

# Monthly Highlights

July - August, 2008



## NOAA FISHERIES SERVICE

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## NORTHEAST REGION, HABITAT CONSERVATION DIVISION

### GLOUCESTER FIELD OFFICE, GLOUCESTER, MA

#### PASSAMAQUODDY TIDAL SITE VISIT AND MEETING

The Passamaquoddy Tribe is considering construction and operation of a hydrokinetic project in Western Passage off Perry and Eastport, Maine. The preliminary permit, issued in November 2007, secures priority for license application of a tidal energy project to the tribe while site conditions and project viability are evaluated. NOAA Fisheries Service and U.S. Fish and Wildlife Service (USFWS) staff met with the Tribe's consultant to discuss and identify any potential resource concerns with the project, and to visit the site for deployment of turbines and landing of associated equipment. The Tribe indicated an interest in deploying a scale model of the targeted turbine technology within the next 9 to 12 months. ([Sean.McDermott@noaa.gov](mailto:Sean.McDermott@noaa.gov), 978/ 281-9113)

#### FORT HALIFAX DAM REMOVED

The 1998 Kennebec Hydrodevelopers Group Settlement Agreement (KHDG Agreement) will establish permanent fish passage at the Fort Halifax Dam, the first dam on the Sebasticook River. The KHDG Agreement stipulates that passage could be accomplished via partial or full removal of the dam, or by the construction of a fish lift. FPL Energy, the dam owner, initially opted for partial breach. To meet local permit conditions, FPL Energy agreed to remove the entire dam leaving only the powerhouse in place. The removal is well underway. Most of the structure has been removed to date, however, components of the full removal continued through September. With the removal of the Fort Halifax dam, diadromous species (alewife, blueback herring, shad, and eels) have passage up to Sebasticook Lake. The KHDG Agreement was developed to address fish passage needs, including the historic removal of the Edwards dam, while balancing energy and economics of hydrodevelopers in the lower Kennebec River. The Habitat Conservation Division (HCD) staff, including Jon Kurland, had a significant role in the development of the KHDG Agreement. ([Sean.McDermott@noaa.gov](mailto:Sean.McDermott@noaa.gov), 978/ 281-9113)

#### REBUILDING THE WASHBURN AND DOUGHTY BOATYARD

On July 11, a major fire destroyed buildings and boats under construction at the Washburn & Doughty Associates commercial boatyard in East Boothbay, Maine. The fire, with numerous explosions, required evacuation of the surrounding

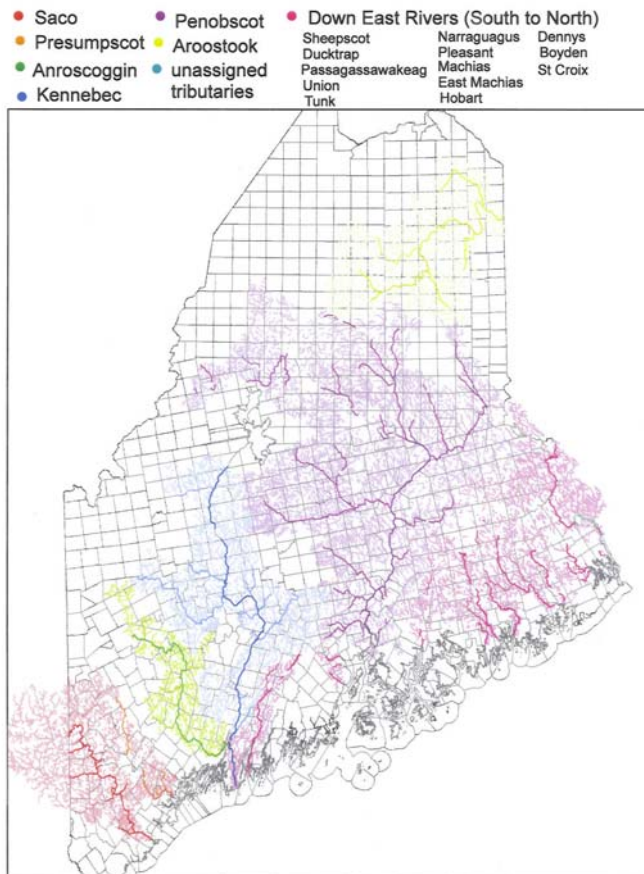
community, and is believed to have caused over \$30 million dollars in property damage. The historic boatyard, which specializes in building tug boats and is a prominent employer in the region, was starting a \$5 million dollar expansion project. The expansion project included filling 0.3 acres of intertidal habitat but was mitigated by a payment into the Natural Resource Mitigation Fund by Washburn & Doughty Associates. At the time of the fire, construction had not yet been initiated. However, due to the devastation, the boatyard now intends to construct an additional waterside work area in order to allow continued operations during the rebuilding. This work area would require 7,833 square feet of new intertidal and subtidal fill. The resource agencies, including NOAA Fisheries Service, approved this proposal with the condition that mitigation would be fulfilled through an additional in-lieu payment to the Natural Resource Mitigation Fund. The resource agencies also encouraged Washburn & Doughty Associates to incorporate this work area into the overall design during rebuilding of the boatyard facility to maximize the benefits gained from this fill, and to minimize any additional fill or other wetland impacts needed for the new boatyard. ([Marcy.Scott@noaa.gov](mailto:Marcy.Scott@noaa.gov), 978/ 281-9108)

