

Monthly Highlights

May-June, 2008



NOAA FISHERIES SERVICE

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NORTHEAST REGION, HABITAT CONSERVATION DIVISION

GLOUCESTER FIELD OFFICE, GLOUCESTER, MA

MASSACHUSETTS IN-LIEU FEE COMPENSATORY MITIGATION

The US Army Corps of Engineers (ACOE) and the Massachusetts Department of Fish and Game recently signed a Memorandum of Understanding to create an in-lieu fee compensatory mitigation program in order to compensate for impacts on essential fish habitat and aquatic fish and shellfish resources. In order to appropriately compensate for certain impacts on fishery resources and habitats, funds will be deposited into the Commonwealth of Massachusetts Marine Mammals and Fisheries Research and Conservation Trust. This program will allow resource agencies to maximize the size and/or quality of mitigation sites and projects available for restoration, preservation, or creation. A steering committee of federal and state resource agencies, including the NOAA Fisheries Service, will prioritize and evaluate mitigation projects, oversee implementation of projects, and conduct program monitoring. (Christopher.Boelke@noaa.gov, 978/ 281-9131)

BOSTON HARBOR DEEP DRAFT IMPROVEMENTS

The ACOE is proposing to dredge approximately 12.1 million cubic yards of material and blast approximately 1.2 million cubic yards of rock from areas of the Broad Sound entrance channel, Main Ship channel, President Roads anchorage area, Reserve channel, and the Mystic and Chelsea Rivers. Dredged material will be disposed of at the Massachusetts Bay Disposal Site (MBDS), and rock material is currently targeted for use as artificial reefs within Broad Sound. In addition, the ACOE is currently performing a demonstration project within the MBDS, in order to determine the potential for capping the former Industrial Waste Site (IWS). If successful, the capping of the IWS would occur during the Deep Draft Improvement Project. Coordination and consultation with the NMFS' Habitat Conservation Division and Protected Resources Division is ongoing. (Christopher.Boelke@noaa.gov, 978/ 281-9131)

NEW MITIGATION RULE ISSUED BY THE ACOE AND EPA

A new mitigation rule was issued by the ACOE and the Environmental Protection Agency (EPA) in April. This new rule is intended to improve and consolidate existing regulations and guidance, and to establish equivalent standards for all types of mitigation under the Clean Water Act Section 404 regulatory program. The rule

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prioritizes mitigation options that have the effect to offset habitat impacts. The new rule also encourages a watershed approach to mitigation and promotes science and results-oriented standards to increase the quality and effectiveness of wetland mitigation. This rule does not alter the Clean Water Act guideline requirements for avoidance and minimization of proposed impacts prior to considering mitigation. Instead, the rule is intended to focus on how and where compensatory mitigation is accomplished. For more information on the compensatory mitigation rule visit:

<http://www.usace.army.mil/cw/cecwo/reg/citizen.htm> or

<http://www.epa.gov/wetlandsmitigation>
(Marcy.Scott@noaa.gov, 978/ 281-9108)

HCD SUMMER INTERN

This summer the Habitat Conservation Division (HCD) in the Gloucester Field Office participated in the summer internship program. Our intern, Lee Smalls, is a senior at Elizabeth City State University, and is majoring in Computer Sciences with a minor in Geographical Information System (GIS) and Remote Sensing. Lee's project is the development of a mapping tool that will allow HCD staff to perform Essential Fish Habitat (EFH) determinations and consultations in a more consistent manner. This mapping tool is focused on combining existing information on barriers to upstream fish migration for each major watershed from Maine through Virginia and illustrating EFH for Atlantic salmon in Maine through Connecticut. GIS map layers will also include watersheds, waterways, towns and cities, and environmental data. The mapping tool will also include an information function which provides details for the barriers including: location information, type of structure, owner, facility type, license info, etc. The final map product will allow HCD staff to look up project locations and quickly determine if these locations are EFH for Atlantic salmon, and if salmon are known to be present at the site. Staff will also be able to use the barrier information for consultation activities on Federal Energy Regulatory Commission (FERC) projects.

