

Padre Island National Seashore Meeting on Beach Speed Limit

**Comfort Suites
Padre Island
February 22nd, 2010
9:00 – 11:00 AM**

Draft Meeting Notes

Attendees:

NPS: Joe Escoto, Dimitra Guerrero, Jim Lindsay, DeDe Mladucky, Juan Rodriguez, Donna Shaver and Larry Turk

USFWS: Robyn Cobb

TPWD: Mike Ray

CAC: Jack Eidman Jr., Nick Meyer, Charles Golla, Scott Nelson and Eric Ozolins

Sierra Club: Venice Scheurich and Mina Williams

Sea Turtle Restoration Project: Carole Allen

CDR Associates: Chris Moore (facilitator)

Meeting Opening

Joe Escoto, Park Superintendent for the Padre Island National Seashore, opened the meeting, and welcomed participants from the CAC, environmental groups and concerned federal and state agencies. He noted that he appreciated everyone's interest in the speed limit issue, and the time and energy that many people have dedicated to addressing this issue. He then turned the meeting over to Chris Moore, the facilitator from CDR Associates.

Moore, too, welcomed meeting participants and noted that there had been numerous meetings and conversations with various concerned parties on Park issues since the last meeting between the Park and the CAC in September, and that significant rapport and progress had occurred on a number of issues of concern to the CAC. He noted that this meeting was scheduled to provide an update to concerned parties about the Park's research, current thinking and decision regarding the speed limit on the beach for the 2010 Kemp's ridley nesting season and peak public visitation period. Moore then asked Escoto to make a presentation on what the Park had done to address issues related to the speed limit.

Presentation on Padre Island National Seashore Response to Issues Related to Speed Limits on the Beach

Joe Escoto first outlined the basis for the speed limit decision in 2009:

- the Park's desire to protect Kemp's ridley sea turtles during the nesting season without denying access to vehicles driving on the beach;

- protection of people at peak visitation periods, and when most staff and volunteers are working on the beach;
- application of a 15 mile per hour speed limit that matched the one for Texas state beaches, in Mexico during turtle nesting periods and required of turtle patrollers in Texas;
- uniformity with that required of oil and gas operators in the Park; and
- conformity with that set for most national seashores where beach driving is allowed during the sea turtle nesting period.

He noted that visitation to the Park has increased over the past two years. Finally, Escoto mentioned the stopping study, which the Park conducted in consultation with the CAC indicated that stopping time regardless of sand conditions was faster with lower speed limits.

Escoto stated that initially a number of recommendations proposed by the CAC regarding driving on the beach appeared to Park management to be potentially viable, but that each required more research. (See attached Power Point presentation.) Some of these options included distributing notices and posting signs regarding a variable speed limit based either on beach conditions conducive to turtle nesting and/or turtles or nests being found, putting flags on Park vehicles to notify the public when the above conditions existed, and requiring a slower speed limit on the beach when vehicles were closed to people. Before any of these measures could be considered and implemented, the Park needed to consult with the Regional Director, Deputy Regional Director, the Intermountain Region (IMR) Chief Ranger, the IMR Law Enforcement Specialist, the IMR Compliance Staff, the United States Attorney's Office and the DOI Solicitor.

Escoto noted that consultations with the federal parties above did not result in their concurrence with speed limit options for driving on the beach, which the Park originally thought would work. While the United States Attorney's Office and the DOI Solicitor advised that the Park could require a 15 mile per hour speed limit during any given season – the turtle nesting season and peak visitor months - the introduction of any other restrictions on vehicles would require the Park to conduct an Environmental Assessment (EA) prior to implementation. Many of the options, especially variable speed limits on specific days, were considered to be unviable because of difficulties in notifying members of the public about changes, and problems with identifying and marking a vehicle corridor with variables related to high and low tide lines for the length of the beach.

Future Conduct of an EA by the National Park Service - Based on the legal advice described above, the Park is committed to conduct an EA as soon as possible, and plans to have it completed in time to make decisions about driving on the beach for the 2011 turtle nesting and peak visitor seasons. Escoto noted that he welcomed input from meeting participants and the general public on the scope of issues to be studied in the EA, views on whether it should be conducted by in-house IMR staff or an external consultant and methodologies to be used to address and answer issues to be studied.

