if not, to modify the Preferred Alternative to include Safety Zones whenever speed limits are allowed to increase to 25 mph.	The National Park Service needs to take into consideration the full purpose of why the park was created when making management decisions. For the Seashore, this includes both public recreation and preserving the natural ecosystem, which includes protecting its wildlife. Because there is only one access point to the beach on the north end and driving the beach is the only means to access locations down island, Alternative 3 best meets the Seashore's objectives of providing for visitor use, visitor

PEPC COMMENT ID #	COMMENT	RESPONSE
		<p>safety and wildlife protection. Safety zones rely upon uncertain variables such as good judgment of distance and visibility conditions. . . Additionally, visibility conditions are constantly changing with the weather conditions and night time conditions, so what constitutes the speed at which someone could receive a speeding ticket would be constantly changing. Therefore, they are difficult to enforce. Also, depending on the size, the safety zones may be too large (100 yards) to effectively see a small child or something like a nesting Kemp's ridley turtle, or too small (100 feet) to be able to stop or take evasive maneuvers to avoid hitting a person or animal. Alternative 3 extended the period of 15 mph to cover the periods of heaviest use by visitors and nesting turtles, and given the difficulties with safety zone enforcement and compliance, NPS believes this was sufficient to achieve the purpose and need for action without adding additional requirements that may be difficult to implement for the remainder of the year.</p>
219639	<p>In the scoping brochure Alternative 3 provided that the proposed 15 mph reduction in the speed limit at the Seashore was to be from March 1 to November 30th. The Park EA states repeatedly that the Park's Alternative 3 reduces the speed limit to 15 mph from March 1 through Labor Day. The Park EA does not acknowledge or discuss that Alternative 3 has been modified from the version previously published in the scoping brochure nor explain how the change occurred. The compiler of the Park EA by not disclosing in the Park EA the modification of Alternative 3, or discussing its involvement in the change, appears to have colluded with the Park to make its Alternative 3 more favorable so that the compiler would be able to argue more persuasively that such Modified Alternative 3 is more preferable to the other alternatives. It is clearly irregular, improper and unfair for</p>	<p>One of the purposes of scoping is to identify issues so that the EA can focus on those issues the agency and the public think are most impacted. Alternatives are examined during internal and public scoping and suggestions are made to modify alternatives to better address or eliminate potential impacts. By moving the end date of the seasonal speed limit reduction in Alternative 3 from November to Labor Day, the EA is better tailored to peak visitation periods (March through September, including spring break weeks, Memorial Day, Fourth of July, and Labor Day) and the majority of nesting season for all sea turtle species.</p>

PEPC COMMENT ID #	COMMENT	RESPONSE
	the compiler to conspire with the Park in modifying its Alternative 3 so that it is more acceptable to the compiler.	
219578	<p>The preferred (3) alternative in the EA is "LONGER SEASONAL RESTRICTIONS", limiting the speed limit to 15 mph for a period that would last from March 1 through Labor Day. I have concerns with the impact this alternative will have on the public having continued full access to all of the seashore. Although, the proposed speed limit reduction in Alternative 3 appears reasonable, a 15 MPH speed limit would almost certainly prevent an individual that wished to travel to the Mansfield Channel from making the journey in a reasonable amount of time. This would almost double the one way travel time, making the round trip over eight hours. There are also many areas of loose or deep sand along the beach where a slow moving vehicle will become stuck, and reducing the maximum speed to 15 mph would lead to more vehicles including the PINS staff becoming stuck in deep sand. Additionally, I believe the Park Service will have an even more difficult time enforcing a 15 mph speed limit than it currently does with the 25 mph limit. The GLO strongly recommends PINS perform a complete evaluation of the impacts of the identified alternatives on the recreational uses of the Park.</p>	<p>The speed limit on all beaches within the State of Texas, except for Padre Island National Seashore, is 15 mph in accordance with Texas Transportation Code, Section 545.352.</p> <p>Regarding the time needed to travel to Mansfield Channel, a change from 25 mph to 15 mph will increase the one way travel time of 2 hours and 24 minutes by an additional 1 hour and 36 minutes. This will not prevent access but may change how and when the farthest point is accessed. The impacts of increased travel time for a segment of the visitor population and for Seashore staff accessing Mansfield Channel are addressed in the EA – Chapter 4, Impacts of Alternatives 2, 3 and 4, under Visitor Use and Experience and Seashore Operations and Management – pages 102-104, and 107-109.</p> <p>Regarding the concern for becoming stuck in sand at lower speeds, as stated on page 70 of the EA, NPS staff has not experienced employee or visitor vehicles getting stuck in soft sand at lower speeds.</p> <p>Regarding the enforcement of the preferred alternative, the Seashore has no evidence that there will be any difficulty enforcing a 15 mph speed limit versus a 25 mph speed limit. Of the alternative speed limits analyzed, only the "zone of safety" speed limits pose foreseeable enforceability issues due to their reliance on uncertain variables such as good judgment of distance and visibility conditions. In any case, there will still be a net positive impact on safety because some portion of visitors will obey the law without an enforcement action beyond posting the speed limit.</p>
219537	From mid-July through September the only turtles likely to nest would be the	Please see response to comment 219345.

PEPC COMMENT ID #	COMMENT	RESPONSE
	Green (Chelonia mydas) and Loggerhead (Caretta caretta) but these are rare events and take place at night when driving at 25 mph on the National Seashore would be a risky undertaking. I support the idea of imposing a 15 mph speed limit within 100 yards of people, pets, vehicles, structures, flocks of birds, and other wildlife. This should be a common sense courteous thing to do anyway no matter what speed limits were imposed.	
219349	If the Preferred Alternative is chosen instead, we believe it should be modified to include the "Safety Zone" concept that was included in Alternative 2 but not Alternative 3. If Alternative 3 is chosen, NPS should still require vehicles to slow to 15 mph within 100 yards of wildlife, pets, other vehicles, visitors, etc. In this way (hopefully) even in the off-season, stranded sea turtles and other wildlife would be harmed less frequently.	Please see response to comment 219345.
Alternative 5: CAC Alternatives		
219396	Alternative 5 would be my secondary choice, with Option A only included. To say that a vehicle must slow down from 25 to 15 mph because of wildlife is splitting hairs. At that point, one can then argue which wildlife; deer, hogs, rattlesnakes, birds, crabs, flies? I know...I know? But it needed to be said. Its common sense to slow down if a deer, coyote or even a turtle is in front of your vehicle or adjacent as you approach. Let's not split hairs.	This alternative was included to add wildlife to the list of items that would trigger reduced speeds. In developing this alternative in response to a public comment, the EA team acknowledged that the term "wildlife" would be difficult to define, but based on how the alternative was described, it was assumed that wildlife would include those species that can be seen from the stated distance and can be avoided by slowing down and/or changing the driving path on the beach, and that discretion would be used in the enforcement of this provision. If this alternative were selected, more specific examples would be included in the materials distributed to the public.
219649	Since the Park modified its Alternative 3 in concert with the compiler of the Park EA, CAC felt that it should offer to make reasonable modifications to Alternative 5 to make it more acceptable to the compiler of the Park	There appears to be some confusion about responsibilities for preparation of the EA. Although NPS has contracted with a private firm to assist with preparing the EA, the sole responsibility for the content of the document rests with NPS. The process used for this project is standard for most NPS

PEPC COMMENT ID #	COMMENT	RESPONSE
	<p>EA to induce it to adopt Alternative 5 instead of Modified Alternative 3. For example, if it is determined by analyzing the experience of the 100 foot safety zones at Gulf Islands National Seashore and Assateague Island National Seashore that it would be advisable to lengthen the 100 foot safety zone, CAC is willing to consider such modification. Similarly, since a significant number of visitors travel south past MM 2.5 to the 4 wheel drive sign between Memorial Day and Labor Day, CAC is willing to consider expanding the 15 mph speed limit during such high use period for an appropriate distance past MM 2.5. CAC would also be willing to consider other reasonable modifications to either Alternative 5 (Option A or B) to induce the compiler to select this Alternative over Modified Alternative 3 or any other Alternative.</p>	<p>plans and action. Problems are identified, alternatives are developed to respond to those problems, and then alternatives are modified based on resource impacts and public comment. A preferred alternative chosen based on an established process such as Choosing by Advantages or value analysis. The EA includes the project purpose and need, alternatives considered, and impact analyses of the alternatives. After analysis of the public comment received on the EA, the park superintendent recommends a decision to the regional director. Please also refer to the response for comment 219639.</p> <p>The safety and regulatory situations at Assateague National Seashore and Gulf Islands National Seashore differ from the conditions prevailing at the Gulf beach at Padre Island. At Gulf Islands National Seashore visitor vehicles are not allowed to be driven on the beach and there are paved areas where speed is restricted to 20 MPH during bird nesting season. This includes a section of State Highway 399 and the paved road to Fort Pickens. Assateague Island National Seashore provides for visitor and staff safety by only allowing 145 vehicles on the beach at any given time.</p>
219648	<p>As discussed in CAC's prior comments, CAC also suggests that safety zones not include wildlife. Since birds normally fly and other wildlife (other than turtles) normally runs off whenever vehicles are nearby, this provision would be very difficult to enforce, would probably be routinely ignored and could be controversial or subject to enforcement abuse. CAC also questions the wisdom of creating a 15 mph safety zone specifically for wildlife (effectively a "safe harbor" speed around wildlife) since doing so implies that passing a turtle or other wildlife at 15 mph is prudent and condoned. By not specifically mentioning wildlife and thus not establish a ?safe harbor?</p>	<p>Please see our response to comment 219649 about how NPS identifies alternatives and selects the preferred. In developing Alternative 5 (Options A & B) in response to a public comment, the EA team acknowledged that the term "wildlife" would be difficult to define, but based on how the alternative was described, it was assumed that wildlife would include those species that can be seen from the stated distance and can be avoided by slowing down and/or changing the driving path on the beach, and that discretion would be used in the enforcement of this provision. If this alternative were selected by the Regional Director, more specific examples would be included in the materials distributed to the public.</p>

