



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

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Mr. Scott P. Seeburger
SFECCTA Project Manager
District Planning and Environmental Engineer
Florida Department of Transportation, District 4
3400 West Commercial Boulevard
Ft. Lauderdale, Florida 33309-3421

Dear Mr. Seeburger:

NOAA's National Marine Fisheries Service (NMFS) has reviewed the draft Programmatic Environmental Impact Statement (DPEIS), dated September 2006, prepared by the Florida Department of Transportation (FDOT) for the South Florida East Coast Corridor Transit Analysis (SFECCTA) (Federal Aid No. FTAX004), which focuses upon Miami-Dade, Broward, and Palm Beach Counties, Florida. The DPEIS is a "Tier 1" study in FDOT's terminology. In a Tier 1 study, broad environmental issues are identified and the environmental review processes is described. Tier 2 follows Tier 1 and includes specific studies that are focused upon the alternatives being considered for each segment of the project.

As noted in the DPEIS, NMFS and other resource agencies have already provided comments on this project through FDOT's Efficient Transportation Decision Making (ETDM) process. In these comments, we identified the broad environmental issues that are under the purview of NMFS and should be evaluated by FDOT as the project evolves to more detailed planning stages. Our comments below are largely the same as those provided to FDOT through the ETDM process (ETDM 7519). We note that FDOT has made one significant change since those comments were provided. FDOT has eliminated alternatives that would have required construction of a new crossing of the Loxahatchee River. This modification will reduce impacts to NOAA trust resources and is supported by NMFS. A summary of the comments through the ETDM process is provided below and organized by county to correspond with the structure of the DPEIS; please continue to consider these issues as the project progresses.

Miami-Dade County

Portions of the proposed project would cross Biscayne Bay and several canal and riverine systems that drain into Biscayne Bay. Habitats in the bay include mangrove, seagrass, sand/shell bottom, sponge, algal bed, coral, and hard bottom. The South Atlantic Fishery Management



Council (SAFMC) has designated these habitats as essential fish habitat (EFH) within the bay. Federally managed fishery species that are associated with one or more of these habitats and occur in Biscayne Bay include several species in the snapper/grouper complex, Spanish mackerel, spiny lobster, and pink shrimp. SAFMC also has designated Biscayne Bay as a habitat area of particular concern (HAPC). Detailed information on EFH and the habitat requirements of the above species are provided in the comprehensive amendment to the Fishery Management Plans that SAFMC prepared in 1998.

Areas of Biscayne Bay may support Johnson's seagrass (*Halophila johnsonii*), which is listed as a threatened species under the Endangered Species Act of 1973 (ESA), and much of the bay has been designated as critical habitat for Johnson's seagrass. A recommended method for surveying Johnson's seagrass and descriptions of areas designated as critical habitat can be found at:

- sero.nmfs.noaa.gov/pr/docs/JSG%20Survey%20Guidelines.pdf
- www.nmfs.noaa.gov/pr/pdfs/fr/fr65-17786.pdf

Other federally-listed species that are under the purview of NMFS and may occur in the project area include:

Sea turtles

Green sea turtle (*Chelonia mydas*) – threatened

Green sea turtle breeding population in Florida (*C. mydas*) – endangered

Hawksbill sea turtle (*Eretmochelys imbricate*) – endangered

Kemp's ridley sea turtle (*Lepidochelys kempii*) – endangered

Leatherback sea turtle (*Derochelys coriacea*) – endangered

Loggerhead sea turtle (*Caretta caretta*) – threatened

Olive ridley (*Lepidochelys olivacea*) – threatened

Fish

Smalltooth sawfish (*Pristis pectinata*) - endangered

Corals

Elkhorn coral (*Acropora palmata*)

Staghorn coral (*Acropora cervicornis*)

Other "species of concern" that also inhabit the project area include:

Goliath grouper (*Epinephelus itajara*)

Key silverside (*Menidia conchorum*)

Mangrove rivulus (*Rivulus marmoratus*)

Saltmarsh topminnow (*Fundulus jenkins*)

Broward County

Parts of the proposed rail system would cross streams, canals, and riverine habitat that drain into estuarine areas of Broward County. The estuarine habitats in Broward County that are EFH and would be impacted by the project include mangrove, emergent marsh, and seagrass. The federally managed fishery species and ESA-listed species identified for Miami-Dade County also should be examined for Broward County.

Palm Beach County

Parts of the proposed rail system will impact estuarine areas within Palm Beach County. The estuarine habitat and species impacted are the same as above except that elkhorn and staghorn corals may not be impacted by the proposed project in this area.

Comments Applicable to All Three Counties

To ensure conservation and avoidance measures are implemented, NMFS recommends that an EFH assessment be provided for this project. The EFH assessment should include a description of the proposed action; an analysis of anticipated direct, indirect, and cumulative impacts of the proposed action on EFH, federally managed species, and associated species by life history stage; and the FDOT's conclusion regarding the effects of the proposed project on EFH. Through the ETDM process NMFS recommended several information needs and provisions to be addressed as the project progresses towards implementation:

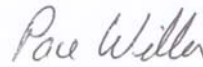
- 1) Adverse impacts to wetlands should be sequentially avoided and/or minimized, and unavoidable impacts should be offset in a manner that precludes a net loss of wetlands and associated functions.
- 2) A habitat characterization of the wetlands within the project corridor, including the size and location of wetlands that would be directly impacted by the proposed project.
- 3) Information on measures to avoid and/or minimize adverse impacts to EFH within the project corridor.
- 4) A mitigation plan to fully compensate for unavoidable impacts to wetland communities that would be degraded or permanently eliminated by the proposed project.
- 5) Complete list of stream, canal, and river crossing that includes latitude and longitude coordinates.
- 6) Details of the construction activities and bridge designs.
- 7) Conservation and protective measures (i.e., best management practices for water quality and erosion control) should be included in the project design and description, and implemented during construction activities.
- 8) A stormwater management plan should be developed and implemented to ensure that the additional surface and stormwater runoff from the new impervious surface will be properly treated and disposed of in accordance with state and federal (NPDES) standards.
- 9) Timely coordination between NMFS and FDOT staff should continue through project planning and until environmental issues are fully addressed.

Since federally listed species may be present in the project area and the proposed railway and related construction may impact these species, a biological assessment/evaluation (BA/BE) for federally-listed species may be needed once the lead federal action agency is determined. The BA/BE should include a complete and detailed project description, which includes the purpose, detailed construction activities, resource conservation and protection measures, and information on listed species (i.e., biological surveys, maps, project designs, scientific journals/reference, etc.). In addition, an effects analysis should be included in the BA/BE. That analysis should describe direct and indirect effects of the proposed project and present the final effects determination of the project with regard to listed species (i.e., no effect, may affect; but not likely to adversely affect; or may adversely affect). We suggest FDOT contact NMFS to obtain the BA/BE list of construction measure guidelines and provisions to minimize impacts to ESA-listed

species, and an ESA initiation package template. In addition to the recommendations and provisions listed above, we recommend FDOT and FWHA initiate a Programmatic EFH Consultation and formal Section 7 consultation pursuant to the ESA.

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, which is co-located with the US Environmental Protection Agency at USEPA, 400 North Congress Avenue, Suite 120, West Palm Beach, FL 33401. He also may be reached by telephone at (561) 616-8880 extension 210, or by email at Brandon.Howard@noaa.gov.

Sincerely,



/ for

Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

cc: (via electronic mail)

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