Speed Limit on the Beach for the 2010 Turtle Nesting and Peak Visitor Season

Joe Escoto noted that he had listened to and heard the strong concerns of the CAC about restrictions on the speed limit on the beach, and impacts on the driving time of sport fishermen to reach remote areas of the Park. He also noted that he understood the desire of the Park's turtle recovery program and the environmental community to assure protection of endangered turtles during their nesting period. Finally, he said that he wanted to assure human safety during peak visitation periods.

Recognizing that a solution may not meet all parties complete desires, he explained that he sought to find a solution that would be viable until the EA provided additional technical and scientific information and guidance for future decision making on speed limits on the beach.

Escoto said that based on data about when nesting turtles and nests have been found in Texas in past years and patterns of peak visitation, the Park would be able to eliminate some days of Kemp's ridley nesting season when fewer nests have been found in the past.

He stated that for the 2010 nesting and visitor periods, the 15 mile per hour speed limit would be applied between April 15th and July 5th, a period of 2.7, rather than 4 months as occurred in 2009.

Moore then opened the meeting to questions, answers, clarifications and comments.

Questions, Answers and Comments

After Joe Escoto's presentation, meeting participants asked a number of questions. These have been grouped in these meeting notes according to common themes, and not presented in the order they were asked.

Questions about the Previous Study and the future EA

Q: (Jack Eidman and Nick Meyer) Why did the earlier stopping study conducted by the Park not address the ability of drivers to see turtles on the beach under different speeds?

A: (Joe Escoto) The Park acknowledges that this question was not examined, and notes that it is very hard to study because of multiple variables – blowing sand or spray, sand conditions, presence of Sargassum seaweed on the beach, the color of turtles and whether they are covered with sand or algae and whether they are burrowed in while laying eggs. Characteristics of the vehicle and driver can also impact visibility. This may be a topic to be explored in the EA if a methodology can be found or developed to address it, but with so many variables this will be extremely difficult, if not impossible to quantify.

Q: (CAC) What questions will the EA address?

A: (Joe Escoto) It will address all issues related to speed limits of vehicles driving on the beach. One area will be a safety perimeter (100 yard issue) around people on the beach. There may need to be a distance larger than 100 yards. The study will look at various options 25 miles per hour and 15, or some other variable. The NPS needs solutions that are easily understandable by members of the public and enforceable.

Q: (Jack Eidman) The CAC welcomes the EA. However, the CAC is being asked to abide by a speed limit that has no scientific evidence, and has been put in place before the EA. Why not have a 25 mile per hour speed limit until the EA is completed?

CAC does support a 15 mph speed safety zone along the entire beach around camps, parked vehicles, pedestrians, pets, etc.

A: (Joe Escoto) The Park is taking a precautionary approach based on the following: As shown during the speed test, stopping distance increases with speed. The 15 mile per hour speed limit is the same as that on all State of Texas beaches and that in Mexico during turtle nesting period, most other seashores where driving occurs on the beach during the sea turtle nesting season and the speeds by turtle patrols in Texas and oil and gas monitors at the National Seashore. Visibility varies from turtle to turtle, sand conditions and algae on their backs, wind and salt spray in the air etc. That is why the Park wants the 15 mile per hour until it can be determined what speeds at various times and conditions are appropriate.

The Park will be looking at multiple variables concerning the speed limit on the beach for a visitor safety corridor.

Comment: The CAC wants to see that restrictions on speed are statistically significant in light of the worldwide turtle recovery effort, such as that in Mexico. How statistically material is the Padre Island program in turtle recovery. (See accompanying handout for a complete list of questions raised by the CAC.) The CAC wants to have other government agencies look at the program. It wants to see whether less than six tenths of one percent of all turtles being covered is statistically material and significant. The CAC wants to examine what take might be permitted in any one year? When is there a consequence to the overall turtle population and recovery effort? The CAC wants to know whether the number of nesters and nests are statistically significant, and at what point might the beach be closed. CAC wants members of the public to know what will happen to people if they run over a turtle, and potential consequences.