PEPC COMMENT ID #	COMMENT	RESPONSE
	<p>speed limit, drivers would be required to drive a reasonable and prudent speed under the circumstances under Texas law and the ESA, which is probably a speed considerably less than 15 mph in the near vicinity of a nesting turtle. Although it is CAC's desire that the speed limit alternative adopted be one which least impacts Park visitors' enjoyment of the Park and is readily enforceable, nevertheless, CAC is agreeable to Alternative 5 (Option B) being adopted (but prefers Alternative 5 (Option A) since it believes that it is safer for wildlife without presenting the enforcement and abuse problems mentioned above).</p>	
219428	<p>I would say alternative 5 is the best solution since there are actually documented cases of personal injury due to vehicular collision. You may be wondering why your getting so much feedback about this proposal. It is because per the "BEACH VEHICLE MANAGEMENT" document "Thirty-five percent of interviewed visitors travel south of Little Shell Beach", 35% (133,507 total visitors) is a lot of people.</p>	<p>The actual total number of visitors traveling down island is less than 133,507 annually. As indicated on page 53 of the EA, 13 percent of all annual visitors to the Seashore drive on South Beach, which means on average 82,536 visitors drive on the beach annually [13 percent of 634,894 (average annual visitation from 2000-2010)]. Of those visitors driving on the beach, approximately 48.2 percent (39,782) drive past mile marker 10, with only 10.7 percent (8,831) driving all the way down island to Mansfield Channel on an annual basis. The safety zones proposed in Alternative 5 may be difficult to enforce because they rely upon an operator's good judgment of distance and visibility conditions. Additionally, for a vehicle travelling at 25 mph, a safety zone of 100 feet may not be large enough to stop in time to avoid striking a person, pet, etc. because the braking study conducted by the Seashore indicated that on average it took 107.5 feet for a vehicle traveling at 25 mph to stop on the beach.</p>
Alternatives Considered But Dismissed: Other Speed Limits		
211262	<p>I think that there should be an implied regulations to make it mandatory 15 mph speed limit in populated, (campground, people fishing, people on</p>	<p>Increasing the speed limit to 35 mph would not meet the purpose and need of the proposed project as it would not reduce the current and potential future impacts of vehicle use on visitors, Seashore</p>

PEPC COMMENT ID #	COMMENT	RESPONSE
	the beach etc.) area and 35 mph speed limit in non-populated area with or without sign posted. In my own experience, at 35 mph speed, I still have ample clearance to stop my vehicle in an emergency situation without losing control of my vehicle. People caught driving over the speed limit should be liable to pay a steep fine. People who are caught doing a maneuver that is destructive to environment, i.e., excessive display of 4 wheel driving power, donut maneuvering, driving on dunes, and driving on water, etc. should have their vehicle impounded and charge with an appropriate fine.	employees, and wildlife resources on the beach. Although the Seashore's braking study did not specifically look at a 35 mph vehicle speed, it did look at stopping distances for vehicles traveling at 30 mph and 40 mph. At these speeds, the average stopping distance (taking into effect a 1.5-second reaction time) would be on average approximately 136 feet and 219 feet respectively. Additionally, park enforcement currently provides for penalties for reckless driving that include issuance of citations, and this would continue to be enforced under any of the alternatives. Because of these factors, the alternative suggested does not reduce current and potential future impacts of vehicle use on visitors and will therefore not be furthered considered in the EA.
Alternatives Considered But Dismissed: Relocate Kemp's Turtle To Other Barrier Islands, Including Matagorda And San Jose		
219148	I believe the turtle program would be better served on Matagorda island where there is NO vehicle traffic. This option works for ALL parties involved	As discussed on page 23 of the EA, an alternative to relocate Kemp's ridley sea turtles to Matagorda and San Jose islands was not carried forward for analysis in the EA because it does not address public safety aspects of the purpose and need as stated on page 3 of the Beach Vehicle Environmental Assessment
220038	Fourth, if San Jose and Matagorda Islands are outside the documented historic nesting range for the species, why as recently as June 13, 2011 did the Corpus Christi Caller-Times report that two ridley nests had been discovered on Matagorda and San Jose Islands so far this season? Non quod erat demonstrandum. Fifth, as to being much less used for nesting, it should be noted that turtle patrols on and other human visitation to the beaches of Matagorda and San Jose Islands are relatively sparse compared to every other Texas beach, the two are smaller than Padre Island, they are farther from the primary Mexican	See the response to Comment 219148.

PEPC COMMENT ID #	COMMENT	RESPONSE
	<p>nesting beaches than Padre Island, and, of course, no one has been trying for decades to import, imprint, and protect the ridleys there as they have at the PINS. Finally, as easy as it is to give the lie to much of the paragraph quoted above, forgive me for not believing the unsupported statement that those islands are less geologically suitable for turtle nesting, whatever that means.</p>	
219616	<p>Relocate Kemp's ridley sea turtles to other barrier islands, including Matagorda and San Jose. This alternative was not carried forward because it is outside the scope of this planning process and does not address public safety aspects of the purpose and need. Additionally, the NPS is tasked with protecting resources within Seashore boundaries. Such relocation is not in accordance with NPS Management Policies and the Endangered Species Act and is not physically feasible. Those other islands are less geologically suitable for turtle nesting, much less used for nesting, and outside the documented historic nesting range for the species. To rebut the quoted paragraph above is fairly simple. First, removing the arribadas to an island without vehicles on its beach falls squarely within the NEPA process and directly reduces the long-term public safety aspects. Only because the NPS and FWS chose to violate the NEPA process by piecemealing does the alternative fall outside the scope of this and the previous EAs' planning processes. Second, not only is the NPS capable of protecting resources outside its own boundaries, moving the arribadas elsewhere certainly protects those resources within, including the ridleys and beaches accessible to people. Third, the imprinting of the ridleys under the recovery plan began by relocating ridley eggs from Mexico</p>	<p>Please refer to our response to comment 219148</p>

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	to rearing facilities at the PINS and in Galveston, and to this day continues at rearing facilities and/or corrals at the PINS and on South Padre Island, proving by demonstration that relocation was and is not only physically feasible but in accordance with the NPS Management Policies and the ESA, if not currently the NEPA.	
219611	Also, recall that transplantation of a listed species is among the ESA's approved conservation methods and procedures. Fourth, if San Jose and Matagorda Islands are outside the documented historic nesting range for the species, why as recently as June 13, 2011 did the Corpus Christi Caller-Times report that two ridley nests had been discovered on Matagorda and San Jose Islands so far this season? Non quod erat demonstrandum. Fifth, as to being much less used for nesting, it should be noted that turtle patrols on and other human visitation to the beaches of Matagorda and San Jose Islands are relatively sparse compared to every other Texas beach, the two are smaller than Padre Island, they are farther from the primary Mexican nesting beaches than Padre Island, and, of course, no one has been trying for decades to import, imprint, and protect the ridleys there as they have at the PINS. Finally, as easy as it is to give the lie to much of the paragraph quoted above, forgive me for not believing the unsupported statement that those islands are less geologically suitable for turtle nesting, whatever that means.	Please see response to comment 219148.
219528	Congressman Paul, once you've read my comments on the BVEA, you've learned that the solution I propose to avoid the train wreck of having arribadas at PINS is to stop focusing on its beaches to carry out the recovery plan and to use instead the beach at Matagorda Island, which is a unit of the	Please see response to comment 219148.

