



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>

July 20, 2015

F/SER47:JK/pw

(Sent via Electronic Mail)

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

Attention: Krista Sabin

Dear Colonel Dodd:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice SAJ-2008-01107 (SP-KDS) dated June 18, 2015. The applicants, Martin County and the Sailfish Point Property Owners' and Country Club Association, Inc., propose to nourish approximately 0.9 miles of beach on Hutchinson Island between Florida Department of Environmental Protection (FDEP) monuments R-34.3 to R-39.5; just north of St. Lucie Inlet and including a stretch of beach referred to as Bathtub Beach. The northernmost 300 feet of the project would limit placement of material to above the mean high water line (MHWL) to avoid impacts to high quality hardbottom, including worm reef colonized by *Phragmatopoma lapsedosa*. The sand source, up to approximately 370,000 cubic yards, is two flood shoals within St. Lucie Inlet referred to as Borrow Area A and Borrow Area C. The notice states no seagrass exists within 100 feet of the borrow areas; however, impacts to 1.25 acres of seagrass within the 150-meter mixing zone for Borrow Area A are possible from elevated turbidity caused by the dredging. The applicant requests a 15-year permit to allow the initial construction and beach fills of approximately 35,000 cubic yards each at intervals of one to three years. The notice does not describe how beach compatible sand would be transported from the borrow areas to the beach. The Jacksonville District's initial determination is substantial adverse impacts to essential fish habitat (EFH) or federally managed fisheries, including direct impacts to 22.2 acres at the beach placement area and 103.3 acres at the borrow area and indirect impacts to 1.25 acres of seagrass designated a Habitat Area of Particular Concern, 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).

Consultation History

The NMFS previously reviewed smaller-scale shoal dredging and nourishment for Bathtub Beach Park under SAJ-2008-01107 and maintenance dredging and beach placement at Sailfish Point under SAJ-1996-07239, corresponding to R-34.5 to R-36 and R-36 to R-41, respectively.

Essential Fish Habitat Assessment

The Jacksonville District provided with the public notice an Environmental Assessment (EA) that includes an EFH Assessment. The descriptions of EFH and managed species in the EFH Assessment are sufficient for this consultation. The EFH Assessment, however, does not describe how the dredged material would be transported to the beach and potential impacts to seagrass and hardbottom habitats. In addition, while Appendix II of the EA describes biological monitoring for seagrass and hardbottom, the



plan focuses on the initial construction and does not include monitoring of seagrass and hardbottom after the initial nourishment event.

Impacts to Essential Fish Habitat

Pipeline and Vessel Corridors: It is not clear if transport of the dredged material to the beach by pipeline or dredge (including any supporting vessels) would impact seagrass or hardbottom habitat. The NMFS requests the Jacksonville District and applicants describe habitat in and near the shoal connection points and transit corridors and how the pipeline, dredge, and support vessels would be monitored and managed to ensure no damage to seagrass or hardbottom communities results from tow lines, equipment, or pipeline leakage. The NMFS requests the District coordinate an updated monitoring plan with the NMFS prior to authorizing the project.

Biological monitoring plan: In general, the biological monitoring plan for seagrass and hardbottom looks sufficient in terms of overall survey design, including transect placement and methods. In addition, the NMFS agrees with the applicants' commitment to limit the turbidity mixing zone to 150 meters or less during project construction at the beach fill and borrow areas. In particular, the NMFS agrees with the approach to not allow the turbidity mixing zone at the beach fill site to extend over nearshore hardbottom; rather the applicants will monitor turbidity at the edge of exposed hardbottom when it is closer than 150 meters. The plan, however, is missing biological parameters useful for determining a project impact. In addition, the plan only covers the initial construction and does not describe monitoring of seagrass and hardbottom habitats over the requested 15-year permit duration. The NMFS requests the District coordinate the updated monitoring plan with the NMFS prior to authorizing the project.

Dune fill between R-34.3 and approximately R-34.5: The public notice does not describe a plan to verify material is not placed waterward of the MHWL in areas where placement below the MHWL is not authorized. The NMFS requests the District coordinate with the NMFS and other resource agencies the plan for such monitoring.

Additional Minimization Needs and Compensatory Mitigation

The Jacksonville District believes no mitigation is necessary because the proposed project design excludes direct or indirect impacts to the nearshore hardbottom and seagrass. The NMFS agrees with this approach for the seagrass impacts only. While no impacts to nearshore hardbottom are apparent from the previous nourishment and dredging, the work currently proposed is much larger in scope (i.e., covers a longer stretch of shoreline and involves a much greater amount of fill) than previous work and, accordingly, more likely to impact hardbottom. Given the uncertainty associated with predicting the equilibrium toe-of-fill (ETOF), the NMFS is concerned about the small buffer between the ETOF and nearshore hardbottom appearing to be less than 10-feet (based on public notice drawing 2 of 10), especially offshore of FDEP monument R-35. Because high quality hardbottom habitat is present, the NMFS recommends the applicants reduce the amount of fill so there is a buffer of 100 feet between the ETOF and hardbottom. Alternatively, the permit should require mitigation for hardbottom impacts if detected by the monitoring.

EFH Conservation Recommendations

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:

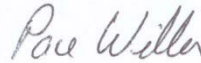
1. The permit require a buffer distance of no less than 100 feet between the ETOF and nearshore hardbottom habitats.
2. The permit require implementation of a biological monitoring plan that clearly identifies the biological differences constituting a project impact. The NMFS request an opportunity to comment on the plan before it is considered final.

3. The permit require clearly marking the MHWL in the field and having an independent contractor on-site to continuously verify no material is placed waterward of the MHWL in areas where the permitted construction template does not allow such placement. The NMFS request an opportunity to comment on the plan before it is considered final.
4. The permit 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.
5. The permit require identification of pipeline corridors that avoid impacts to hardbottom habitat and require contractors to monitor the pipeline daily for leakage.

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 the 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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