### FLOAT STOP DESIGNS REVIEWED THROUGH FIELD OBSERVATION IN MAINE

Staff from the U.S. Army Corps of Engineers (USACE), USFWS, and NOAA Fisheries Service coordinated site visits to several dock projects in Maine in order to observe and compare the possible impacts of various float stop and skid designs. The site visits provided insight into the viability of using skids to reduce the impacts of floats resting on mudflat substrate habitat. NOAA Fisheries Service is evaluating skids as an appropriate option to more traditional designs of float stops, unless the site specific conditions present extenuating circumstances, such as extremely soft substrate, the presence of eelgrass, salt marsh, or mussel beds. In these situations, a float stop design which prevents any contact of the float with the substrate may be preferred. ([Marcy.Scott@noaa.gov](mailto:Marcy.Scott@noaa.gov), 978/ 281-9108)

### SUMMER INTERN PROJECT HELPS MAP SALMON EFH IN MAINE

The Gloucester Field Office sponsored an internship this summer. HCD intern, Lee Smalls, a senior at Elizabeth City State University, developed a mapping tool focused on combining existing information on barriers to upstream fish migration and illustrating essential fish habitat (EFH) for Atlantic salmon. This tool has equipped HCD staff to pinpoint exact locations of construction projects in Maine using town information, coordinates, and even street intersections, to provide consistent EFH determinations for action agencies and consultants. HCD staff recently used this new mapping tool to help Maine Department of Transportation determine salmon EFH for over 200 bridge projects as part of the development of a Four Year Bridge Program permit. ([Marcy.Scott@noaa.gov](mailto:Marcy.Scott@noaa.gov), 978/ 281-9108)



### HCD VISITS COASTAL IMPACT ENERGY PROJECTS IN NEW BRUNSWICK, CANADA

HCD met with members of the Canadian Department of Fisheries and Oceans in New Brunswick to visit a range of coastal impact projects and discuss methods to avoid, minimize, and mitigate for adverse impacts on fish habitat. Projects visited included the construction of the Canaport LNG terminal, the construction of the Brunswick Pipeline, and the refurbishment of the Point Lepreau Nuclear Generating Station. This meeting was part of an ongoing effort by the US/Canada Steering

Committee to work cooperatively and to exchange information on fisheries issues confronting both the US and Canada.

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### MILFORD FIELD OFFICE, MILFORD, CT “WATERFALLS” MAKE A SPLASH ON THE BIG APPLE

