



**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>

October 28, 2013

F/SER47:BH/pw

(Sent via Electronic Mail)

Colonel Alan M. Dodd, Commander  
Jacksonville District Corps of Engineers  
Cocoa Regulatory Field Office  
400 High Point Drive, Suite 600  
Cocoa, Florida 32926

Attention: Andrew W. Phillips

Dear Colonel Dodd:

NOAA's National Marine Fisheries Service (NMFS) reviewed the Essential Fish Habitat (EFH) Assessment and letter, dated September 18, 2013, prepared by the Jacksonville District for the proposal by the Federal Railroad Administration (FRA) to construct a high speed rail system connecting Miami International Airport and Orlando International Airport with stops in West Palm Beach and Ft. Lauderdale (SAJ-2012-01564(SP-AWP)). FRA expects to release an Environmental Impact Statement (EIS) for the project before the end of 2013. The Jacksonville District is serving as a cooperating agency in development of the EIS and conducting the EFH consultation. The Jacksonville District's initial determination is the proposed high speed rail would not have a substantial adverse impact on EFH or federally managed fishery species based on the proposed mitigation. 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 Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Fish and Wildlife Coordination Act.

The proposed rail system has two portions. The North-South portion would be within the existing 100-foot Florida East Coast Railroad (FEC) right-of-way between Miami and Cocoa Beach. The East-West portion would be along State Road 528 between Cocoa Beach and Orlando. The North-South portion would include replacing and expanding existing bridges within the FEC right-of-way. These bridge expansions would require removal of 0.02 acres of mangroves and trimming of 0.09 acres of mangroves.

The EFH Assessment notes the South Atlantic Fishery Management Council (SAFMC) designates mangroves a Habitat Area of Particular Concern (HAPC) for snappers and groupers with inshore life stages, including gray snapper (*Lutjanus griseus*), goliath grouper (*Epinephelus itajara*), and gag grouper (*Mycteroperca microlepis*). HAPC's are subsets of EFH that are rare, particularly susceptible to human-induced degradation, especially important ecologically, or located in an environmentally stressed area. The proposed rail system would also impact approximately one acre of sand bottom, which SAFMC designates as EFH for inshore snappers



and groupers, white shrimp (*Litopenaeus setiferus*), brown shrimp (*Farfantepenaeus aztecus*), and pink shrimp (*Farfantepenaeus duorarum*). Sand bottom and mangroves directly benefit fishery resources by providing nursery and foraging habitat. Mangroves also stabilize shorelines and produce and export detritus (decaying organic material), which is an important component of marine and estuarine food chains. SAFMC's *Fishery Ecosystem Plan of the South Atlantic Region* (available at [www.safmc.net](http://www.safmc.net)) provides further information about mangrove and sand bottom habitats and the support these habitats provide to fishery species.

#### *Impacts to Essential Fish Habitat*

NMFS staff conducted site inspections on January 23, 2013, and May 1, 2013. The impacts would occur at fifteen bridge crossings along the FEC right-of-way (Table 1). The proposed mangrove trimming would be performed in accordance with the State of Florida's Mangrove Trimming and Preservation Act.

| <b>Location and Mile Post</b>    | <b>Sand Bottom (feet<sup>2</sup>)</b> | <b>Mangrove (feet<sup>2</sup>)</b> |
|----------------------------------|---------------------------------------|------------------------------------|
| Horse Creek (MP 187.37)          | 777                                   | 0                                  |
| Goat Creek (MP 202.59)           | 3,500                                 | 35 removal                         |
| North Canal (MP 223.70)          | 1,200                                 | 0                                  |
| South Canal (MP 230.03)          | 2,300                                 | 0                                  |
| Moore's Creek (MP 241.27)        | 1,100                                 | 70 trimming                        |
| Unnamed Creek (MP 259.95)        | 2,500                                 | 80 removal, 700 trimming           |
| Unnamed Creek (MP 266.58)        | 931                                   | 37 removal, 285 trimming           |
| Unnamed Creek (MP 266.86)        | 3,400                                 | 230 removal, 950 trimming          |
| Manatee Creek Trib. (MP 267.34)  | 1,200                                 | 0                                  |
| Manatee Creek Trib. (MP 267.70)  | 2,300                                 | 220 removal                        |
| Hillsboro River (MP 326.58)      | 3,200                                 | 66 trimming                        |
| N. Fork Middle River (MP 337.91) | 5,600                                 | 220 removal                        |
| S. Fork Middle River (MP 338.52) | 6,700                                 | 50 removal, 200 trimming           |
| Oleta River (MP 352.74)          | 2,600                                 | 75 removal, 1,300 trimming         |
| Arch Creek (MP 356.53)           | 500                                   | 650 trimming                       |

#### *Compensatory Mitigation and Conclusion*

FRA proposes to provide compensatory mitigation at three mitigation banks. Credits would be purchased from the CGW Mitigation Bank to offset impacts to mangroves at Goat Creek. Mangrove impacts at Moore's Creek, the unnamed creeks, and Manatee Creek would be provided at Bear Point Mitigation Bank, and mangrove impacts at the Hillsboro River, Middle River, Oleta River and Arch Creek would be provided at the Everglades Mitigation Bank. All three of these mitigation banks were authorized using different functional assessment methods. NMFS is familiar with all three functional assessments and agrees with the scoring used to determine the number of credits needed for this project, a total of 0.0121 credits. Further, credits from these banks would offset the impacts within the project's watersheds.

NMFS agrees with the Jacksonville District's determination that the proposed project would not have a substantial adverse impact on EFH, and NMFS offers no conservation recommendations pursuant to the EFH provisions of the Magnuson-Stevens Act. Further consultation on this matter is not necessary unless modifications are proposed and the District concludes adverse impacts to EFH may result from the action.

We appreciate the opportunity to provide these comments. Questions should be directed to the attention of Mr. Brandon Howard in our West Palm Beach Field Office at 400 North Congress Avenue, Suite 120, West Palm Beach, FL 33401. He also may be reached by telephone at (561) 249-1652, or by email at Brandon.Howard@noaa.gov.

Sincerely,



/ for

Virginia M. Fay  
Assistant Regional Administrator  
Habitat Conservation Division

cc:

COE, Andrew.W.Phillips@usace.army.mil  
FWS, John\_Wrublik@fws.gov  
AMEC, Charlene.Stroehlen@amec.com  
AMEC, Shannon.McMorrow@amec.com  
F/SER4  
F/SER47, Karazsia, Getsinger, Howard