(Marcy.Scott@noaa.gov, 978/ 281-9108)

PENOBSCOT RIVER RESTORATION TRUST EXERCISES OPTION

The Lower Penobscot River Multiparty Settlement Agreement (Penobscot Agreement) defines a process for the Penobscot River Restoration Trust (Trust) to purchase the Veazie, Great Works, and Howland dams on the Penobscot River. The Trust plans to remove the Veazie and Great Works Dam and provide passage around the Howland dam to improve access to habitat for diadromous and estuarine finfish such as Atlantic salmon, American eel, American shad, alewife, blueback herring, and shortnose sturgeon. In June, the Trust notified PPL Corporation of its intent to exercise its option to purchase the three dams. By notifying PPL of its intent, the Trust has secured a purchase price of \$25 million. This is a major milestone under the Penobscot Agreement. Several steps remain, prior to the purchase, including finalizing the engineering design plans to accompany federal and state permit applications for dam removal and construction of the Howland bypass. (Sean.McDermott@noaa.gov, 978/ 281-9113)

SANDY RIVER, MAINE INSTREAM INCUBATION PROJECT

Since 2004, the Maine Department of Marine Resources, Bureau of Sea Run Fisheries and Habitat (formerly the Maine Atlantic Salmon Commission) has made advances in stocking of Atlantic salmon eggs using a variety of methods. In the winter of 2006 – 2007, eggs were buried in suitable substrate with a newly developed hydraulic egg planter. The egg planter uses a water stream to drill into the substrate and deposit eggs. Fry trapping documented that the new planter successfully deposited eyed eggs and produced juveniles. Emergence rates were 43.6, 33.8, and 10% for three artificial redds on the Sandy River. The instream incubation project continued in the 2007-2008 season. In June, NOAA Fisheries Service staff participated in the field monitoring of the fry traps. Data for the 2007-2008 season are still being compiled and evaluated. Early observations indicate continued successful emergence from eggs directly deposited into the substrate. (Sean.McDermott@noaa.gov, 978/ 281-9113)

MILFORD FIELD OFFICE, MILFORD, CT

BROADWATER FILES CZMA APPEAL

The proponents for a liquefied natural gas (LNG) project proposed for installation in New York waters of Long Island Sound (LIS) have opted to appeal the State of New York's objection to their certification of consistency under the state's Coastal Zone Management program. As proposed, the project would entail installation of LNG facilities in New York waters in LIS. The proposed facilities would include a permanently moored LNG import, storage, and re-gasification facility and underwater pipeline to deliver natural gas to an existing natural gas transmission facilities system owned by the Iroquois Gas Transmission System. Prior to New York's consistency determination, FERC approved the Broadwater project, subject to conditions. Key regulatory decisions are pending at the state and federal level. These include permits from various New York state agencies and the ACOE. (Diane.Rusanowsky@noaa.gov, 203/ 882-6504)

MORE NON-TRADITIONAL ELECTRIC GENERATION DEMONSTRATIONS PROPOSED IN NY METRO AREA

Staff from the Milford Field Office recently attended a briefing hosted by the EPA regarding the status of a proposed, non-traditional electric generation project near New York City. Proposed by Natural Currents, and partially subsidized by a grant from the U.S. Department of Energy, the project would entail installation of several hydrokinetic units from a barge moored adjacent to Wards Island, New York near

the confluence of the East River and Hell Gate. The project also would include installation of a small wind turbine and a modest bank of solar cells on the upland. Natural Currents also is proposing installations of non-traditional hydrokinetic units of different designs in the Housatonic River, Connecticut, and near the entrance of LIS off the north fork of Long Island. Staff will be working with the project proponents and involved sister agencies as the proposed plans for deployment proceed. (Diane.Rusanowsky@noaa.gov, 203/ 882-6504)

SITE VISIT TO SACO RIVER FISH PASSAGE FACILITIES, MAINE

Staff from NOAA Fisheries Service and U.S. Fish and Wildlife Service toured the fish passage facilities associated with hydroelectric dams on the Saco River in Maine. The species of concern in the Saco River include Atlantic salmon, American shad, alewife, and blueback herring that utilize upstream habitat for spawning. Matt LeBlanc of FPL Energy (FPLE) gave us a tour of the FPLE owned dams along the river and their associated fish passage facilities. The tour started at Cataract Dam which is the first of seven dams along the main stem of the Saco River. There are two river channels at this site with an east and west passage. Matt LeBlanc illustrated the operation of the fish lift at the east channel dam and the 500-foot Denil fish ladder located along the west channel. The group headed north to tour the downstream fish passage facility and bypass channel at the Bar Mills dam. The tour ended at the Skeleton Dam which is one of the largest fish passage facilities in the northeast. This fish lift, complete in 2001, attracts the fish into a 1,000 gallon hopper, which raises the fish 80 feet high over the dam and empties them into a sorting tank. This allows biologists to count the fish and collect biological data to monitor migration patterns and population. Shad, alewife, and blueback herring are released on the other side of the dam, while salmon are trucked upstream around existing dams without fish passage. The salmon are released near the Ossipee River, a tributary of the Saco River, which serves as a significant salmon spawning ground. This tour provided valuable information to the HCD staff involved in the