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	Aransas National Wildlife Refuge. Naturally, since it is within your district, you are an essential party to the site's serious consideration, which the NPS has so far refused to demonstrate. The danger is that once the first arribadas begin to block the vehicular access at PINS, applying this alternative will be pointless.	
219492	Plenty of legitimate points have been made by the scientific community, the local population, and the media regarding the continuing effort of the Park Service to establish PINS as a major area for turtle protection. If the Park Service really had the protection of turtles as their clearcut goal, they would move the operation to an uninhabited, limited access, and totally natural area that is available just north of PINS. Keeping the turtle protection operation at PINS will only lead to more restrictions on the public (who really "own" the beach). In closing, I urge Park Management to abide by the law and to do what's right by the public (taxpayers). Move the turtle program to Matagorda Island where it will be safe forever, and end the feud between yourself and the public.	Please see the response to comment 219528.
219490	The turtle's would be better served at Matagorda Island. The turtles have not to this date been harmed in a negative way, nor would they be hurt if they no longer nested on PINS ("?less than a half a percent of total	Please see the response to comment 219528. Eight stranded sea turtles have been run over by vehicles at Padre Island National Seashore (see page 78 of the EA).
219417	Please use common sense. The turtle folks seem to think that humans have no rights at all and should be terribly inconvenienced by doubling drive time to Port Mansfield from Corpus Christi, when such will have no effect on the turtles. This has been proven over the past years and no killing of turtles with a 25 MPH speed limit. If you want to establish a turtle preserve, then please move it to Mustang Island where there	A change from 25mph to 15 mph will increase the one way travel time of 2 hours and 24 minutes from the beach road entrance to Mansfield channel by an additional 1hour and 36 minutes. The impact analysis of this additional travel time on visitor use and experience is addressed on pages 102-104 in the EA. Padre Island National Seashore is currently the only beach in Texas that allows a higher speed limit. Fifteen mph is the State of Texas'

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	are no roads. Only 1% of Kemp Ridley turtles come to Corpus Christi anyway, so this is not a material nesting ground. Again, please use common sense and deny the National Park Service this incredibly anti-human and anti-taxpayer 15 MPH speed limit rule and any and all other rules they may dream up to restrict normal access to these Open Beaches as defined by Texas law.	speed limit for all of its beaches in accordance with Texas Transportation Code, Section 545.352. Although no nesting Kemp's ridley sea turtles have been run over at Padre Island National Seashore, at least eight stranded sea turtles have been run over on the Seashore's beaches (EA, pg. 78).
Alternatives: New Alternatives Or Elements		
219130	Ask the local people to help get "speed bumps" placed along the road to prevent high speed traffic... and I do not mean the little low ones... get some decent height bumps... easy fix!!!	In a dynamic beach environment, it is impossible to affix permanent speed bumps. The tide would destroy them or they would get buried by sand.
220141	In 1984, the Rule was published at 49 CFR § 236.812, setting a base standard for such movements, that would then be conformed to the actual workplace environments, stating, in pertinent part, a definition of "restricted speed", i.e. "A speed that will permit stopping within one-half the range of vision, but not exceeding 20 miles per hour." The Rule became a "cardinal rule" within the railroad industry, and was adopted to the General Code of Operating Rules (GCOR) on each railroad, subject to oversight and verification by the Federal Railroad Administration (FRA). The boilerplate language that is in place, for operational purposes, is taken from the Union Pacific Railroad Company (UPRR) GCOR, stating: "When required to move at restricted speed, movement must be made at a speed that allows stopping within half the range of vision short of: Train Engine Railroad Car Men or Equipment fouling the track Stop signal Or Derail switch lined improperly When a train or engine crew is required to move at restricted speed, the crew must keep a lookout for broken rail and not exceed 20 mph. Comply with these requirements until	Please see the response to comment 219345. The rules discussed in this comment were developed for train tracks that were engineered to optimize safety, with long stopping distances and tracks that are scheduled and monitored. The beach is not similarly engineered, and the rule of being able to stop within one-half the distance you can see could allow for excessive speeds and the inability to stop in time for unexpected obstacles such as small camps, running children, partially buried obstructions, and animals.

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	<p>the leading wheels reach a point where movement at restricted speed is no longer required." As can be seen, the emphasis is on observance for and of hazardous conditions, and these take precedence over the "speed limit", which simply stated is "not to exceed 20 mph." The conditions that exist on the unpaved traffic areas at PINS are quite analogous. Being totally familiar with PINS, having spent time at all times of the year at the park since 1988, there exist a multitude of "safety related" issues that cannot be simply addressed by establishing a "speed limit". Studies have shown that when a "speed limit" is posted, the only concern is to assure that the "speed" is not exceeded, rather, than operators focusing on the purpose of the posted "speed limit".</p>	
219575	<p>I would highly suggest that based on "Alternative 3: Longer Seasonal Restrictions (Preferred Alternative)", to apply the tested and legally accepted parameters of "restricted speed", to wit: Speed Restrictions on the Padre Island National Seashore On North Beach and between mile marker 2.5 on South Beach the following shall apply year round: All vehicular movements must be made at a speed that allows stopping within half the range of vision short of: All Wildlife Men, Women, Children and domestic pets Parked/moving vehicles Camping/picnic structures Emergency and law enforcement vehicles Watching for obstructions & wildlife migratory movements, Not to exceed 15 MPH. & From mile marker 2.5 south to Mansfield Channel, between the dates of 1 March and 15 September, the following would apply: All vehicular movements must be made at a speed that allows stopping within half the range of vision short of: All Wildlife Men, Women, Children and domestic</p>	<p>Please see response to 220141 and 219345, above..</p>

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	<p>pets Parked/moving vehicles Camping/picnic structures Emergency and law enforcement vehicles Watching for obstructions & wildlife migratory movements, Not to exceed 15 MPH. & From mile marker 2.5 south to Mansfield Channel, between the dates of 15 September and 1 March, the following would apply: All vehicular movements must be made at a speed that allows stopping within half the range of vision short of: All Wildlife Men, Women, Children and domestic pets Parked/moving vehicles Camping/picnic structures Emergency and law enforcement vehicles Watching for obstructions & wildlife migratory movements, Not to exceed 25 MPH.</p>	
219487	<p>If you are so concerned with the "safety" of the (much) more crowded area in the initial 2.5 miles of the park, maybe a bypass should be created for those go to the 4 wheel drive only part of the island. Clearly, the people who choose that strip of beach that is accessible to 2 wheel drive vehicles over Malaquite do so because they prefer the "real beach"- the natural beach as it were.</p>	<p>A bypass route behind the dune line was considered but dismissed as an alternative because it only partially meets the purpose and need of the proposal. It would not address safety and wildlife concerns on the remainder of the beach; however, as noted on page 28 of the EA, a road behind the dune line will be examined within the on- going General Management Plan revision. Text of EA on page 28 has been changed to better explain that it was dismissed because it only partially meetings the purpose and need of the proposal. See Errata.</p>
219405	<p>Problem would be solved if the park would allow driving BEHIND THE DUNES from Yarborough pass to the Mansfield channel as we use to do in the past. Travel time would be reduced dramatically, as would wear and tear on vehicles, environment and wildlife. Beach driving would be dramatically reduced if you would let us drive behind the dunes again.....especially when it's the dry season.... most of the year.</p>	<p>Please see response to comment 219487. Also, there is no documentation of being able to drive behind the dunes all the way to the Mansfield Channel as described by the commenter.</p>
219394	<p>I suggest we remove the turtle patrol....free up the funds from that, and increase the ranger patrols. By doing this, we have true Enforcement on the</p>	<p>Using law enforcement personnel to cover the duties of the turtle patrollers would be much more expensive than the volunteers and seasonal employees currently used.</p>

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	beaches with the authority enforce the laws. This would not only increase the enforcement of rules and the speed limit on the beach, but it might also decrease the numbers of illegal activities, and provide visitors some peace of mind. This does limit access to the south beach areas for visitors, because of the added travel time to head further south down the beach.	Turtle patrol responsibilities would be secondary to the law enforcement staff primary responsibilities. Turtles would be at increased risk of being run over, and nests would be at increased risk of not being detected and protected, which is in violation of the Endangered Species Act and NPS Management Policies. In addition, turtle patrollers conduct numerous visitor assists, and if replaced by a smaller number of enforcement officials, fewer visitors would be aided.
219393	The study quotes "Between January 2000 and the end of 2010, 34 vehicle accidents were recorded along South Beach." That is a very good track record over a ten year period if I read that portion of the survey correctly. The survey was meant to look at ways to "reduce the risk of injury to Seashore employees and visitors from vehicle accidents, and to improve protection of wildlife (including threatened and endangered species) from potential adverse impacts of beach vehicle use". If so, an alternate access road would provide park visitors the ability to drive down the new "road" instead of the beach thus improving access for all, and decreasing the amount of vehicular traffic along the beach. Make the road passable for all, and post a safe speed limit. This was mentioned in the study, but is "outside the scope of the study", but...that might be a better use of the tax payers' dollars than this large 115 page report, the funding of the turtle patrol, etc.	Please see response to comment 219487. Regardless of alternate access down-island, the beach would remain open to vehicles and risks to visitors and wildlife would also remain.
Editorial		
219353	Affected Environment. Special Status Species, Table 5, page 42 For bald eagle, place "Delisted" in the Federal Status column. Affected Environment,	Inserted "Delisted" under Federal Status in Table 5. See Errata. Inserted Figure 14 showing the average

