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

January 8, 2016 F/SER47: LH/pw

(Sent via Electronic Mail)

Colonel Jason A. Kirk, Commander
Jacksonville District Corps of Engineers, Antilles Office
Fundacion Angel Ramos, Annex Building
383 Franklin Delano Roosevelt Avenue, Suite 202
San Juan, Puerto Rico, 00918

Attention: José Cedeño-Maldonado

Dear Colonel Kirk:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice SAJ-1982-05019 (SP-JCM) dated December 10, 2015, for work in Coral Bay, St. John, U.S. Virgin Islands. T-Rex St. John, LLC, requests authorization from the Jacksonville District to construct a 92-slip marina. In detail, the applicant requests authorization to: (1) construct a 92-slip marina to accommodate vessels 35 to 70 feet in length within an area that measures 38,670 square feet (0.89 acres); (2) dredge 3,890 cubic yards from 40,210 square feet (0.92 acres) of Coral Bay bottom; (3) discharge a portion of the dredge material into approximately 6,382 square feet (0.15 acres) of narrow mangrove-fringed shoreline as backfill for a new steel sheetpile bulkhead and concrete apron with 420 concrete piles; (4) demolish and remove an existing dinghy dock[1]; and (5) construct upland infrastructure, including a boat ramp, sewage pumpout facilities, fuel facilities, boat service yard, accommodations for transient boaters and dinghies, a dock master building with associated retail and provisioning, and a parking area. A wastewater treatment plant, brackish wells with a reverse osmosis plant, a cistern, underwater fuel tanks[2], and an emergency generator would also be constructed in uplands. The Jacksonville District's initial determination is the proposed impacts to 0.15 acres of mangroves and 1.24 acres of seagrass would not have a substantial adverse impact on essential fish habitat (EFH) or federally managed fisheries in the Caribbean. As the nation's federal trustee for the conservation and management of marine, estuarine, and anadromous fishery resources, the NMFS provides the following comments and recommendations pursuant to authorities of the Fish and Wildlife Coordination Act and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

[1] The public notice also states the applicant would relocate existing dinghy dock and boat ramp during the 12-month construction timeframe and the applicant would construct temporary facilities elsewhere to accommodate boaters; however, no information is provided regarding the location of these facilities or the method of construction and dock removal.
[2] The fuel tank location(s) is(are) not depicted on project drawings.

Impacts to Essential Fish Habitat
Of the planned 1.24 acres of direct impacts to seagrass, 0.72 acres of impacts would be to monospecific beds of the non-native seagrass *Halophila stipulacea* and 0.52 acres of the impacts would be to mixed-species beds of *H. stipulacea* with *Thalassia testudinum* or *Halophila decipiens.* Indirect impacts to seagrass (e.g., from vessel shading) are not quantified. The dredging would impact 0.92 acres of unvegetated Coral Bay bottom (sandy bottom). The dredge material excavated from the bay bottom would be placed within mangroves and result in direct impacts to 0.14 acres of mangroves. A characterization of the species composition of the mangroves present at the site is not provided in the public notice. It is not clear if additional impacts to mangroves and seagrass would occur from the temporary relocation of the dinghy dock (item 4 in the preceding paragraph).

Essential Fish Habitat
The Caribbean Fishery Management Council (CFMC) identifies mangroves, seagrass, and sandy bottoms as EFH under the fishery management plans for spiny lobster, queen conch, coral, or reef fish. These habitats serve as nursery areas for fishery species. Seagrass, sandy bottoms, and mangroves are part of a habitat complex that includes hardbottom and coral, and this complex supports a diverse community of fish and invertebrates. Seagrass and mangroves also provide 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. The CFMC provides additional information about EFH and its support of fishery species in *Essential Fish Habitat (EFH) Generic Amendment to the Fishery Management Plans (FMPs) of the U.S. Caribbean*[3].

Minimization of Impacts to Essential Fish Habitat
To minimize impacts to EFH, the applicant would utilize turbidity curtains and barriers during dredging and in-water construction activities. The NMFS believes additional minimization measures are practicable, specifically a stormwater management plan with sediment and erosion control measures implemented during construction and operation of the upland facilities. The NMFS also recommends the applicant evaluate less damaging alternatives for the mangrove fill.