Comment: (Chris Moore) Note, addressing some of the above concerns listed above might require FWS input as this is part of their mandate.

Clarification of Interests

Comment: (Mina Williams) This is the first meeting on the speed limit issue that I (Mina Williams) and the Sierra Club has been involved in. I have read the CAC website. I have a vested interest in the turtle program. I'm trying to understand all points of view. We (the Sierra Club) are an environmental conservation organization. We want to understand all views and take a reasonable position that addresses all parties' interests to the greatest extent possible. The Texas Sierra Club has prepared a statement regarding our views. (See attached.)

I do not understand why CAC as a conservation organization, which is something we all share, does not support the reduced speed limit during nesting season.

Comment: (Venice Scheurich) My grandchildren are the 6th generation of my family who have enjoyed fishing on Texas beaches. I would like the CAC to join us on conservation. The matter of the 15 mile per hour speed limit during a brief period of time each year seems to us to be a small limitation of access. We do not see this as a denial of access to go on the beach. Fifteen miles per hour for 2.7 months per year does not seem to be an unreasonable speed to conserve turtles.

A: (Nick Meyer) The CAC sees it as a denial of access because the limited speed restricts access for people who drive to the beach from a distance to engage in fishing. We are scared that (the Park) is reacting to a belief that the lower speed limit is more likely to protect turtles, and not scientific information that proves that this is the case.

Comment: (Nick Meyer): We are all coming from the same position (protection of the turtles), but for 30 years we have had 25 mile per hour speed limit. The speed limit has been a political nightmare for the park. People (sports fishermen) may not come to the beach for the clean-up.

History has shown that 100s of miles of beach across the US have been closed to vehicle traffic. We are worried that 15 mph is a first step in closing down the beach on Padre Island.

Comment: (Mina Williams) The SEA (sports fishermen) support the 15 miles per hour speed limit. Are the CAC members concerned about a personal adverse commercial impact due to the lower speed limit? What percentage of fishermen does the CAC represent?

A: (Nick Meyer) Many sports fishermen fish in the bay. They are not concerned about the speed limit on the beach as it does not affect them. The CAC would like all fishermen to be together on this issue. We are all concerned users. We are concerned that views are being imposed on us without scientific research.

Questions about Beach Closure

A: (Nick Meyer) The CAC is concerned that the program is lowering access to the beach. There has not been a turtle run over on the beach at the 25 miles per hour speed

limit. Why close off the beach by reducing the speed that vehicles are allowed to drive, and limit our access. We want evidence for why the 15 miles per hour is required.

A. (Joe Escoto and Donna Shaver) The Park Service does not plan to close off the beach to vehicles because of the Turtle Program. The Park service protects nesters on the beach, collects eggs and protects them until they hatch. If we did not do this and left the eggs in place, we might have to close off the beach. The Park Service is moving every nest to the facility or coral. Hatchlings are hand released. This approach allows us to keep the beach open to vehicle traffic.

(Joe Escoto and Chris Moore) Donna Shaver) Even in the event that there is an increase in turtles during nesting period, vehicle traffic on the beach would only be halted for a short period of probably a few hours, while we collected eggs or protected turtles going to and from nests.

Comment: (Carole Allen) We are all conservationists. We are all on the same page. We are not talking about closing the beach. We are talking about reducing the speed. It is just not possible to see the turtles in less than ideal circumstances. I am not advocating closing down the beach. As Billy Sandifer said, "Conservation ain't always convenient. It comes at a price."

Comment: (Joe Escoto) We have to follow the ESA. We have to protect turtles and nests. Our goal is not to close the beach to vehicle traffic.

Future Exchange of Information about Fishing and the Turtle Program

Comment: (Carole Allen) I would like to see CAC members take the training offered by the turtle program and volunteer for a year. This would give the CAC good publicity and would also help members determine whether turtles can be seen on a windy day.

