



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>

June 22, 2015

F/SER47:JK/pw

(Sent via Electronic Mail)

Colonel Alan Dodd, Commander
U.S. Army Corps of Engineers, Jacksonville District
Planning and Policy Division, Environmental Branch
701 San Marco Boulevard
Jacksonville, Florida 32207-8175

Attention: Patrick Griffin

Dear Colonel Dodd:

NOAA's National Marine Fisheries Service (NMFS) reviewed the draft Environmental Assessment (EA) entitled "*Palm Beach Harbor Operation and Maintenance Activities, Palm Beach Harbor, Lake Worth Inlet, Palm Beach County, Florida*" dated May 2015. The federal navigation channel at Palm Beach Harbor rapidly shoals requiring routine dredging to maintain project depths. Use of settling basins (also referred to as sand traps) reduces dredging frequency. During December 2011, the Jacksonville District completed an EFH consultation with NMFS for maintenance of the federal navigation channel at Palm Beach Harbor. Dredged material placement is typically on the beach or in the adjacent nearshore area. Recent disposal events have placed material either on the beach south of the inlet or in the nearshore template south of the inlet. The Jacksonville District is now proposing to lengthen the existing beach disposal template immediately south of the inlet by 1350 feet. This would add to the current template, which is between Florida Department of Environmental Protection (FDEP) monuments R-76 to R-79, the area between FDEP monuments R-79 to R-80.5. In the draft EA, the District also "evaluates" disposing beach quality material within the portion of the Mid-Town beach nourishment template between FDEP monuments R-95 and R-101.4 used by the Town of Palm Beach under SAJ-1995-03779 (SP-LCK). It is NMFS' understanding the District wants the option to place material within this area if necessary, but the need to place spoil from the navigation channel in this area has not yet been established. The Jacksonville District's initial determination is substantial adverse impacts to essential fish habitat (EFH) or federally managed fisheries are not expected from the project. 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 draft EA states up to 775,000 cubic yards of material would be dredged from the federal navigation channel and placed along the beach, but the notice does not specify how the material would be apportioned between the two disposal areas (R-76 to R-80.5 versus R-95 to R-101.4).



The draft EA does not constrain the type of dredge plant used for the work, but hydraulic dredging with transport to the beach via a pipeline is likely. No matter the type of dredge plant used, the NMFS assumes bulldozers and other heavy equipment would be used to grade the material into the disposal template.

Essential Fish Habitat within the Proposed Disposal Area Expansions

The draft EA indicates nearshore hardbottom habitat occurs near the project area. The South Atlantic Fishery Management Council (SAFMC) identifies corals and live/hardbottom habitat as EFH for several species, including including adult white grunt (*Haemulon plumieri*); juvenile and adult gray snapper (*Lutjanus griseus*) and lane snapper (*Lutjanus synagris*); and juvenile mutton snapper (*Lutjanus analis*), schoolmaster (*Lutjanus apodus*), and dog snapper (*Lutjanus jocu*). Hardbottoms and sponges are also EFH for coral and spiny lobster (*Panulirus argus*). All demersal fish species under SAFMC management that associate with coral habitats are contained within the fishery management plan for the snapper-grouper complex and include some of the more commercially and recreationally valuable fish of the region. All of these species show an association with coral or hardbottom habitat during their life history. For groupers, the demersal life history of almost all *Epinephelus* species, several *Mycteroperca* species, and all *Centropristis* species takes place in association with coral habitat. Coral, coral reef, and hardbottom habitats benefit fishery resources by providing food or shelter. These habitats are part of a habitat complex that supports a diverse community of fish and invertebrates.

The SAFMC also identifies corals, coral reef, and hardbottom as Habitat Areas of Particular Concern (HAPC) for species within the snapper/grouper complex. HAPCs are subsets of EFH that are either rare, particularly susceptible to human-induced degradation, especially important ecologically, or located in an environmentally stressed area. The SAFMC also designates live/hardbottom between Jupiter Inlet and Dry Tortugas as a HAPC for spiny lobster. In light of their designation as HAPC's and Executive Order 13089, NMFS applies greater scrutiny to projects affecting corals, coral reefs, and hardbottom to ensure practicable measures to avoid and minimize adverse effects to these habitats are fully explored.

