



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

May 22, 2015

F/SER47:JK/pw

(Sent via Electronic Mail)

Colonel Alan Dodd, Commander
U.S. Army Corps of Engineers, Jacksonville District
Miami Regulatory Office
9900 SW 107th Ave, Suite 203
Miami, Florida 33170

Attention: Albert Gonzalez

Dear Colonel Dodd:

NOAA's National Marine Fisheries Service (NMFS) reviewed Jacksonville District public notice SAJ-2014-01034 (SP-AG) dated April 17, 2015. The National Marine Manufacturer's Association requests authorization to install temporary floating docks and access walkways (6), requiring dock piles (546), and mooring pilings (497) for the Miami International Boat Show in Biscayne Bay, Miami-Dade County. The structure would accommodate 833 temporary vessel slips and create a temporary mooring field to accommodate 63 vessels for no more than 90 days annually for up to five years¹. The applicant proposes to provide compensatory mitigation via the Florida Power and Light Everglades Mitigation Bank. The initial determination by the Jacksonville District is the proposed dock construction and shading by docks and vessels of approximately 55.5 acres of estuarine bottom, including seagrass, coral, and the Biscayne Bay Aquatic Preserve, designated a Habitat Area of Particular Concern (HAPC) by the South Atlantic Fishery Management Council (SAFMC), would have a substantial adverse impact on essential fish habitat (EFH) or federally managed fishery species. As the nation's federal trustee for the conservation and management of marine, estuarine, and anadromous fishery resources, the following comments and recommendations are made pursuant to authorities of the Fish and Wildlife Coordination Act and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Essential Fish Habitat within the Project Area

The public notices included a seagrass survey report prepared by the applicant's consultants. The report is based on seagrass surveys conducted February 23 and 24, 2015, which is outside the time-of-year NMFS recommends (June 1 to September 30) as optimal for seagrass surveys. Seagrass within and adjacent to the footprint of the boat show includes sparse (1 to 20 percent) to dense (80 to 100 percent) paddle grass (*Halophila decipiens*), star grass (*H. engelmannii*), shoal grass (*Halodule wrightii*), turtle grass (*Thalassia testudinum*), and manatee grass (*Syringodium filiforme*). The report also describes the presence of several small (defined in the report as less than 20 centimeters in diameter) corals identified as *Siderastrea* sp.

The SAFMC identifies seagrass habitat and coral as EFH for several species. Seagrass habitats are designated EFH for adult white grunt (*Haemulon plumieri*); juvenile and adult gray snapper (*Lutjanus griseus*) and Lane snapper (*Lutjanus synagris*); juvenile mutton snapper (*Lutjanus analis*), schoolmaster (*Lutjanus apodus*), and dog snapper (*Lutjanus jocu*); goliath grouper (*Epinephilus itijara*); and larval and

¹ The number of annual shows is not specified in the notice. By email dated May 20, 2015, the Jacksonville District explained permits typically issued for boat shows are valid for five years. While the Jacksonville District expects only one or two boat shows would occur under this particular permit, up to five may occur before the permit expires.



juvenile pink shrimp (*Farfantepenaeus duorarum*). All demersal fish species under SAFMC management associated with coral habitats are contained within the fishery management plan for the snapper-grouper complex and include some of the more commercially and recreationally valuable fish of the region. All of these species show an association with coral or hardbottom habitat during their life history. In grouper, the demersal life history of almost all *Epinephelus* species, several *Mycteroperca* species, and all *Centropristis* species takes place in association with coral habitat. Coral, coral reef, and hardbottom habitats benefit fishery resources by providing food or shelter.