The East River has been home to many attractions over the years, including the United Nations, the Brooklyn Bridge, and South Street Seaport, to name but a few. The latest addition is the temporary installation of a massive environmental art exhibit. Designed by Olafur Eliasson, a Danish-Icelandic artist whose installation "The Weather Project" drew two million people to the Tate Modern in 2003 and 2004, Eliasson's current creation features four large man-made waterfalls ranging from 90 to 120 feet in height. This is the first major public art installation in New York City since Christo and Jeanne-Claude's "The Gates" (saffron curtained arches) were installed in Central Park in 2005. The waterfalls contrast common urban materials such as the scaffolding skeleton, with natural river water drawn from the East River. Illuminated at night, the waterfalls can be viewed from both land and water. Fish and aquatic life are protected from entrainment because the pumps are housed in intake pools suspended in the river. The waterfalls are located under the Brooklyn Bridge, between Brooklyn's Piers 4 & 5, at the Pier in Manhattan, and Governor's Island. ([Diane.Rusanowsky@noaa.gov](mailto:Diane.Rusanowsky@noaa.gov), 203/ 882-6504)

### MULTI-PARTY ENVIRONMENTAL NEGOTIATION TRAINING

HCD staff from the Northeast Region Hydro team recently attended a multi-party negotiation training workshop in Washington D.C. The two and half day training course was led by the U.S. Institute for Environmental Conflict Resolutions. There were 15 attendees from a variety of backgrounds including federal and state governments, the private sector, and a non-profit organization. The goal of this workshop was to understand the challenges associated with multi-party negotiations, and develop skills to improve

communication and effectiveness in these settings. The course consisted of a mix of interactive presentations, group discussions, and an extensive role-playing exercise. During the presentations, the instructor worked to get each member of the group to recognize their own learning techniques in an effort to increase self-awareness of strengths and areas for improvement in communication. The presentations also covered options for conflict resolution, ways to prepare for negotiations, and practical tools to apply during the negotiation process.

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### RHODE ISLAND OCEAN SPECIAL AREA MANAGEMENT PLAN

HCD staff attended the first federal review team meeting for the Rhode Island Ocean Special Area Management Plan (SAMP) at the USACE in Concord, MA. The meeting included representatives from the NOAA Fisheries Service, USACE, USFWS, EPA, RI Coastal Resources Management Council (CRMC), University of Rhode Island (URI), and Rhode Island Sea Grant. The federal review team was established in an effort to keep the federal permitting and resource agencies involved in the development of the Ocean SAMP. The State of Rhode Island is developing the Ocean SAMP to facilitate offshore energy development in an effort to achieve the Governor's goal to obtain 15% of the state's energy from renewable sources. This plan includes a two-year project to map offshore waters in an effort to identify suitable sites for renewable energy development. The Ocean SAMP will be prepared to help streamline the federal and state permitting processes in an attempt to balance renewable energy development with the protection of ocean resources. During this process, the state will work closely with URI to conduct necessary studies to provide scientific and technical data and identify critical resources in support of the permitting process. In addition, the state is conducting an outreach component to keep the public informed throughout the process. The state expects the Ocean SAMP will make Rhode Island a national leader in issues of offshore energy development. Further information is available at:

<http://www.crmc.ri.gov/samp/ocean.html>. ([Susan.Tuxbury@noaa.gov](mailto:Susan.Tuxbury@noaa.gov), 203 /882-6504)

### BEACH NOURISHMENT PROPOSED FOR LONG ISLAND'S SOUTH SHORE

Various Fire Island communities are proposing to conduct storm protection projects this fall and winter. The projects collectively entail dredging from offshore borrow areas in the Atlantic Ocean and subsequent depositing of the material to restore eroded beaches. The projected life of these projects is estimated to be 5-6 years, and would include placement of sand fill in approximately 150 acres of what are presently tidally-inundated and subtidal areas. Staff from the Milford Field Office will coordinate actively with the involved state and federal agencies as these projects progress to the permit review level. ([Diane.Rusanowsky@noaa.gov](mailto:Diane.Rusanowsky@noaa.gov); 203/ 882-6504)

