

## CAC's Position on Turtle Cabins

Citizens for Access and Conservation (CAC) is in favor of the Proposal (as hereafter defined) and will not be filing any adverse comments or suggestions with respect to the web announcement dated February 12, 2010 concerning the National Park Service's (NPS) Proposal to Construct Sea Turtle Science and Recovery Support Cabins (Proposal) at the Padre Island National Seashore (Park) and announcing the NPS' intent to prepare an Environmental Assessment (EA) on the proposed action, and requesting public scoping comments.

CAC supports the Park's Kemp's ridley sea turtle program (Program) and desires to cooperatively work with it in doing what is in the collective best interests of the Park, the Program, other endangered and threatened species and all Park users (even if over the Program's own objections).

We can readily appreciate that providing adequate overnight accommodations for additional patrollers and researchers down the beach will be of assistance to the Program and will enable its personnel to function more efficiently. We support this action and are comfortable with the Park and the Program recommending what they feel best accommodates the Program's needs. Supplying additional turtle patrollers and constructing adequate cabins to enable them to operate more efficiently further evidences to any critical outsider that the Park is being proactive by taking reasonable steps in protecting nesting turtles from predators and vehicle traffic. We feel that having additional turtle patrollers spending more time on the beach is a more effective method of protecting nesting turtles than is a reduced speed limit, especially since a well covered nesting turtle may not be detectable (except by an experienced turtle patroller following tracks) no matter how slow someone is driving.

We do, however, share Johnny French's concern about the use of multiple EAs to address environmental impacts of connected programs and actions within the Program as though they were unrelated and are concerned that such action could constitute piecemealing in violation of Section 1508.27(b)7 of NEPA to avoid having an Environmental Impact Study (EIS) prepared.

We appreciate that having an EA prepared is expensive, and that having an EIS prepared is significantly more expensive. If it is possible to fairly address all relevant issues in an EA (and if no additional EAs after the speed limit EA will be required by the Program in the future), then all Park programs and Park users and personnel may benefit by the Park avoiding the expense of preparing an EIS.

Our concern is whether the proposed EA on the speed limits will fairly address a major issue which we feel needs to be addressed. Although it is our fervent hope that no nesting turtle is ever injured by a vehicle at the Park, a key issue which we feel **must** be addressed by the EA on the speed limit is 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. If the

foregoing issue is not addressed, then any EA on the speed limit or any other EA involving the Program's impact on the human environment will be fundamentally flawed. By not addressing the taking issue, an EA will be assuming that the Program is statistically material and significant to the worldwide recovery effort and that any taking of a turtle is proscribed under the Endangered Species Act. That assumption should not be made without an EA or EIS so concluding. A proper foundation needs to be laid before decisions are made, and that can occur only if the taking issue is specifically addressed in an EA or EIS.

We request that the scoping announcement in the EA on the speed limit issues solicit comments on 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 so that an EIS is not necessary to address that issue. We recognize that if the EA does not address this issue that we can request in our scoping comments that an EIS be required to address such issue. We are presenting our position to you now in hopes that we can avoid making such request. We believe that if we are compelled to urge that an EIS be required to address the taking issue that the EA could rely on several subsections of Section 1508.27(b) of NEPA, in addition to the subsection noted above, to conclude that an EIS should be so required.

Although an EIS is very expensive and time consuming, we feel that we should point out that if the Program contemplates that it will have additional requests which will effect or impact the human environment (such as additional access restrictions, a beach closure or a road behind the dunes), that it might be more cost efficient to have an EIS prepared now rather than having multiple EAs with one ultimately concluding that an EIS is required.

Please consider this request that the EA announcement on the speed limit during turtle nesting season and around safety areas also scope 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.

Please add me to the NPS' mailing list for future correspondence on this matter.

Respectfully submitted,

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