



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

DEC 6 2013

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Margo Schulze-Haugen  
Highly Migratory Species Management Division (F/SFI)  
Office of Sustainable Fisheries  
National Marine Fisheries Service  
National Oceanic and Atmospheric Administration  
1315 East-West Highway  
Silver Spring, MD 20910

Dear Ms. Schulze-Haugen:

The U.S. Environmental Protection Agency has reviewed the Draft Environmental Impact Statement (DEIS) for Amendment 7 to the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP) (CEQ No. 20130255) in accordance with our responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act.

Amendment 7 will update the 2006 Consolidated HMS FMP in order to address and manage trends and characteristics of the bluefin tuna fishery. The objectives of amendment are to prevent overfishing and rebuild bluefin tuna stocks, reduce bluefin dead discards and account for dead discards in all categories; optimize fishing opportunities in all categories; enhance reporting and monitoring; and adjust other aspects of the HMS FMP as necessary and appropriate.

EPA believes that the draft EIS provides an adequate discussion of the potential environmental impacts and we have not identified any potential environmental impacts requiring substantive changes. EPA has rated the draft EIS as LO – “Lack of Objections.” A summary of EPA’s rating is enclosed.

We appreciate the opportunity to review this DEIS. The staff contact for this review is Jessica Aresta-DaSilva, who can be reached at (202) 564-1567.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan E. Bromm".

Susan E. Bromm  
Director  
Office of Federal Activities

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 impacts. 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 potential unsatisfactory impacts are not corrected at the final EIS date, this proposal will be recommended for referral to the CEQ.

### Adequacy of the Impact Statement

#### Category 1-Adequate

The 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 collecting 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 the EPA to fully assess the 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.

\*From EPA Manual 1640 Policy and Procedures for the Review of the Federal Actions Impacting the Environment