



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 21, 2015

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(Sent via Electronic Mail)

Colonel Jason Kirk, Commander
U.S. Army Corps of Engineers, Jacksonville District
Jacksonville Regulatory Office, South Permits Branch
4400 PGA Boulevard, Suite 500
Palm Beach Gardens, Florida 33410

Attention: Samantha Rice

Dear Colonel Kirk:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice SAJ-1990-03372 (SP-SLR) dated July 24, 2015. The Port of Palm Beach requests authorization from the Department of the Army to directly impact 0.035 acre of hardbottom, indirectly impact 0.0314 acre of hardbottom, and directly impact 0.23 acre of seagrass habitat to expand Berth 17. The expansion would include excavating uplands, dredging, placing fill for a toe berm, constructing a catwalk, and removing a bulkhead cap. Corals greater than three centimeters in diameter would be relocated. The Jacksonville District's initial determination is the proposed berth expansion would have a substantial adverse effect on federally managed fisheries or essential fish habitat (EFH), including coral and seagrass, each designated a Habitat Area of Particular Concern (HAPC) by the South Atlantic Fishery Management Council (SAFMC) in the fishery management plan for the snapper/grouper complex. 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).

Essential Fish Habitat within the Proposed Project Area

Habitat characterization surveys were performed March 25, 2014, and May 15, 2014. A single shoot of paddle grass (*Halophila decipiens*) is noted within the dredge footprint. The surveys describe beds of Johnson's seagrass (*Halophila johnsonii*) 30 meters to the southeast of the berth; starlet coral (*Siderastrea siderea*), and ivory tree coral (*Oculina* spp.) occurred within the proposed dredging area.

The SAFMC identifies corals and live/hardbottom habitat as EFH for several species, 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. SAFMC identifies seagrass habitat as EFH for several species, including adult white grunt, juvenile and adult gray snapper, juvenile mutton snapper, juvenile goliath grouper (*Epinephelus itijara*), and larval and juvenile pink shrimp (*Farfantepenaeus duorarum*). Seagrass directly benefit the fishery resources by providing nursery habitat. 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 seagrass, corals, coral reef, and hardbottom as a 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 seagrass, corals, coral reefs, and hardbottom to ensure practicable measures to avoid and minimize adverse effects to these habitats are fully explored. 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 proposed project would directly impact 0.035 acre of hardbottom, indirectly impact 0.0314 acre of hardbottom, and directly impact 0.23 acre seagrass habitat. Impacts would result from dredging, placing fill, and constructing a catwalk.

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:

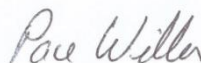
1. The permit require use of the Florida Fish and Wildlife Conservation Commission Coral Health Protocol¹ to determine if individual coral colonies are candidates for relocation. The NMFS supports the applicant's proposal to relocate corals as small 3.0 centimeters in diameter. Encrusting corals greater than or equal to 2.0 centimeters in height and/or 3.0 centimeters in diameter may fragment upon removal. The fragments can be relocated successfully if fragments of the same colony are relocated and epoxied together. Fragmented colonies will grow back together as demonstrated by "skinning" techniques used to incorporate corals into nursery rearing environments, where such corals are deliberately fragmented prior to attachment to induce faster growth.
2. The performance standard for coral relocation should be 85 percent survival with positive tissue growth and secure substrate attachment two years after relocation. The number of corals monitored should be no less than 25 percent of the relocated corals and include at least ten colonies of each species. If less than ten colonies of a species are relocated, all of the corals of that species should be monitored.
3. The permit require mitigation for impacts to coral and hardbottom habitat, including coral that do not survive relocation. The mitigation should be in-kind and the amount based on a functional assessment. The NMFS requests an opportunity to review a draft of the hardbottom and coral mitigation plan.
4. The permit require mitigation for impacts to seagrass habitat based on a survey performed during the seagrass growing season, June 1 to September 30. The mitigation should be in-kind and the amount based on a functional assessment. The NMFS requests an opportunity to review a draft of the seagrass mitigation plan.

¹ The FWC Coral Health Protocol is maintained by the FWC Special Activity License Program and can be obtained by email from Lisa.Gregg@MyFWC.com.

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” the NMFS has with the Jacksonville District, an interim response should be provided. 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 agency 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.

Thank you for the opportunity to provide comments. Please direct related correspondence to the attention of Mr. Brandon Howard at 400 North Congress Avenue, Suite 110, West Palm Beach, Florida, 33401. He also may be reached by telephone at 561-249-1652 or by e-mail at Brandon.Howard@noaa.gov.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc: CESAJ, Samantha.L.Rice@usace.army.mil
FWS, Jeffrey_Howe@fws.gov
FWCC, Lisa.Gregg@MyFWC.com
FDEP, Jennifer.Smith@dep.fl.state.us
EPA, Miedema.Ron@epa.gov
SAFMC, Roger.Pugliese@safmc.net
F/SER4, David.Dale@noaa.gov
F/SER47, Brandon.Howard@noaa.gov, Jocelyn.Karazsia@noaa.gov