



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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September 11, 2008

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

Subject: EPA NEPA Comments on NOAA's SDEIS for Snapper-Grouper
Amendment 16; South Atlantic Fishery Management Council; South
Atlantic Region; CEQ No. 20080288; ERP No. NOA-E91023-00

Dear Dr. Crabtree:

Consistent with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) for Snapper-Grouper Amendment 16 developed by the National Oceanic and Atmospheric Administration/National Marine Fisheries Service (NOAA/NMFS). The SDEIS was prepared for NOAA/NMFS by the South Atlantic Fishery Management Council (Council). EPA recently provided NEPA comments on the DEIS for Amendment 16 in a letter dated June 3, 2008.

Amendment 16 is to end overfishing for the gag grouper (*Mycteroperca microlepis*) and vermilion snapper (*Rhomboplites aurorubens*). To supplement the DEIS, the SDEIS provides three additional alternatives for gag grouper (gag) management and one for the vermilion snapper. These alternatives were offered by the Advisory Panel of the Council during its June 2008 meeting and were considered reasonable by the Council.

Issuance of the SDEIS

EPA appreciates that these additional alternatives are being considered under NEPA. However, we suggest that future NOAA Fisheries EISs be more streamlined in terms of their NEPA development and public review since the DEIS was issued only recently (late April 2008). It is therefore unclear why the DEIS was issued before the Council's June 2008 meeting if new alternatives were still plausible. While issuance of the SDEIS was appropriate under the circumstances, it would seem that a slightly later issuance of a more inclusive DEIS could have avoided the need to issue the present SDEIS and the associated second distribution and public review, as well as the potentially confusing re-numbering of some alternatives. On the other hand, it may have been the intent to issue the DEIS before the Council's June meeting so that the Council could consider public

comments in that meeting, which ultimately resulted in the additional development of new alternatives. NOAA/NMFS and the Council may wish to address this in the Final EIS (FEIS).

Also relative to the issuance of the SDEIS, it is unclear if updated SEDAR fishery data were used in the SDEIS (as referenced in our DEIS comments, the DEIS was issued before pending SEDAR data updates for vermilion snapper were compiled). The SDEIS (pg. 2) and cover letter do not suggest that updated data were used and interim management measures are still proposed for vermilion snapper since alternatives still exist (Section 2.1.4) for the allowance of the “NMFS Regional Administrator (RA) to make adjustments to the management measures based on the outcome of new vermilion snapper SEDAR benchmark assessment.” It is unclear why the DEIS was issued before the pending statistics were available for vermilion snapper, and furthermore unclear why its SDEIS would be also so-issued. The FEIS should discuss when the pending SEDAR data can be expected and the rationale for the current issuance of the EIS with interim vermilion snapper data before collection and compilation of the updated data.

New Alternatives

In regard to the alternatives, we appreciate that the SDEIS highlights modifications made to the alternatives. That is, modifications such as the addition of a new alternative or change in the Council’s preferred alternative were generally identified. However, there were exceptions for the gag alternatives. Page 9 indicates that Alternative 5 “...is old Alternative 4 renumbered.” However, the presented Alternative 4, which is presumably new Alternative 4, was not identified as such. In addition, there are now two alternatives numbered as “Alternative 4” on page 8, one identified as preferred and one not. The Final EIS (FEIS) should discuss this. In contrast, there was more clarity for a similar instance for the vermilion snapper. Page 14 indicates that Alternative 5 “...is old Alternative 4 renumbered” and Alternative 4 was identified as “a new alternative.”

Technical Comments/Suggestions

It appears that the only change in the Council’s preferred alternatives is found in Section 2.1.3 (pg. 15). The Council no longer prefers Alternative 2c under Alternative 2 (which requires “(a) use of venting and dehooking tools and (2) as non-offset non-stainless steel circles hooks when using natural baits to fish for snapper grouper species” for the three listed subalternatives for commercial (2a), recreational (2b) or both commercial and recreational (2c) snapper grouper fisheries. Instead, the Council now prefers new Alternative 3 which does not require the use of circle hooks. EPA suggests that the required use of circle hooks where practical – at least for commercial snapper grouper fisheries – be further considered. EPA supports the use of circle hooks over traditional J-hooks whenever feasible to reduce mortalities of bycatch, including discards of target species (however, we understand that the use of circle hooks may be less “entertaining” for recreational fishers since the fish – as opposed to the fisher – must set a circle hook). EPA provided similar supportive comments for the use of circle hooks in our NEPA letter on the DEIS (see comments for DEIS Alternative 2c).

Regarding the other new or modified alternatives in the SDEIS, we will principally defer to the fishery expertise of NOAA/NMFS and the Council/Advisory Panel. However, we suggest that if not already the case for the SDEIS, the preference for any alternative/subalternative be substantiated in the FEIS (e.g., why was the timeframe of a fishing year (term, season) or dataset of landings preferred over another time period, as was the case for some alternatives?). As a rule, EPA prefers the use of the most recent set of landings data (if complete and considered representative) and the continued use of existing fishing seasons (to simplify compliance and enforcement) unless there is an ecological or management rationale to change that term.

Treatment of DEIS/SDEIS Comments

Inasmuch as our DEIS comments are still relevant where alternatives were not modified, those comments should still be considered valid for the FEIS. We request that our DEIS/SDEIS and other public comments be addressed in a dedicated section of the FEIS (ideally, our DEIS comments should have already been addressed in the SDEIS, given that one was issued, although they may have been considered in its development).

Summary

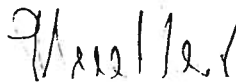
Overall, EPA continues to support Amendment 16, but requests consideration of our DEIS/SDEIS comments/suggestions. Primarily, the FEIS should discuss when the pending SEDAR data can be expected for the vermilion snapper and the rationale for the current issuance of the EIS with interim vermilion snapper data before the collection and compilation of the updated data. We also request that the new SDEIS alternatives be better identified in the FEIS, and that the required use of circle hooks be further considered where practical – at least for commercial snapper grouper fisheries.

EPA DSEIS Rating

As in the case of the DEIS, we continue to rate the SDEIS as “LO” (Lack of Objections).

We appreciate the opportunity to review the SDEIS. Should you have questions regarding these comments, feel free to contact Chris Hoberg of my staff at 404/562-9619 or hoberg.chris@epa.gov.

Sincerely,



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

cc: Dr. Rodney F. Weiher – NEPA Coordinator (NOAA): Silver Spring, MD