The SAFMC also identifies seagrass, coral, and the Biscayne Bay Aquatic Preserve as a HAPC under the fishery management plans for spiny lobsters and the snapper/grouper complex. HAPCs are subsets of EFH that are rare, particularly susceptible to human-induced degradation, especially important ecologically, or located in an environmentally stressed area. Seagrass and corals directly benefit fishery resources by providing nursery habitat. Seagrass and corals are part of a habitat complex that includes mangrove and hardbottom, and this habitat complex is abundant in Biscayne Bay and supports a diverse community of fish and invertebrates within the area. Seagrass also provide important water quality maintenance functions (such as pollution uptake), stabilize sediments, attenuate wave action, and produce and export detritus (decaying organic material), which is an important component of marine and estuarine food chains. The SAFMC provides additional information on EFH and HAPCs and how they support federally managed fishery species in *Fishery Ecosystem Plan of the South Atlantic Region*, which is available at www.safmc.net.

Impacts to Essential Fish Habitat

The NMFS and the Jacksonville District have been evaluating the effects of similar annual boat shows on seagrass habitat, and examples include work authorized under SAJ-1990-31326 and SAJ-1995-05293. Each authorization includes a requirement for pre- and post-event seagrass surveys, and the District has not yet completed its reviews of survey results. The NMFS requests an opportunity to meet with the Jacksonville District to review the survey reports to inform development of the impact estimate and compensatory mitigation for the boat show proposed in the current public notice.

EFH Conservation Recommendations

NMFS concludes the proposed temporary installation of docks and vessel shading would adversely impact EFH. Section 305(B)(4)(A) of the Magnuson-Stevens Act requires the NMFS to provide EFH conservation recommendations for any federal action or permit which may result in adverse impacts to EFH. Therefore, the NMFS recommends the following to ensure the conservation of EFH and associated fishery resources:

1. The permit include a special condition prohibiting impacts to seagrass and corals from vessel shading, prop dredging, or pile installation. The NMFS may remove or modify this recommendation after reviewing with the Jacksonville District the seagrass survey reports from similar annual events in Biscayne Bay to refine impact estimates and to determine the compensatory mitigation amounts needed to offset the impacts.
2. If compensatory mitigation for seagrass impacts proves necessary, alternate compensatory mitigation should be pursued. The NMFS is not aware of a mitigation bank servicing the area with seagrass mitigation credits, including the Florida Power and Light Everglades Mitigation Bank. The Mitigation Rule Section 332.3(b)(2) [§ 230.93(b)(2)] (2008) establishes a preference for the use of mitigation bank credits if the mitigation bank has the *appropriate* number and resource type of credits available. The NMFS requests an opportunity to review the compensatory mitigation plan and functional assessment scores prior to permit issuance.
3. The permit include a special condition requiring a project-wide pre-show and post-show survey for the duration of the permit. The recommended survey methods are those described in *Recommendations for Sampling Johnson's Seagrass at a Project Site*, and the recommended survey

window is June 1 to September 30. The NMFS recommends the survey include quantification of corals and requests results be provided to the NMFS before permit issuance. The NMFS requests the applicant send the pre- and post-event surveys to *nmfs.ser.monitoringreportshc@noaa.gov*.

4. The permit include a special condition requiring immediate clean-up of any marine debris entering the water from dock construction, dock demolition, or during execution of the event.

Section 305(b)(4)(B) of the Magnuson-Stevens Act and implementing regulation at 50 CFR Section 600.920(k) require the Jacksonville District to provide a written response to this letter within 30 days of its receipt. If it is not possible to provide a substantive response within 30 days, in accordance with the “findings” with the Jacksonville District, an interim response should be provided to the NMFS. A detailed response then must be provided prior to final approval of the action. The detailed response must include a description of measures proposed by the Jacksonville District to avoid, mitigate, or offset the adverse impacts of the activity. If the response is inconsistent with the EFH conservation recommendations, the Jacksonville District must provide a substantive discussion justifying the reasons for not following the recommendations.

Thank you for the opportunity to provide comments. Related correspondence should be directed to the attention of Ms. Jocelyn Karazsia at our West Palm Beach office, 400 North Congress Avenue, Suite 110, West Palm Beach, Florida, 33401. She may be reached by telephone at (561) 249-1925, or by e-mail at *Jocelyn.Karazsia@noaa.gov*.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

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