



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Patricia A. Kurkul
Regional Administrator
Northeast Region
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
55 Great Republic Drive
Gloucester, MA 01930-2298

Dear Ms. Kurkul:

In accordance with the National Environmental Policy Act and Section 309 of the Clean Air Act, the Environmental Protection Agency (EPA) has reviewed the National Oceanic and Atmospheric Administration's draft supplemental environmental impact statement (DEIS) for Amendment 11 to the Atlantic Mackerel, Squid, and Butterfish (MSB) Fishery Management Plan (FMP) (CEQ No. 20100004).

Amendment 11 of the MSB FMP has several purposes: A) cap the capacity of mackerel landings by instituting a limited access program; B) update the Essential Fish Habitat (EFH) for all life stages of mackerel, *Loligo* squid, *Illex* squid, and butterfish; C) evaluate gear impacts to *Loligo* egg EFH; D) establish recreational mackerel allocation; and E) avoid at-sea processing problems. Based on our review of the draft supplemental EIS, we have no objections to the proposed action; however, we offer the enclosed comments for clarification.

We appreciate the opportunity to review this draft supplemental EIS. The staff contact for this review is Aimee Hessert (hessert.aimee@epa.gov; 202-564-0993).

Sincerely,

A handwritten signature in cursive script that reads "Susan E. Bromm".

Susan E. Bromm
Director
Office of Federal Activities

cc: Steve Kokkinakis, NOAA Office of Strategic Planning

EPA Comments on NOAA's Draft Supplemental EIS for Amendment 11 to the MSB FMP

1. Purpose E (Avoid At-Sea Problems) - From a water quality perspective, the FEIS should discuss how at-sea discharges of fish offal and/or process water (if any) are handled from the processor ships in federal versus state waters in terms of 1) any permitting requirements, 2) any effluent treatment before discharge, and 3) the volume of discharge. Water quality considerations could also help determine limits to at-sea processing.
2. Purpose B (EFH) – EPA supports designation of EFH areas and updating them at least once every five years consistent with the EFH rule (pg. 33). Regarding a preferred alternative within Alternative Set 5 for Purpose B, we suggest only designating areas as EFH where mackerel and squid have been “frequently” trawled (since they are not overfished) and in areas where butterfish have been “moderately-frequently” trawled (since they are overfished).
3. Purpose C (Gear Impacts on *Loligo* egg EFH) – On pages 3 and 6 it indicates that no scientific information exists to suggest that gear impacts provide substantive impacts, and therefore no alternatives were provided for Purpose C. This conclusion seems reasonable. If further verification of trawl impacts is desired, we suggest that trawl samples be analyzed to determine damage to any eggs collected (if none are collected in otter trawls due to mesh size, perhaps a plankton tow could be used as a surrogate to collect the emersal/pelagic squid eggs). This method could include a physical examination as well as attempting to hatch collected eggs in the laboratory to determine post-tow survival.
4. Purpose D (Mackerel Recreational Quota) – Page 36 indicates there is technically only one (combined) recreational/commercial quota for mackerel, and that a separate recreational quota is needed for a pending NOAA amendment (Omnibus ACL/AM Amendment) in the possible (albeit unlikely) event that recreational landings would impact the commercial landings. For Alternative Set 6, we recommend that the current assumed recreational quota be fixed (Alternative 6A) as a hard quota (to establish a recreational quota since one is desired and does not exist). Alternatively, the quota might be moderately increased (Alternative 6B) but not significantly increased without cause.
5. Mackerel Recreational Quotas – We recommend Amendment 11 explain how a mackerel recreational quota, if implemented, would be monitored and enforced. In addition, we recommend the Final EIS include an explanation of how the current metric ton landings were determined.
6. Resource Status – We recommend the FEIS include a brief introduction on the overfishing status of each species considered in Amendment 11. Based on the DEIS, it appears that only butterfish are overfished (see Alternatives 5B, 5C & 5D on pg. 34).