

Fadely, Karen

From: Silawsky, Donald [Donald.Silawsky@hq.doe.gov]
Sent: Friday, October 28, 2005 11:23 AM
To: Fadely, Karen
Subject: FW: Proposed Expansion of the Strategic Petroleum Reserve (Richton, MS)
Attachments: Strategic Petroleum Reservce.DOE letter.DOC

<<Strategic Petroleum Reservce.DOE letter.DOC>>

KAREN: I am working from out of the office and can't easily forward e-mail messages to more than one person. Please check out the following message to see if it is a "scoping" comment, or input from an agency in response to our contact letters. Let me know what you decide, and, if aproprate, please forward the message to Alan and David Johnson.

Thanx.

DON SILAWSKY

-----Original Message-----

From: [REDACTED]
To: Silawsky, Donald
Sent: 10/28/2005 10:26 AM
Subject: Proposed Expansion of the Strategic Petroleum Reserve (Richton, MS)

Mr. Silawski:

Attached is our response to your inquiry in reference to the above subject.

The hard copy will be mailed out to you today.

If you have any additional questions, please contact Rick Clark, Chief of Science and Resource Management, at [REDACTED].

Ruby L. Boyd
Secretary, Superintendent's Office

(See attached file: Strategic Petroleum Reservce.DOE letter.DOC)

<<Strategic Petroleum Reservce.DOE letter.DOC>>

10/29/2005



United States Department of the Interior



National Park Service
Gulf Islands National Seashore
1801 Gulf Breeze Parkway
Gulf Breeze, Florida 32563

N16(GUIS-RM)

October 28, 2005

Mr. Donald Silawsky
Office of Petroleum Reserves
1000 Independence Avenue, SW
Washington, DC 20585-0301

RE: Proposed Expansion of the Strategic Petroleum Reserve (Richton, Mississippi)

Dear Mr. Silawsky:

Thank you for the opportunity to review and comment on the Department of Energy (DOE) proposal to expand the Strategic Petroleum Reserve (SPR), specifically the Richton, Mississippi alternative. Our review of the alternatives revealed that potential effects on Gulf Islands National Seashore would result from the Richton expansion site only and would be associated with the construction of the outfall pipeline and brine disposal in the Gulf of Mexico. The brine is a result of solution mining in the salt dome to create SPR storage caverns. Since the other alternative sites are far removed from the park, they appear to pose no park resource protection concerns.

Gulf Islands National Seashore was authorized by Congress in 1971 (P.L. 91-660, 84 Stat. 1967, 16 U.S.C. 459h) "to preserve for public use and enjoyment certain areas possessing outstanding natural, historic, and recreational values". As part of the coastal barrier island system, the gulf islands are among the last surviving portions of a natural ecological continuum that once extended from Cape Cod to Mexico.

The natural resources of the Seashore are, in and of themselves, highly significant. The water areas are exceptional and, in conjunction with the salt marshes, bayous, and submerged grassbeds, play a crucial role in the economy and ecology of the entire area. Of particular significance, the Mississippi islands are among the most pristine examples of intact coastal barrier ecosystems remaining. The significance of these resources is only amplified by the loss of similar habitats in the adjacent areas through development. Open space, accessible to the public, is at a premium.

In the Richton alternative, it appears the DOE is considering diffused brine disposal approximately thirteen miles offshore. In pursuing this disposal alternative, it appears that DOE would seek to locate the outfall pipeline across Gulf Islands National Seashore to reach waters of the Gulf of Mexico. While the Secretary of Interior has clear authority under the park's enabling statute to consider allowing new rights-of-way or easements for the transport of oil and gas pipelines to cross the park, this authority may not extend to a brine/waste disposal pipeline. The pertinent park enabling provision is as follows:

Any acquisition of lands, waters, or interests therein shall not diminish any existing rights-of-way or easements which are necessary for the transportation of oil and gas minerals through the seashore which oil and gas minerals are removed from outside the boundaries thereof; and, the Secretary, subject to appropriate regulations for the protection of the natural and recreational values for which the seashore is established, shall permit such additional rights-of-way or easements as he deems necessary and proper. (16 U.S.C. §459h-3; P.L. 91-660 §4)

Further, an examination of 16 U.S.C. §79 regarding rights-of-way for public utilities leads us to conclude that the brine pipeline does not fit under this public utility provision.

If a right-of-way could be issued for the disposal pipeline to cross the park, National Park Service permitting and consent would be necessary. This permitting would be in addition to full analysis under the National Environmental Policy Act and other statutes. Regulations found in 36 CFR Parts 9 and 14 provide standards which must be used in the determination of necessary and proper. Specifically, in order for the Secretary to grant a permit, sufficient justification must be provided to make a reasonable determination that it is necessary for this operation to pass through the boundaries of the Seashore and that the procedures utilized in construction and operation are proper, in that they provide adequate protection to the resources of the area. Most, if not all, of the natural resources and visitor use values for which the park was established have the potential to be impacted by construction of an outfall line and brine disposal in the vicinity of the seashore.

In 1978, Horn and Petit Bois Islands were designated wilderness by Congress in P.L. 95-625 through the establishment of the Gulf Islands Wilderness Area. The islands are managed to maintain their primeval character in accordance with the Wilderness Act of 1964 (P.L. 88-577) whose purpose is to establish an enduring and unimpaired wilderness resource, where nature predominates, for public use and enjoyment. Wilderness status places significant restraints on possible developments on or near the two islands and requires substantial measures be taken to guarantee an undisturbed, wilderness experience for visitors.

In addition to wilderness values, other barrier island functions and resources must be taken into consideration. These include but are not limited to:

1. Geological processes: littoral drift, inlet formation, and island migration
2. Threatened and endangered species and species of management concern: marine sea turtles, Gulf sturgeon, nesting bald eagles and osprey, shorebirds, and migratory birds
3. Marine environment and fisheries
4. Submerged aquatic vegetation and benthic communities
5. Marine mammals
6. Water quality and clarity
7. Visitor use and recreation
8. Nationally designated historic sites

If further analysis of the Richton alternative becomes necessary, we will provide additional detail information concerning resources which may be impacted by the proposed pipeline and brine disposal.

Sincerely,

Jerry A. Eubanks
Superintendent