



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

October 7, 2010

William W. Stelle, Jr.
Regional Administrator
NMFS Northwest Region
National Oceanic and Atmospheric Administration
7600 Sand Point Way NE
Seattle, Washington 98115

Re: EPA Comments on the NOAA Draft EIS for Proposed Harvest Specifications and Management Measures for the 2011-2012 Pacific Coast Groundfish Fishery and Amendment 16-5 to the Pacific Coast Groundfish Fishery Management Plan to Update Existing Rebuilding Plans and Adopt a Rebuilding Plan for Petrale Sole, EPA #10-041-NOA

Dear Mr. Stelle:

EPA has reviewed the above-referenced document (CEQ No. 20100331) in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309 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 Environmental Impact Statement (DEIS) based on the environmental impacts of the proposed action and the document's adequacy in meeting NEPA requirements.

This DEIS evaluates the potential impacts associated with implementing harvest specifications, including annual catch limits (ACLs), for 2011 and 2012 for species and species complexes managed under the Pacific Coast Groundfish Fishery Management Plan (FMP). It also establishes management measures that constrain total fishing mortality to the specified ACLs, consistent with the Magnuson-Stevens Act, and to achieve other management objectives outlined in the FMP. Of the eight stocks that have been determined to be overfished, only petrale sole does not have a rebuilding plan currently. The DEIS establishes a rebuilding plan, including ACLs, for this species. The Council and the National Marine Fisheries Service considered four "integrated" action alternatives, including a preferred alternative, in the DEIS.

Overall we find the document to be well-organized, and the tables and graphs that are included are useful to the reader. The inclusion of Appendix C, Detailed Analysis of the Integrated Alternatives, is particularly helpful in understanding the rationale behind the development of each alternative. As with other Pacific Coast FMP amendments, the DEIS incorporates a long-term monitoring program that will disclose program results and allow for changes in management decisions in the future should the results not be what are anticipated, which we support.

We do have concerns, however, that the preferred alternative, which essentially mirrors the "high" range integrated alternative (with the exception of Darkblotched rockfish), does not provide the conservative management strategy that may be needed to ensure recovery and rebuilding in the shortest time possible as required under Magnuson-Stevens Act. This is especially important given the use of new scientific methodologies in the DEIS, such as an assessment of relative productivity and susceptibility to overfishing, and the use of historical catch to determine overfishing limits. Since such methodologies have not yet been demonstrated to reflect actual outcomes in fishery management, we believe a more precautionary approach should be taken in this instance.

In general we support alternatives that have the least impact to the environment and conserve and protect species to allow for sustainable and healthy fisheries and ecosystems. We encourage the Council to continue to refine its preferred alternative, or consider selection of the "low" or "intermediate" alternative for the final EIS. We have assigned a rating of "EC-1" (Environmental Concerns-Adequate Information) to the DEIS. A copy of EPA's rating system criteria used in conducting our environmental review is enclosed. Our rating and our comments will be posted on the EPA Office of Federal Activities website at <http://www.epa.gov/compliance/nepa/eisdata.html>.

Thank you for the opportunity to review and provide written comments on this DEIS. If you have any questions regarding this letter, please contact Jennifer Curtis of my staff at (907) 271-6324 or by email at curtis.jennifer@epa.gov.

Sincerely,



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

Enclosure

**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.