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	Special Status Species, Kemp's ridley sea turtle, page 47 We suggest inserting a figure, similar to Figure 13, showing months of the year versus average number of nests.	number of nests by month at PAIS for all sea turtle species from 2006 – 2010, including the 30 nests from non-Kemp's ridley species. Text added on page 46 introducing the figure. See Errata.
219355	Cumulative Effects We recommend that the Cumulative Effects analysis be moved to a separate chapter after the Environmental Consequences chapter.	The format of the document is consistent with NPS policy and guidance that directs the cumulative impact section be included as a separate section within the effects analysis for each impact topic, not as a separate chapter.
Scientific Data Used		
219357	I believe that any change to the current speed limits is unsupported by facts. There is NO data that lawfully following the current speed limit has resulted in any damage to vehicles, people or wildlife. Certainly, illegal activities such as speeding and drinking while driving have contributed, but those should have no bearing on requiring a change to the current legal speed limit as improved enforcement could fix those problems.	The Park Service disagrees that a change in speed limit will not increase the measure of safety afforded to both nesting turtles and people on the beach, especially looking proactively into the future with the expected increase in turtle population and the continued increase in the use of 4-WD vehicles on the beach. As noted in the EA, on pages 36 through 38, page 75 through 77, and 85 through 88, there is evidence that injuries have occurred, wildlife has been adversely affected, and sea turtles have been injured by vehicle use. There have been injuries to stranded turtles on the Seashore and to nesting turtles on nearby South Padre Island, with one death attributed to high speed where the driver was unable to stop to avoid the turtle. In addition, there are anecdotal near-misses and complaints reported by Seashore staff that indicate a problem with speeding vehicles and a potential risk to beach visitors and to Seashore staff and volunteers currently exists (EA, page 38) .
211303	Can park officials produce any documentation of the observed effects of four-wheel-drive vehicle use on the safety of park visitors, park staff and volunteers, and wildlife, including sea turtles, birds, and mammals?	As noted in the response to comment 219357, above, pages 36 through 38, page 75 through 77, and 85 through 88 document the effects of vehicle use known to date on people (park visitors, staff, and volunteers) and wildlife, including sea turtles, birds and mammals.
219645	The Park EA has justified adoption of Modified Alternative 3 by ignoring data supporting adoption of Alternative 5	Please see response to 219649. The USFWS employee did speculate that the loss of the population nesting at Padre

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	<p>and based upon several erroneous assumptions, including, having the mendacity to suggest that the Park's turtle recovery program is important to the worldwide recovery of the Kemp's ridley sea turtle. The Park EA dedicates a considerable discussion to expounding on the success and implied importance of the Park's turtle recovery program and the alleged need to protect nesting turtles from vehicles. No mention is made (a) of the FWS statement, (b) of the fact that the turtle may be down listed from endangered to ?protected? in a few years, or (c) that turtles nesting on the Seashore are immaterial and insignificant to the worldwide recovery effort of the endangered species. Without addressing and controverting the foregoing, no justification exists for the adoption in the Park EA of an alternative which infringes on Park visitors' enjoyment of the Seashore. The following statement appeared in CAC's prior comments in discussing the Park's scoping brochure and is relevant to this discussion? CAC believes that the Park elected to ignore its request to address the maximum permitted taking at the Park by vehicles during a specified period (a year or multi-year period) based upon the worldwide populations of Kemp's ridley nesting turtles in the year(s) of such taking because the Park desired to avoid an official finding that the Park's Kemp's ridley sea turtle recovery program is insignificant or immaterial to the worldwide recovery effort. CAC feels that unless the taking issue is addressed that any conclusions reached in the Park EA assuming that the Park's turtle recovery effort is material and that taking of turtles would damage the worldwide recovery effort would be arbitrary and capricious, thereby rendering any finding in such EA flawed and not in compliance with</p>	<p>Island would not cause the species to become extinct. What is important is that the population nesting at Padre Island serves as a secondary population. If the population nesting at Rancho Nuevo in Mexico were to be decimated by natural or human caused disaster, the species would still have a chance of avoiding extinction. Disasters such as hurricanes, oil spills, or the collapse of the government in Mexico could result in the primary population being decimated. In addition, the Endangered Species Act requires the NPS to protect listed species, both endangered and threatened, and NPS <i>Management Policies</i> reiterates that requirement and extends that protection to state-listed species.</p>

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	NEPA or the CEQ guidelines.	
219404	Where is the environmental impact study of transplanting a species into the park? Where is real time data on travel on pins by vehicles? This document seems like a statement designed to promote single usage and conversion of a government asset to private property. It violates stated purposes and intent of the parks founders.	Kemp's ridley sea turtles are native to Padre Island.
Impact Analysis: General Methodology For Establishing Impacts/Effects		
211304	What criteria or data was used to determine that vehicle speed was a primary factor that can affect accident/impact potential?	Speed is a variable that affects relative risk of impacts and accidents (e.g. increases stopping distance, as described on page 70 of the EA) and is a primary safety variable that the Seashore can control or regulate.
219647	The Park EA has ignored the fact that as a result of a federal statute two seashore national parks, Gulf Islands National Seashore and Assateague Island National Seashore, which have 25 mph speed limits on their beaches, have a safety zone of 15 mph while within 100 feet of any person not in a motor vehicle?. Thus, Congress deemed 100 feet to be a reasonable safety zone and did not mandate a reduced speed limit around wildlife or when vehicles pass. It should be noted that the State of Texas has never implemented a reduced speed limit on its two lane roads and highways when vehicles pass each other. Such roads and highways generally have speed limits considerably in excess of 25 mph and are generally narrower than the Seashore. In general, the Park EA concludes that the speed limit of a vehicle has little impact on wildlife, other than possibly a nesting turtle, using phrases such as short- and long-term negligible to minor adverse or that cumulative impacts on wildlife would be long-term minor adverse. The Park EA generally concludes after extensive analysis that a reduced speed limit is not justified for protection of wildlife	As discussed in the response to Comment 219649, above, the safety and regulatory situations regulations at Assateague National Seashore and Gulf Islands National Seashore differ from the conditions prevailing at the Gulf beach at Padre Island. At Gulf Islands National Seashore visitor vehicles are not allowed to be driven on the beach and there are paved areas where speed is restricted to 20 MPH during bird nesting season, This includes a section of State Highway 399 and the road to Fort Pickens. Assateague Island National Seashore provides for visitor and Staff safety by only allowing 145 vehicles on the beach at any given time. Texas Transportation Code specifies 15 mph on Texas beaches. Padre Island National Seashore is the only beach in Texas with a speed limit greater than 15 mph. The Seashore determined that there would be "...slight benefits for mammals and birds from reduced speed" (see EA, page 33, Table 3).

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	(other than turtles).	
219402	Statistics can be made to lie but examination of the current ones for turtle mortality on the National Seashore due to vehicular activity (zero) and vehicular accidents (3.4 per year for 600,000 to 700,000 visitors) do not support the option of a year round speed limit of 15 miles per hour.	Existing conditions are not the only reason this action is being proposed; as stated on page 5 of the EA, "the action is needed to reduce current and potential future impacts of vehicle use on visitors, Seashore employees, and wildlife resources on the beach." Visitor use down island is increasing as is the population of nesting sea turtles, creating the greater likelihood of increased future interactions between vehicles and visitors as well as vehicles and wildlife. Additionally, while no nesting sea turtles are known to have been struck by vehicles, there are documented records of stranded sea turtles being struck and killed by vehicles on the beach. As indicated on page 53 of the EA, not all of the 634,984 average annual visitors drive on the beach. Only about 13 percent, or 82,547, of the visitors to the Seashore actually drive on the beach.
219182	Please consider that there have been no incidents of turtles being run over on this stretch of open beach, that I have heard of. If I am not correct please release a finding that documents these incidents so that people will be warned. You have my email address please send me the facts as you know them.	Please refer to response 219528.
Human Health And Safety: Methodology And Assumptions		
211281	Your accident record is almost sparkling clean for a 10 year period, using that as your primary basis is faulty at best and disingenuous at worst.	Please refer to the response for comment 219402.
211305	Was there a measurable reduction of risk or injury to Seashore employees and visitors from vehicle accidents, or a measurably improved protection of wildlife during the past two summers as a result of the 15 mph speed limit?	The Seashore is unsure at this point in time whether there has been a reduction of risk or injury, or improved protection of wildlife resulting from the reduced speed limit during the previous 2 summers. Given a number of variables, it is difficult to draw any statistically valid conclusions about accident trends as they relate to speed limits based on only two years worth of reduced speed limit data. For one, not all accidents,

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		<p>especially those involving wildlife, are reported to NPS staff, and therefore the Seashore does not have an accurate accounting of all vehicle accidents. Also, for the accidents that are documented, often times the vehicle speed at the time of the accident is not known, so trying to correlate whether a slower speed limit could have helped avoid an accident is difficult. Other factors that cause conclusions about accident trends and vehicle speed difficult to make is that speed is not the only risk factor for accidents. Visibility and beach conditions also play a role in accidents, and these two factors are ever changing on the beach. Additionally, since 2006 the number of full time law enforcement officers at the Seashore has increased from three to eight, making it difficult to compare accident data between years for two reasons. One, with a greater law enforcement presence, vehicle operators tend to slow down thereby preventing accidents; and two, with more law enforcement present more speeding violations and accidents can be observed/recorded. For all of these reasons, it is difficult to accurately draw conclusions about the effect the 15 mph speed limit restriction during the months of April- July has had on the protection of visitors, Seashore staff, and wildlife during the summers of 2009 and 2010.</p>
Other NEPA Issues: General Comments		
211286	Where is the Environmental Impact Statement to support the proposal?	<p>Under the Council on Environmental Quality regulations for implementing the National Environmental Policy Act, an environmental assessment is prepared to determine whether or not an environmental impact statement is necessary. Once all public comment is analyzed, NPS decision-makers will use the impact analysis in the EA and the public comment analysis to determine whether or not to prepare an environmental impact statement. As disclosed in the EA, none of the impacts identified to date have major (or significant) impacts to park resources, requiring the preparation of an EIS.</p>

