



United States Department of the Interior

FISH AND WILDLIFE SERVICE

1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To:
FWS/R4/RD

JAN 28 2011

Robin Bullock
NRDA Director
BP- GCRO
501 Westlake Park Boulevard
Houston, Texas 77079
On behalf of:
BP Exploration & Production, Inc.

Re: Emergency Sea Turtle Restoration Activities for the *Deepwater Horizon* Oil Spill

Dear Ms Bullock:

This letter is written on behalf of the state and federal Natural Resource Trustee agencies charged with public trust responsibilities for natural resources injured and threatened by the *Deepwater Horizon* Oil Spill (the "Oil Spill"). As we indicated in our letter of October 14, 2011 concerning the subject of emergency restoration, the Trustees have continued to consider potential preventive measures to avoid or reduce losses and dangers to natural resources resulting from the Oil Spill, including those caused by response actions. In your reply letter of November 4, 2010, BP expressed its interest in working with the Trustees in this effort, and the parties have made good progress since then. This letter is to propose another emergency restoration project, in addition to those upon which we are now working together.

Enclosed is a short plan briefly describing four emergency restoration actions that the Trustees, at their meeting of January 20, 2011, approved in an attempt to minimize potential ongoing injuries to Sea Turtles. Please be advised that the cost figures for the proposed activities are estimates and actual costs may vary once planning, design, and implementation begin. Further, of course, the emergency restoration activities address only certain resources and potential injuries and do not represent the full scope or extent of actual natural resource injuries and losses that may have occurred and may be continuing to occur as a result of the Oil Spill and removal actions.

In order to expedite discussions concerning this additional project, the Trustees request that BP, through its counsel, contact counsel for DOI (Holly Deal or Chuck McKinley). If BP decides not to provide funding for these emergency restoration activities, the Trustees would appreciate being so informed at your earliest opportunity so that we may avoid unnecessary delay in filing a

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IN AMERICA 

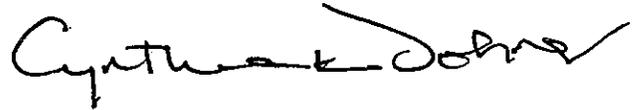
Ms. Bullock

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claim with the National Pollution Fund Center, should the Trustees opt to seek funding for these activities through that alternative mechanism.

Thank you for your consideration of this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Cynthia K. Dohner", with a checkmark at the end.

Cynthia K. Dohner
Regional Director, FWS Southeast Region
Authorized Official for DOI
On behalf of the Trustees

Enclosure

cc (electronic):

Troy Baker (NOAA)
Dr. Nick Tew (Geological Survey of Alabama)
M. Barnett Lawley (Alabama Department of Conservation and Natural Resources)
Lee Edminston (Florida Department of Environmental Quality)
Garret Graves (Louisiana Coastal Protection and Resource Authority)
Roland Guidry (Louisiana Oil Spill Coordinator's Office)
Peggy Hatch (Louisiana Department of Environmental Quality)
Robert Barham (Louisiana Department of Wildlife and Fisheries)
Bob Harper (Louisiana Department of Natural Resources)
Trudy D. Fisher (Mississippi Department of Environmental Quality)
Don Pitts (on behalf of Texas Trustees)
Harriet M. Deal (DOI)
Charles McKinley (DOI)
John Carlucci (DOI)
Christopher Plaisted (NOAA)
M. E. Rolle (NOAA)
Will Gunter (ALDCNR)
Bennett Bearden (GSA)
Stephanie Morris (LOSCO)
Drue Banta (LACP&R)
Lisa Ouzts (MSDEQ)
Christa McLintock (behalf of Texas Trustees)

Brian Israel (BP)