Comment: (Nick Meyer) I would like to take you – Carole, Venice and Mina - on the beach to go fishing with us to see and understand what we do.

Comment: (Donna Shaver) I would welcome doing a presentation to share the scientific information we have on the Turtle Program for CAC members and members of the environmental community. Let us know what works for you. You are also welcome to come to the Park's training sessions on the topic. I will be doing a public training session on April 3rd at St Andrews Church, 10:00 to Noon. If this does not work for you, the Park Service will set up a special presentation to share the scientific information we have. Let us know what works for you.

Questions about the Turtle Program

Comment: (Jack Eidman) The CAC is aware that the turtle program has been successful, and has gotten good publicity for the Park. The volunteers are dedicated. However, most turtles are lost turtles.

A: (Donna Shaver) The Turtle Program was developed by scientists over 30 years ago to help recover the species and form a secondary nesting colony in the National Seashore to serve as a safeguard against extinction in case there was a political or environmental catastrophe in Mexico. It was never expected that the US program would have more turtles than currently nest in Mexico. However, 60% of the Kemp's ridley nests that are found in the US are on the national Seashore. It is a smaller number than Mexico, but there is an increase in the US.

Our research indicates that the turtles that come to the beach are not lost turtles. Wildstock turtles are not lost. Based on years of tag return data, many come back to nest during the nesting season, and during different nesting seasons. Kemp's ridley is a native nester in the area, and population is rebuilding.

Conduct of the EA

Q: (CAC) What will be the process for conducting the EA? What level of input will there be for the EA?

A: (Joe Escoto and Jim Lindsay) The EA will be conducted using the process prescribed by NEPA. There will be multiple times for input. The process will be advertised in the Federal Register, and we will also post information on the Park's website and distribute information to people on our mailing list who have indicated an interest in the past on this topic.

Q: Who will do the EA?

A: (Joe Escoto) It can be done either in-house by the Park, or contracted out to a consultant. The latter is very expensive - \$50 -70,000 to do an EA. It can be time consuming.

Comment: (Chris Moore) Usually, the more opportunity for involvement and cooperation in the EA that all groups concerned about issues to be addressed have - in identifying the scope of the EA and questions to be addressed, who conducts it and the methodologies to be used – the greater the credibility of the final product.

If stakeholders have adequate input on the EA and its process, and the entity conducting it is credible and mutually acceptable, concerned parties do not have to spend as much money to secure experts to provide needed information. This task is performed by the entity conducting the study.

Timeline for the EA

Q: What is the timeline for the EA?

A: (Joe Escoto and Jim Lindsay) We would like to get started as soon as possible. Usually, there is an initial scoping of 30 days, and later a second scoping lasting 30 days. Writing may take longer. The Park Service will propose a timeline. We are open to discussing the timeline.

Outcome of the EA

Q: What is the outcome of the EA?

A: (Joe Escoto) The Park Service will develop an EA that will strive to address all issues related to driving on the beach. (Some other issues related to the protection of endangered species, contribution of the Padre Island Turtle Program toward the total recovery of the species or take issues may need to be addressed to the U.S. Fish and Wildlife Service as that is their mandate.)

The EA looks at impacts and options. The document is not a final decision. The final decision would be made by the Park Superintendent in consultation with others in Regional Office and government lawyers.

Final Comments

Comment: (Joe Escoto) There are multiple users that we want to make happy.

Comment: (Nick Meyer) We appreciate what Joe has done. We feel that you have done your best for us.

Comment (Mike Ray) – At the last meeting between the government agencies and the CAC in September, we made an effort to open up communication and cooperation. Did this happen? I say, “yes”. The tenor of this meeting is very different. There is more respect. We have narrowed the issue to speed limit. CAC says there are other issues of concern, but they and the Park are working effectively to address them.

Meeting Closing

Joe Escoto and Chris Moore thanked participants for coming to the meeting, and engaging in a productive conversation. Escoto said that he welcomed ongoing communication, working together to implement the EA and to continuing dialogue to find mutually acceptable solutions to issues that meeting participants and other members of the public are concerned about.