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219650	<p>An old southern saying is apropos to this discussion. The saying is? That you can't turn a sow's ear into a silk purse? The same is true of the Park's turtle recovery program. No matter how much the Park distorts the facts and misleads the public, the Park's turtle recovery program has not and never will be material or significant to the worldwide recovery effort of the Kemp's ridley sea turtle. Although the number of such turtles nesting at the Park will continue to be immaterial and insignificant in relation to the worldwide recovery effort of the species, CAC is concerned that their mere existence at the Seashore, even if down listed to protected, will continue to be used to justify improperly imposing restrictions on visitors' access to the Seashore, unless an EIS is prepared. The Park's turtle recovery program will continue to be costly and is causing and will continue to cause significant cumulative impacts on the human environment (particularly under subsections (b)4, (b)5, (b)6, and (b)7 of Section 1508.27 of NEPA) thereby mandating preparation of an EIS under NEPA and the CEQ guidelines.</p>	<p>Please see response to comment 219645.</p>
219642	<p>CAC is of the opinion that because of the Park's bias on the speed limit issue, the prejudicial and improper manner in which the Park has handled the scoping on the Park EA as well as (a) the biased and prejudicial nature of the Park EA (together with the matters above discussed), (b) the Park's prior failure to secure an EIS and (c) the segmenting of EAs, that the Park EA should now conclude that an EIS is required on the Park's turtle recovery program. Further, since the Park's turtle recovery program has never been lawfully authorized, is costly and is causing and will continue to cause significant cumulative negative impacts on the human environment (and the</p>	<p>Please see response to comment 211239 and 211305. The decision on whether or not to prepare an EIS has been made based on the environmental and public comment analyses. The commenter asserts that higher speeds are the sole basis for enjoying the beach. Lowering the speed limit to improve safety makes the beach experience more enjoyable for other visitors (see public comments supporting speed reduction).</p>

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	<p>proposed Modified Alternative 3 will have an adverse impact on Park's visitors enjoyment of the Seashore), CAC believes that preparation of an EIS is mandated under NEPA and the CEQ guidelines. CAC recognizes that pending issuance of an EIS that the speed limit on the Seashore needs to be addressed to cover what happens during the interim, and thus is addressing such issues, as well as related issues.</p>	
219638	<p>The Park previously represented that the EA would be a fair and impartial document prepared by an independent firm. As the Sikes' article correctly notes, the Park EA is clearly a prejudicial document. It should be apparent to anyone familiar with the facts that the compiler of the Park EA has not acted independently, but instead has acted in concert with the Park in promoting its agenda of turning the Park into a turtle sanctuary. The following comments will discuss in detail the Park's biased and prejudicial handling of the scoping on the Park EA, as well as the disingenuous nature of the Park EA, all of which mandate that an EIS be prepared. The following comments will also harshly condemn the compiler of the Park EA for not being independent. CAC hopes that the compiler will consider these comments from Park visitors' prospective and take them as constructive criticism; and that the compiler in modifying the Park EA will do so in an impartial manner taking these comments into consideration.</p>	<p>Please see response to comment 219649 and 211239 above.</p>
219637	<p>The Park EA has cleverly and furtively avoided the issue of whether an EIS should be required by only focusing on one of Johnny French's comments in the French demands for an EIS that the turtle recovery program should be relocated. His major point is that an EIS is required and without it the Park's turtle recovery program has been and</p>	<p>Please see response to comments 219404, 219597 and 211286 above.</p>

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	<p>will continue to violate the law. CAC has previously protested the Park's bias in the handling of the Park's scoping of its EA and now further complains of the biased and prejudicial manner in which the Park EA has been handled, as discussed in more detail below. CAC is of the opinion that after considering the cumulative impacts of the matters discussed in these comments, the Park EA should require an EIS on the Park's Kemp's ridley sea turtle recovery program addressing the issues raised by these comments (including, the number of such turtles which can be taken at the Park and the impact of access restrictions on Park visitors and others) and all other relevant issues, as discussed in more detail below and in CAC's prior comments.</p>	
219636	<p>Conspicuously absent is any meaningful discussion in the Park EA of why an EIS is not being required. CAC in its previous comments, and the amendments thereto (collectively, CAC's prior comments), to the Park's scoping brochure released by the Park on July 23, 2010 (the scoping brochure) on the proposed Beach Vehicle Environmental Assessment requested an EIS for the various reasons set forth in such comments. As Johnny French has argued in prior responses (French demands for an EIS) to the Park EA and to the Park's prior scoping request on turtle cabins at the Park, the Park's turtle recovery program has been and is being operating without complying with the law since an EIS has not been secured as required by the National Environmental Policy Act (NEPA). CAC supports the French demands for an EIS.</p>	<p>Please see response to comment 211286 above.</p>
219594	Mind you, an EA is not even necessary	Please see response to comment 219616

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	<p>before doing an EIS if the impacts on their face are patently significant, as they certainly are in this case. If the recovery plan were to be "successful," as the FBVEA puts it, and the ridley were delisted, the arribadas must become forever an annual feature at the PINS beaches, and, according to the ESA, the ridleys should no longer have to rely on the NPS to corral or move the nests in an arribada, even if were possible to find them all before delisting. As the FBVEA states on page 88,</p>	<p>and 219638. Language has been added to the EA through the Errata to more specifically explain what a major impact is and when an impact is considered significant.</p>
219532	<p>The worst thing about this environmental assessment is the sheer number of people who have been disenfranchised regarding the beach they love and patronize. As far as I can tell, no effort was made to inform Padre Island National Seashore patrons. We purchased a year's pass when we were there the weekend of June 3rd even though the beach wasn't drivable for us at that time. No notice regarding this proposal was posted prominently at the guard house, there was no mention by the ranger (he was extremely nice, as everyone we've ever encountered has always been), and there was no handout. Knowing the political climate in this country, how can a person not think that this silence was intentional? It would certainly create the appearance of "the public's" indifference or concurrence if comments to the contrary were limited by lack of awareness. To be truly fair, this should have been posted in every beach related business and convenience store from Rockport to Port Mansfield and covered by repeated public service announcements on local media as soon as it was released. (It would be up to those of us who live elsewhere to raise awareness locally and that's fine.) That would have facilitated input either way- for *and* against.</p>	<p>Please see pages 11 and 118 of the EA for a discussion about public involvement and the efforts made to gather public input. The Seashore followed federal and NPS guidance/procedures for involving the public and soliciting their input on this project. A brochure informing the public about the potential project and soliciting input was mailed to approximately 500 interested parties, including many out-of-town addressees, on July 23, 2010, and was posted on the NPS website. The public scoping comment period was subsequently extended to September 29, 2010, to allow for additional comment and accommodate a public meeting. On September 14, 2010, a public meeting describing the draft project purpose, need, objectives, and alternatives was held in Corpus Christi, Texas, and a meeting notice was published in a local paper and a public notice was posted on the Seashore's website. Seventy-five people signed in to the meeting. The NPS provided several methods for the community to provide input on the proposed project during the public comment period. Comment sheets were provided at the public meeting. Those attending the meetings were also given a brochure providing additional opportunities for comment on the project including directing comments to the NPS PEPC Planning, Environment, and Public Comment (PEPC) website.</p>

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219505	Section 9 of the Endangered Species Act (ESA) prohibits the taking of an endangered species, including killing individuals and interfering with their reproduction. While it should have been foreseen when the recovery program began in 1978 that arribadas would require the Secretary to enforce the ESA by denying pedestrian and vehicular access across each arribada site, with its hundreds of nests and thousands of eggs and hatchlings, until the last hatchling left each site months later, the Secretary did not consider that, in accordance with Section 4 he had no authority to halt mineral access, nor did he consider that blocking the beach both the oil and gas industry and the general public would be a significant federal action significantly affecting the human environment, thus triggering the mandatory production of an Environmental Impact Statement as required by the President's Council on Environmental Quality's (CEQ) regulations for implementing NEPA.	Please see response to comment 219616. The sea turtle program and the oil and gas program are not being analyzed as direct actions; however, the cumulative impacts of these programs on beach driving are analyzed in this document.
219191	I am surprised that the EA level review was chosen over an EIS. I would have preferred to have seen a full analysis conducted that brought into review all park activities. At some point in time, the park will need to allow for natural nesting use of the park by sea turtles rather than continually removing the turtles to a different area for nesting and hatching. The sea turtle recovery program is an important one warranting further and more detailed analysis. Not conducting a more intensive evaluation only adds fuel to the fire for people who perceive conspiracies on the part of the park staff to close the park to public use.	NPS is responsible for designating the major decision points for its principal programs likely to have a significant effect on the human environment and assuring that the NEPA process corresponds with them. NPS need not conduct a comprehensive EIS if the EA reveals, as here, that the proposed action would not have a significant effect on the environment. The review of all park activities is done within the General Management Plan (GMP) and associated Environmental Impact Statement (EIS). A new GMP and EIS for Padre Island National Seashore are currently in process.
Purpose And Need: Planning Process And Policy		
220145	Instead of a designated Turtle patrol, maybe they could switch it out to a complete beach patrol by more	Please see the response to comment 219394. Also, the Seashore currently employs rangers who patrol the beach and

