



january murray - NOAA Federal <january.murray@noaa.gov>

Re: Final EFH Draft

1 message

January.Murray@noaa.gov <january.murray@noaa.gov>

Wed, Sep 20, 2023 at 2:22 PM

To: "Comeaux, Jessica C CIV (US)" <jessica.c.comeaux@usace.army.mil>

Cc: "Dawson, Katherine" <kdawson@moffattnichol.com>, Emelia Marshall <emarshall@disl.org>, "kheck@disl.org" <kheck@disl.org>, Judy Haner <jhaner@tnc.org>, Alexis Rixner - NOAA Federal <alexis.rixner@noaa.gov>, _NMFS ser HCDconsultations <nfmfs.ser.hcdconsultations@noaa.gov>, Katherine Baltzer <k.l.baltzer@tnc.org>, "Goecker, Meg" <mgoecker@moffattnichol.com>

Dear Jessica,

NOAA's National Marine Fisheries Service (NMFS) received your email dated September 19, 2023, and has reviewed the attached Perdido Islands Final Essential Fish Habitat (EFH) assessment dated September 19, 2023, including Appendix A – Compensatory Mitigation Plan for Submerged Aquatic Vegetation (SAV), Appendix B – Submerged Aquatic Vegetation (SAV) Monitoring and Adaptive Management Plan, and Appendix C – Marsh Monitoring and Adaptive Management Plan for the Lower Perdido Island Restoration project SAM-2002-00826-JCC in Baldwin County, Alabama. See attachment. The United States Army Corps of Engineers (USACE) is the lead federal agency for this project and responsible for ensuring compliance with the EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The USACE has provided NMFS a complete EFH assessment including mitigation and monitoring plans dated September 19, 2023, and compensatory mitigation for unavoidable permanent impacts to EFH ecosystem functions and fisheries values would be accomplished through the restoration of a minimum of 1.94 acres of submerged aquatic vegetation outside of the project impact area.

The NMFS appreciates your close coordination to cooperatively address our EFH concerns on this project. Assuming the project is not further revised, this satisfies the consultation procedures outlined in 50 CFR Section 600.920, the regulation to implement the EFH provisions of the Magnuson-Stevens Fishery Conservation and Management Act. If a Department of Army permit is issued for this project, please forward a copy to me at January.Murray@noaa.gov for the project file records.

Thank you,
January Murray

On Tue, Sep 19, 2023 at 4:38 PM Katherine Baltzer <k.l.baltzer@tnc.org> wrote:

Hi January and Jessica,

We were able to knock out the last few edits we discussed on today's call.

- The tracked Marsh Plan and EFH can be found here: <https://tnc.box.com/s/tnkgxbuc4lmpytjh6wfq66wl28ifz168>
- The final compiled EFH including today's edits can be found here: <https://tnc.box.com/s/qtsyj856g6biwr963130y9s6abapex4c>

Per today's discussion, this should complete our EFH edits. Please let me know if you have any questions.

Thanks,

Katie

From: January.Murray@noaa.gov <january.murray@noaa.gov>**Sent:** Monday, September 18, 2023 7:04 AM**To:** Katherine Baltzer <k.l.baltzer@TNC.ORG>**Cc:** Comeaux, Jessica C CIV USARMY CESAM (USA) <Jessica.C.Comeaux@usace.army.mil>; Dawson, Katherine <kdawson@moffattnichol.com>; Emelia Marshall <emarshall@disl.org>; kheck@disl.org; Judy Haner <jhaner@TNC.ORG>; Alexis Rixner - NOAA Federal <alexis.rixner@noaa.gov>**Subject:** Re: Final EFH Draft

Hello Katherine,

Thanks for the quick reply and the detailed response. I was able to download all of the files via DropBox this morning. I will be reviewing the information today, so let's plan on getting together tomorrow, 9/19, at 2:00pm for a quick discussion to iron out any remaining details.

