UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

January 19, 2010

Mr. Barry A. Thom, Acting Regional Administrator
Northwest Region, National Marine Fisheries Service
National Oceanic and Atmospheric Administration
7600 Sand Point Way, North East
Seattle, Washington 98115

RE: EPA Comments on the NOAA DEIS for the Rationalization of the Pacific Coast Groundfish Limited Entry Trawl Fishery, EPA # 09-066-NOA

Dear Mr. Thom:

EPA has reviewed the Draft Environment Impact Statement (EIS) for the **Rationalization of the Pacific Coast Groundfish Limited Entry Trawl Fishery** (CEQ No. 20090407) in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Clean Air Act §309, which specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our policies and procedures, we assign a rating to the Draft EIS based on the environmental impacts of the proposed action and the documents adequacy in meeting NEPA requirements.

The Draft EIS evaluates potential impacts associated with proposed changes to the *Pacific Coast Groundfish Fishery Management Plan* (FMP) to rationalize the Federal management of the Pacific Coast groundfish trawl fishery. This rationalization would be accomplished through the implementation of a limited access privilege (LAP) program and modifying the approach to controlling bycatch of Pacific halibut in the groundfish trawl fishery. The proposed action is intended to maximize economic efficiency while reducing incidental catch or bycatch. This action will involve changes to the management framework of the FMP and promulgation of new regulations.

The Draft EIS compares the No Action (Alternative 1) with three action alternatives, Alternatives 2, 3, and 4, and several variations of two of those action alternatives (2a, 2b, 2c, 4a, and 4b), to meet the Council's stated goal to "create and implement a capacity rationalization plan that increases net economic benefits, creates individual economic stability, provides for full utilization of the trawl sector allocation, considers environmental impacts, and achieves individual accountability of catch and bycatch".

The Council has identified **Alternative 4b, IFQs (Individual Fishing Quotas) for a Single Shore-based Sector and Co-ops for the Whiting At-Sea Sectors**, as its Preferred Alternative. This alternative bases initial allocation of quota share (QS) on catch history applicable to both the combined shoreside sector and the mothership sector, as well as an equal

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allocation. There is also no grandfather clause for (QS) holdings ion excess of accumulation limits in based on initial allocation; 20% of shoreside whiting would be allocated to processor; an IBQ for halibut is included; QS is distributed based on an area-based formula without equal sharing element based buyback permits (except for canary rockfish), an adaptive management program is being implemented when only nonwhiting species QS would be reserved; and a carryover provision of unused quota pound (QP) is included.

Based on our review of the document, EPA has assigned a rating of "LO" (Lack of Objection) to the Pacific Groundfish Draft EIS. We do, however, offer some suggestions for inclusion in the Final EIS (Enclosure 1). A copy of EPA's rating system criteria used in conducting our environmental review is enclosed (Enclosure 2). Our rating and a copy of our comments will be published in the *Federal Register*.

Thank you for the opportunity to review and provide written comments on the Pacific Groundfish Draft EIS. If you have any questions regarding this letter, please do not hesitate to contact Jennifer Curtis at (907) 271-6324 or curtis.jennifer@epa.gov.

Sincerely,

Christine B. Reichgott

Christine B. Reichgott, Unit Manager
Environmental Review and Sediment Management Unit

Enclosures

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ENCLOSURE 1

EPA REGION 10 COMMENTS ON THE PACIFIC GROUNDFISH DRAFT ENVIRONMENTAL IMPACT STATEMENT

Preferred Alternative

The Draft EIS identifies Alternative 4b as the Preferred Alternative. As proposed, Alternative 4b has the potential to cause negative social and economic impacts to some small, disadvantaged, and/or tribal communities and populations that directly or indirectly rely on this fishery. There is also potential for the alternative to cause an increase in bycatch of protected and overfished species; change the geographic distribution and timing of harvest; cause localized depletion of fishery species in certain areas; result in adverse affects on interest of certain treaty tribes; and increase the costs of raw fish.

While there is potential for these harmful impacts, it is understood that the certainty with which these impacts may occur cannot be determined at this time. For this reason, and given the nature of these potential impacts, we recommend the development and implementation of a comprehensive monitoring and mitigation program that incorporates adaptive management to the extent possible. When negative impacts are experienced, we recommend that appropriate changes be made to the action to avoid or at least minimize those impacts. We recommend that these actions should be identified in advance of the implementation of the action, and be included in the Final EIS, preferably.

Tribal Consultation

Although treaty tribes may be represented by a tribal seat on the Council, it is unclear in the Draft EIS that NOAA has actually consulted with affected tribes (treaty and non-treaty, if applicable) in accordance with the requirements of *Executive Order 13175, Consultation and Coordination with Indian Tribal Governments.*

If tribal consultation has taken place, we recommend that discussion about the consultation process should be included in the Final EIS. If consultation has not occurred, we recommend that NOAA initiate consultation immediately and include information as appropriate in the Final EIS.

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U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action*

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.