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	rangers? Rangers have a very difficult job, and increasing the coverage would provide them more of a safety net while increasing the safety of the visitors on the beach. Maybe a beach patrol that could provide emergency assistance and towing off the beach for vehicles that breaks down. I admit that I did not read through the entire document of 115 pages, I did not see any mention of the funding involved for the current programs in place.	provide emergency assistance. Many of the turtle patrollers are unpaid volunteers.
219503	Please give your considerations to an impending major conflict over the use of and access to the natural resources of the Padre Island National Seashore (PINS). It involves the on-going violations of federal statutes by the Secretary of the Interior (Secretary) and the Directors of the National Park Service (NPS) and the Fish and Wildlife Service (FWS) to first place restrictions on, and eventually deny reasonable access to, the beaches of PINS and through them the mineral resources beneath and surrounding PINS. These statutes are the enabling legislation for PINS [Public Law 87-712 [16 USC 459d, et seq.]] (copy attached) and the National Environmental Policy Act (NEPA). I request that you open an official enquiry into these violations, and that you also respond with comments to a related Environmental Assessment (EA) affecting at least one of your districts.	The NPS disagrees that it, or any other agency of the Department of Interior, is violating any statute by undertaking this EA. As stated in the purpose and need of the EA, the 130,434 acres of the Seashore were set aside as part of the national park system 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" (Public Law 87-712, codified at 16 U.S.C. § 459d). Denial of reasonable access to the Gulf beach to public recreation will not occur and would be outside the scope of this EA.
219350	Purpose of and Need for Action, page 5 Include the discussion of why 4WD vehicles are needed on South Beach (similar to page 54). The reader will be aware earlier in the document what the relation is between rise in 4WD vehicles on the seashore and associated impacts of increased use	Page 3 already indicates that 4WD vehicles are needed to travel to the more southern (down island) parts of the Seashore. Additional text has been added to indicate that while sand conditions typically allow two-wheel-drive vehicles to access the first 5 miles of South Beach, soft sand conditions require 4WD vehicles to access the southern 55 miles of beach. See Errata.
219178	This Beach Vehicle EA is a joke. 155 pages of suppositions, inaccuracies	Regarding the turtle program and NEPA requirements, please see response to comments 219505 and 219616.

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	and omissions. The entire turtle program is working in circumvention of the intent of NEPA, National Environmental Policy Act. This Park was established for recreational use and that should be its first and foremost use. Considering that the nesting of the Kemp's Ridley sea turtles on the National Seashore represents less than one percent of the world population of nests and given that there has been little evidence shown that vehicular traffic on the National Seashore has greatly caused the deaths of any sea turtles, there is no reason to arbitrarily change the speed limits on the National Seashore. The turtle release program should be moved to beaches that are already closed to vehicular traffic such as Malaquite beach and Matagorda island.	<p>Regarding the purpose of the Seashore, the EA addresses the Seashore's purpose and significance on pages 6-7. The enabling legislation states that the Seashore was established to "to save and preserve, for the purposes of public recreation, benefit, and inspiration".....and part of the public benefit and inspiration includes being able to enjoy and experience the many natural communities and species associated with barrier islands. Many of the popular public recreation activities include beachcombing, swimming, picnicking, camping, sunbathing, fishing, and bird and other wildlife watching in a pristine and solitary environment, and those uses vary in the desire and need for traveling long distances with a vehicle or being affected by vehicular traffic in terms of accident potential.</p> <p>Regarding the need to change the speed limit on the beach, this is not an arbitrary decision and is based on the information from the seashore and nearby beaches as well as reported near misses from the public. Please see response to comment 219357.</p> <p>Regarding moving the turtle program to other locations, see response to comments 220308 and others.</p>
Purpose And Need: Park Purpose And Significance		
219163	I do not believe the proposed speed limit decrease on the seashore is consistent with Congress' original intent for the park. For all practical purposes, lowering the speed limit makes access to the southern areas of the park much more difficult for the American taxpayers, who paid for the acquisition of the park and continue to fund its operations. I strongly oppose lowering the speed limit.	See response to comment 219178 above.
219504	When Congress authorized the designation and funding of PINS in	Under the March 2001 Oil and Gas Management Plan, operators are restricted

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	<p>1962, Congress recognized in PUBLIC LAW 87-712 the need to provide continued reasonable access to many private and state mineral rights left beneath and adjacent to its boundaries. Consequently, in Section 4 Congress withheld from the Secretary the authority to deny such access, not even for the conservation and management of natural resources it authorized the Secretary in Section 5 to conduct in the park.</p>	<p>to 15 mph while moving heavy equipment on the beach, for safety and resource protection. A reduction in speed limit would result in some additional travel time for oil and gas operators when accessing wells with regular 4WD vehicles for gauging or other daily operating requirements. However, this would be a minimal increase (e.g., about 45 minutes additional for a round trip to the wells with the longest current access—about 15 miles down the beach), which would be a negligible effect on operating costs for the oil and gas operators. Therefore, this was not analyzed in detail as a socioeconomic impact in this EA.</p>
Purpose And Need: Issues And Impact Topics Selected For Analyses		
219351	<p>Impact Topics Dismissed from Further Analysis, Water Resources, and page 16 The Water Resources section speaks only to water quality impacts. Water resources is a very broad topic and this paragraph would be more properly characterized as Water Quality. The statement "Seashore staff have not reported impacts on water quality related to beach driving" seems to refer to anecdotal evidence or opinion that because impacts have not been reported, there aren't any. The section should cite water quality or monitoring studies that support the statement that there are no impacts to water quality. There are water sampling locations (EPA and USGS) in the nearby Laguna Madre, but not on the Gulf side of the Seashore beach driving areas.</p>	<p>The dismissal language for water resources indicates that vehicles do not drive in the marine waters, so there is no direct impact on water resources. As stated in your comment, there are no monitoring stations on the Gulf side of the Seashore; however, Laguna Madre sampling locations are not an appropriate indicator for water quality conditions in the marine waters of the Gulf side of the Seashore. In addition, turbidity in the gulf is controlled by wave and tidal action. In such a high energy environment, with the shoreline constantly being modified by natural processes, any increase in turbidity by an occasional vehicle operated at the water's edge would be impossible to measure. Because of the variables, wind, tidal action, wave energy change with each wave hitting shore, and there is no way to set a baseline for sediment load. Gross estimates from sampling would have error factors greater than any possible increase from driving on the beach. Finally, as stated in the dismissal language, a change in vehicle speed limits from 25 to 15 mph would not have any measurable change in impacts on the water quality of the adjacent Gulf waters.</p>
219352	<p>Impact Topics Dismissed from Further Analysis. Wetlands, page 17 This</p>	<p>As noted on page 17 in the dismissal of wetlands from further analysis, the entire Gulf beach is considered to be a wetland</p>

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	<p>section notes that "the Gulfbeach is considered a wetland and the ... project is located within these areas," but there is no wetland delineation which would quantify the impacts to wetland areas which are protected under Executive Order 11990 and Section 404 of the Clean Water Act. Without a wetland delineation and an overlay map, the EA does not present enough information to judge whether or not wetlands would be impacted. The U.S. Fish & Wildlife Service's National Wetlands Inventory map of the Seashore shows the presence of wetlands in the area, including freshwater emergent, and estuarine and marine, and marine deepwater types. The EA states "Beach driving in long-established routes would continue, and vegetation is generally not present in the driving zone." When vegetation is present within the driving zone, that vegetation should be assessed in more detail. Some of that vegetation may be wetlands vegetation. In general, the EA should more fully address the issue of wetlands before concluding that no further analysis is needed.</p>	<p>under the Cowardin classification system, i.e. a marine intertidal unconsolidated shore that comprises the beach and splash zone that is used by vehicles. While the Gulf beach is considered wetland, and there is no other practicable alternative for reaching down island locations. Some adverse impacts to the wetland would continue as a result of driving on the beach; however, it would not be anticipated that implementing any of the alternatives under the proposal would result in additional measurable impacts on wetlands as speed is not much of a contributing factor to the impact. Additionally, vegetation is generally not present in the driving zone, being limited to sand dunes and inner-island environments, which would not be affected by a change in management policies as part of this project. Other than the Gulf beach, the wetland types that can be found on an NWI map of the park are located in inner-island environments, especially on/along the Laguna Madre, and none of these would be affected by the proposed action or any other alternatives. Because the proposed project would not result in any measurable impacts on wetlands, this topic was dismissed from further analysis.</p> <p>To more fully address wetlands and why it was dismissed additional text has been added to the dismissal. See Errata.</p>
Threatened And Endangered Species: Methodology And Assumptions		
219193	<p>There is no evidence that lowering speed limit will protect turtles.</p>	<p>The purpose and need for reducing speed limits is not solely to protect sea turtles, it is also to protect the current and future health and safety of visitors and Seashore staff as the amount of visitation down island beyond the 2.5 mile marker continues to increase with the number of 4WD vehicles in use. While no nesting sea turtles have been injured at the Seashore with existing speed limits, some stranded turtles have been hit. The number of sea turtles nesting on the Seashore has increased dramatically since</p>

