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

January 9, 2015 F/SER47:LO/pw

(Sent via Electronic Mail)

Colonel Allan M. Dodd, Commander
Jacksonville District Corps of Engineers
Antilles Office
400 Fernandez Juncos Avenue
San Juan, Puerto Rico 00901-3299

Attention: Johann M. Sasso

Dear Colonel Dodd:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice SAJ-2012-03296 (SP-JMS) dated December 9, 2014. The applicant, U.S. Virgin Islands Water and Power Authority (VIWAPA), proposes dredging and dock modifications at the VIWAPA Fuel Piers at the Randolph E. Harley Power Plant in St. Thomas and the Richmond Power Plant in St. Croix. In addition, the applicant proposes to install an offshore mooring site for a Liquid Propane Gas (LPG) vessel, referred to as the Very Large Gas Carrier (VLGC) in the public notice. The work would occur within Krum Bay, St. Thomas, and Christiansted Harbor, St. Croix, and a site 5.8 nautical miles from St. Thomas in the Federal Exclusive Economic Zone. The Jacksonville District's initial determination is the proposed action would not have a substantial adverse impact on essential fish habitat (EFH) or federally managed fisheries in the Caribbean. 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 the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Description of the Proposed Project
The project has three main components:

(1) Krum Bay, St. Thomas, U.S. Virgin Islands:
VIWAPA proposes to dredge approximately 2,490 cubic yards (cy) of material in Krum Bay in order to have sufficient water depth to berth LPG vessels at the public boat ramp. The dredging would be conducted using a clam shell dredge, and the material would be deposited into containment bins on the dredge vessel to de-water. Dredged material would be disposed at the abandoned Waste Water Treatment Ponds to the west of Cyril E. King Airport. VIWAPA also proposes to modify the existing fuel pier, which would include installing eight new pilings.

(2) Christiansted Harbor, St. Croix, US Virgin Islands:
VIWAPA proposes to dredge approximately 2,200 cy from the seafloor on the eastern slope of the turning basin to allow for LPG vessel maneuvering. The dredging would be conducted using a clam shell dredge from a barge. In addition, VIWAPA proposes to maintenance dredge approximately 78.48 cy of material to remove existing sediment build-up along the northern side of the dock (i.e., berth side). This dredging would be accomplished utilizing a crane with a clam shell from the dock. Turbidity barriers would be installed around both the dredging and de-watering areas. All excavated

sediment would be disposed of at the Anguilla Landfill. VIWAPA also proposes to modify the existing fuel pier, which would include installing 14 new pilings.

(3) Single Mooring Point Location for a Very Large Gas Carrier:
A single point mooring would be installed at latitude 18.2445° N and longitude -64.9767° W. The proposed VLGC mooring location would be approximately 9.25 kilometers south of the St. Thomas VIWAPA dock and 60 kilometers northwest of the St. Croix VIWAPA dock. The mooring site would be used as a fixed location for the vessel when not underway and during lightering to smaller shuttle vessels. The single mooring buoy (approximately 6 meters in diameter and 3 meters high) would have six 380-meter-long, equally spaced, chain anchor legs and drag embedment anchors. A single mooring hawser would connect the VLGC to the buoy, which would be able to swing about the buoy. The anchor chain may embed into the seafloor at a distance of over 10 to 15 meters from the anchor. According to the documents supplied that describe the VLGC installation, the vessel used to install the mooring would either utilize a Dynamic Position System (DPS) or spread mooring system (SMS) to keep the vessel in place during installation.

In addition to the above work, NMFS understands the applicant elected not to complete the emergency dock repairs in Krum Bay that were the subject of an emergency consultation with the Jacksonville District. In lieu of the repairs, it appears VIWAPA is using a spud barge as a temporary dock for fuel deliveries. NMFS requests the Jacksonville District clarify if the permit currently requested by VIWAPA would include an after-the-fact authorization for the spud barge serving as a fuel dock. The buoy chains from this action have impacted EFH.

Essential Fish Habitat
The Caribbean Fishery Management Council (CFMC) identifies seagrass, algal flats, live/hardbottom, and sandy bottoms as EFH under the fishery management plans for spiny lobster, queen conch, coral, or reef fish. These habitats serve as nursery areas for fishery species. Seagrass, algal flats, sandy bottoms, and hard bottoms are part of a habitat complex that includes mangrove and coral, and this complex supports a diverse community of fish and invertebrates. 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. Additional information about these EFH designations and how these habitats support fishery species is found in *Essential Fish Habitat (EFH) Generic Amendment to the Fishery Management Plans (FMPs) of the U.S. Caribbean*[1].

