

United States Department of the Interior

NATIONAL PARK SERVICE INTERIOR REGIONS 6, 7 & 8 12795 W. Alameda Parkway Lakewood, CO 80228



Mr. Jeff Ruch PEER Pacific Director Via E-mail – No Hard Copy to Follow jruch@peer.org

Dear Mr. Ruch:

Thank you for your letter dated July 16, 2020, regarding the "Review of the Sea Turtle Science and Recovery Program, Padre Island National Seashore" (hereafter referred to as the Review). Your letter, filed under the Data Quality Act of 2000 and the guidelines and procedures that govern it, identifies three primary concerns: the Review 1) "does not comport with relevant laws and flies in the face of NPS Management Policies; 2) lacks the transparency required of influential information relied upon as the basis of official decision making; and 3) suffers from a lack of integrity, accuracy, completeness, and reliability."

Below we provide responses according to the sections included in your letter.

A. Whether the Review is "influential information" that NPS relies upon and "disseminates" to the public.

The Review does not constitute "influential scientific, financial, or statistical information" and is not subject to procedures for evaluating influential scientific information. The Sea Turtle Science and Recovery Program (STSR) Review is an operations evaluation, also commonly referred to as a management review. The Review is transparent in describing why it was initiated and how it was conducted (Review, pg. 7). As a management review, it is not the type of document for which scientific peer review or other outside review is usually sought. The Review provides recommendations regarding program operations for consideration by park management. The Review reports the findings of an operations evaluation team and recommends steps to improve program operations. The Review does not address the science the program has conducted and is not a collection of information.

B. Whether the information is compliant with law and NPS policy criteria as required by NPS information quality guidelines.

1. Bypass ESA Consultation Requirements

The Review does not bypass ESA consultation requirements. The NPS understands the need for appropriate consultation and will conduct Section 7 consultation under the Endangered Species Act (ESA) as necessary and required at the appropriate step in implementation of the Review's recommendations.

2. Circumvent Public Involvement and Assessment Required by NEPA

The Review does not circumvent public involvement and assessment required by the National Environmental Policy Act (NEPA). The Review is a recommendation, not an action directive, and so is not the appropriate place for NEPA evaluation or public input. Compliance with NEPA, including public involvement, will be initiated at a later stage as required or necessary.

3. Violate NPS Management Policies on Protection of Listed Species

The Review does not violate NPS Management Policies (2006). NPS Management Policies recognizes the affirmative responsibility under ESA, encourages NPS cooperation with the responsible agencies, and provides management flexibility regarding individual situations, including in this case recommending different levels of responsive actions depending on the species involved and the result of interagency consultations. The Review is consistent with Management Policies as it recommends options that balance managing for natural processes and active management for threatened and endangered species.

4. Conflicts with Scientific Integrity Policy

The Review does not conflict with the DOI and NPS Scientific Integrity Policy. The Review was not conducted to assess the body of scientific work produced by the program. Rather, the Review recommends re-examining the scientific work through obtaining a literature review, developing a science plan with priorities, and adhering to DOI and NPS requirements regarding scientific and scholarly activities. "The Department recognizes that managers exercise judgment every day to make decisions in the context of complex fact patterns, divergent opinions, and uncertainty, and disagreement with management decisions does not itself constitute a case for loss of scientific integrity." (305 DM 3, Section 1.4, Scientific Integrity Procedures Handbook)

5. Restricts Free Flow of Scientific Information

The Review does not restrict free flow of scientific information. Departmental and NPS guidance provide for administrative review of material planned for dissemination to the public and also provide for scientists to discuss their science with the press and the public. Park management provides the administrative review and also provides procedures by which scientists and scholars may speak to the media and the public about scientific matters based on their official work and areas of expertise.

6. Inhibit Public's Environmental Education Opportunities

The Review does not recommend eliminating or inhibiting educational opportunities. The Review recommends options regarding the STSR program functions to address operational, personnel, and budgetary concerns.

C. Whether the challenged report was developed without the requisite transparency required of influential information.

The Review reports the findings of an evaluation team, recommends steps to improve program operations, does not evaluate the scientific content of the program, and is not a collection of information. The Review is not subject to procedures for evaluating influential scientific information and is transparent in describing how it was conducted (Review, pg. 7).

D. Whether the challenged information complies with the guidelines and represents the integrity, accuracy, completeness and reliability required by NPS information quality guidelines.

Each of your allegations is addressed below.

1. Inappropriately Minimizes the Significance of STSR Operations

The Review does not inappropriately minimize the significance of STSR operations. The Review is a program operations evaluation, not a science assessment. Nevertheless, it reflects full awareness of the contribution and value of the science that the STSR has produced.

On page 11 of your letter you noted an internal contradiction and possible error concerning the historic evidence of Kemp's nesting at Padre Island National Seashore (PAIS). Although it appears that that there is not a robust record of evidence of historic Kemp's nesting at PAIS; some planning documents refer to the park as a major nesting site of the Atlantic Ridley Turtle (PAIS Natural Resources Management Plan, 1974), while others indicate sporadic nesting (Action Plan, Restoration and Enhancement of Atlantic Ridley Turtle Populations, 1978). Definitive, place-based evidence is available for the primary nesting beach in Mexico, while the anecdotal information you noted provides the basis for PAIS. The 1978 Action Plan included the goal of establishing a secondary nesting colony of Kemp's at PAIS. The Review report has been amended to reflect this information.

2. Misstates Purpose of STSR

A misunderstanding may exist regarding the statement about park operations and discretion with respect to marine debris. One purpose of STSR is to mitigate impacts associated with beach driving and address options regarding erosion and sea level rise.

