Christina Sames
US Dept. of Transportation
Office of Pipeline Safey
400 7th St. Sw, RM 7128
Washington DC, 20590

Dear Ms. Sames:

Dr. Allen White of our field office staff recently attended the U.S. Department of Transportation's workshop held in Washington DC for the purpose of defining Unusually Sensitive Areas (USAs) along pipeline corridors. The workshop was held as part of the Accountable Pipeline Safety and Partnership Act of 1996 and was set up as a pilot project for testing the USA model in the states of Texas, California, and Louisiana. Dr. White was asked to participate as a peer reviewer for the USA process, and the following comments constitute his review of the USA process.

Comment: The definition process for deriving USAs from Environmentally Sensitive Areas (ESAs) provides protections for biodiversity of species; however, it does not cover areas requiring protection such as state and national wildlife refuges, parks, and other cultural sites. The focus of USAs on biodiversity may not reach intentions of the mandate under the Accountable Pipeline Safety and Partnership Act of 1996. **Recommendation**: At a minimum, sensitive areas should be part of the GIS database for consideration during the risk assessment phase to allow greater planning flexibility. A protocol should be developed that will automatically identify and incorporate areas that meet a certain standard for enhanced protection under the USA process.

Comment: The degree of protection afforded by USAs is heavily weighted in favor of states with advanced heritage programs. The Heritage program in California is more advanced in comparison to the Texas program which has operated on a limited basis in recent years. This may be reflected in the extensive areas given protection in California vs. relatively limited areas given protection in Texas. Many of the records found in the Texas database are outdated or unconfirmed. The Texas database has also been heavily influenced by individual efforts to cover local species of interest rather than provide comprehensive evaluations for all species. **Recommendation**: Provide a mechanism for accelerating or compensating for databases in states with less robust heritage programs. At a minimum, a standard should be set up to determine the adequacy of individual heritage programs and their databases. If a state's heritage program fails to meet the standard, other database sources should be used to supplement the heritage database. Also, a

mechanism should be stipulated in the USA process for updating information as it is developed in individual state databases.

Comment: Use of point occurrence for determination of USAs could impact reclusive species such as the Houston toad where habitat type defines its range more than actual points of occurrence. Points of occurrence are probably determined in censuses where vocal choruses are counted rather than observation of physical presence. The Houston toad's range in central Texas counties is confined to areas with ponderosa pines overlying sandy soils. These soils with the pine canopies are more diagnostic for defining areas requiring protection for this particular species than point occurrences. Other reclusive or obscure species in Texas requiring designated protected areas include cave-dwelling or aquifer species. Although the Edwards Aquifer in Texas is not designated as a USA, it does contain a number of T&E species. The locations for these species within the aquifer are not known. As explained at the workshop, protection of the Edwards aquifer would probably be made during the risk assessment process rather than at the USA definition process. **Recommendation**: Reviews should be made by wildlife agencies and/or conservation groups as to the validity and accuracy of USAs as determined by the heritage program databases.

Comment: The current filter criterion involving the G1 status of critically imperilled species is able to involve most T&E species; however, not all species in Texas are addressed (e.g., the threatened Arkansas River shiner and Concho water snake). In contrast, areas in California involving the desert bighorn and desert tortoise are given USA status because of their G1 status or designation in a multispecies area. Pipeline impacts to terrestrial species with relatively high mobility will typically be less than impacts to aquatic and aquatically-dependent species. **Recommendation**: Include aquatic and aquatically-dependent Federally-listed T&E species with rankings less than G1 status.

Comment: Limiting criteria that can be applied on a nationwide basis for waterfowl (i.e., RAMSAR and WHSRN) is too narrow to pick up important areas of reproduction such as rookeries. For example, an estimated 70 percent of reddish egrets (*Egretta rufescens*) reproduce in rookeries associated with Green Island which is located in the Laguna Madre in Cameron County TX. The reddish egret is not a G1 species but is listed as a species of concern by the US Fish & Wildlife Service. **Recommendation**: Define an additional step in the USA process on a statewide basis to address habitat issues that may lie outside the RAMSAR and WHSRN concepts.

Comment: Critical habitat for federally-listed species was not included in the USA definition process. As outlined at the workshop, the primary problem for adding critical habitat was the lack of precision in determining large areas of critical habitat for certain species such as the Louisiana black bear. However, terrestrial habitats involving such species would have relatively few impacts from pipelines as compared to aquatic habitats. **Recommendation**: Amend the filter criterion to include: 1) critical habitat for aquatic and aquatically-dependent T&E species, and 2) critical

habitat for terrestrial species with limited ranges that would be heavily impacted by a pipeline break.

If you have further questions in regard to this review, please contact Dr. White at our field office number at (512) 490-0057.

Sincerely,

David C. Frederick
Supervisor