



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

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BOSTON, MA 02109-3912

August 18, 2010

Patricia A. Kurkul
Regional Administrator
Northeast Regional Office
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

RE: Draft Amendment 15 to the Scallop Fishery Management Plan (FMP) Including a Draft Environmental Impact Statement (DEIS) (CEQ# 20100246)

Dear Ms. Kurkul:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA) has reviewed the Draft Amendment 15 to the Scallop FMP and DEIS. Based on our review, we have several comments that warrant a response prior to the conclusion of the NEPA process.

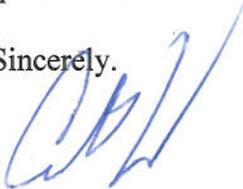
Changes in ocean chemistry and temperature as a result of global climate change can have significant implications on many marine organisms, particularly shell-building creatures such as sea scallops. The absorption of excess carbon dioxide in the world's oceans is causing acidification, which can impair growth rates for some shell-building organisms, such as scallops, particularly during the larval stage.

Similarly, the documented appearance and apparent proliferation of the invasive colonizing tunicate, *Didemnum vexillum*, at three high-value sea scallop habitat areas in New England waters represents a potentially significant threat to scallop resources in these areas. Potential impacts on sea scallops from *Didemnum* include inhibiting the settlement of larval scallops, and the smothering of individual scallops as it grows and covers the scallop's outer shell.

While these stressors are not caused by commercial fishing, they may contribute to scallop mortality by impairing their ability to grow, survive, and reproduce. Combined with fishing mortality and increased natural mortality from predation, population-level effects could result in the foreseeable future. Therefore, the potential contributing effects of invasive tunicates, and changes in water quality resulting from increasing acidification and water temperature should be discussed under Section 5.7 (Cumulative Effects) in the FEIS for the Amendment 15 Scallop FMP.

We appreciate the opportunity to comment on the DEIS for Amendment 15 to the Scallop Fishery Management Plan. Based on our review of the DEIS we have rated the DEIS "LO-1—Lack of Objections-Adequate" in accordance with EPA's national rating system, a description of which is attached to this letter. Please contact Timothy Timmermann (617-918-1025) of EPA's Office of Environmental Review with any comments or questions about this letter.

Sincerely,



Curtis H. Spalding
Regional Administrator

enclosure

Summary of Rating Definitions and Follow-up Action

Environmental Impact of the Action

LO--Lack of Objections

The 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

The 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 the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO--Environmental Objections

The EPA review has identified significant environmental impacts that must 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

The 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 potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the 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 or 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 NEPA 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.