



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, NW
Washington, DC 20240

5/13/21

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 December 31, 2020, regarding your appeal of the National Park Service (NPS) Regional Director's decision concerning your complaint about the "Review of the Sea Turtle Science and Recovery Program, Padre Island National Seashore" (Review). Your appeal, filed under the Data Quality Act of 2000 and the guidelines and procedures that govern it, requires review and decision by the NPS Director, per Director's Order #11B.

We have reviewed your appeal in detail and find that the Review was conducted in good faith, and was transparent in describing how it was conducted and the purpose for which it was conducted (Review, page 7). The Review is an operations evaluation, commonly referred to as a management review, which is intended to assess a program's strengths and weaknesses and offer recommendations and considerations for improvement. The Review was conducted by an interdisciplinary team including resource professionals at the park, region, and Washington Office levels. The Regional Director's memorandum to the Padre Island National Seashore (PAIS) Superintendent dated June 8, 2020, prescribed a set of managerial actions that were intended to further explore and follow up on some of the recommendations that were included in the Review.

The revisions to the Review report, posted to the park's website on December 2, 2020, with a new date on the cover of the report, were completed to correct minor information errors and provide clarifications that were brought to our attention via your letter. The changes do not materially affect the content of the report or its recommendations, but were completed to improve the accuracy of the report. The Regional Director's reply letter to PEER dated December 2, 2020, was posted to the NPS Information Quality Correction Requests and Responses webpage on January 25, 2021. The Review report, in its final, amended form, has been updated to describe the reasons why the report was revised and is located on the park's website.

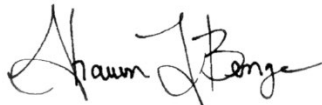
As was acknowledged in the Review and stated in the Regional Director's reply, the NPS understands the need for public involvement and compliance with the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA) and will do so at the appropriate stages of the planning process. The Review report is not a decision-making document or plan. Additional planning and engagement with partner agencies and the public will be required to identify potential future actions.

Since the time of the report's issuance, the park and regional office have conducted numerous phone calls and meetings with the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and others to increase coordination on the park's sea turtle management activities. To date, no actions have been taken by the NPS that have the potential to impact listed species at PAIS and no proposed action for changes in sea turtle management at PAIS has yet been identified. As planning continues, the park and regional office will engage and consult with Federal agencies and the public as required by law, regulation, and policy.

The park recently submitted a new project proposal for the development of a beach management plan, as recommended in the Review. If funded, this plan would identify and evaluate the environmental consequences of beach patrol activities, nest management strategies, and other beach management alternatives. Such a plan would clearly require substantial public and agency involvement and will be conducted in compliance with all applicable laws (including NEPA, ESA, and the National Historic Preservation Act).

After careful review of your appeal letter dated December 31, 2020, we find that no new information is presented that warrants further changes to the Review report. The appeal letter restates and amplifies information and differences of opinion previously provided in your original letter dated July 16, 2020. Therefore, the remedy sought via your appeal will not be granted and the amended Review report will not be retracted.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Bengé". The signature is fluid and cursive, with the first name "Shawn" and last name "Bengé" clearly distinguishable.

Shawn Bengé
Deputy Director, Operations
Exercising the Delegated Authority of the Director, National Park Service

cc: John Dennis, NPS
Jen Wyse, NPS
Ray Sauvajot, NPS
Mike Reynolds, NPS
Lisa Carrico, NPS
Jennifer Carpenter, NPS
Patrick Malone, NPS
Eric Brunnemann, PAIS