



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: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-1997-03683 (SP-JMS) dated December 31, 2014. The applicant, West Indian Company, Ltd. (WICO), proposes dredging in Charlotte Amalie Harbor, St. Thomas, and modifying WICO berthing dock bulkhead. The Jacksonville District's initial determination is impacts to approximately 6.63 acres of sea bottom, including 0.50 acres of seagrass¹ and 5,000 to 8,000 corals, 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 two main components:

(1) WICO dock bulkhead repairs

WICO seeks authorization to replace 618 linear feet of deteriorating bulkhead. This would require placement of 150 linear feet of new structural tow and installation of 30 new bollards along WICO's cruise ship berthing dock. Work would be done from barge-mounted cranes and equipment along the main portion of the inner berth wall. From the barge, new steel sheet piles would be placed in front of the existing wall as close as practical to the existing cap. The sheet piles would be installed by either vibratory or impact hammer. Coarse aggregate would be used to fill space behind new bulkhead from the mud line to -2.0 feet (datum not specified in the public notice, presumably mean lower low water (MLLW)). The notice and environmental assessment report (EAR) state use of full-depth curtains and barriers is not possible because these devices may impact ship maneuverability by interfering with ship thrusters and propellers.

(2) Dredging of the turning basin, entrance channel, and berthing channel within Charlotte Amalie Harbor

The area to be maintenance dredged encompasses areas within the inner basin, along the bulkhead, on the edges of the turning basin, and along both sides of the northern portion of the channel. WICO proposes to use a clamshell or excavator dredge to lower the berthing area to -34 feet MLLW. This would require removal of 6,250 cubic yards (cy) of material. The maintenance dredging of the

¹ NMFS determines this is an underestimate. The Environmental Assessment Report indicates up to 3.7 acres of seagrass, including species from the genera *Halophila*, *Thalassia*, and *Syringodium*, could be impacted.



entrance channel and turning basin to -35 feet MLLW would require the removal of 12,446 cy of material. The ship basin has been dredged on multiple occasions, and the seafloor is composed of fine, silty material that is easily re-suspended by the dredge. In the berthing channel, there is silty sand, gravel, rocks, and scattered boulders. WICO proposes to minimize impacts to water quality by utilizing turbidity curtains (approximately 10 feet deep and offset a minimum of 18 inches from the barge) to surround the hopper barge while dredging Charlotte Amalie Harbor. Dredged material disposal would be accomplished via a temporary disposal site in the WICO uplands with ultimate disposal at the Long Point Landfill. Once a hopper or deck barge is filled and allowed to drain excess water to minimize discharge during truck hauling, the barge would then be moved to the WICO berth (or other land area) and the material unloaded into trucks to be hauled to the temporary upland storage area on WICO's property. WICO proposes to construct an approximate 1.0-acre temporary storage area surrounded by a soil berm for a time period of no more than 3 or 4 days. Should WICO decide to utilize all or a portion of the material for construction purposes, the material may be held on-site considerably longer.

Essential Fish Habitat

The Caribbean Fishery Management Council (CFMC) identifies seagrass, algal flats, coral, 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, coral, and live/hardbottom are part of a habitat complex that includes mangrove, 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*².

Impacts to Essential Fish Habitat

The project has two main components for which impacts to seagrass and coral may occur:

(1) WICO dock bulkhead repairs

The public notice states the section of the bulkhead to be repaired is colonized by 5,000 to 8,000 corals (various species). WICO proposes to relocate 4,500 to 6,500 healthy corals over 10 centimeters in diameter to a location west of Hassel Island. The proposed bulkhead repairs would result in direct impacts to the corals not relocated.

