



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>

August 17, 2015

F/SER47:BH/pw

(Sent via Electronic Mail)

Colonel Jason A. Kirk, Commander
Jacksonville District Corps of Engineers
Jacksonville Permits Section
Post Office Box 4970
Jacksonville, Florida 32232

Dear Colonel Kirk:

Attention: Randy L. Turner

NOAA’s National Marine Fisheries Service (NMFS) reviewed Jacksonville District public notice SAJ-2005-10547 (SP-RLT), dated July 20, 2015. The Florida Department of Transportation, District 2 (FDOT), requests authorization from the Department of the Army to impact 21.28 acres of wetlands to widen Interstate 295 (I-295) from two to four lanes between Biscayne Boulevard and Pulaski Road and make intersection improvements at Interstate 95, State Road 9A, and U.S. Highway 17 in Duval County. FDOT proposes mitigation at Longleaf Mitigation Bank. The Jacksonville District’s initial determination is the proposed road widening 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 provided pursuant to authorities of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Fish and Wildlife Coordination Act (FWCA).

Essential Fish Habitat within the Project Area

Two areas along the project corridor are EFH: Little Cedar Creek and an unnamed tidal tributary to the Broward River immediately east of Biscayne Boulevard are tidally influenced. The South Atlantic Fishery Management Council (SAFMC) designates tidally influenced palustrine freshwater wetlands and sand/mud bottom as EFH for white shrimp (*Litopenaeus setiferus*). These habitats are EFH because larvae and juveniles concentrate and feed extensively and shelter within these habitats. As a consequence, growth rates are high and predation rates are low, which makes these habitats effective nursery areas for shrimp. The SAFMC provides detailed information on types and locations of EFH in amendments to fishery management plans and in *Fishery Ecosystem Plan of the South Atlantic Region* (available at www.safmc.net).

Impacts to Essential Fish Habitat

The table below describes the EFH impacts by wetland number and associated waterbody.

| Watershed | Wetland No. | Fill | Dredge | Shading |
|-----------------------------|--------------------|-------------|---------------|----------------|
| Unnamed tributary | 2 | 0.24 acre | 0.01 acre | 0.00 acre |
| Little Cedar Creek | 4 | 1.30 acres | 0.09 acre | 0.28 acre |
| Little Cedar Creek | 25 | 0.30 acre | 0.00 acre | 0.00 acre |
| Little Cedar Creek | 27 | 0.60 acre | 0.00 acre | 0.00 acre |
| Little Cedar Creek | 28 | 0.00 acre | 0.13 acre | 0.00 acre |
| Total Impact Acreage | | 2.44 acres | 0.23 acre | 0.28 acre |



The NMFS considers the wetlands listed in the table to be tidal for the purposes of this EFH consultation and requests reclassification of the 2.95 acres of non-tidal wetlands to EFH. Wetland 2 is impacted by a storm water feature. Storm water features should be relocated to avoid EFH impacts. Wetland 27 is impacted by side slopes to I-295. A retaining wall should be used to avoid impacts from side slopes where possible. The NMFS recommends further exploration of avoidance opportunities. FDOT is required to offset these impacts in-kind, and the Longleaf Mitigation Bank does not provide credits for impacts to tidal freshwater wetlands. The remaining 18.33 acres of freshwater wetlands directly impacted by the roadway expansion are not EFH. NMFS believes this mitigation bank is appropriate for offsetting the loss of ecological services provided by these wetlands.

EFH Conservation Recommendations

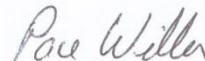
Section 305(B)(4)(A) of the Magnuson-Stevens Act requires NMFS to provide EFH Conservation Recommendations for any federal action or permit which may result in adverse impacts to EFH. Therefore, NMFS recommends the following to ensure the conservation of EFH and associated fishery resources:

- Project plans should be revised, as described above, to avoid unnecessary impacts to EFH.
- The permit should include a detailed mitigation plan requiring full compensation for unavoidable adverse impacts to EFH. The NMFS request an opportunity to review the plan before the Jacksonville District issues the permit.

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, 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 Recommendation, the Jacksonville District must provide a substantive discussion justifying the reasons for not following the recommendation.

We appreciate the opportunity to provide these comments. Questions should be directed to the attention of Mr. Brandon Howard in our West Palm Beach Field Office, located at 400 North Congress Avenue, Suite 110, West Palm Beach, FL 33401. He also may be reached by telephone at (561) 249-1652, or by email at Brandon.Howard@noaa.gov.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc: COE, Randy.L.Turner@usace.army.mil
FWS, Ashleigh_Blackford@fws.gov
EPA, Eric.H.Hughes@usace.army.mil
SAFMC, Roger.Pugliese@safmc.net
F/SER4, David.Dale@noaa.gov
F/SER47, Brandon.Howard@noaa.gov