



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 20, 2014

F/SER47:BH/pw

(Sent via Electronic Mail)

Colonel Alan M. Dodd, Commander
Jacksonville District Corps of Engineers
Cocoa Regulatory Field Office
400 High Point Drive, Suite 600
Cocoa, Florida 32926

Attention: Andrew W. Phillips

Dear Colonel Dodd:

NOAA's National Marine Fisheries Service (NMFS) reviewed Jacksonville District public notice SAJ-2014-01830 (SP-AWP), dated September 18, 2014. The Florida Department of Transportation, District 2 (FDOT), requests authorization from the Department of the Army to directly impact 14.71 acres of wetlands and 4.99 acre of surface waters, convert 1.29 acres of forested wetlands to herbaceous wetlands, and temporarily impact 1.04 acres of wetlands to widen U.S. Highway 17 (US 17) from two to four lanes between Satsuma and San Mateo in Putnam County. FDOT proposes mitigation at an unspecified federally approved mitigation bank. The Jacksonville District's initial determination is the proposed road widening would not 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 provided pursuant to authorities of the Fish and Wildlife Coordination Act and Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Essential Fish Habitat within the Project Area

NMFS visited the project site on October 14, 2014, with Jacksonville District staff. Dunns Creek and all wetlands along the northern side of US 17 west of Dunns Creek are EFH. The South Atlantic Fishery Management Council designates tidally influenced palustrine freshwater wetlands and sand/mud bottom as EFH for white shrimp (*Litopenaeus setiferus*). These habitats are EFH because larvae and juveniles concentrate and feed extensively and shelter within these habitats. As a consequence, growth rates are high and predation rates are low, which makes these habitats effective nursery areas. SAFMC provides detailed information on types and locations of EFH in amendments to fishery management plans and in *Fishery Ecosystem Plan of the South Atlantic Region* (available at www.safmc.net).

Impacts to Essential Fish Habitat and Other Wetlands

The project proposes impacts to EFH and to non-tidal freshwater wetlands. The drawings attached to the public notice indicate 3.86 acres of direct impact and 9.03 acres of indirect impacts (identified on the plans as secondary and temporary impacts). These wetlands will require in-kind mitigation or out-of-kind mitigation at a 1.5:1 ratio. NMFS is not aware of mitigation banks in the area providing EFH mitigation credits. During the site inspection, it was noted that vegetation persists beneath the bridge and FDOT may remove a fill pad and roadbed on the northeastern side of Dunns Creek as mitigation. This action may help offset impacts to EFH but more information is needed, such as planting plans, success criteria, elevations, and a functional assessment.



Other Wetlands: The remaining freshwater wetlands directly impacted by the roadway expansion are not EFH. NMFS believes federally approved mitigation banks are available for offsetting the loss of the ecological services provided by these wetlands.

Indirect Impacts: Indirect impacts (secondary and temporary) to EFH will need to be mitigated in-kind or at a 1.5:1 ratio. Functional assessments should be conducted to determine the appropriate amount of mitigation needed. Please coordinate with NMFS in preparation of these assessments.

EFH Conservation Recommendation

Based on the information provided, NMFS finds the proposed project would have an adverse impact on 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. Based on this requirement, NMFS provides the following:

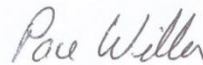
EFH Conservation Recommendation

- The permit shall include a detailed mitigation plan requiring FDOT to fully offset unavoidable adverse impacts to EFH. The plan shall be provided to NMFS for review before the permit is issued. If a mitigation bank is used to offset the EFH impacts, the bank must have credits resulting from the restoration of tidal freshwater wetlands.

Section 305(b)(4)(B) of the Magnuson-Stevens Act and its 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, 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 impacts of the activity. If the response is inconsistent with the EFH Conservation Recommendation, the Jacksonville District must provide a substantive discussion justifying the reasons for not following the recommendation.

We appreciate the opportunity to provide these comments. Questions should be directed to the attention of Mr. Brandon Howard in our West Palm Beach Field Office, located at 400 North Congress Avenue, Suite 120, West Palm Beach, FL 33401. He also may be reached by telephone at (561) 249-1652, or by email at Brandon.Howard@noaa.gov.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc:

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