

**Subject:** DWH-Early Restoration- Essential Fish Habitat Consultation Initiation-Windmark Fishing Pier-Florida

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**Date:** 4/14/2014 4:07 PM

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Mr. Thompson,

Attached is the Essential Fish Habitat Assessment for the Windmark Fishing Pier project. This project is being proposed in the Deepwater Horizon Draft Phase III Early Restoration plan and Programmatic Environmental Impact Statement. Please consider this our initiation of our Essential Fish Habitat consultation. If you anticipate this consultation requiring more than 30 days (May 14, 2014) please let me know.

If you have any questions or require additional information, please contact me at [409-621-1248](tel:409-621-1248) or at [jamie.schubert@noaa.gov](mailto:jamie.schubert@noaa.gov).

Thanks,

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— Attachments: —

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EFH-WindmarkBeachPier-2014-04-03.docx

535 KB

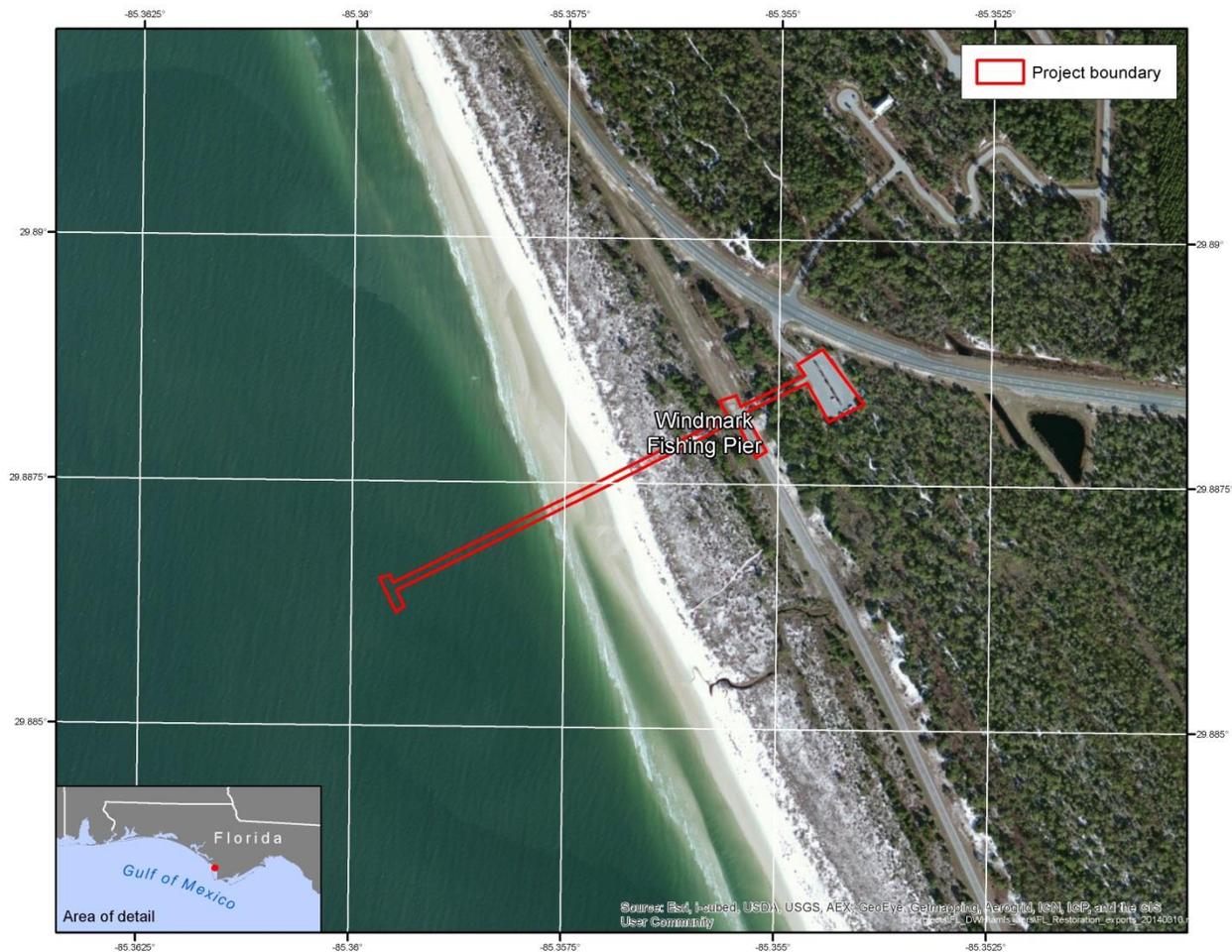
## **Determination of Effect on Essential Fish Habitat from Florida Windmark Fishing Pier project**