(2) Dredging of the turning basin, entrance channel and berthing channel within Charlotte Amalie Harbor

The dredging would impact approximately 700 corals. The maintenance dredging would also impact approximately 8.3 acres of submerged aquatic vegetation (SAV) of which approximately 3.7 acres are dominated by seagrass, including species from the genera *Halophila*, *Thalassia*, and *Syringodium*. The total amount of impacts to seagrass described in the EAR exceeds the 0.5 acres described in the public notice. To minimize impacts associated with the maintenance dredging, 0.16 acres of *Thalassia* and 0.19 acres of *Syringodium* would be transplanted into seagrass blowout and scars eastward of the channel. The notice does not discuss transplanting *Halophila* as an impact minimization strategy. Figures 2 through 4 on pages 33 to 34 of Attachment H: Benthic Survey of the Dredging EAR suggests the presence of *Acropora* spp. and *Orbicella franski*, both listed as threatened under the Endangered Species Act, as well as some colonized hardbottom to westward of the channel to be dredged and a well-colonized reef eastward of the channel. The proximity of these

² Available at caribbeanfmc.com/fmp_efh.html.

corals, live/hardbottom, and reef to the dredging footprint is not clear from these figures and survey descriptions.

Minimization of impacts to EFH

The applicant believes the project impacts have been minimized to the degree possible and unavoidable impacts are necessary. The public notice describes several best management practices (BMPs) WICO would implement to minimize impacts to seagrass and corals, including:

- Turbidity curtains (approximately 10 feet deep and offset a minimum of 18 inches from the barge) would surround the hopper barge (or deck barge) while dredging in all locations.
- Hay bales and silt fences would be employed at the WICO disposal storage area to prevent return water from entering the stormwater system or returning to the adjacent bay. Monitoring of turbidity and total suspended solids would be performed to ensure the water quality standards are not violated during bulkhead repairs.
- No oil or debris would be discharged from any vessel into the harbor during construction.
- The sheet piles would be installed by either vibratory or impact hammer, rather than jetting.
- An oil and water separator would be installed for the drainage discharging along the bulkhead.
- Informational buoys would be placed at the seagrass and coral recipient sites notifying boaters of the presence of sensitive marine habitats.
- Installation of educational signage along the passenger walkways along the cruise ship dock advising on the protection of environmental resources to mitigate for SAV directly impacted.
- Approximately 4,500 to 6,500 healthy corals over 10 centimeters in diameter would be transplanted to a location west of Hassel Island.
- Seagrass from the genera *Thalassia* and *Syringodium* would be transplanted to the east of the channel into seagrass blowout and scars as a minimization measure.
- All starfish, conch, and other nonsessile animals would be relocated out of areas to be dredged.

In addition to the above BMPs, NMFS recommends:

- Pile driving is limited to daylight hours and uses a vibratory hammer to reduce turbidity.
- No implementation of long-term storage, i.e. beyond 30 days, of dredged fill on-site at WICO temporary storage site to reduce sediment runoff from rain events.
- Use of hay bales and silt fences should be implemented for all dredged material stored at the WICO temporary storage site.

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. An amended mitigation and 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 describe the relocation of all species of seagrass present at the site, including *Halophila*. 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.
2. An amended compensatory mitigation plan that describes how unavoidable impacts to seagrass and corals will be fully offset, including indirect impacts from work vessels and spudding. The plan shall include a description of mitigation activities and the mitigation site(s), expected results

from the mitigation, and a monitoring plan with schedule that will gauge how the performance criteria will be met. In this regard, NMFS would support the relocation of all corals (including corals smaller than 10 centimeters, which would eliminate the need for compensatory mitigation for corals. NMFS would not support a mitigation plan that is limited to only providing outreach and education. The plan should include a map clearly depicting impacts by location and habitat.

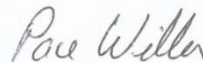
3. Any permit issued for the proposed work shall require the applicant to demonstrate sufficient funds have been set aside to maintain the informational buoys at coral and seagrass recipient sites.

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.

The public notice states that no colonies of *Acropora* spp. were identified within the bulkhead survey area, though there were two colonies of *Orbicella franksi*, a species determined to be threatened, were noted on the bulkhead wall. 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.

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, U.S. 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

cc:

COE, Johann.M.Sasso@usace.army.mil
FWS, Michael_Evans@fws.gov
EPA, Casey.Jim@epa.gov
DPNR, JP.Oriol@dpnr.gov.vi
CFMC, Graciela_CFMC@yahoo.com
F/SER3, Lisamarie.Carrubba@noaa.gov
F/SER4, David.Dale@noaa.gov
F/SER47, Lia.Ortiz@noaa.gov, Jocelyn.Karazsia@noaa.gov, Jose.A.River@noaa.gov