



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

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December 7, 2011

Dr. Roy E. Crabtree  
Regional Administrator  
Southeast Regional Office  
National Oceanic and Atmospheric Administration  
263 13<sup>th</sup> Avenue South  
St. Petersburg, Florida 33701

**Subject: EPA NEPA Review Comments on NOAA's FEIS for "Reef Fish Amendment 32, Gag - Rebuilding Plan, Annual Catch Limits, Management Measures, Red Grouper - Annual Catch Limits, Management Measures, Grouper Accountability Measures, Gulf of Mexico"; CEQ #20110377; ERP# NOA-E39085-00**

Dear Dr. Crabtree:

The U.S. Environmental Protection Agency (EPA) has reviewed the subject National Oceanic and Atmospheric Administration (NOAA) Final Environmental Impact Statement (FEIS) in accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. EPA understands that the purpose and need for Amendment 32 is to address the overfishing of gag and develop a stock rebuilding plan in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and to modify the red grouper catch limits in response to the improved status of the stock. EPA previously reviewed the Draft Environmental Impact Statement (DEIS) for the proposed action and provided comments to NOAA on July 21, 2011.

It is our understanding that NOAA proposes 7 actions within the DEIS which include: 1) rebuilding plan for the gag stock; 2) establishing or modifying recreational bag limits, size limits, and closed seasons for gag and red grouper; 3) applying commercial gag quota adjustments to account for dead discards; 4) adjusting multi-use individual fishing quota shares (allocation); 5) changing the commercial gag size limit; 6) establishing time and area closures; 7) and modifying current gag, red grouper, and shallow-water grouper accountability measures.

EPA has a responsibility to review and comment on major Federal actions significantly affecting the quality of the human environment, including Fishery Management Plans (FMPs) and FMP Amendments (Amendments) as developed, approved, and implemented under the MSA where those Plans and Amendments are subject to the EIS requirement of NEPA, but it should be clear that we defer to NOAA and the Councils as to the development of fishery statistics and the relative importance of the commercial and recreational fisheries for each species.

EPA appreciates that NOAA provided a dedicated section at the end of the FEIS that provided specific responses to our previous comments on the DEIS. We have chosen to focus our review and comments on NOAA's responses to our previous comments.

**EPA Comments:**

Although EPA is very pleased to see that NOAA has provided additional detail for the EJ analysis which includes all the potential impacted communities (using county-level census data), we continue support the use of more detailed assessments of the actual impacted communities (vessel owners, crew, dealers, processors, employees, employees of associated industries, etc.). Having this level of information would provide a much clearer picture of the potential impact of a proposed action on these communities.

In addition, EPA made comments in our last correspondence regarding EJ and public participation. NOAA continues to express concerns regarding how to target EJ communities for outreach due to data constraints. Although, EPA recognizes the limitations regarding the level of data in this area, we continue to encourage NOAA to find ways to identify these EJ communities and engage them in the NEPA process. We also encourage NOAA to use alternative methods for engaging these communities.

Lastly, EPA appreciates the specific responses provided for our request for additional information related to Actions 2-7 and have no additional comments related to NOAA's responses.

**Summary:**

EPA supports NOAA and the Council on the Generic ACL/AM amendment and gives deference to their fishery expertise. Lastly, we request a copy of the NOAA ROD.

Should NOAA or the Council have questions regarding our comments on the Amendment actions, please feel free to contact Dan Holliman at 404/562-9531 or [holliman.daniel@epa.gov](mailto:holliman.daniel@epa.gov) of my staff.

Sincerely,



Heinz J. Mueller  
Chief, NEPA Program Office  
Office of Policy and Management