



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>

May 22, 2015

F/SER47:JK/pw

(Sent via Electronic Mail)

Colonel Alan M. Dodd, Commander
Jacksonville District Corps of Engineers
Palm Beach Gardens Regulatory Field Office
4400 PGA Boulevard, Suite 500
Palm Beach Gardens, Florida 33410

Dear Colonel Dodd:

Attention: Alisa Zarbo

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice SAJ-2005-03156 (SP-AAZ), dated April 21, 2015. St. Lucie County Parks and Recreation Department requests authorization from the Department of the Army to remove and replace eight docks and wood pilings in the same footprint at Pepper Park in the Indian River Lagoon, St. Lucie County. Six of the eight docks would be replaced with similar height and width specifications as the existing docks; however, two of the existing elevated docks would be replaced as floating docks. No compensatory mitigation is proposed. The initial determination by the Jacksonville District is the proposed impacts to seagrass habitat and the Indian River Vero Beach to Ft. Pierce Aquatic Preserve, designated 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

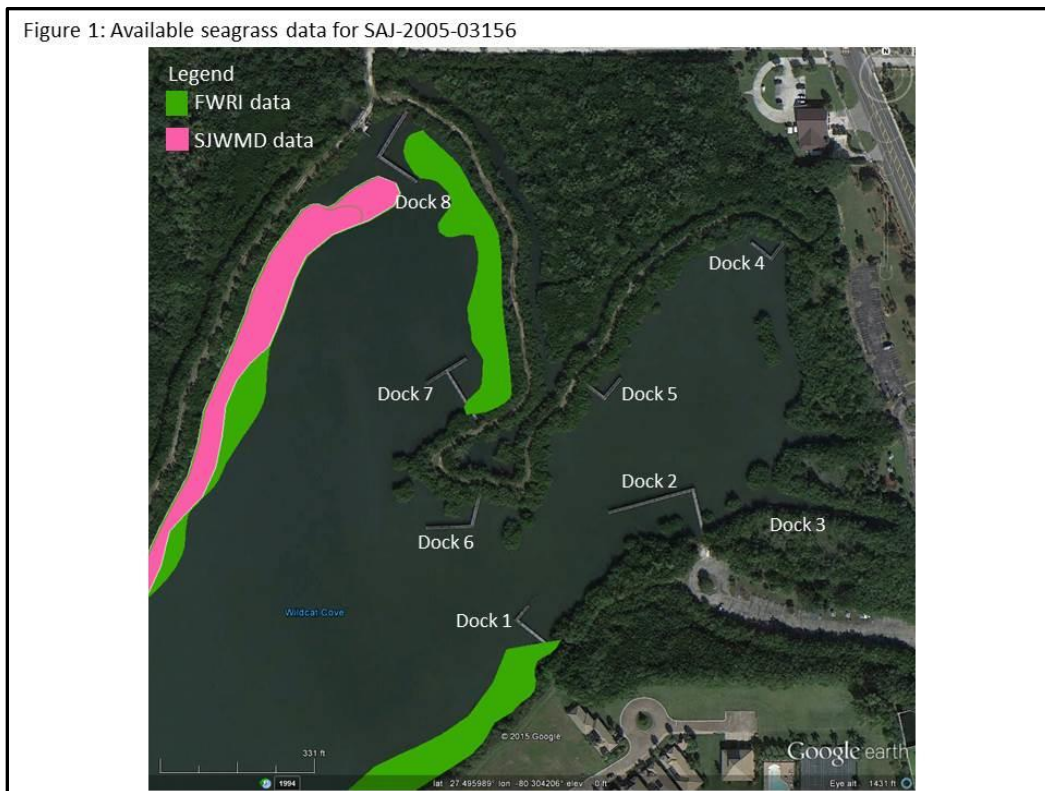
A biological resource survey report, dated March 3, 2014, completed by an agent for the applicant was provided with the public notice. The site was surveyed for seagrass on January 18, 2014, and February 17, 2014, which is outside the time-of-year NMFS recommends (June 1 to September 30) as optimal for seagrass surveys. The report concludes no seagrass is present at the site. However, in an effort to verify the survey results, the NMFS reviewed seagrass maps provided by the Jacksonville District for a separate project¹. Seagrass maps produced by the St. Johns Water Management District (SJWMD) and the Florida Fish and Wildlife Research Institute (FWRI) show seagrass in the vicinity of Docks 1, 7, and 8 (Figure 1).

The 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

¹ SAJ-2015-0427 Draft programmatic EFH assessment for Florida Inland Navigation District.



(*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*). The SAFMC also identifies seagrass as a HAPC under the fishery management plans for spiny lobsters and the snapper/grouper complex. The Indian River Vero Beach to Ft. Pierce Aquatic Preserve is also HAPC for species managed under fishery management plans for the snapper/grouper complex, coastal migratory pelagics, and shrimp. 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 the Indian River Lagoon 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. The 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 conversion of Dock 1 from an elevated structure to a floating structure would result in the loss of seagrass. Based on scaled drawings provided with the notice, it appears approximately 400 square feet (0.01 acre) of seagrass would be impacted by the installation of a floating dock at this site. The NMFS believes impacts could be minimized or avoided by installing an elevated

dock similar to the one currently present, which has allowed a seagrass bed to remain despite shading by the structure.

EFH Conservation Recommendation

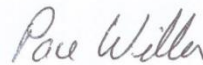
The NMFS finds the conversion of Dock 1 from an elevated structure to a floating structure would have an adverse impact on EFH. Section 305(B)(4)(A) of the Magnuson-Stevens Act requires the NMFS to provide EFH conservation recommendations for any federal action or permit which may result in adverse impacts to EFH. Therefore, the NMFS recommends the following to ensure the conservation of EFH and associated fishery resources:

- The permit should require Dock 1 to have an elevated walkway, no less than 5.0 feet above mean high water, over the seagrass habitat.

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 the 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

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