



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**Region 6**

**1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733**

17 AUG 2016

Mr. George P. Schmahl  
Sanctuary Superintendent  
Flower Gardens Banks National Marine Sanctuary  
4700 Avenue U  
Building 216  
Galveston, TX 77551

Subj: National Oceanic and Atmospheric Administration Draft Environmental Impact Statement for  
Proposed Flower Garden Banks National Marine Sanctuary Boundary Expansion

Dear Superintendent Schmahl:

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas has completed its review of the above Draft Environmental Impact Statement (DEIS). The DEIS discusses the potential environmental effects of the proposed expansion of the Flower Garden Banks National Marine Sanctuary (FGBNMS) boundaries.

EPA rates the DEIS as "LO," or "Lack of Objections." The EPA Rating System Criteria can be found here: <http://www.epa.gov/oecaerth/nepa/comments/ratings.html>. We have enclosed comments that support the expansion of the FGBNMS boundaries as proposed.

EPA appreciates the opportunity to review the DEIS. Please send our office two copies of the FEIS, and an internet link, when it is sent to the Office of Federal Activities, EPA (Mail Code 22252A), William Jefferson Clinton Federal Building, 1200 Pennsylvania Ave., N.W., Washington, D.C. 20004.

Our classification will be published on the EPA website, [www.epa.gov](http://www.epa.gov), according to our responsibility under Section 309 of the CAA to inform the public of our views on the proposed Federal action. If you have any questions or concerns, please contact me at (214)-665-8565 or via email at [houston.robert@epa.gov](mailto:houston.robert@epa.gov) or Michael Jansky at (214) 665-7451 or via email at [jansky.michael@epa.gov](mailto:jansky.michael@epa.gov) for assistance.

Sincerely,

A handwritten signature in black ink that reads "Robert Houston".

Robert Houston, Chief  
Special Projects Section (6EN-WS)  
Compliance Assurance and  
Enforcement Division

Enclosure

**DETAILED COMMENTS  
ON THE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
DRAFT ENVIRONMENTAL IMPACT STATEMENT  
FOR  
THE PROPOSED FLOWER GARDEN BANKS  
NATIONAL MARINE SANCTUARY BOUNDARY EXPANSION**

**BACKGROUND**

This Draft Environmental Impact Statement (DEIS) was prepared by the National Oceanic and Atmospheric Administration's (NOAA) Office of National Marine Sanctuaries to consider alternatives for the proposed expansion of boundaries at the Flower Garden Banks National Marine Sanctuary. Decades of scientific research and growing public recognition of the need for additional protection of significant offshore marine resources in the northern Gulf of Mexico has led to NOAA's decision on this proposed expansion.

The DEIS for the proposed expansion of the FGBNMS is thorough, the purpose and need for the action is well-supported, and the alternatives are sufficiently analyzed.

The option put forth as the NOAA preferred alternative is a reasonable proposal that provides an increased level of protection for ecologically significant marine resources of the northern Gulf of Mexico while supporting a range of activities, including research, education, recreation, and consumptive uses. This alternative represents a modified and updated version of an alternative developed a number of years ago by the FGBNMS Advisory Council and was more recently incorporated into the revised management plan for the Sanctuary. Further, this alternative is supportive of the 2013 Gulf Coast Ecosystem Restoration Council's objective to protect the extent, functionality, resiliency and sustainability of Gulf of Mexico habitats, including shallow and deep water corals.

The recent discovery of a sudden, and as yet unexplained, habitat decline at the East Flower Garden Bank is an unfortunate example of the need to provide ongoing monitoring and protection of these unique marine resources.

From the perspective of EPA Region 6 regulatory involvements, please note two issues. First, we would recommend that a sentence be added to the last paragraph of Section 4.6.1.3 regarding the Clean Water Act: "Subpart E of the CWA lists coral reefs (230.44) as one of the special aquatic sites for which impacts should be considered in making factual determinations and the finding of compliance or non-compliance with the 404(b) (1) Guidelines."

Second, the process to review and renew the EPA Region 6 Outer Continental Shelf Offshore Oil and Gas General NPDES Permit (GMG290000) is scheduled to begin around the time the NOAA FGBNMS expansion proposal may be at the Final EIS or Record of Decision stage. Because the NOAA preferred alternative would incorporate additional areas not currently

within the Sanctuary boundaries, coordination on this matter should occur with Brent Larsen, Chief of the Permitting Section, Water Quality Division, EPA Region 6 (214-665-7523).

Finally, the FGBNMS DEIS notes several times that the Bureau of Ocean Energy Management (BOEM) has incorporated into outer continental shelf oil and gas lease sales certain stipulations to protect topographic features and live bottoms, such as reefs and banks of the northwestern Gulf of Mexico. Note, however, that these stipulations do not seem to be routinely incorporated into the BOEM preferred lease alternatives. Instead, those stipulations, along with avoidance and mitigation requirements, are grouped into a separate alternative presented in the Draft and Final EIS documents. The stipulations may be applied at a later stage in the process by the Assistant Secretary for Land and Mineral Management and, in such cases, would be announced in the Final Notice of Sale and Record of Decision. If adopted in the Record of Decision and Final Notice of Sale, lease stipulations become binding and enforceable requirements of the lease agreements. This process can be somewhat confusing in that BOEM seems to support lease sale alternatives that are separate from alternatives that incorporate these stipulations.