FERC post-licensing procedures for hydroelectric dams in the northeast region. (Susan.Tuxbury@noaa.gov, 203-882-6504; Sean.McDermott@noaa.gov, 978-281-9113)

NEW YORK STATE ARTIFICIAL REEF PROGRAM UPDATE

The State of New York hopes to have its general permit for its artificial reef program updated this summer. In addition to the usual list of items eligible for placement at reefs, the state has requested the addition of decommissioned and cleaned subway cars from New York City on the list of items eligible for placement at their reefs. Past placements of these cars in the Middle Atlantic have proven successful at attracting game fishes and other aquatic life. As a consequence, a competition of sorts has begun among New York, Delaware, New Jersey, Maryland, and Virginia for acquiring cars as they are taken out of service. The Metropolitan Transportation Authority, which owns and operates New York's subway system, reportedly will cease providing cars to states other than New York once the local permit is updated since New York has requested all of the cars that will be available, and the shorter transportation costs of delivering the cars to their watery destination would save perhaps \$2M. The various Middle Atlantic artificial reef programs attract large numbers of users, and are economically attractive to communities within reasonable reach for day trips. However, use of decommissioned subway cars and other materials of opportunity are not popular with many environmental organizations, which prefer natural rock and concrete as reef material. It remains to be seen what the final regulatory actions will be regarding this proposal. Nonetheless, interest in this concept is keen. A recent episode of CSI New York ("The Deep") featured a crime scene off Manhattan where Mac Taylor's (Gary Sinese) staff collected evidence off a fictitious subway car reef site near Governor's Island. (Diane.Rusanowsky@noaa.gov, 203/ 882-6504)

I-95 MOSES WHEELER BRIDGE REPLACEMENT PROJECT UPDATE

During a meeting between NOAA Fisheries Service, ACOE, and the Connecticut Department of Transportation (CTDOT), additional information regarding construction details and scheduling for the I-95 Moses Wheeler Bridge replacement project was provided. The project site is located in Milford and Stratford, Connecticut, spanning the Housatonic River. According to information provided by the CTDOT, the project is expected to take 7-10 years to complete with four phases of in-water construction. The Housatonic River supports significant anadromous fish runs and shellfish resources. The CTDOT acknowledges that habitat protections are necessary to safeguard natural resources, and continues to work with us to enhance habitat protection and better coordinate project schedule needs. NOAA Fisheries Service will be providing alternative options to allow the project to move forward efficiently while still protecting resources of concern. (Susan.Tuxbury@noaa.gov, 203 /882-6504)

CHARLESTOWN BREACHWAY & NINIGRET POND NAVIGATION IMPROVEMENTS

HCD staff recently reviewed an Environmental Assessment evaluating a proposed navigation improvement project for the Charlestown Breachway and Ninigret Pond in Charlestown, Rhode Island. The purpose of the project is to remove boulders from the Breachway inlet that connects Ninigret Pond to Block Island Sound. The boulders currently pose a navigational hazard, and will be removed by a barge-mounted excavator and transported to a nearby boulder reef. A portion of the boulders will be blasted into smaller parts to allow for removal by the excavation equipment. Rhode Island coastal salt ponds, including Ninigret Pond, provide

important habitat for many living marine species. A number of fish species utilize the Charlestown Breachway to access Ninigret Pond for feeding, spawning, and juvenile development. HCD staff made conservation recommendations to protect diadromous fish species during migratory activities and to ensure impacts from blasting activity are minimized. (Susan.Tuxbury@noaa.gov, 203/882-6504)