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		<p>2005 and over the past decade the number of 4WD vehicles has increased, resulting in more visitation down-island and an increased risk of accidents involving both visitors and wildlife. Controlling speed limits is the one variable affecting the relative risk of impacts and accidents that the Seashore can control or regulate. See also response to comments 219131 and 211296.</p>
219640	<p>CAC in its prior comments made reference several times to the statement by Dawn Whitehead (the FWS statement) of the US Fish and Wildlife Service (FWS) at a meeting held on September 16, 2009 attended by representatives of the NPS, FWS, CAC and others, the minutes of which meeting are set forth in Meeting Notes of NPS/CAC Discussion of Padre Island Issues prepared by Chris Moore, the independent facilitator from CDR Associates in Boulder, Colorado. http://cacrights.org/docs/cacpark1.doc. At such meeting, the FWS statement was made (as recorded on page 10 of such Meeting Notes) ?that it would be possible to lose all of the turtles on Padre Island and that the species would still not be in jeopardy?. The Park and compiler of the Park EA have deceitfully elected to ignore the FWS statement. The Park EA discusses the 2010 Draft Bi-National Recover Plan (Plan) for the Kemp's Ridley Sea Turtle and its discussion of the recovery data necessary for down listing the species to protected and for later delisting it. The Park EA fails to mention that the Plan anticipates that the turtle will be down listed from endangered to protected around 2015 nor does it mention how such down listing affects its analysis of the speed limit reduction.</p>	<p>The USFWS employee did speculate that the loss of the population nesting at Padre Island would not cause the species to go extinct. What is important is that the population nesting at Padre Island serves as a secondary population. If the population nesting at Rancho Nuevo in Mexico were to be decimated by natural or human caused disaster, the species would still have a chance of avoiding extinction. Disasters such as hurricanes, oil spills, or the collapse of the government in Mexico could result in the primary population being decimated.</p> <p>Down listing of the species from endangered to threatened would not affect how the National Park Service conducts the Sea Turtle Recovery program.</p>
219156	<p>The report (obviously prepared by Shaver) offers no evidence of any danger to turtles or other species under current speed limits. She offers no historical evidence of damage to turtles</p>	<p>Please see response to comment 211296. Also, the growth in the turtle population under current rules is not attributable to the current speed limits on the beach, but is likely due to a combination of management</p>

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	or nests in the park; she offers no historical evidence of damage to other species within the park, only supposition, hardly scientific proof of need. So far the only evidence is that turtle populations, brown pelican and other species populations have grown under the current rules. The absence of any evidence of a problem is proof positive of the overreach of this measure.	measures aimed at protecting federally protected sea turtle species. Management measures include both those enacted within the Seashore (relocating eggs either to protected corals on the beach or to the incubation facility) and outside the Seashore including the elimination of direct harvest (e.g. in Mexico), nest protection, the use of turtle excluder devices (TEDs) on commercial trawling vessels, reduced trawling effort in Mexico and the US, and other measures. The growth of the sea turtle population nesting within the Seashore, coupled with the increasing use of the beach by 4WD vehicles, is a reason for concern for reducing speeds to prevent future incidents involving these species which are protected by federal law.
219143	In regard to the speed limit change. How many documented deaths of sea turtles bring run over have been found on pins? How many documented nests have be destroyed by vehicles on pins... Where is the EIS for turtles on pins? Perhaps there are none on pins? NO CHANGES TO PINS SPEED LIMITS UNLESS T HERE IS SOME REAL PROOF OF HARM.	Please see response to comment 211296.
Threatened And Endangered Species: Impact Of Proposal And Alternatives		
219354	Environmental Consequences, Wildlife, Special Status Species, page 85 We suggest moving this detailed description of sea turtle nesting, egg removal procedures, and vehicle impacts to Chapter 3 so the public is aware of this information earlier in the document. Add language regarding the traffic management procedure when egg removal and hatchling release is taking place. Is traffic suspended or rerouted during these procedures to increase safety for park staff, visitors, and emerging juvenile turtles?	A description of sea turtle nesting and the Seashore's management procedures associated with protecting both the adults and the nests/eggs is found on page 45 of the EA. Additional information, similar to what is found on pages 87 and 88 of the EA, has been added to the information that is already there. See Errata.
Visitor Experience: Impact Of Proposal And Alternatives		
219643	The Park EA emphasizes the importance of? Enjoyment? Of the Park	See response to Comment 219178, above. Enjoyment of the Seashore was not defined

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	<p>by using the term 17 times in the first 39 pages of the EA, but does not use it again until Appendix A at the end of the EA. When last used on pages 38 and 39, the Park EA artfully uses the following statement to avoid having to address enjoyment of the Park by its visitors in evaluating the various Alternatives: Congress, recognizing that the enjoyment by future generations of the national parks can be ensured only if the superb quality of park resources and values is left unimpaired, has provided that when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant. (Bold added) The Park EA then embellishes the importance of the Park's turtle recovery program in the EA so as to justify interfering with Park visitors' enjoyment of the Seashore on the spurious basis of conserving a resource.</p>	<p>by Congress and many factors contribute to the level of enjoyment experienced by different visitors to the Seashore. The Seashore considered the potential loss of enjoyment for some visitors, caused by an extra 1 hour and 36 minutes travel time to reach the most remote point in the Seashore. The Seashore also considered factors that contribute to visitor enjoyment, such as being less worried about the speed of vehicles approaching while enjoying activities such as beach combing, playing in the sand, fishing, sun bathing, bird watching, or observing nesting turtles. These activities are discussed on pages 6, 26 and 55 and the impacts to visitor use and experience are analyzed in table 3 on page 34.</p>
219644	<p>In this manner the Park EA avoided discussing that Modified Alternative 3 would have a greater adverse impact on visitor enjoyment of the Seashore than would Alternative 5. It is interesting to note that the Park EA nevertheless discussed socioeconomic matters in concluding that interfering with down island visitors' access rights to the Seashore would have an insignificant financial impact on local businesses.</p>	<p>Socioeconomic data, a literature review, interviews with local businesses, as well as planned and proposed projects within close vicinity to the Seashore as identified by NPS staff were considered in identifying and discussing the potential for socioeconomic effects of the action alternatives. Planning team members applied experience and professional expertise and judgment to analyze potential impacts that would result from the various project alternatives on the existing social and economic conditions in the vicinity of the project area.</p> <p>Visitor enjoyment is addressed under the Visitor Use and Experience topic, while financial impacts are addressed under the socioeconomic topic. The EA concluded there would be long-term minor adverse impacts to visitor experience under alternative 3 because of the additional driving time to reach more distance locations (pages 103-104 of the EA), and that there would be long-term negligible adverse impacts under alternative 5 (page 105 of the</p>

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		EA). The EA also recognizes that there would be a moderate adverse impact for the small segment of visitors that travel to the farthest points down island during the 6-month reduced speed limit period (page 104).
Impairment Analyses		
219358	<p>Finally, I believe that the preferred alternative DOES represent a significant impairment to my accessibility to much of the island. In conclusion, I don't believe there is any scientific or rational proof as to the necessity to make any change to the current speed limit at PINS. Given the biased nature of this EA, I think it is being pursued for a single reason - to enhance the project to establish a Kemp's Ridley Turtle Arribada in Texas. The success of that program would necessitate a full scale closure of PINS which would definitely impair my ability to access the park. That is unacceptable given that only a tiny fraction of this turtles worldwide nesting occurs in Texas. The survival of the species does not rely on the development of a Texas Arribada.</p>	<p>Regarding the analysis of impairment, the NPS disagrees that the provisions of the preferred alternative create a major adverse impact to accessibility to much of the island. As noted in the EA, page103-104, the preferred alternative would result in long-term negligible to minor impacts on visitor use and experience due to the additional driving time required to reach the desired destination beyond mile marker 2.5. Although the seasonally restricted period would result in moderate adverse impacts for a relatively small segment of Seashore users during that 6-month period (see table 7 and figure 21 for percentage of visitors traveling down island); this would not impact visitor use and experience outside of those 6 months, which includes the popular fall fishing season, so overall adverse impacts on this user group would be considered minor on a year-round basis. At the same time, there would be benefits to those visitors who are concerned about fast-moving vehicles on the beach.</p> <p>Regarding the reason for the EA and proposed action, the purpose of and need for the proposed action are discussed on pages 2-6 of the EA and include the safety of Seashore visitors and NPS staff and volunteers, not just turtle population concerns. The increase in the sea turtle population is just one factor driving the purpose and need of the proposed action.</p> <p>Regarding closure of the beach, this option was dismissed from further analysis, as noted in the EA on page 23, because a closure would reduce visitor access to most of the beach, which is not in accordance</p>

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		<p>with the Seashore's enabling legislation and does not meet the project's objective to allow for safe recreational (vehicle) access and use island-wide while protecting Seashore resources and visitors.</p> <p>Regarding the status of the Kemp's ridley turtle vis-à-vis the world wide population, a Fish and Wildlife employee has speculated that the survival of the species does not depend on the Texas population at this time. However, the bi-national, multi-agency Kemp's Ridley Restoration project has aimed to form a secondary nesting colony at the Seashore, as a safeguard against extinction in the event of a catastrophe at the primary nesting area in Mexico. Additionally, the NPS is required under the Endangered Species Act and its own Management Policies to protect both state and federal species listed as endangered or threatened that occur in the park, and this includes protection through restrictions that protect or benefit the species, such as the limits placed on oil and gas vehicles traversing the beach (15 mph, escort required).</p>

Appendix – Non-Impairment Determination

National Park Service's *Management Policies, 2006* require analysis of potential effects to determine whether or not actions will impair park resources. The fundamental purpose of the national park system, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with a mandate to conserve park resources and values. National Park Service managers must always seek ways to avoid, or to minimize to the greatest degree practicable, adversely impacting park resources and values.

