



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:BH/pw

(Sent via Electronic Mail)

Colonel Alan Dodd, Commander
U.S. Army Corps of Engineers, Jacksonville District
4400 PGA Boulevard, Suite 500
Palm Beach Gardens, Florida 33410

Attention: Linda C. Knoeck

Dear Colonel Dodd:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice SAJ-2015-01165 (LP-LCK) dated May 21, 2015. Quay Partners, LLC, requests authorization to dredge 11,052 square feet to a depth of -10 feet NGVD within the Seminole River, Broward County. A seagrass survey, conducted in April 2015, is referenced in the public notice documenting seagrass adjacent to the proposed dredge site. The initial determination by the Jacksonville District is the proposed dredging would not have a substantial adverse impact on federally managed fishery species or essential fish habitat (EFH), including seagrass 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 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

The dredging would impact sand and shell bottom designated EFH for juvenile pink shrimp (*Farfantepenaeus duorarum*) by the SAFMC. The benthic survey referenced indicates seagrass is present adjacent to the footprint of the proposed dredging and is comprised of *Halophila decipiens*. 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 (*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. The 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 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 public notice states seagrass occurs on the eastern side of the project site 10 feet from the seawall. This would appear to put the seagrass in the proposed dredge footprint. A plan-view drawing showing



how seagrass relates to the dredge area is needed. The benthic survey was not done during the time of year optimal for mapping seagrass (June 1 through September 30). Consequently, the survey may not capture all seagrass in the project area due to the seasonal nature of *Halophila* species. The public notice states turbidity curtains would surround the dredge site to prevent impacts to nearby waters. Sloughing at the sides of the dredge hole should be considered when determining if seagrass would be impacted by the project. A seagrass monitoring plan is needed.

EFH Conservation Recommendations

NMFS concludes the proposed dredging 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 permit should not authorize impacts to seagrass unless adequate compensatory mitigation is provided.
- The permit should require the locations of seagrass adjacent to the project to be marked with stakes or floats and for construction operations to avoid these areas. The seagrass locations should be based on surveys performed between June 1 and September 30.
- The permit should require monitoring to detect unexpected impacts to seagrass habitat. The pre-dredging and post-dredging monitoring should be based on surveys performed between June 1 and September 30 and results displayed on a plan-view drawing showing the relationship of the seagrass to the dredge site. The post-dredging survey should be done after the new equilibrium side slopes have become established. Any impacts to seagrass shown in the monitoring attributable to the dredging should be mitigated.

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.

NMFS appreciates the opportunity to provide these comments. Please direct related questions to the attention of Mr. Brandon Howard at our Palm Beach Office, 400 N Congress Ave, Suite 110, West Palm Beach, Florida 33401, at 561-249-1652, or at Brandon.Howard@noaa.gov.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

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