The habitat in this area also includes marine sandy bottom is designated EFH for cobia (*Rachycentron canadum*), black seabass (*Centropristis striata*), king mackerel (*Scomberomorus cavalla*), Spanish mackerel (*S. maculatus*), spiny lobster, and pink shrimp (*Farfantepenaeus duorarum*). Tidal, sandy bottom habitats directly benefit fishery resources by providing foraging habitat. The SAFMC provides detailed information on federally managed fisheries and their EFH in amendments to fishery management plans and in *Fishery Ecosystem Plan of the South Atlantic Region* (available on-line at www.safmc.net).

Impacts to Essential Fish Habitat from the Proposed Disposal Area Expansions

Pipeline and Vessel Corridors: It is not clear to the NMFS if coral, coral reef, or hardbottom habitat would be impacted when the dredged material is transported to the beach by vessel or pipeline. The NMFS requests the Jacksonville District describe habitat in and near the offshore connection points and transit corridors and how a pipeline would be monitored and managed to ensure no damage to coral or hardbottom communities results from tow lines, equipment, or pipeline leakage.

Disposal between FDEP Monuments R-76 to R-80.5: The draft EA does not discuss monitoring for indirect impacts to coral and hardbottom habitat despite permit SAJ-1995-03779 requiring a biological monitoring plan that the NMFS spent considerable time developing with the Jacksonville District and Town of Palm Beach. By email dated June 11, 2015, the District explained the monitoring of coral and hardbottom habitat between FDEP monuments R-76 to R-80.5 would be done through FDEP's beach management agreement. Due to the presence of hardbottom habitat near R-80.5, the NMFS recommends the monitoring plan developed for permit SAJ-1995-03779 be updated to include a characterization of the hardbottom habitat at R-80.5 before, during, and after construction.

Disposal between FDEP Monuments R-95 to R-101.4: It is unclear how the disposal of material from the federal navigation channel described in the draft EA would impact the reduced design template agreed to by the NMFS, Town of Palm Beach, and Jacksonville District for permit SAJ-1995-03779. The goal of this design template was to reduce the likelihood of impacts to coral, coral reef, and hardbottom habitat. To achieve this goal, the design template reduced the overall fill volume on average by 9 cubic yards per linear foot of beach and placed material landward of the section of the beach near the Breaker's rock pile to promote material remaining in place rather than eroding and settling onto coral and hardbottom habitats. It is not clear to the NMFS how the placement of spoil from the navigation dredging affects the monitoring required by permit SAJ-1995-03779.

EFH Conservation Recommendations

The NMFS concludes the disposal of material from Palm Beach Harbor would adversely impact EFH. Section 305(b)(4)(A) of the Magnuson-Stevens Act requires the NMFS to provide EFH conservation recommendations when an activity is expected to adversely impact EFH. In consideration of this requirement, the NMFS recommends:

1. The Jacksonville District implement the hardbottom habitat monitoring described in permit SAJ-1995-03779 offshore of FDEP monument R-80.5 before, during, and after disposal of material from the Palm Beach Harbor federal navigation channel.
2. The Jacksonville District require movement of the transport barges be limited to corridors lacking hardbottom and coral habitat and the securing of all tow lines to avoid any contact with hardbottom or coral habitats.
3. The Jacksonville District identify pipeline corridors that avoid impacts to hardbottom habitat and require its contractors to monitor the pipeline daily for leakage.
4. The Jacksonville District limit the volume of fill material placed between FDEP monuments R-95 to R-101.4 to the template authorized by permit SAJ-1995-03779 and implement the monitoring required under that permit for any placement of material from the federal navigation channel.

Section 305(b)(4)(B) of the Magnuson-Stevens Act and its 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 Jacksonville District's detailed response must include a description of measures proposed by the District agency to avoid, mitigate, or offset the adverse impacts of the activity.

If the Jacksonville District's response is inconsistent with our EFH conservation recommendations, the District must provide a substantive discussion justifying the reasons for not following the recommendation.

Thank you for the opportunity to provide comments. Please direct related correspondence to the attention of Ms. Jocelyn Karazsia at our West Palm Beach office, 400 North Congress Avenue, Suite 110, West Palm Beach, Florida, 33401. She may be reached by telephone at (561) 249-1925, or by e-mail at Jocelyn.Karazsia@noaa.gov.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

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