### ***EFH overview from Magnuson Stevens Act***

The 1996 Magnuson-Stevens Act requires cooperation among the National Marine Fisheries Service (NMFS), anglers, and federal and state agencies to protect, conserve, and enhance Essential Fish Habitat (EFH). EFH is defined as those waters and substrates necessary to fish for spawning, breeding, feeding, or growth to maturity. The designation and conservation of EFH seek to minimize adverse effects on habitat caused by fishing and non-fishing activities.

### ***Project description***

The proposed project would be located in St. Joseph Bay, a natural sound separated from the Gulf of Mexico by St. Joseph Peninsula in the Florida panhandle region. The specific project site would be located immediately south of St. Joe Beach at Windmark Beach Park, West U.S. Highway in Port St. Joe, Gulf County, Florida. Figure 1 provides the approximate project location, size, and orientation of the proposed fishing pier. The approximate center of activity for this project is located at Latitude 29.88663 N and Longitude 85.35983 W.



**Figure 1. General location and area of potential effect for envisioned Windmark Beach Fishing Pier Improvements Project.**

Final plans the proposed fishing pier have not been completed. However, considering conditions at the proposed site and plans for similar proposed and existing piers, the proposed fishing pier could be up to 1,200 feet long and 16 feet wide extending generally southwest from beach into the waters of St. Joseph Bay as indicated in Figure 1. At the end of the pier a small section would be oriented perpendicular to the rest of the pier and have dimensions of approximately 60 feet long by 16 feet wide. Based on these dimensions the pier would have an overall total area of 20,160 square feet.

Access to the pier will begin from the existing parking areas at Windmark Beach Park with the construction of dune walkovers. The dune crossover would be constructed using following

current best practice guidelines (e.g., USFWS, 2013) in accordance with the engineering requirements of the final project design to provide a clear means for visitors to access the pier without having to walk directly through the dunes between the parking area and beach at the project site. As a result of this controlled access the project would help minimize contact and potential adverse impacts to identified critical habitat for the St. Andrews Beach Mouse.

The final orientation of the pier will also be evaluated as part of the effort to develop final plans. As part of this assessment, a survey of submerged aquatic vegetation (SAV) in the area would be completed. Should the site assessment for the project identify SAV in the proposed project area, the conditions in the *Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat* (U.S. Army Corps of Engineers/National Marine Fisheries Service, 2001) would be implemented. Among other elements this would require placing pilings for the dock expansion a minimum of 10 feet apart. Orientation options for the fishing pier will also consider site specific features such as sand bars off the point and the bathymetry of the area.

Based on conceptual plans for similar fishing piers, it is assumed that the pier will be constructed using 8" diameter fiberglass pilings that are pre-filled with concrete. Based on the length and shape of the pier, up to 400 pilings may be required. These pilings will be placed using water-jetting to set the piles to within 5 feet of their desired final depth. Following the water jetting, a vibratory hammer will be used to lower the pilings the remaining 5 feet to their final depth. Final construction plans will also consider and account for options would minimize disruption to the aquatic environment including available BMPs (e.g., use of bubble curtains). All decking, cross members, and railings for the pier will be made of timber. Following placement of the pilings, the timber cross members will be placed from the water and then the rest of the pier will be built out from shore. In total, the in-water work associated with this project is expected to last no more than 6 months.

During all in-water construction activity, the conditions and guidelines of the *Sea Turtle and Smalltooth Sawfish Construction Conditions* (NOAA, 2006) would be implemented and adhered to. Among the significant aspects of these provisions is the requirement to stop operation of any equipment if sea turtles or smalltooth sawfish come within 50 feet of the equipment until the time when animals leave the project area of their own volition. This provision would also apply to marine mammals such as dolphins.

