



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>

October 8, 2014

F/SER47:JK/pw

(Sent via Electronic Mail)

Colonel Alan Dodd, Commander
U.S. Army Corps of Engineers, Jacksonville District
Palm Beach Gardens Permits Section
4400 PGA Boulevard, Suite 500
Palm Beach Gardens, Florida 33410

Attention: Mike Carothers

Dear Colonel Dodd:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice SAJ-1987-00985 (SP-JMC), dated September 12, 2014. The Club at Admiral's Cove requests authorization to dredge 9.18 acres¹ of submerged bottom to a depth of -11 feet mean low water (MLW)², deepen and expand an existing marina basin, and deepen the access channel to the Intracoastal Waterway in Palm Beach County. The applicant also requests authorization to reconfigure the existing 74 slips and fuel dock. The dredged material volume is estimated to be 45,000 cubic yards. The material would be transported via 6,500 feet of pipeline to an upland dredge material disposal site. The initial determination by the Jacksonville District is the proposed deepening of estuarine bottom, which is designated Essential Fish Habitat (EFH) by the South Atlantic Fishery Management Council (SAFMC), would not have an adverse impact on 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

The notice describes the results from a biological resource survey performed by an agent for the applicant on May 1 and 2, 2014. Johnson's seagrass (*Halophila johnsonii*) and shoal grass (*Halodule wrightii*) were observed in low densities at two sites along mangrove fringed shorelines. The survey was performed outside the window recommended by NMFS (June 1 to September 30) for surveying seagrass.

SAFMC identifies estuarine bottom and seagrass habitats as EFH for several species, including adult white grunt (*Hamelin plumieri*); juvenile and adult gray snapper (*Lutjanus griseus*); juvenile mutton snapper (*Lutjanus analis*); juvenile goliath grouper (*Epinephelus itijara*); and larval and juvenile pink shrimp (*Farfantepenaeus duorarum*). SAFMC also identifies seagrass as a HAPC under the fishery management plan for 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 directly benefit the fishery resources by providing nursery habitat. Seagrass is part of a habitat complex that includes mangroves and hardbottoms, and this habitat

¹ The notice and plans use the notation "+/-" associated with proposed dredge area, therefore it is not clear if the applicant proposes to dredge an area larger than 9.18 acres.

² The notice and plans use the notation "+/-" associated with proposed dredge depths, therefore it is not clear if the applicant proposes to dredge deeper than -11 feet MLW.



complex supports a diverse community of fish and invertebrates within the area. Seagrass also provides 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. 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.

Minimization and Monitoring of Impacts to Essential Fish Habitat

The project design does not reflect all practicable avoidance and minimization of estuarine bottom impacts. Impacts to estuarine bottom can be avoided or minimized by:

- Reducing the area to be dredged. Over-dredging at this site may cause anoxic conditions, which degrade water quality and habitat suitability. It appears the applicant could minimize the area to be dredged by eliminating deepening in areas not requiring deep draft access. The drawing on sheet 3 of 8 depicts the larger, deeper draft vessels would utilize the southeastern portion of the docking facility and the relatively smaller, shallower draft vessels would utilize the middle and northwestern parts of the facility. Therefore, it is not clear why the applicant needs to dredge the entire area to -11 MLW. The southeastern and middle portions of the facility (existing depths range from -7 to -9 feet MLW, provided on sheet 6 of 8) appear to be at water depths sufficient to support the planned vessel utilization for these areas.
- Developing best management practices to ensure return waters do not degrade water quality and the pipeline leaks are repaired in a timely manner.
- Participating in the Florida Department of Environmental Protection Clean Marina Program³.

Conservation Recommendations

NMFS concludes the proposed dredging and transport of dredged material would adversely impact EFH. Section 305(b)(4)(A) of the Magnuson-Stevens Act requires NMFS to provide EFH conservation recommendations when an activity is expected to adversely impact EFH. In consideration of this requirement, provides the following:

EFH Conservation Recommendations

1. The permit shall prohibit dredging seagrass habitat. Buffers no less than 25 feet shall be maintained between dredge areas and seagrass habitats. Seagrass locations shall be based on a survey conducted during the optimal time of year for determining the distribution of Johnson's seagrass and shoal grass (June 1 to September 30). A post-construction survey conducted during the recommended window shall be required to verify seagrass impacts.
2. No construction equipment shall be allowed to stage or anchor over seagrass.
3. Dredging shall be limited to the areas where deep draft access is needed and revised construction plans shall clearly indicate the maximum area and dredge depths allowed.
4. The permit shall require the pipeline to be monitored for leaks no less than twice daily and for leaks to be repaired in a timely manner.
5. As an additional impact minimization measure, the permit shall require the marina participate in the FDEP Clean Marina Program.

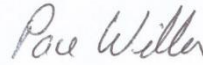
Section 305(b)(4)(B) of the Magnuson-Stevens Act and implementing regulation at 50 CFR Section 600.920(k) require the Jacksonville District to provide a written response to this letter within 30 days of its receipt. If it is not possible to provide a substantive response within 30 days, in accordance with the "findings" with the Jacksonville District, an interim response should be provided to 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

³ <http://www.dep.state.fl.us/cleanmarina/marina/>

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.

We appreciate the opportunity to provide these comments. Please direct related questions to the attention of Ms. Jocelyn Karazsia at our Palm Beach Office, 400 N Congress Ave, Suite 120, West Palm Beach, Florida 33401, at 561-249-1925, or at Jocelyn.Karazsia@noaa.gov.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc:

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