SEA TURTLE EMERGENCY RESTORATION PLAN

Project Name: Emergency Restoration of Sea Turtles in the Gulf of Mexico

Project Location: Beaches in Alabama, Florida, Mississippi, and Texas

States Impacted: Alabama, Florida, Mississippi, and Texas

Lead Agency: U.S. Fish and Wildlife Service

Supporting Agencies: National Park Service, Texas Parks and Wildlife Department

Agency Points of Contact: Ann Marie Lauritsen
U.S. Fish and Wildlife Service
(904) 525-0661
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Don Pitts
Texas Parks and Wildlife Department
(512) 658-1309
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Donna Shaver
National Park Service
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Tom Shearer
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Background:

Pursuant to the regulations for conducting NRDA under OPA, 15 CFR Part 990, emergency restoration may be undertaken if:

1. The action is needed to avoid irreversible loss of natural resources, or to prevent or reduce continuing danger to natural resources or similar need for emergency action
2. The action will not be undertaken by the lead response agency
3. The action is feasible and likely to succeed
4. Delay of the action to complete the restoration planning process established in this part would likely result in increased natural resource damages
5. The cost of the action is not unreasonable

Because of the criteria established in the regulations, emergency restoration alternatives are developed based on known injury to natural resources. The natural resource trustees for the Deepwater Horizon (DWH) NRDA have identified Kemp's ridley, loggerhead, green, leatherback, and hawksbill sea turtles as resources that have experienced known injury and for which emergency restoration actions should be undertaken prior to the next nesting season to prevent further injury. Sources of injury to breeding adult and hatchling sea turtles include exposure to oil, exposure to dispersants, and physical impacts to beach nesting habitat due to response activities. The projects described within this document are intended to reduce or prevent further injuries by enhancing the breeding success of oil-exposed sea turtles during the 2011 breeding season.

Proposed Restoration Actions:

- Predator control on sea turtle nesting beaches in AL, FL, and MS: Increased human presence as a result of the oil spill response effort has likely attracted and will continue to attract an increased number of predators to beaches in the northern Gulf of Mexico. Increased amounts of trash left by response workers, failure to maintain existing refuse control efforts, vehicle tracks, and removal of existing fences can all serve to attract generalist predators and enhance their ability to locate and depredate sea turtle nests. The proposed program will expand upon existing USDA/APHIS predator control efforts, and will involve trapping and removing coyotes, red foxes, gray foxes, raccoons, and feral cats. Predator-proof trash receptacles will also be installed and maintained at designated beach access points. *Note: this action is being submitted concurrently to National Incident Command for funding under removal activities. This activity should begin as soon as feasible in order to reduce or prevent further injuries to sea turtles, and would continue until September 2011.*

- Restoration of beach access areas in AL, FL, and MS: Dune and beach access areas impacted by oil and/or response efforts will be re-graded to restore suitable sea turtle nesting habitat. Each dune and beach access area impacted will be assessed and restored on a case-by-case basis. *Note: this action is being submitted concurrently to National Incident Command for funding under removal activities. Beach access restoration should begin as soon as feasible in order to reduce or prevent further injuries to sea turtles; this activity would be suspended 1 May 2011 to prevent disturbance to nesting sea turtles.*
- Kemp's ridley sea turtle detection and protection on the Texas Gulf Coast: Support would be provided for efforts to find and protect nesting Kemp's ridley turtles and their nests at Padre Island National Seashore, the most important Kemp's ridley nesting beach in the U.S. as well as on beaches along the Texas coast. A multi-agency recovery program has been on-going at Padre Island since 1978 to form a secondary nesting colony as a safeguard against extinction. In 2009, 117 Kemp's ridley nests were found at Padre Island National Seashore. More than half the Kemp's ridley nests found in the U.S. each year are located at Padre Island National Seashore, and about 70% are cared for there. Another 13 nests were detected along the upper Texas coast in 2009. Specific emergency restoration actions to be implemented would include enhanced support of nest detection and protection activities and construction of two base camps to decrease response time to construct protective corrals and improve nest detection and protection at Padre Island National Seashore, particularly in the remote southern end. *This activity should begin as soon as feasible in order to reduce or prevent further injuries to sea turtles, and would continue until December 2011.*
- Construction of a Kemp's ridley egg incubation facility addition at Padre Island National Seashore: Support would be provided to construct an incubation facility addition and support rooms, to protect and increase the survivability of hatchlings by holding and hatching more Kemp's ridley eggs. This activity will avoid irreversible loss to this natural resource by increasing the hatching success of eggs obtained from breeding-age females exposed to DWH spill event oil in 2010. This project can be completed on a near-term basis and will have a beneficial impact on the recruitment of Kemp's ridley hatchlings. *This activity should begin as soon as feasible in order to reduce or prevent further injuries to sea turtles, and would continue until December 2011.*