### GROTON-NEW LONDON AIRPORT RUNWAY SAFETY AREA

The Connecticut Department of Transportation (CTDOT) held an interagency site visit to the Groton-New London Airport in August. The site visit highlighted airport plans to construct runway safety areas (RSA) for Runway 5-23 in accordance with Federal Aviation Administration (FAA) design standards. The applicant has chosen a moderate build alternative which would minimize impacts on resources while achieving consistency with FAA standards. Rather than

lengthening the runways by approximately 1,000 feet on either end, the airport is proposing to use an Engineered Material Arresting System (EMAS) which would reduce the required area for improvements. This system stops an aircraft that enters the EMAS bed at 70 knots, crushing the bed and absorbing the energy to decelerate the aircraft in case an aircraft makes a short or overextended landing. This EMAS system will be added to either end of Runway 5-23, thus resulting in permanent impacts on approximately 0.47 acres of tidal wetlands and the reduction of impervious cover. During the site visit, the agencies toured the areas of impact and viewed the location of the proposed two acre on-site wetland mitigation area. The CTDOT has worked closely with CTDEP in selection of the locations and plans for mitigating the wetland loss. In addition, concrete areas will be removed in some locations to compensate for the loss of impervious cover. NOAA Fisheries Service will work closely with the agencies involved in the final review of the project to ensure impacts on marine resources are minimized. ([Susan.Tuxbury@noaa.gov](mailto:Susan.Tuxbury@noaa.gov), 203/882-6504)

## **SANDY HOOK FIELD OFFICE, HIGHLANDS, NJ**

### **DELAWARE RIVER MAINTENANCE DREDGING MEETING**

The Water Quality Certificate (WQC) issued by the New Jersey Department of Environmental Protection (NJDEP) to the Philadelphia District USACE includes the requirement for annual coordination meetings with the NJDEP and the resource agencies as appropriate. In August, HCD staff attended the first of such meetings. The USACE reported on the status of the dredging in the river and the planned use of several existing disposal sites. Also discussed were past, on-going, and future monitoring of surface water and groundwater discharges at the disposal sites, sediment sampling, avoiding impacts on SAV, and future information needs should the proposed deepening of the Delaware River to 45 feet move forward. There was also some discussion about data collection for Atlantic sturgeon and economic loading, the need for new EFH and ESA consultations for the

maintenance projects and for the deepening and the seasonal restrictions on work in the Delaware. Some items, such as updated river-wide sediment sampling and SAV surveys, were tabled for discussion as part of the deepening project. The discussion of the seasonal work restrictions developed by the Delaware River Fish and Wildlife Management Cooperative (Co-op) and questions over which restrictions are in effect highlighted the need for a meeting of the Co-op and the USACE as soon as possible. ([karen.greene@noaa.gov](mailto:karen.greene@noaa.gov), 732/ 872-3023)

### **MINERALS MANAGEMENT SERVICE ALTERNATE ENERGY PROPOSED RULE WORKSHOP**

The Minerals Management Service (MMS) Office of Offshore Alternative Energy Programs held several public workshops throughout the country to provide an overview of the proposed federal regulations to establish a program for alternate energy projects in the Outer Continental Shelf (OCS). The MMS is proposing regulations that would establish a program to grant leases, easements, and rights-of-way (ROW) for alternative energy project activities on the OCS as well as for certain previously unauthorized activities that involve the alternate use of existing facilities located on the OCS, and would establish the methods for sharing revenues generated by this program with nearby coastal states. The focus of the meeting was the proposed rule and the proposed process for lease issuance. MMS stressed that this was not a public hearing, but an information session to present the proposed rule and to answer questions to facilitate comments. Comments must be provided in writing to MMS in accordance with the Federal Register Notice (the regulations proposed for the program were published in the Federal Register in July 2008; the 60-day public comment period ends on September 8, 2008). Finalized regulations are planned by the end of 2008. MMS is seeking comments on all aspects of the proposed regulations, but especially those parts dealing with fees, payments, and financial assurances. Information on the MMS alternate Energy program is available at the following website: <http://www.mms.gov/offshore/alternativeenergy/>. ([karen.greene@noaa.gov](mailto:karen.greene@noaa.gov), 732/ 872-3023)

