



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>

September 11, 2015

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(Sent via Electronic Mail)

Colonel Jason A. Kirk, Commander
U.S. Army Corps of Engineers, Jacksonville District
Miami Permits Section
9900 Southwest 107th Avenue, Suite 203
Miami, Florida 33176

Attention: Meredith Allen

Dear Colonel Kirk:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice SAJ-2013-00115 (LP-MAA), dated August 19, 2015. South Bay Club Condominium Association requests authorization to dredge an existing docking facility within Biscayne Bay, Miami-Dade County. A biological assessment, performed by the Miami-Dade County Department of Environmental Resources Management on January 12, 2015, was provided with the public notice. The assessment indicates the proposed dredging would impact approximately 0.13 acres (5,663 square feet) of seagrass habitat and estuarine bottom. The initial determination by the Jacksonville District is the proposed impacts to seagrass habitat and estuarine bottom in the Biscayne Bay Aquatic Preserve, which is designated a Habitat Area of Particular Concern (HAPC) by the South Atlantic Fishery Management Council (SAFMC), 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 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 biological assessment indicates macroalgae is observed on estuarine bottom adjacent to the seawall. The assessment also notes seagrass, composed of sparse (less than 5 percent density) paddle grass (*Halophila decipiens*) and sparse (less than 1 percent density) manatee grass (*Syringodium filiforme*), is present within and adjacent to the footprint of the proposed dredging. The public notice states the seagrass cover at the site is approximately 5 to 10 percent of the estuarine bottom. The SAFMC identifies estuarine bottom as EFH for cobia (*Rachycentron canadum*), black seabass (*Centropristis striata*), king mackerel (*Scomberomorus cavalla*), Spanish mackerel (*S. maculatus*), spiny lobster (*Panulirus argus*), and pink shrimp (*Farfantepenaeus duorarum*). 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 (*Epinephelus itijara*); and larval and juvenile pink shrimp.

The SAFMC also identifies seagrass or all of the Biscayne Bay Aquatic Preserve 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, estuarine bottom and hardbottom, and this habitat complex is abundant in Biscayne Bay and supports a diverse community of fish and invertebrates within the area. Seagrass also provides 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. 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 applicant proposes to impact seagrass habitat by dredging, and no compensatory mitigation is proposed. The extent of the seagrass impacts is unclear because the benthic survey was not conducted during the time of year optimal for determining the spatial extent of seagrass habitat. The NMFS recommends surveys be conducted between June 1 to September 30 to balance the physical factors that maximize the ability to detect seagrass and the time of year that yields peak biomass and wide distribution.

EFH Conservation Recommendations

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, provides the following:

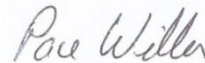
- A seagrass survey of the project area should be conducted between June 1 to September 30, and the dredging template and vessel mooring areas should be aligned to minimize intersection with mapped seagrass.
- The permit should require compensatory mitigation based on functional assessments reflecting the seagrass survey and minimization recommended above. The NMFS requests an opportunity to review the mitigation plan and functional assessment prior to authorization of the work.
- Best management practices should be incorporated into the project design to minimize indirect impacts and water quality degradation. These best management practices should include use of staked turbidity curtains around the project area.

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 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 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. Kurtis Gregg at our West Palm Beach Office, 400 N Congress Ave, Suite 110, West Palm Beach, Florida 33401, at 561-249-1627, or at Kurtis.Gregg@noaa.gov.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

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