



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 15, 2015

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Colonel Alan Dodd, Commander
U.S. Army Corps of Engineers, Jacksonville District
Miami Permits Section
9900 Southwest 107th Avenue, Suite 203
Miami, Florida 33176

Attention: Maria Bezanilla

Dear Colonel Dodd:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice SAJ-1996-07365 (SP- MIB) dated December 16, 2014. CRP Holiday Isle, LLC, requests authorization from the Department of the Army to replace shoreline stabilization structures and to improve an existing marina in waters adjacent to the Atlantic Ocean in Islamorada, Monroe County. Specifically, the applicant proposes to: 1) install 952 linear feet of new steel sheet-pile bulkhead in front of the existing bulkhead with approximately 250 cubic yards of backfill and a 4-foot-wide concrete cap; 2) remove and replace within the same footprint 76 mooring piles; 3) remove and replace four marginal docks totaling 2,567 square feet; 4) remove and replace within the same footprint an existing covered boat house and "T"-shaped dock totaling 4,437 square feet; 5) remove and replace within the same location 15 boat lifts underneath the covered boat house; 6) remove and replace within the same footprint three existing decks totaling 2,232 square feet; 7) remove and replace 13 finger piers totaling 2,207 square feet; 8) excavate 50 cubic yards of seawall and backfill to accommodate 30 cubic yards of riprap boulders for the placement of 90 linear feet of riprap adjacent to a marginal dock; 9) place 200 cubic yards of fill for the repair of 170 linear feet of riprap on the Celebration Island shoreline and 115 linear feet on the north site shoreline. A benthic habitat survey of the project area was not provided. The Jacksonville District's initial determination is the proposed shoreline stabilization and docking facility replacement would not have a substantial adverse effect on approximately 13,000 square feet (0.30 acres) of essential fish habitat (EFH), which may include seagrass and coral designated Habitat Areas of Particular Concern (HAPC) by the South Atlantic Fishery Management Council (SAFMC). 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).

Essential Fish Habitat within the Project Area

Aerial images show seagrass in the vicinity of the project. While no benthic survey has been performed, experience with other projects in the vicinity has shown estuarine bottom, coral, and seagrass habitats are common to this area. SAFMC identifies estuarine bottom and seagrass habitats as EFH larval and juvenile pink shrimp (*Farfantepenaeus duorarum*); additionally, estuarine bottom, seagrass and coral are EFH for adult white grunt (*Haemulon plumieri*), juvenile and adult gray snapper (*Lutjanus griseus*), and juvenile mutton snapper (*Lutjanus analis*). SAFMC also designates coral and seagrass as a HAPC for several species within the snapper/grouper complex. HAPC's 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 fishery resources of the area by providing water



quality benefits, foraging opportunities, and nursery habitat. Further, seagrass is part of a habitat complex that includes sand bottom, mangroves, and coral reefs. This complex supports a diverse community of fish and invertebrates. 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* (available at www.safmc.net).

Avoidance and Minimization Measures

The public notice describes measures (i.e., use of turbidity curtains and silt fence) planned to minimize water quality degradation. Additional impact minimization measures that could be taken include designing the docks to meet *Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat* developed by the Jacksonville District and NMFS, or ensuring the new docks allow sufficient light to reach seagrass habitat in the project area.

EFH Conservation Recommendations

NMFS finds the proposed shoreline stabilization and docking facility improvements 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 Recommendations

1. A benthic habitat survey of the project area shall be conducted, between June 1 to September 30 and prior to permitting the project. After the project is redesigned to reflect avoidance and minimization of impacts to seagrass and coral, any unavoidable impacts shall be assessed using the Uniform Mitigation Assessment Methodology and a mitigation plan shall be submitted to NMFS for review and approval prior to permitting the project. Any proposed mitigation must fully offset all lost ecological functions resulting from the project.
2. The docks shall be redesigned to meet the seagrass sections within *Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat*. At a minimum, structures over seagrass shall incorporate materials or spacing to allow for transmission of at least 43% of light to reach these habitats.
3. The permit shall require a plan for relocating corals within the footprint of the project to a safe location. At a minimum, the plan shall describe relocation of scleractinian corals greater than or equal to 10 centimeters in diameter. The plan should describe how the corals would be relocated by experienced personnel to a suitable site and monitoring the relocation success. The permit shall require compensatory mitigation based on results of functional assessments quantifying lost environmental functions resulting from the project.
4. Best management practices shall be incorporated into the project design to minimize indirect impacts and water quality degradation. These best management practices shall include use of staked turbidity curtains around the project area, as described in the notice.

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.

Please note that if the applicant's benthic survey shows corals protected under the Endangered Species Act (e.g., *Orbicella faveolata* and *O. annularis*) within and near the project footprint. If the Jacksonville District determines the permitted action may affect a listed species, the District should contact the NMFS Southeast Region, Protected Resources Division at the letterhead address.

Thank you for the opportunity to provide comments. Related correspondence should be directed to the attention of Mr. Kurtis Gregg at our West Palm Beach office, 400 North Congress Avenue, Suite 110, West Palm Beach, Florida, 33401. He may be reached by telephone at (561) 249-1627, or by e-mail at Kurtis.Gregg@noaa.gov.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc:

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