FIELD MEETING SCHEDULED FOR JAMAICA BAY RESTORATION SITE

As part of the ongoing monitoring and adaptive management effort for the Jamaica Bay marsh island restoration efforts, a meeting will be taking place in the coming months to evaluate and discuss current conditions at the Elders East site. The purpose of the meeting is to discuss the previous season's data and to discuss upcoming activities at the restoration site. This project is part of a significant inter-agency effort to restore marsh islands in Jamaica Bay, which have been disappearing at a significant and accelerating rate over the past few decades. It has been estimated that before the surrounding land was settled, Jamaica Bay once supported approximately 16,000 acres of wetlands. By the recent turn of the century, only about 4,000 acres remained after a long history of human activities including dredging, filling, erosion from vessel traffic and the like. Despite management efforts to preserve the remaining wetlands, Jamaica Bay wetland losses appear to be accelerating. While the cause of this phenomenon remains undetermined, it has been estimated that 10-20% of the wetlands that remained in 1975 have since been lost. As can well be imagined, the local changes related to the vegetation losses have significant potential implications for the diversity of species inhabiting this important estuarine habitat.

(Diane.Rusanowsky@noaa.gov, 203/ 882-6504)

SANDY HOOK FIELD OFFICE, HIGHLANDS, NJ

VIRGINIA SEAFOOD COUNCIL

In May, the District Engineer of the Norfolk District, ACOE sent a notice of intent to the

Northeast Regional Administrator of NOAA Fisheries Service stating his intention to issue a permit to the Virginia Seafood Council to deploy 1.3 million non-native triploid Suminoe oysters (*Crassostrea ariakensis*) into the Chesapeake Bay and coastal waters of Virginia, despite NOAA Fisheries Service's recommendation that the permit not be issued due to substantial and unacceptable impacts on aquatic resources of national importance. (Stanley.W.Gorski@noaa.gov, 732/ 872-3037 or Karen.Greene@noaa.gov, 732/ 872-3023)

NATIONAL OCEAN SERVICE – NATIONAL MARINE FISHERIES SERVICE COORDINATION MEETING

HCD staff hosted a meeting with the National Ocean Service's (NOS) Assessment and Restoration Division (ARD) and the Restoration Center (RC) to increase and improve the coordination between NOAA Fisheries Service and NOS, and to discuss restoration and protection priorities in the Mid-Atlantic Region. After introductions and a brief presentation about what each group does, the discussions focused on restoration techniques and methods as well as each agency's position on shoreline stabilization methods, sediment capping, water control structures, and wetland enhancement. (Karen.Greene@noaa.gov, 732/ 872-3023 or Stanley.W.Gorski@noaa.gov, 732/ 872-3037)

MITIGATION BANKING TRAINING

HCD staff from Sandy Hook attended a week-long mitigation banking training course offered by the Conservation Fund and the Environmental Law Institute at the US Fish and Wildlife Service's National Conservation Training Center in West Virginia. State and federal agency representatives from all over the country attended the training. The course included an overview of the new mitigation regulations, the role and composition of interagency review teams (IRT), developing enforceable performance standards, real estate protections, financial assurances, long-term management plans credit determinations, and credit releases. One session included a mitigation banker who explained banking from the business perspective. The Center for Natural Lands Management provided a demonstration of their Property Analysis Record program that can be used to calculate long-term management and maintenance costs of land stewardship, and to determine the amount of money that must be put into an endowment to cover those costs in perpetuity. The new dispute resolution process for IRTs was also reviewed. The federal mitigation banking guidance from the mid-1990's did not include a method for resolving disputes among agencies on the IRTs. The process set forth in the new mitigation regulations is modeled after the Clean Water Act 404 (q) Memorandums of Agreement between the Department of the Army and the various federal agencies. The course sponsors are planning to offer this course again next year.

(Karen.Greene@noaa.gov, 732/ 872-3023)

PSEG ESTUARY ENHANCEMENT PROGRAM ADVISORY COMMITTEE MEETING

The semi-annual meeting of the PSEG Estuary Enhancement Program (EEP)'s Advisory Committee was held in June. The meeting included an inspection of the Maurice River Township restoration site and adjacent marsh in Cumberland County, New Jersey. Following the site inspection, the EEP staff provided a status review of the restoration sites and the adaptive management progress. Several sites have met their success criteria. Others are progressing towards success. The group discussed the progress and potential issues of concern. The results of the 2007 biological monitoring program were presented along with sampling data from the

fish ladders installed as part of the program. (Karen.Greene@noaa.gov, 732/ 872-3023)

