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

April 16, 2015 F/SER47:JK/pw

(Sent via Electronic Mail)

Colonel Alan M. Dodd, Commander
Jacksonville District Corps of Engineers
Tampa Regulatory Field Office
10117 Princess Palm Avenue, Suite 120
Tampa, Florida 33610

Dear Colonel Dodd:

Attention: Jessica L. Cordwell

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice SAJ-2015-00180 (LP-JLC), dated April 7, 2015. Jose Souto requests authorization from the Department of the Army to dredge a 0.12-acre boat basin to -7.5 feet mean low water. The basin would be in waters connected to Biscayne Bay, Miami-Dade County. No compensatory mitigation is proposed. The initial determination by the Jacksonville District is the proposed impacts to seagrass habitat, designated a Habitat Area of Particular Concern (HAPC) by the South Atlantic Fishery Management Council (SAFMC), would not have a substantial adverse impact on essential fish habitat (EFH) or federally managed fishery species. As the nation's federal trustee for the conservation and management of marine, estuarine, and anadromous fishery resources, the following comments and recommendations are made 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
A map provided with the notice shows the site was surveyed for seagrass in November 2014, which is outside the time-of-year NMFS recommends (June 1 to September 30). The map shows seagrass within and adjacent to the footprint of the boat basin includes sparse to dense (less than 10 to 75 percent density) paddle grass (*Halophila decipiens*), shoal grass (*Halodule wrighii*), and turtle grass (*Thalassia testudinum*). SAFMC identifies seagrass habitat as EFH for several species, including adult white grunt (*Haemulon plumieri*); juvenile and adult gray snapper (*Lutjanus griseus*) and Lane snapper (*Lutjanus synagris*); juvenile mutton snapper (*Lutjanus analis*), schoolmaster (*Lutjanus apodus*), and dog snapper (*Lutjanus jocu*); goliath grouper (*Epinephilus itijara*); and larval and juvenile pink shrimp (*Farfantepenaeus duorarum*). SAFMC also identifies seagrass as a HAPC under the fishery management plans for spiny lobsters and 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. Seagrass directly benefit fishery resources by providing nursery habitat. Seagrass is part of a habitat complex that includes mangrove and hardbottom, and this habitat complex is abundant in Biscayne Bay and supports a diverse community of fish and invertebrates within the area. Seagrass also provide 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. 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*, which is available at *www.safmc.net*.

Impacts to Essential Fish Habitat
The proposed project would impact 0.12 acre of seagrass habitat. The applicant believes the substrate is generally unsuitable for seagrass proliferation and therefore mitigation should not be required. NMFS disagrees with this assessment given the lack of substrate characterization to support this opinion and the presence of seagrass at the site even though the survey was done when their detection can be difficult due to the normal seasonal fluctuations of paddle grass and shoal grass. Assuming Jacksonville District concludes there is a legitimate need to dredge, mitigation is needed for the loss of ecosystem services.

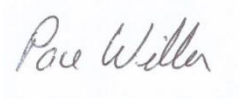
EFH Conservation Recommendation
NMFS finds the proposed dredging would have an adverse impact on EFH. Section 305(b)(4)(A) of the Magnuson-Stevens Act requires NMFS to provide EFH conservation recommendations when an activity is expected to adversely impact EFH. Based on this requirement, NMFS recommends:

- The permit requires compensatory mitigation for impacts to 0.12 acre of seagrass habitat based on a functional assessment (such as the Unified Mitigation Assessment Method). The permit should include performance measures and monitoring to gauge performance with respect to those measures. NMFS requests an opportunity to review the mitigation plan before the District makes its final decision on the permit.

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.

We appreciate the opportunity to provide these comments. Please direct related questions to the attention of Ms. Jocelyn Karazsia in our West Palm Beach Field Office, located at 400 North Congress Avenue, Suite 110, West Palm Beach, FL 33401. She also may be reached by telephone at (561) 249-1925, or by email at Jocelyn.Karazsia@noaa.gov.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc:

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