Resources Benefited:

Kemp's ridley turtle (*Lepidochelys kempii*)
 Loggerhead turtle (*Caretta caretta*)
 Green turtle (*Chelonia mydas*)
 Leatherback turtle (*Dermochelys coriacea*)
 Hawksbill turtle (*Eretmochelys imbricata*)

Relevance to Injury and Justification:

Kemp's ridley sea turtle

More Kemp's ridley sea turtles were documented oiled as a result of the DWH spill event than any other sea turtle species. The projects will help reduce further injury to the population through detection and protection of nesting turtles and nests on Gulf of Mexico beaches, and by enhancing the recruitment of hatchlings. The spill location overlaps with the known distribution of important Kemp's ridley foraging and migratory habitat. Many of the adult females that were equipped with satellite tags after nesting in Texas and Mexico during 2010 moved to the vicinity of the spill and were likely exposed to oil in the marine environment.

Pursuant to the Oil Pollution Act (OPA) for justification of emergency restoration:

- (1) The action is needed to avoid irreversible loss of natural resources, or to prevent or reduce any continuing danger to natural resources or similar need for emergency action;
 - The proposals will avoid irreversible loss to this natural resource by protecting nests in the upcoming nesting season, and increase survivability of the hatchlings. Nest detection and protection activities are high priority recovery task items in the Kemp's Ridley Sea Turtle Endangered Species Act Recovery Plan. The projects can be completed on a near term basis and will have a beneficial impact on the survivability of the hatchlings of female turtles that were likely exposed to DWH oil during 2010.
- (2) The action will not be undertaken by the lead response agency;
 - The U.S. Coast Guard will not undertake these proposals.
- (3) The action is feasible and likely to succeed;
 - More than 30 years of expertise has built the population of nesting females by putting more people on the beach to detect and protect nesting Kemp's ridley sea turtles and the nests, eggs, and hatchlings.
- (4) Delay of the action to complete the restoration planning process established in this part likely would result in increased natural resource injuries.
 - The proposals are to protect the nests and enhance the breeding success of Kemp's ridley females that were exposed to DWH oil during 2010 and are attempting to breed for the first time since that exposure occurred. The result of not implementing the proposals is an increase in the loss of nests and hatchlings due to the adverse effects of oil exposure, which will result in further injuries to the species.

- (5) The costs of the action are not unreasonable.
 - This proposed budget for the two projects is \$825,000 and is reasonable.

Loggerhead, Green, Leatherback, and Hawksbill sea turtles

A variety of oil spill response efforts have been implemented on the beaches of Alabama, Mississippi, and the Florida Panhandle in response to the DWH spill event. Mechanical equipment has been used to rake and sift sand in an effort to recover oil reaching these important sea turtle nesting beaches. Tire ruts from heavy equipment crisscross the beach in some areas and cause impacts to the established and developing dune vegetation, disorient hatchling turtles crawling from the nest to the Gulf. A considerable amount of sand has also been removed from the beach as the oil was removed. These physical changes and loss of plant cover caused by vehicles on vegetated areas or dunes can lead to various degrees of instability and cause dune migration. As vehicles move over the sand, sand is displaced downward, lowering the substrate and compacting otherwise suitable potential nesting sites. Vehicular traffic on the beach or through dune breaches or low dunes may cause acceleration of overwash, erosion and loss of nesting habitat. Collectively, these activities will require re-grading and dune and beach access restoration at select locations.

