



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 20, 2015

F/SER47:JAR/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: Carman G. Roman

Dear Colonel Dodd:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice SAJ-2014-02641 (SP-CGR) dated December 10, 2014. The Municipality of Salinas requests authorization from the Department of the Army to:

- Remove rock wreckage and debris from an area 73.67 long with a variable width from 4.25 feet to 8.125 feet along the western portion of the Salinas Waterfront (Mirador de Melquiades).
- Remove three steel posts, a collapsed headwall, rock wreckage, and debris from an area 81.5 feet long by a variable width of 4.5 feet to 12.5 feet along the eastern side of the Salina Waterfront (Mirador del Caribe).
- Discharge fill material onto approximately 0.01 acre of sandy bottom along the Mirador del Caribe to repair a portion of the existing plaza that collapsed.

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).

The public notice does not include results from a site-specific benthic survey, and NMFS is concerned seagrass, coral, or hardbottom habitat may occur within the construction area or sufficiently nearby that these resources may be impacted by construction activities.

The Caribbean Fishery Management Council (CFMC) identifies seagrass, coral, hardbottom, and sandy bottom 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, hardbottom, and coral are part of a habitat complex that includes mangroves, 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.

Conservation Recommendations

NMFS concludes the proposed work may impact seagrass, coral, or hardbottom habitat. 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

- Any permit issued for the proposed work shall expressly note impacts to seagrass, coral, and hardbottom habitat are not authorized. NMFS recommends the Jacksonville District request the applicant provide a scaled habitat map of the project area that focuses on seagrass, coral, and hardbottom and has the project features overlain onto the map.
- Any permit issued for the proposed work shall include Best Management Practices to reduce sediment-laden runoff from the site. These practices may include relocating corals from the project area to a safe location with similar ecological conditions.
- If the permit authorizes impacts to seagrass, coral, and hardbottom habitat, the permit shall require compensatory mitigation for these impacts and monitoring of the mitigation shall be required to gauge results with respect to clearly established performance criteria.

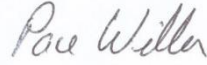
Section 305(b)(4)(B) of the Magnuson-Stevens Act and implementing regulation at 50 CFR Section 600.920(k) require the Jacksonville District to provide a written response to this letter within 30 days of its receipt. If it is not possible to provide a substantive response within 30 days, in accordance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

¹ Available at caribbeanfmc.com/fmp_efh.html.

NMFS appreciates the opportunity to provide these comments. Related questions or comments should be directed to the attention of Mr. José A. Rivera at NOAA HCD, c/o US Army Corps of Engineers, 400 Fernandez Juncos Avenue, San Juan, Puerto Rico, 00901-3299. He may be reached by telephone at 787-405-3605 or by e-mail at Jose.A.Rivera@noaa.gov.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc:

COE, Carmen.G.Roman@usace.army.mil
FWS, Michael_Evans@fws.gov
EPA, Casey.Jim@epa.gov
DPNR, JP.Oriol@dpr.gov.vi
CFMC, Graciela_CFMC@yahoo.com
F/SER3, Lisamarie.Carrubba@noaa.gov
F/SER4, David.Dale@noaa.gov
F/SER47, Jose.A.Rivera@noaa.gov