



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ENVIRONMENTAL REVIEW
AND ASSESSMENT

November 21, 2016

Jolie Harrison
National Oceanic and Atmospheric Administration
Office of Protected Resources, National Marine Fisheries Service
1315 East-West Highway, Room 13705
Silver Spring, Maryland 20910

Dear Ms. Harrison:

We have reviewed the Effects of Oil and Gas Activities in the Arctic Ocean Final Environmental Impact Statement (CEQ No. 20160244) (EPA Project Number 10-012-NOA). The EIS helps inform future decisions by the National Marine Fisheries Service regarding issuance of Incidental Take Authorizations pursuant to the Marine Mammal Protection Act for seismic and exploratory drilling in the Arctic. Our review was conducted in accordance with our responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act. Section 309 specifically directs the EPA to review and comment in writing on the environmental impacts associated with all major federal actions.

From our previous reviews of the Draft and Draft Supplemental EISs we concluded the NMFS conducted a thorough analysis of the effects of potential oil and gas activities in the Beaufort and Chukchi Seas. We agreed the document will be a useful tool for project-specific analyses in the future. We also commended the National Marine Fisheries Service for voluntarily undertaking a programmatic analysis, which included the evaluation of impacts from a very large spill event. We offered suggestions for some minor, but substantive changes, for consideration in the Final EIS and have been consulted throughout this NEPA process.

In our review of the Final EIS, we note that several changes were made based on our comments on the Draft and Draft Supplemental EISs. We especially appreciate NMFS' responsiveness to our comments related to water quality and our permit responsibilities under Section 402 of the Clean Water Act, as well as recognizing the change in the current level of interest for oil and gas activities in the Arctic. We again have some minor, clarifying comments relating to wastewater discharges. These comments can be found in Enclosure 1. We are hopeful these comments are informative for any project-specific analysis in the near future.

We note that the Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews, finalized by the Council on Environmental Quality on August 1, 2016, was not referenced in the Final EIS. We also recognize that the evaluation of the effects of climate change on every resource was included throughout the analysis. The EIS includes discussions of the effects of climate change on the proposed actions, as well as the sources of emissions associated with the alternatives and the types of impacts to air quality. We recommend that any future NEPA evaluation considers and references the final guidance. In addition, we recommend that any future analysis of oil and gas development and production activities include associated "end use" calculations.

Thank you for the opportunity to review and provide written comments on the Final EIS. If you have any questions regarding our comments, please contact me at (206) 553-1601 or littleton.christine@epa.gov, or you may contact Jennifer Curtis of my staff in Alaska at (907) 271-6324 or curtis.jennifer@epa.gov.

Sincerely,



Christine B. Littleton, Manager
Environmental Review and Sediments Management Unit

Enclosure:

1. U.S. ENVIRONMENTAL PROTECTION AGENCY DETAILED COMMENTS ON THE NMFS FINAL EIS FOR THE EFFECTS OF OIL AND GAS ACTIVITIES IN THE ARCTIC

ENCLOSURE
EPA DETAILED COMMENTS ON THE
NMFS FINAL EIS FOR THE EFFECTS OF OIL AND GAS ACTIVITIES IN THE ARCTIC

We offer the following specific comments for your consideration in the Record of Decision and future, project-specific evaluation.

1. Section 2.3.3.5, page 2-18 (127/2095), paragraph 1, last sentence. Please note that this sentence is not accurate. It does not apply to EPA's permitting authority. Secondly, the State of Alaska finalized the Ocean Discharge Criteria Evaluation for its Alaska Pollutant Discharge Elimination System permit for Geotechnical Surveys. Describing this action as "finalized guidelines" gives it a different meaning.
2. Section 2.3.3.5, page 2-18 (127/2095), paragraph 4, next to last sentence.
 - (a) To our knowledge, the used rock cuttings are not discharged overboard. They are generally mixed with another discharge, such as cooling water, and discharged through a disposal caisson or piped to the seabed.
 - (b) The term "contaminated" is not used in the NPDES context. If an authorized waste stream does not meet the effluent limitations, then it is prohibited from discharge. The sentence can be revised to say, "...or collected and barged to shore if the effluent limitations are not met."
3. Section 3.1.5.1, page 3-39 (205/2095), paragraph 1, last sentence. EPA's Geotechnical NPDES General Permit was issued as final on January 29, 2015. As such, it is no longer a "proposed" permit.
4. Section 3.1.5.1, page 3-39 (205/2095), paragraph 2, last sentence. This sentence is unnecessary as the Arctic permit no longer exists. It has been replaced by the Beaufort and Chukchi NPDES general permits.
5. Page 4-196 (625/2095), Additional Mitigation Measure C2, paragraph 4. It is unclear from this discussion if the Alaska Eskimo Whaling Commission's no-discharge position pertains to the Beaufort Sea, the Chukchi Sea, or both. The AEWC has expressed concerns to EPA regarding discharges to the Beaufort Sea and within the spring lead system in the Chukchi Sea.
6. Page 4-197 (626/2095), Rationale and Considerations for Future Implementation. It is unclear what the "further study and evaluation" would entail. As required by EPA's Chukchi NPDES general permit, Shell has completed an environmental monitoring program at the 2015 drill site. The EMP included environmental sampling at the drill site pre-, during and post-drilling.
7. Section 4.5.2.4.17.1, page 4-198 (627/2095), paragraph 2, last sentence. The discussion here appears to assume that adverse effects to bowhead whales and their habitat is a foregone conclusion.