CHESAPEAKE BAY FIELD OFFICE, ANNAPOLIS, MD

INTERSTATE-95 CORRIDOR STUDY, SECTION 200, MARYLAND

Federal and state agencies met with the Maryland Transportation Authority to discuss compensatory mitigation options to offset impacts from the proposed upgrade of Interstate-95, Section 200, which extends from the White Marsh Boulevard Interchange to North of the Maryland 22 Interchange in Baltimore and Harford Counties. Project alternatives retained for detailed study propose addition of new general purpose and/or express-toll lanes along the existing highway to be constructed into the grass median or along the exterior shoulder of the roadway. Consequently, wetland impacts will be low and stream impacts will result chiefly from extension of existing bridges or culverts. Proposed mitigation options are oriented toward stream restoration, and include activities such as stream channel adjustment, bank stabilization, wooded riparian buffer establishment, riparian wetland establishment, and stormwater retrofits. Most stream systems affected by this project support runs of migratory fish. (John.Nichols@NOAA.GOV, 410/ 267-5675)

AES SPARROWS POINT LNG TERMINAL, MID-ATLANTIC EXPRESS PIPELINE PROJECT; MARYLAND & PENNSYLVANIA

Interagency comments were provided on the FERC draft Environmental Impact Statement (EIS) and the ACOE Public Notice for the AES Sparrows Point LNG Terminal and Mid-Atlantic Express Pipeline Project. The proposed terminal will be capable of importing, storing, vaporizing, and transporting 1.5 billion cubic feet of natural gas per day, and will include a closed-loop shell and tube heat exchanger vaporization system. To facilitate tanker off-loading at the preferred Sparrows

Point site, 118 acres of subtidal bottom in the Patapsco River will be dredged to a depth of 45 feet below mean low water, and 3.7 million cubic yards of dredge material will be disposed of through beneficial re-uses (e.g., mine reclamation, landfill capping). Multiple alternatives for terminal location were investigated in the EIS, including a regional analysis for sites along the northeast Atlantic coastline, offshore floating recovery unit options, and eight sites within the Chesapeake Bay. An 88-mile pipeline will extend from Sparrows Point, Maryland, to Eagle, Pennsylvania. NOAA Fisheries Service comments focused on several key issues, including: further appraisal of the Mittal Steel site for terminal location, minimizing dredging, developing a back-up long-term dredge material disposal plan, and use of Horizontal Directional Drilling for pipeline installation at all stream crossings where migratory fish runs are present. (John.Nichols@NOAA.GOV, 410/ 267-5675)

GLOUCESTER POINT FIELD OFFICE, GLOUCESTER POINT, VA

VIRGINIA PORT AUTHORITY, CRANEY ISLAND

The proposed expansion of the federally managed Craney Island Dredge Disposal Management Area (CIDDMA) for the construction of a new “mega port” by the ACOE along with their co-sponsor, the Virginia Port Authority, will result in the permanent loss (fill) of over 580 acres of EFH habitat in the Elizabeth River. A team of local, state, and federal experts was convened early in the scoping phase of the project to help identify and rank potential mitigation opportunities within the industrialized Elizabeth River watershed. Having reached consensus, a suite of mitigation projects was proposed, including sediment remediation, marsh restoration, and the creation of oyster reefs, to help compensate for lost marine resources. Further discussions from the applicants have resulted in proposed changes to the compensation projects which may affect the integrity of a watershed approach. The new compensation plan unveiled recently was met with disappointment by many stakeholders. Constructive feedback from state and federal agencies may prompt the VA Port Authority to reconvene the Mitigation Subcommittee to reevaluate opportunities to provide compensation for the largest losses to the Elizabeth River in modern history. (David.L.O'Brien@noaa.gov, 804/ 684-7828)

FACTORY POINT, HAMPTON, VA

The proposed realignment of a navigation channel by dredging 161,000 cubic yards of sand will provide beach nourishment for three associated 250 ft. breakwaters, located at the mouth of Back River at Factory Point, in the City of Hampton, VA. The stated purpose of the project, sponsored by the City, is to improve boater safety and to restore the area’s ability to attenuate wave action and storm surge, thereby protecting adjacent residential properties. The proposed project area includes EFH and habitat areas of particular concern (HAPC), having supported eelgrass (*Zostera marina*) beds in the recent past. The Chesapeake Bay experienced a major die-off of eelgrass in 2005, due in part to a hot, dry summer. Many eelgrass beds have yet to recover, though this site has re-established, increasing concerns over the proposed loss of this valuable habitat. HCD staff will continue to consult with the ACOE and the applicant on EFH and will evaluate alternatives to reduce impacts on the marine resources. (David.L.O'Brien@noaa.gov, 804/ 684-7828)