## **CHESAPEAKE BAY FIELD OFFICE, ANNAPOLIS, MD**

### **SOUTHWEST WATERFRONT DEVELOPMENT, DISTRICT OF COLUMBIA**

Public/private partnership, in cooperation with the District of Columbia, is proposing to restore the Washington Channel waterfront with 3,200 feet of shoreline development. The Washington Channel is an urbanized tidal waterway which connects the Washington Tidal Basin to the Potomac River. The primary intent of the proposal is to create a public harbor, which will be comprised of restored marinas, public city waterfront, and a cultural/historic district. The cultural/historic district will include restored fish market piers, the new National Maritime Heritage Museum, and U.S. Navy Center pier. The Maritime Museum is intended to serve as a ship repair facility, where vessels will be brought from various ports around the world to be repaired and/or restored while on public display. Vessels will be moved into the museum with the aide of locks and lifts. Visitors will experience educational tours of vessels at all levels while in repair. The Washington Channel is a documented spawning ground for anadromous fish. NOAA Fisheries Service is reviewing this proposal with respect to minimizing impacts on spawning activities, and limiting coverage of channel waters by piers and platforms, especially those that would support non-water dependent buildings and activities. ([John.Nichols@NOAA.GOV](mailto:John.Nichols@NOAA.GOV), 410/ 267-5675)

### **DOMINION COVE POINT LNG TERMINAL PIER REINFORCEMENT, CALVERT COUNTY, MARYLAND**

Dominion Cove Point is proposing re-enforcement and upgrading of their existing terminal pier in the Chesapeake Bay. In addition to installing new mooring dolphins, structural piles, and platform, terminal slips will be mechanically maintenance dredged, generating approximately 150,000 cubic yards of silty sand material. The applicant has been considering placement of the dredge material for beneficial use (e.g., beach nourishment, tidal marsh construction) in the Chesapeake Bay mainstem. However, recent grain-size analysis of sediments to be dredged determined that the material was not suitable for such use, and NOAA Fisheries Service and the regulatory agencies are requiring upland disposal of the material. NOAA is also requiring that mitigative measures be used to minimize finfish mortality from exposure to shock waves generated by power-driving of large hollow steel piles.

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### **GLOUCESTER POINT FIELD OFFICE, GLOUCESTER POINT, VA**

#### **FACTORY POINT, HAMPTON, VA**

A meeting was conducted in late July 2008 with the City of Hampton, their agents, state and federal agencies, and the Virginia Institute of Marine Science (VIMS) to discuss

alternatives to the proposed realignment of two navigation channels through one of the most robust and persistent eelgrass (*Zostera marina*) beds in the lower Chesapeake Bay. The project area is located at the mouth of Back River at Factory Point, in the City of Hampton, VA, and is designated as essential fish habitat (EFH) for 14 species. The proposed dredging would impact nearly four acres of submerged aquatic vegetation (SAV) which serves as nursery and forage habitat for marine organisms, and is designated as a habitat area of particular concern (HAPC) for red drum (*Sciaenops ocellatus*) and southern flounder (*Paralichthys dentatus*). Following an extensive discussion of potential alternatives designed to avoid impacts on this sensitive habitat, the City agreed to reconsider the proposed alignment of the two navigation channels in order to minimize impacts on SAV. HCD staff continues to consult with the USACE and the applicant on EFH, and will evaluate alternatives to reduce impacts on the marine resources.

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### **NORFOLK DISTRICT REAUTHORIZES REGIONAL PERMITS**

The USACE, Norfolk District, recently reauthorized several Regional Permits (RPs) and Letters of Permission (LOPs). Activities authorized under the general permits include maintenance of drainage and mosquito ditches, construction of private and commercial piers and boathouses, and various shoreline erosion control structures. LOP-1 authorizes certain activities conducted by the Virginia Department of Transportation, while LOP- 2 authorizes navigationally-related residential and commercial maintenance dredging activities impacting less than 2 acres. Both LOPs require coordination with NOAA Fisheries Service on an individual project basis. HCD reviewed the activities authorized under the regional permits along with general and special permit conditions designed to minimize impacts on EFH. The HCD and USACE staff worked closely in drafting modifications to the general permits to help ensure protection of marine resources under NOAA's purview pursuant to the Magnuson-Stevens Fisheries Conservation Act. Permit conditions preclude the use of these general permits for projects in or adjacent to special aquatic resources such as SAV, significant shellfish resources, or anadromous fish use areas. Accepting the determination of the Norfolk District that activities authorized by these general permits, both individually and cumulatively, would not have a significant adverse effect on EFH, HCD provided general concurrence on their reauthorization. ([David.L.O'Brien@noaa.gov](mailto:David.L.O'Brien@noaa.gov), 804/ 684-7828)