



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>

March 30, 2015

F/SER47:BH/pw

(Sent via Electronic Mail)

Colonel Alan M. Dodd, Commander
Jacksonville District Corps of Engineers
Jacksonville Permits Section
PO Box 4970
Jacksonville, Florida 32232-0019

Attention: Paula R. Johnson

Dear Colonel Dodd:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice SAJ-2007-00910 (SP-PRJ) dated March 11, 2015. John Williams requests authorization from the Department of the Army to construct a 3,200-square-foot (0.07-acre) pile-supported home over salt marsh and to place 0.10 acre of fill material in salt marsh wetlands for installation of a pipe that would drain water from the adjacent neighbor's property to a creek. The stilt house would be near the mouth of the Ortega River in Duval County. As compensatory mitigation, the applicant proposes to purchase credits from a federally approved mitigation bank. As the nation's federal trustee for the conservation and management of marine, estuarine, and anadromous fishery resources, NMFS provides the following comments and recommendations 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 in the Project Area

The site of the proposed single-family home includes estuarine emergent vegetation and tidal creeks. The SAFMC identifies these habitats as EFH for white shrimp (*Litopenaeus setiferus*), brown shrimp (*Farfantepenaeus aztecus*), and estuarine-dependent species of the snapper/grouper complex, such as grey snapper (*Lutjanus griseus*). Coastal salt marshes and tidal creeks are EFH for these species because larvae and juveniles concentrate and feed extensively within these habitats. Consequently, growth rates are high and predation rates are low, which makes these habitats effective nursery areas for shrimp and snapper. The site of the proposed project includes estuarine waters. The Mid-Atlantic Fishery Management Council (MAFMC) has identified estuarine waters as EFH for bluefish (*Pomatomus saltatrix*). The SAFMC provides additional information on EFH and federally managed fishery species in *Fishery Ecosystem Plan of the South Atlantic Region*, which is available at www.safmc.net. The MAFMC provides detailed information on types and locations of EFH for the species it manages via individual amendments to fishery management plans and in technical reports available at www.nefsc.noaa.gov/nefsc/habitat/efh/.



Impacts to Essential Fish Habitat

The applicant proposes to directly impact, by shading and filling, 0.17 acre of salt marsh habitat. It is unclear what area the proposed pipe would drain. If the area drained has jurisdictional wetlands, indirect impacts to those wetlands would occur and should be included in wetland impact calculations.

While the applicant states there are no practicable design modifications to lessen the wetland impact, NMFS notes the upland area immediately behind the existing structure is approximately 3,200 square feet and could accommodate a house similar to the one proposed. If the project were authorized, NMFS is concerned it may lead to similar projects impacting salt marsh, resulting in substantial cumulative impacts in the St. Johns River watershed. NMFS is not aware of the Jacksonville District authorizing stilt homes in the St. Johns River or its tributaries previously and requests the Jacksonville District closely evaluate the project from the perspective of potential cumulative impacts.

EFH Conservation Recommendations

NMFS concludes the proposed stile home and drainpipe would adversely impact 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. In consideration of this requirement, NMFS recommends:

- The applicant further demonstrates how the proposed design reflects site-specific avoidance and minimization measures.
- The permit includes a compensatory mitigation plan demonstrating no net loss of ecological function within the same watershed.

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.

Thank you for the opportunity to provide comments. Please direct related questions or comments to the attention of Brandon Howard at 400 N Congress Avenue, Suite 110, West Palm

Beach, Florida 33401. He may be reached by telephone at 561-249-1652 or by e-mail at Brandon.Howard@noaa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Poe Willer". The signature is written in black ink on a light-colored background.

/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc:

COE, Paula.R.Johnson@usace.army.mil
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