



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>

February 19, 2015

F/SER47:KG/pw

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: Dana K. Gentry

Dear Colonel Dodd:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice SAJ-2014-02458 (LP-DKG) dated February 5, 2015. John Moll requests authorization from the Department of the Army to construct recreational facilities in the Atlantic Ocean on Long Key, Monroe County. Specifically, the applicant proposes to construct a pier (3.5 feet by 112 feet) and swim platform (8 feet by 20 feet) that total 480 square feet waterward of the mean high water (MHW) line. The proposed swim platform includes a tiki roof. An unspecified amount of mitigation through the Keys Restoration Fund (KRF) is proposed. The Jacksonville District's initial determination is the proposed pier construction would not have a substantial adverse effect on seagrass habitat, which is designated a Habitat Area 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

The project area described in the public notice includes dense, 50 to 100 percent cover, shoal grass (*Halodule wrightii*). The notice did not include a benthic resource survey, but results of a benthic survey are shown on a project plan-view drawing. The date of these observations is neither stated in the text nor shown on the drawing. SAFMC identifies seagrass habitats as EFH for several species, including adult white grunt (*Haemulon plumieri*), juvenile and adult gray snapper (*Lutjanus griseus*), juvenile mutton snapper (*Lutjanus analis*), juvenile Schoolmaster (*Lutjanus apodus*), and juvenile dog snapper (*Lutjanus jocu*). Unconsolidated habitats are EFH for larval and juvenile pink shrimp (*Farfantepenaeus duorarum*).

SAFMC also designates seagrass as a HAPC for several species within the snapper/grouper complex. HAPCs are subsets of EFH that are rare, particularly susceptible to human-induced degradation, especially important ecologically, or located in an environmentally stressed area. These HAPCs benefit fishery resources by providing water quality benefits, foraging opportunities, and nursery habitat. SAFMC provides additional information on EFH and HAPCs and their support of 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., turbidity curtains) planned to minimize water quality degradation. The applicant has proposed to construct the pier at +5 feet MHW, to reduce the width of the access walkway to 3.5 feet, and to use grated decking for the access walkway and swim platform in accordance with the *Construction Guidelines in Florida for Minor Piling-Supported Structures*




Constructed in or over SAV, Marsh or Mangrove Habitat (Construction Guidelines). NMFS believes the elevation of the tiki roof (12 feet) over the swim platform is high enough to prevent adverse shading impacts. Orientation of the pier is generally north-south on the long axis, which reduces adverse effects of shading by allowing sunlight to reach seagrass habitat throughout the day.

Recommendations

NMFS appreciates the extent the proposed pier and swim platform reflect the Construction Guidelines. If practicable, NMFS recommends a benthic habitat survey be conducted between June 1 to September 30, and the exact structure alignments minimize intersection with seagrass observed in the survey. NMFS also recommends the staked turbidity curtains described in the notice become a permit requirement.

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 120, 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:

COE, Dana.K.Gentry@usace.army.mil
FWS, Ashleigh_Blackford@fws.gov
EPA, Miedema.Ron@epa.gov
FWCC, Lisa.Gregg@MyFWC.com
FDEP ERP, Gus.Rios@dep.state.fl.us
SAFMC, Roger.Pugliese@safmc.net
FKNMS, Joanne.Delaney@noaa.gov
F/SER4, David.Dale@noaa.gov
F/SER47, Jocelyn.Karazsia@noaa.gov, F/SER47, Kurtis.Gregg@noaa.gov