Increased oil spill response activity on the beach can attract predators to the beach. Predation by a variety of predators can considerably decrease sea turtle nest hatching success. The most common sea turtle predators in the southeastern U.S. are ghost crabs (*Ocypode quadrata*), raccoons (*Procyon lotor*), feral hogs (*Sus scrofa*), foxes (*Urocyon cinereoargenteus* and *Vulpes vulpes*), coyotes (*Canis latrans*), armadillos (*Dasypus novemcinctus*), and fire ants (*Solenopsis invicta*). In the absence of sea turtle nest protection programs in a number of locations throughout the southeast U.S., raccoons may depredate up to 96 percent of all nests deposited on a beach. As sea turtle nesting habitat dwindles and stressors such as the DWH spill event occur, it is essential that nest production be naturally maximized so that Endangered Species Act recovery goals can be attained.

Pursuant to the Oil Pollution Act (OPA) for justification of emergency restoration:

- (1) The action is needed to avoid irreversible loss of natural resources, or to prevent or reduce any continuing danger to natural resources or similar need for emergency action;
 - The proposals will avoid irreversible loss to this natural resource by restoring nesting habitat, protecting nests in the upcoming nesting season, and increasing survivability of hatchlings. The projects can be completed on a near term basis and will have a beneficial impact on the breeding success of female turtles that were likely exposed to DWH oil during 2010.
- (2) The action will not be undertaken by the lead response agency;

- As of this writing, the U.S. Coast Guard will not undertake these proposals.
- (3) The action is feasible and likely to succeed;
 - These proposals are an expansion of ongoing efforts that have proven successful for increasing sea turtle nesting success in the northern Gulf of Mexico.
- (4) Delay of the action to complete the restoration planning process established in this part likely would result in increased natural resource injuries.
 - The proposals are to protect the nests and enhance the breeding success of loggerhead, green, leatherback, and hawksbill sea turtle females that were exposed to DWH oil during 2010 and are attempting to breed for the first time since that exposure occurred. The result of not implementing the proposals is an increase in the loss of nests and hatchlings due to the adverse effects of response actions and oil exposure, which will result in further injuries to the species.
- (5) The costs of the action are not unreasonable.
 - This proposed budget for the two projects is \$925,000 and is reasonable.

Estimated Project Costs:

TASK	DESCRIPTION	COST
Ecologically sound predator control programs	Install and maintain predator-proof trash receptacles at designated beach access points. Identify and remove targeted predators on a case-by-case basis on coastal public and private lands of Alabama, Mississippi, and the Florida Panhandle.	\$175,000
Restoration of beach and dune access areas	Re-grading and restoring beach access points on a case-by-case basis in Alabama, Mississippi, and the Florida Panhandle.	\$750,000
Kemp's ridley nest detection and protection on the Texas Gulf Coast	Construction of two base camps on Padre Island National Seashore, corralling of nests, and nest detection and protection program operations.	\$425,000
Kemp's ridley egg incubation facility addition, Padre Island National Seashore	Construction of an addition to an existing egg incubation facility to improve egg care and increase hatchling production.	\$400,000
ESTIMATED TOTAL COST		\$1,750,000

Additional Material to Facilitate Environmental Project Consideration:

- Permits/Consultations (if required): Florida Department of Environmental Protection permit, Alabama Department of Environmental Management permit, Mississippi Department of Environmental Quality permit, Intra-Service Section 7 consultations (FWS Regions 2 and 4), NEPA compliance for construction activities on Padre Island National Seashore.
- Time to Implementation: The project will be on-going from February 2011 to December 2011; beach and dune access restoration will cease in May 2011 to prevent disturbance to nesting sea turtles.