During construction BMPs for erosion control would also be implemented and maintained at all times during upland activity to prevent siltation and turbid discharges into surface waters. Methods could include, but are not limited to, the use of staked hay bales, staked filter cloth, sodding, seeding, and mulching; staged construction; and installation of turbidity screens around the immediate project site. The direct goal of these actions is to limit sediment discharges into

the water that would adversely affect turbidity. Staging of most construction materials would occur in the existing parking area although some materials may be delivered by barge.

Finally, prior to the opening of the pier to the public, fixed signs that are consistent with National Oceanic and Atmospheric Administration (NOAA) and State of Florida guidelines with instructions on what to do in the event of hooking a listed species (e.g., sea turtle) would be placed at the entrance to the fishing pier and strategically at fixed intervals along its length. Additionally, a kiosk/booth would be placed at the entrance to the pier with additional information for best practices on catch and release and other fishing practices (e.g., placing cut line and hooks for disposal in trash cans, not feeding dolphins) designed to limit potential adverse impacts to species. The signage in this kiosk would include the NMFS “Dolphin Friendly Fishing and Viewing Tips” sign with NMFS’ “Protect Dolphin” signs along the pier. Monofilament recycling bins will be installed at regular intervals along the pier. These would be emptied regularly by city/county staff as part of the project maintenance activities, and fishing line recycled. Further, any lighting installed on the pier or addressed as part of the project will be wildlife friendly and comply with the guidance provided in the current edition of the FWC’s *Lighting Technical Manual*. Finally, no fish cleaning stations will be included in the design and construction of these piers to help mitigate/avoid issues of species attraction to the pier.

Total construction time is estimated to take approximately 12 months. The Florida Fish and Wildlife Commission (FWC) and Department of Environmental Protection (DEP) recognize that conducting the in-water construction elements of this project from May to September could reduce risk of adverse impacts to Gulf sturgeon as they are generally in freshwater riverine habitats during this period. However, the FWC and DEP currently face considerable uncertainty regarding project implementation timing as a result of multiple sequential factors including: the need to finalize the draft ERP/PEIS, reach agreements on project stipulations with BP, receive initial funding from BP, develop bid and procurement documents and select contractors. As a result of these and other factors, such as the additional cost that would be associated with shutting down projects and timing issues with other species, FWC and DEP are unable to commit to conducting in-water activities during the period from May to September. However, as previously noted, in order to mitigate any increased risk arising from conducting in-water work outside of the May to September period, FWC and DEP will ensure the conditions included in NOAA’s *Sea Turtle and Smalltooth Sawfish Construction Conditions* (NOAA, 2006) and *Vessel Strike Avoidance Measures and Reporting for Mariners* (NOAA, 2008) are implemented and adhered to during periods of in-water project-related activity.

### ***Federally managed fisheries and EFH (develop table from***

Information on designated EFH in the Gulf of Mexico was obtained in September, 2013 from the NMFS’ EFH web site at <http://www.habitat.noaa.gov/protection/efh/newInv/index.html>. Table 1

provides a summary of the species identified as having designated EFH for one or more life stages within the area of potential affect for the proposed project.

**Table 1. Federally managed fisheries with designated Essential Fish Habitat (EFH) in the proposed project area.**

<b>EFH Category</b>	<b>Species</b>
<b>Atlantic Highly Migratory Species</b>	
	Atlantic Sharpnose Shark - Adult
	Atlantic Sharpnose Shark - Juvenile
	Atlantic Sharpnose Shark - Neonate
	Blacknose Shark - Adult
	Blacknose Shark - Juvenile
	Blacknose Shark - Neonate
	Blacktip Shark - Adult
	Blacktip Shark - Juvenile
	Blacktip Shark - Neonate
	Bonnethead Shark - Adult
	Bonnethead Shark - Juvenile
	Bonnethead Shark - Neonate
	Bull Shark - Juvenile
	Finetooth Shark – Adult and Juvenile
	Finetooth Shark - Neonate
	Great Hammerhead Shark - All
	Lemon Shark - Adult
	Lemon Shark - Juvenile
	Lemon Shark - Neonate
	Nurse Shark - Adult
	Nurse Shark - Juvenile
	Scalloped Hammerhead Shark - Adult
	Scalloped Hammerhead Shark - Juvenile
	Scalloped Hammerhead Shark - Neonate
	Spinner Shark - Adult
	Spinner Shark - Juvenile
	Spinner Shark - Neonate
	Tiger Shark - Juvenile