Impacts to Essential Fish Habitat
In October 2013 and September 2014, a representative of NMFS visited the project site with the applicant's environmental consultant to conduct an assessment of the proposed in-water activities.

(1) Krum Bay, St. Thomas, U.S. Virgin Islands:
The public notice states the area to be dredged contains various species of macroalgae and patchy seagrass (*Halophila stipulacea*) totaling 10 square meters. As compensatory mitigation, the applicant proposed to remove 30 square meters of debris from the seagrass and coral area to allow for re-colonization. The notice does not quantify impacts from pile installation and pier construction. It is reasonable to expect that there may be corals within the footprint of the pile installation that should be relocated prior to installation.

[1] Available at *caribbeanfmc.com/fmp_efh.html.*

(2) Christiansted Harbor, St. Croix, US Virgin Islands:
Within the areas to be dredged, the bottom is largely unvegetated, however there are a few seagrass patches, measuring 0.07 acres and composed of *Syringodium filiforme* and *Thalassia testudinum* along the northern slope of the basin. There are also five colonies of *Porites porites* within this seagrass area. VIWAPA is proposing to transplant the seagrass and five coral colonies out of the footprint prior to dredging as an impact minimization measure and to remove debris as a compensatory mitigation measure, where appropriate.

(3) Single Mooring Point Location for Very Large Gas Carrier:
The notice describes one small area of emergent hardbottom (less than six meters diameter) and the remainder of the mooring site is unvegetated sandy bottom. The hardbottom does not have any attached stony corals. One octocoral was observed on this patch of hardbottom and the habitat is located outside the mooring system.

Minimization of impacts to EFH
The public notice describes several best management practices (BMPs) VIWAPA would implement to minimize impacts to seagrass, hardbottom, and coral, including:

- Type III turbidity barriers deployed to enclose all in-water work.
- Pile driving accomplished with a vibratory hammer when possible and during daylight hours.
- Divers assist in the positioning of the barge, spuds, and anchors so that corals and other benthic colonization can be avoided.
- Relocation to a safe area outside the basin of all coral, seagrass, and colonized-coral debris within areas to be dredged or within five meters of piles to be installed.
- Relocation to a safe area of all conch, sea cucumbers, starfish and sea urchins.

In addition to the above BMPs, NMFS recommends:

- Use of DPS, rather than a SMS, to maintain vessel locations.
- Implementing at St Thomas the coral relocation BMPs planned for St. Croix.
- Use lines that float above the seafloor should be used at offshore mooring site to minimize suspension of sediment.

Conservation Recommendations
NMFS concludes the proposed impacts to seagrass and corals may result in an adverse impact to 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 Recommendations

1. The permit shall prohibit impacts to corals and seagrass from work vessels, spuds, and anchors.
2. The permit shall require measures to prohibit chronic suspension of sediments from sweeping anchor chains at the Single Mooring Point.
3. The coral relocation plan required by the permit shall be updated to include relocation of corals in St. Thomas as well as St. Croix.
4. An amended monitoring plan shall be provided that provides methods to gauge survival and growth of the transplanted coral and seagrass with respect to clearly established performance criteria. This plan should also identify recipient sites that are well characterized, including a determination for suitability in receiving corals and seagrass. The plan shall include quantitative performance criteria and a requirement for remedial action should those criteria not be met.

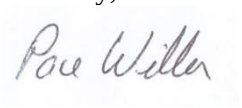
5. Any permit issued for the proposed work shall include additional compensatory mitigation measures to rectify the EFH impacts caused by the use of a spud barge as a fuel dock in St. Thomas.

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 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.

Species protected under the Endangered Species Act and under the jurisdiction of NMFS occur may occur in vicinity of the proposed boat ramp replacement. Impacts to endangered or threated species and their critical habitat may require consultation with the NMFS Protected Resources Division. Further questions about consultations under the Endangered Species Act should be directed to Dr. Lisamarie Carrubba at Lisamarie.Carrubba@noaa.gov.

Thank you for the opportunity to provide these comments. Related questions or comments should be directed to the attention of Ms. Lia A. Ortiz at NOAA HCD, 3013 Estate Golden Rock, Almeric Christian Federal Building Box 4, Christiansted, St. Croix, US Virgin Islands. She may be reached by telephone at 340-718-1236 or 305-213-3089 or by e-mail at Lia.Ortiz@noaa.gov.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

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