



**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 21, 2015

F/SER47:JK/pw

(Sent via Electronic Mail)

Colonel Jason A. Kirk, Commander  
U.S. Army Corps of Engineers, Jacksonville District  
P.O. Box 4970  
Jacksonville, Florida 32232-0019

Attention: Robert Barron

Dear Colonel Kirk:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice SAJ-2015-02575, dated August 14, 2015, for the issuance of State Programmatic General Permit (SPGP) V, which would replace the expiring SPGP IV-R1. SPGP V would give general authority to the Florida Department of Environmental Protection, a water management district, or local agency to issue permits for certain categories of work, including: (1) shoreline stabilization; (2) boat ramps, launch areas, and structures associated with such ramps or launch areas; (3) docks, piers, associated facilities, and other minor pile-supported structures; (4) maintenance dredging of canals and channels; and (5) transient activities, such as removal of derelict vessels, scientific devices, upland-to-upland directional drilling, and geotechnical investigations. The geographic scope of SPGP V would be all of Florida other than Monroe County except that boatlifts in Monroe County would also be authorized under SPGP V.

The Jacksonville District does not provide an initial determination on impacts from use of SPGP V to essential fish habitat (EFH) or habitat areas of particular concern (HAPC) designated by the South Atlantic Fishery Management Council (SAFMC) and Gulf of Mexico Fishery Management Council (GMFMC). However, the notice states SPGP V includes State of Florida exemptions and General Permits the Jacksonville District considers to applicable, in addition to the five categories of work listed above, provided the impacts are considered *de minimus* under 373.406(6), Florida Statutes, and not in conflict with the special conditions of SPGP V. 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 geographic scope of SPGP V includes habitats identified by the SAFMC and GMFMC as EFH for postlarval, juvenile and subadult shrimp; postlarval, juvenile and adult gray snapper; juvenile red and gag groupers; and juvenile and adult yellowtail and lane snappers. Detailed information on federally managed fisheries and their EFH is provided in the 2005 Generic Amendment of the Fishery Management Plans for the Gulf of Mexico prepared by the GMFMC as required by the Magnuson-Stevens Act. 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](http://www.safmc.net).



*Impacts to Essential Fish Habitat*

Overall, the NMFS generally agrees with the Jacksonville District that SPGP V would be an efficient tool to address effectively a large number of minor actions. However, the NMFS recommends SPGP V specifically note any work authorized must be a complete action. This condition should stipulate that inter-related activities which may result in adverse effects to categories of EFH from direct (e.g., mangrove filling to allow for vehicle parking to access a dock along a narrow spit of land) or indirect (e.g., prop dredging or shading from the addition of a large platform to a dock) impacts are not authorized under SPGP V. In addition, the NMFS encourages the District to work with county and local governments to identify geographic areas that should be excluded from SPGP V, such as the uncommon, sensitive area of the Lake Worth Lagoon (Palm Beach County, Figure 1) containing a shallow-water, diverse seagrass community.

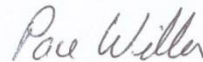
In addition, SPGP IV-R1 excluded impacts to “essential fish habitats” (see Sections a(ii), a(xii), b(vi), b(xii), etc). However, the SPGP V replaces the term “essential fish habitats” with “special aquatic sites,” but does not define such sites. The NMFS recommends the District define “special aquatic sites” in SPGP V, and the NMFS offers the District assistance in development of this definition.

In summary, the NMFS recommends:

- SPGP V include a definition of *special aquatic sites* which reflects input from the NMFS.
- SPGP V include a special condition noting any work authorized must be a complete action.
- SPGP V reflect input from county and local governments to identify specific geographic areas that should be excluded from SPGP V, including but not limited to the seagrass habitat identified in Figure 1.

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](mailto:Jocelyn.Karazsia@noaa.gov).

Sincerely,



/ for

Virginia M. Fay  
Assistant Regional Administrator  
Habitat Conservation Division

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Figure 1: An example area the NMFS recommends for exclusion within SPGP V. This area is in northern Lake Worth Lagoon (Palm Beach County) and the red box is the recommended exclusion area.