Many thanks,

January

On Fri, Sep 15, 2023 at 10:16 AM Katherine Baltzer <k.l.baltzer@tnc.org> wrote:

Hi January,

We felt comfortable knocking out all of the edits and have provided:

- a clean copy here: <https://tnc.box.com/s/s49c8fad53oivsw82ik70ksxmitfejym>
- a PDF with all edits highlighted here: <https://tnc.box.com/s/3rgcghzenasbjwdhb3ubzzx3mlsyqrs9>
- Word documents with track changes here: <https://tnc.box.com/s/unf9fbf6t4u95w1azanifgumevnoadbx>
- the Box link to the folder titled "EFH Revisions 20230915" that contains all of the above documents is: <https://tnc.box.com/s/w3vsvvbrm6g2v6xny9x7j4wq0eok236z>

I have also added our responses to the items below in **blue** in the email below. Additionally, here is a bit more detail on two of the outstanding comments on the EFH:

- JM comment: *If the intent is the southernmost segment of the revetment shown in Figure 7 – yellow polygon would not be modified as part of the planned project and would remain at its existing elevation, then NMFS recommends the existing elevation should be stated when referring to this project feature. Page 16 states: "The new rock would tie into the existing -1.2 ft NAVD88 grade on the landward side of the structure and into the existing submerged breakwater at an elevation of -1.2 ft NAVD88." The NMFS assumes the highlighted text could be modified as "...would remain at its existing elevation (-1.2 ft NAVD88)." Please confirm if this assumption is correct.*
 - KD response:
 - The highlighted text is in reference to the north breakwater section. The zone of revetment that we are leaving at the current elevation (yellow polygon in Figure 7) is part of the east breakwater section. The narrative for the east breakwater section has been edited to reference Figure 7 and state that this zone will remain unchanged.
 - A dedicated survey of the existing breakwater will be performed once the next phase of the project is initiated. The crest elevation of the existing breakwater is not confirmed by survey but is estimated to be +2 ft NAVD88 or less. Likely less.
 - The -1.2 ft elevation is related to the existing elevation of the island near the revetment, it is not the existing crest elevation of the revetment. Therefore, the proposed modification is not correct. If the revetment elevation were reduced to -1.2 ft NAVD88 it would offer no protection to the habitat.
- JM comment: *The NMFS recommends we discuss the diking of internal containment cells which would be utilized to reduce impacts. We do not recall seeing this project feature until now and would like to discuss when/how dikes would be gapped for fisheries access and to provide tidal support functions. This is specifically applicable to the Robinson Island marsh features.*
 - KD response: In order to reduce turbidity impacts during project construction, dikes of sediment can be created at the perimeter of the fill footprint for the dredged material to be pumped into to build up the habitats. These dikes are only present during construction of the project to better contain the material while the habitat is generated. They do not remain as dikes following project construction because they will then be flush with the surrounding fill and operating as the designed habitat type. They therefore do not require gaps because they no longer exist.

Kate and I are available on 9/19 at 2 PM and can go through this if that time still works for you. Hopefully you can easily review our modifications before the call and we can keep the call short and efficient! If you have any issues accessing Box, just let me know and I can provide the documents through the USACE platform.

Thanks,

Katie

From: January.Murray@noaa.gov <january.murray@noaa.gov>

Sent: Wednesday, September 13, 2023 10:20 AM

To: Katherine Baltzer <k.l.baltzer@TNC.ORG>

Cc: Comeaux, Jessica C CIV USARMY CESAM (USA) <Jessica.C.Comeaux@usace.army.mil>; Dawson, Katherine <kdawson@moffatnichol.com>; Emelia Marshall <emarshall@disl.org>; kheck@disl.org; Judy Haner <jhaner@TNC.ORG>; Alexis Rixner - NOAA Federal <alexis.rixner@noaa.gov>

Subject: Re: Final EFH Draft

Hello Katherine,

Attached are NOAA's comments (67 total) embedded in the EFH document you provided dated August 29, 2023. The document looks good but there are still six items outstanding for discussion. See those comments in the attached document. A brief summary is provided below.