<b>EFH Category</b>	<b>Species</b>
<b>Coastal Migratory Pelagics of the Gulf of Mexico and South Atlantic</b>	
	Cobia
	King Mackerel
	Spanish Mackerel
<b>Gulf of Mexico Red Drum</b>	
	Red Drum
<b>Gulf of Mexico Shrimp</b>	
	Brown Shrimp
	Pink Shrimp
	Rock Shrimp
	Seabob Shrimp
	White Shrimp
<b>Reef Fish Resources of the Gulf of Mexico</b>	
	Almaco Jack
	Banded Rudderfish
	Black Grouper
	Blackfin Snapper
	Blueline Tilefish
	Cubera Snapper
	Gag
	Goldface Tilefish
	Gray (Mangrove) Snapper
	Gray Triggerfish
	Greater Amberjack
	Hogfish
	Lane Snapper
	Lesser Amberjack
	Mutton Snapper
	Nassau Grouper
	Queen Snapper
	Red Grouper
	Red Snapper
	Scamp
	Silk Snapper
	Snowy Grouper

<b>EFH Category</b>	<b>Species</b>
	Speckled Hind
	Tilefish
	Vermilion Snapper
	Warsaw Grouper
	Wenchman
	Yellowedge Grouper
	Yellowfin Grouper
	Yellowmouth Grouper

### *Assessment of effects to EFH*

Project installation activities would use BMPs to limit potentially adverse effects to EFH associated with changes in water quality (e.g., turbidity) as well as noise and vibrations from the placement of pilings. In the short-term, machinery and equipment used during construction to deliver material and construct the pier would also generate noise. These noise levels would be kept to a minimum by BMPs such as turning boats off during idling and working only during daylight hours. Noise generated from outboard motors and vessel maneuvering to transport and install the decking material and pilings would be minimal and temporary.

Adverse impacts to hydrology and water quality would be minor and temporary because support pilings would be driven into place and dredging would not be proposed. Short-term turbidity levels above background may be expected as a result of sediment disturbance during piling installation. No long-term adverse effects to the hydrology of the proposed project area as a result of structure installation would be expected to be minor.

The proposed project would likely result in short-term, minor adverse impacts due to placement of the pilings where invertebrates or sessile organisms may have established themselves and with the loss of up to 15 square yards of bottom habitat to the pilings. Small fish that may migrate through the intertidal zone and submerged shallows are highly mobile and could move to more suitable habitat within the project vicinity. Sessile invertebrates occupying the submerged substrate and fish may be disturbed or displaced from the project area in the short term. However, these species are typically numerous in Gulf waters and recolonize quickly.

Finally, should the pre-construction survey identify areas of submerged aquatic vegetation where the pier is planned design adjustments (e.g., spacing of deck planking, pier height over water) would be incorporated to minimize impacts and continue to support SAV growth. During construction, adjacent areas with equivalent or better habitat will be available and undisturbed and organisms could move away from disturbed areas. As a result, no long-term adverse impacts

would be expected to EFH or federally managed HMS as a result of implementation of the proposed project.

### ***Conclusion***

Impacts to EFH or the natural processes sustaining them may be detectable in the short run, but would be localized and would not measurably alter natural conditions in the longer run. Small changes to local population numbers, population structure, and other demographic factors would be unlikely to occur. There would be minimal absolute impacts in terms of the project footprint converting habitat relative to the Gulf of Mexico management area with the placing of pilings. Sufficient habitat would remain functional at both the local and range-wide scales to maintain the viability of the species. BMPs for construction and in-water work would be followed to minimize impacts and disturbance to species will be minor and brief. Therefore, the project is not likely to adversely affect EFH.