Marine debris is an external impact over which the park has no control, except in a reactive manner once debris is deposited on the beach.

3. Is Based Upon an Unrealistic Assumption

The Review identifies different sections of Management Policies concerning natural resources that are threatened or endangered and sustaining and promoting natural processes, poses questions regarding the application of Management Policies, recommends strategies that balance policies and better align the program with the Bi-National Recovery Plan for the Kemp's Ridley Sea Turtle (2011), and recommends testing alternate management strategies. The recommendations focus on program management operations and encourage the park to integrate the STSR with its other natural and cultural resource programs.

4. Dismisses the Value of STSR Research without Justification

The Review recognizes the value of the program's science activities, recognizes operational and funding challenges to the current program, and suggests development of a summary of existing progress and preparation of a science plan that would identify and prioritize potential research projects.

On page 14 of your letter you noted a discrepancy with information provided by National Marine Fisheries Service (NMFS) staff. NMFS staff were interviewed on Jan. 31, 2020, (S. Hargrove) and Feb. 13, 2020, (B. Schroeder). The Review was issued on June 8, 2020. A subsequent e-mail was received from NMFS staff on June 30, 2020, with clarifying information. Information corrections have been made and a copy of the NMFS e-mail was added as Appendix K. The clarifying information provided by NMFS does not change the Review's recommendations.

A copy of the questions used for interviews with PAIS staff and external cooperators was added to the Review report as Appendix I. A copy of the e-mail that the PAIS Superintendent sent to accompany the distribution of the Review report to key stakeholders was added as Appendix J.

5. Urges Reduction of Beach Patrols with No Rationale or Assessment of Consequences

Implementing the recommended sea turtle program strategic plan together with the recommended natural resource science plan would provide information that would help with development of potential improvements in beach patrol practices. Implementation of the recommended nesting beach management plan would include an evaluation of beach patrol alternatives and their environmental consequences.

6. Embraces In Situ Incubation and Reduces Use of Incubation Facility without Supporting Analysis

The recommended nesting beach management plan as described in the Review would be used to fully evaluate and assess the potential effects of different beach, environmental, and human behavior characteristics on nest management strategies.

7. Asserts without Basis that Fewer Public Hatchling Releases Saves Money

Changing the approach to public hatchling releases can help the park adjust budget imbalances, reduce stress on intra-park communications, and alleviate some of the overtime excesses as described in the Review.

8. Unreliably Predicts a Future Budget Shortfall

Current reliance on project funds, unaccounted tracking of fixed costs (e.g., fuel), and permanent personnel paid with Deepwater Horizon (DWH) restoration funding leaves the park with a clear potential to experience a significant budgetary shortfall over the next five to ten years. After 2025 when DWH funding ends (averaging approximately 26% of the total STSR projected total funding), the STSR program would likely face substantial budgetary challenges.

9. Criticisms of Overtime and Staff Training Unwarranted

The Review cites ongoing policy violations with respect to overtime and recommends that funds spent on overtime be redirected to hire seasonals to complete work that is deemed critical. The Review includes recommendations for training and best practices that would ensure staff safety and well-being.

On page 22 of your letter you stated that the Review gives the impression that staff and volunteers are unaccounted for and not monitored. Also, on page 23, you stated that the Review concludes that acceptable levels of risk of beach travel are not clear to STSR staff. The Review provides recommendations for personnel safety, many of which are best practices that may have already been implemented in the STSR program. The Review also noted the December 2019 safety review and recommended implementation of all safety action items identified in Appendix H.

On page 23 of your letter, you stated that the Review's premise that sea turtle nesting was predictable was incorrect. The Review did not evaluate sea turtle nesting or timing. The Review addressed nesting patrols and activities and recommended developing a staffing plan to provide beach patrol coverage to cover a 40-hour work week for employees and recommended implementing an Incident Command System for unpredictable events.

10. Falsely Alleges STSR is Not Aligned with PAIS Priorities

The Review includes reference to the importance of sea turtles at the park, as well as the many other significant resources and values for which the park was established. STSR makes an important contribution to the suite of park programs and to ESA compliance. The Review considers how the park natural resource program and some operational aspects of STSR would benefit from restructuring.

11. Cites Irrelevant Issues in Assessing STSR

The Review included observations made by the operations evaluation team based on the team's site visit to the park. Discussion of the Bookstore has been removed. PEER's letter reaffirms a recommendation of leveraging STSR staff capacity to "...address other natural resource priorities such as bird strandings, habitat restoration, and trash cleanup (particularly outside of the Kemp's nesting season)." This section of the Review provides overarching park recommendations to which STSR currently contributes (in the case of trash) or can contribute in the future.

In summary, we find that the Review was conducted according to accepted practices and that the Review report meets the information quality test. Minor information corrections to the Review report have been completed, along with footnotes and appendices added to provide clarifying information.

As acknowledged in the Review, additional planning and engagement with partner agencies would be required for potential future actions. The NPS will complete required analyses in accordance with all applicable Federal statutes, regulations and policies and appropriate consultation with the FWS, NMFS, and others. This process will include further scientific evaluation and any changes to the park's sea turtle management program would be in full compliance with law, regulation, and policy.

After review and consideration, the remedy sought via your letter will not be granted and the Review report will not be retracted. The report has been amended and reposted with a new date.

Sincerely,

MICHAEL REYNOLDS Digitally signed by MICHAEL REYNOLDS Date: 2020.12.02 15:19:18 -07'00'

Michael T. Reynolds Regional Director