1. The elevation of the southernmost segment of the revetment should be stated. It was unclear in the document if this is the -1.2 feet NAVD88 mentioned or if the elevation is different.

This has been clarified in the text and details up above.

2. Diking of the internal containment dike cells as a project feature. How/when would these dikes be gapped, specifically the Robinson Island marsh features (not the revetment, the other marsh features)?

The dikes will be temporary structures and only present during construction. See additional details above and modified language.

3. Water quality parameters do not need to be bound to any specific success criteria. Instead they would be used to justify how the site is trending through comparisons to the mitigation and reference sites.

Added language to clarify in both SAV MaM and Mitigation Plans

4. The Marsh MAM Plan should use the term "enhanced" not restored for the thin layer placement area activities. I commented on those terminology changes in the MAM Plan.

Resolved

5. Baseline monitoring, stated in the table, should also include the created marsh areas. See pdf page 93 for more information.

Resolved

6. Would thin layer placement areas be planted or is this a typo? Objective 2 does not mention planting of these areas but one sentence in the document stated TLPAs would be planted. Please clarify.

Added language throughout document and modified performance criteria to clarify that planting will occur, as represented on the planting plan map, in thin-layer placement areas. Objective 2 has been updated to include vegetation survival.

I think we can work through these six outstanding items quickly on a conference call. I am available the following dates and times. Let me know what works for you.

9-13: 1:00pm to 3:00pm

9-14: 2:00pm to 5:00pm

9-15: 8:00am to 10:00am and 2:00pm to 3:30pm

9-18: 8:00am to 10:00am, 1:00pm to 2:00pm, and 3:30pm to 4:30pm

9-19: 8:00am to 4:30pm

9-20: 12:30pm to 3:30pm

9-21: 8:00am to 10:30am and 2:30pm to 4:30pm

9-22: 8:00am to 2:00pm

For a quick turn around of the next draft of the document for review, I suggest you submit a track changed version of the document in addition to a clean (corrected) version. This way I can see those track changes and review the document very quickly (a few days).

Thanks,

January

On Tue, Aug 29, 2023 at 6:16 PM Katherine Baltzer <k.l.baltzer@tnc.org> wrote:

Hi Jessica and January,

We have wrapped up edits to the EFH, mitigation plan, and monitoring plans. Here is the link to the final EFH draft and all appendices: <https://tnc.box.com/s/qmale82a0eecedb1n9cdeqxmdekneyax>. I know there are issues with Box sometimes, so feel free to send me a link to upload the document when you have time.

Thanks,

Katie

Please consider the environment before printing this email.

Katie Baltzer*Coastal Conservation Specialist*k.l.baltzer@tnc.org

251.431.6934 (office)

620.654.6039 (cell-primary)

The Nature Conservancy

Coastal Programs Office

118 North Royal St., Suite 500

Mobile, Alabama 36602

[nature.org](https://www.nature.org)

--

January Murray*Fishery Biologist**Habitat Conservation Division*

NOAA Fisheries | U.S. Department of Commerce

5757 Corporate Blvd, Suite 375

Baton Rouge, LA 70808

Office: (225) 380-0091

www.fisheries.noaa.gov

--

January Murray*Fishery Biologist**Habitat Conservation Division*

NOAA Fisheries | U.S. Department of Commerce

5757 Corporate Blvd, Suite 375

Baton Rouge, LA 70808

Office: (225) 380-0091

www.fisheries.noaa.gov

--

January Murray*Fishery Biologist**Habitat Conservation Division*

NOAA Fisheries | U.S. Department of Commerce

5757 Corporate Blvd, Suite 375

Baton Rouge, LA 70808

Office: (225) 380-0091

www.fisheries.noaa.gov**Perdido_Islands_Final_EFH_20230919.pdf**

5071K