However, the laws do give the National Park Service the management discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, as long as the impact does not constitute impairment of the affected resources and values. Although Congress has given the National Park Service the management discretion to allow certain impacts within park, that discretion is limited by the statutory requirement that the National Park Service must leave park resources and values unimpaired, unless a particular law directly and specifically provides otherwise. The prohibited impairment is an impact that, in the professional judgment of the responsible National Park Service manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values. An impact to any park resource or value may, but does not necessarily, constitute an impairment. An impact would be more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;
- key to the natural or cultural integrity of the park; or
- identified as a goal in the park's general management plan or other relevant NPS planning documents.

An impact would be less likely to constitute an impairment if it is an unavoidable result of an action necessary to pursue or restore the integrity of park resources or values and it cannot be further mitigated.

The park resources and values that are subject to the no-impairment standard include:

- the park's scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals;
- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;
- the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and
- any additional attributes encompassed by the specific values and purposes for which the park was established.

Impairment may result from National Park Service activities in managing the park, visitor activities, or activities undertaken by concessioners, contractors, and others operating in the park. The NPS's threshold for considering whether there could be an impairment is based on whether an action will have significant effects.

Impairment findings are not necessary for visitor use and experience, socioeconomics, public health and safety, environmental justice, land use, and park operations, because impairment findings relates back to park resources and values, and these impact areas are not generally considered park resources or values according to the Organic Act, and cannot be impaired in the same way that an action can impair park resources and values. After dismissing the above topics, topics remaining to be evaluated for impairment include wildlife and special status species. These are discussed below.

WILDLIFE

Mammals are not commonly found on the Gulf beach because suitable habitat and fresh water are scarce there; however rodents and coyotes visit the beach while foraging, and deer have been documented on the beach side of the dune line. Typically two to three accidents a year are reported where deer or coyotes have been hit by vehicles on the beach and others may go unreported. Accidents resulting in injury or mortality of mammals will be expected to continue even with a 15 mph speed limit for 6 months of the year, but the slower speed will allow drivers more time to slow down, change course, or stop to avoid the more readily visible and mobile mammals. At the slower speed limit under alternative 3 vehicles will still be expected to temporarily displace mammals upon approach, but the animals will be able to readily return to their pre-disturbance behavior once the vehicle passed. Due to the relatively few vehicle accidents with mammals that currently exist and the slight benefits that driving at a slower speed will provide, the EA analysis deemed the adverse impacts on mammals from the implementation of alternative 3 to be negligible to minor.

The Seashore's Gulf beach ecosystem is home to a vast quantity of invertebrates, which form a valuable link in the coastal food chain and provide a vital food source for birds, particularly migrating birds that need to store up energy reserves before continuing their spring or fall migration. Vehicle use on the beach has adverse impacts on invertebrate species and populations due to mortality of individuals by crushing, rutting, and compaction under vehicle tires. Access to the intertidal zone often requires vehicles to cross over the *Sargassum* seaweed wrack line, crushing, scattering, or burying invertebrates. Speed is not a major factor in vehicle impacts on invertebrates, so reducing the speed limit to 15 mph for six months of the year under alternative 3 will not provide much protection to invertebrates. However, given the size of the Gulf beach habitat (65 miles long), the large amount of *Sargassum* on the beach, and the fact that over 50 percent of vehicle use on the beach is confined to the northern 10 miles of South Beach, the EA analysis deemed the adverse impacts from alternative 3 on invertebrates to be minor.

Over 380 species of migratory and resident birds have been documented as occurring within the Seashore including shorebirds, waterfowl, neo-tropical songbirds and raptors. The Seashore lies along the Central Flyway, a migratory path for birds as they travel from North America to the Gulf Coast, Mexico, Caribbean and for some species as far south as Argentina and Chile. Its range of habitats makes the Seashore an essential stopover point for migrating and resident birds seeking areas for rest, food, nesting and breeding, and many birds winter on the island as well. Birds on the Seashore's Gulf beach are found either resting or foraging. Vehicle impacts on birds on the beach can result in mortality from birds being run over and from colliding with vehicles. They can also flush birds, thereby keeping them from foraging and resting within their preferred habitats and expending energy stores needed for their migration. Flushing of birds is primarily caused by their presence and their distance of approach rather than their speed. If speed contributes to the impact at all, a faster speed may cause a bird to flush sooner and stay in flight slightly longer; however, it is

not expected that their response will be substantially different for 15 mph than for 25 mph. Additionally, the risk of vehicles colliding with birds will likely be similar between 15 mph and 25 mph since collisions are rare events at any speed due to the bird's flushing behavior. The EA analysis deemed these adverse impacts, along with the impacts on invertebrates (i.e., bird forage species) to have a negligible to minor impact on birds.

Overall, the EA analysis deemed the adverse impacts on wildlife from the implementation of alternative 3 to be negligible to minor, because, although occasional disturbance and harm to wildlife or their habitat will occur, it will not be outside the level of disturbance or harm that will occur naturally and the Seashore will maintain sustainable populations of mammals, invertebrates and birds species. Also, cumulative impacts from combining the effects of alternative 3 with effects of other past, present and future planned actions in the Seashore will likely result in disturbance, injury, and/or mortality of some wildlife species. Even with these adverse effects, population numbers and functional habitat will remain to maintain sustainable populations in the Seashore.

SPECIAL-STATUS SPECIES

Federal and state listed species analyzed in the EA occurring on the Seashore's Gulf beach include five species of sea turtles that nest on the beach (Kemp's ridley, green, hawksbill, loggerhead, and leatherback sea turtles) and several species of birds: eastern brown pelican, reddish egret, white-faced ibis, sooty tern, and the piping plover. At the Seashore, the Kemp's ridley sea turtle nesting population has increased since 2000 from 5 nests to 74 nests in 2010 with a peak of 117 nests in 2009, and population models predict the world wide population to continue to grow at an estimated 12 to 16 percent annually. The other four species of sea turtles are rare nesters at the Seashore, though green sea turtles, along with Kemp's ridley sea turtles, commonly strand at the Seashore. The listed bird species can be found resting or foraging on the beach.

Kemp's ridley sea turtles are small, often become covered in sand when nesting and their color blends in with vegetation and sand. By reducing the speed limit from 25 mph to 15 mph, this provides a shorter vehicle stopping distance and a greater likelihood that vehicle operators could avoid directly impacting nesting or stranded sea turtles as well as hatchlings emerging from an undetected nest. Requiring vehicles to travel at 15 mph will also prevent visitors from necessarily passing turtle patrollers and possibly directly impacting turtles on the beach or running over and obliterating crawl tracks prior to turtle patrollers finding them, enhancing the ability of the patrollers to find and protect nests. By restricting vehicle speeds to 15 mph from March 1 through Labor Day, the protective measures of a slower speed limit will encompass all of the Kemp's ridley nesting and hatching season and most of the nesting and hatching seasons for the other four species of sea turtles that nest at the Seashore. The EA analysis deemed the impacts from a reduction in vehicle speed under alternative 3 to be wholly beneficial for sea turtles occurring on the Seashore, allowing sufficient population numbers and functional habitat to exist and maintain a sustainable population in the Seashore.

The analysis in the EA of cumulative impacts combined with the effects of alternative 3 with effects of other past, present and future planned actions in the Seashore, including the sea turtle rescue program, and deemed the cumulative impacts to be beneficial. Therefore, the impacts on federal and state listed sea turtles will not result in impairment.

As discussed under Wildlife, above, vehicle speed is not believed to substantially contribute to the overall adverse impact on birds from vehicles. Flushing of birds by vehicles is due more to the presence and distance of encroachment of a vehicle than its speed of approach. Collisions of birds with vehicles are rare at any speed, and will likely not be dissimilar between 25 mph and 15 mph, though they may be slightly reduced at the slower speed. The EA analysis deemed the impacts from

restricting the speed limit under alternative 3 as negligible to minor for federal and state listed bird species on the Seashore's Gulf beach.

The analysis in the EA of cumulative impacts combined the effects of alternative 3 with effects of other past, present and future planned actions in the Seashore. The cumulative impacts were deemed to be minor adverse because impacts on federal and state listed bird species and their habitats will be barely perceptible and sufficient habitat will remain functional to maintain a sustainable population in the Seashore.

In conclusion, as guided by this analysis, good science and scholarship, advice from subject matter experts and others who have relevant knowledge and experience, and the results of public involvement activities, it is the Superintendent's professional judgment that there will be no impairment of park resources and values from implementation of the preferred alternative.