Compensatory Mitigation
To compensate for the loss of 0.14 acres of mangroves, the applicant proposes planting and replanting portions of the shoreline of Coral Bay where mangroves were cleared for boat launches and storage. Red mangrove propagules would be collected locally and planted on 0.5-meter spacing along the shoreline resulting in 1076 square feet (100 square meters) of newly created mangrove habitat, and another 2,153 square feet (200 square meters) within the project area that could be replanted and restored. As compensatory mitigation for the unavoidable impacts to seagrass and mangroves, the applicant would remove marine debris within the project footprint (including derelict vessels), and install informational buoys and signage at key locations within the proposed marina to advise boaters about proper boating and anchoring methods. The NMFS does not consider informational signage to be compensatory mitigation but supports the intention to educate boaters.

[3] Available at *caribbeanfmc.com/fmp_efh.html.*

A mitigation and monitoring plan is needed that describes methods for completing the mangrove planting and seagrass transplantation; the plan also should include a monitoring schedule with clearly established performance criteria. The plan should also describe how mitigation amounts were determined and provide justification that mitigation amounts are sufficient to offset the direct and indirect impacts (e.g., including impacts to seagrass that may result from vessel shading). In addition, if the signage remains part of the overall mitigation plan, the plan should describe how sites were selected for the placement of the informational buoys and verify that no additional impacts will result from buoy installation. The plan should also include locations, methods, schedule, and monitoring proposed for the derelict vessel removals and identify the location of the disposal site.

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:

- The permit requires implementation of a stormwater management plan that would reduce or eliminate degraded waters from entering the bay. The NMFS requests an opportunity to review the plan prior to permit issuance.
- The permit prohibits filling of mangrove wetlands; i.e., the applicant should redesign the bulkhead to avoid impacting mangroves.
- The permit prohibits impacts to seagrass and mangroves from the reverse osmosis plant intake and outfall, from temporarily relocating the dinghy dock, and from installation and maintenance of the fuel tanks.
- The permit requires implementation of a mitigation plan that offsets the losses of all direct and indirect impacts to mangroves and seagrass. The NMFS requests an opportunity to review the plan prior to permit issuance. The mitigation should plan describes methods for removing derelict vessels and transplanting of seagrasses and mangroves, includes a map of transplantation seagrass and mangrove recipient sites, derelict vessel sites, and a characterization of these sites. The plan should also include a monitoring plan that gauges survival and growth of the transplanted mangroves and seagrasses with respect to clearly established performance criteria. The plan should include quantitative performance criteria and a requirement for remedial action should those criteria not be met. NMFS does not recommend the transplant of *H. stipulacea* as the ecological consequences of the spreading of this species are not clear.
- Incorporation of best management practices into the project design to minimize indirect impacts and water quality degradation, such as the installation and maintenance of turbidity curtains and barriers during dredging and in-water construction activities, as described in the public notice.

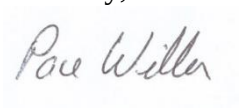
Section 305(b)(4)(B) of the Magnuson-Stevens Act and implementing regulation at 50 CFR Section 600.920(k) require the Jacksonville District to provide a written response to this letter within 30 days of its receipt. If it is not possible to provide a substantive response within 30 days, in accordance with the "findings" with the Jacksonville District, an interim response should be provided to 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.

Species protected under the Endangered Species Act and under the jurisdiction of NMFS may occur in the vicinity of the proposed project activities. Impacts to endangered or threatened species and their critical habitat may require consultation with the NMFS Protected Resources Division. Further questions about consultations under the Endangered Species Act should be directed to Dr. Lisamarie Carrubba at Lisamarie.Carrubba@noaa.gov.

Thank you for the opportunity to provide these comments. Related questions or comments should be directed to the attention of Ms. Lia A. Hibbert at NOAA HCD, 3013 Estate Golden Rock, Almeric Christian Federal Building Box 4, Christiansted, St. Croix, US Virgin Islands. She may be reached by telephone at 340-718-1236 or 305-213-3089 or by e-mail at Lia.Hibbert@noaa.gov.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

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