

Monthly Highlights

November - December, 2008



NOAA FISHERIES SERVICE

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NORTHEAST REGION, HABITAT CONSERVATION DIVISION

GLoucester Field Office, Gloucester, MA

ORPC PROPOSES PILOT LICENSE FOR WESTERN PASSAGE PROJECT

ORPC Maine, LLC (ORPC) hosted a public informational meeting in November to discuss recent activities and future plans for their Western Passage tidal energy project in Easport, ME. ORPC reviewed the findings of their recent testing of the turbine generator units and plans for a pilot license process from the Federal Energy Regulatory Commission (FERC). ORPC also discussed on-going and future plans for collecting resource information in preparation of the draft license application. Habitat Conservation Division (HCD) staff emphasized the need for baseline physical and biological data, as well as coordination with the resource agencies to develop a long-term monitoring plan. (Mike.R.Johnson@noaa.gov, 978/ 281-9130 or Sean.McDermott@noaa.gov, 978/ 281-9113)

OFFSHORE CANYONS CLOSED TO BOTTOM TRAWLING TO PROTECT TILEFISH HABITAT

Action taken by the Mid-Atlantic Fishery Management Council to protect essential fish habitat for juvenile and adult tilefish has been approved by the NOAA Fisheries Service Northeast Regional Office. Pending approval by the Secretary of Commerce, areas that include the steep walls and floors of four submarine canyons on the continental slope will be closed to all bottom trawling activity beginning on November 1, 2009. The closures are designed to prevent the adverse impacts of bottom trawling on clay outcrop habitats in Veatch, Norfolk, Lydonia, and Oceanographer canyons – four canyons where this habitat type is known to exist. Tilefish create

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and live in burrows in these outcrops. The outcrops are extremely vulnerable to damage by bottom-tending fishing gear since any losses of material are permanent. The closures will not affect fishing activity on edge of the continental shelf. Here the bottom is flatter and tilefish burrows extend vertically into the substrate. Video did not show any evidence that the burrows are adversely impacted by fishing. The closures are mostly precautionary in nature because the canyon walls are not currently being trawled and couldn't be without causing considerable loss or damage of fishing gear. The floors of the canyons were included in order to make enforcement of the closures more feasible. The closures will have the added benefit of protecting deep-sea corals. The tilefish closures in Lydonia and Oceanographer canyons will overlap with slightly larger closed areas that were created in previous fishery management actions to minimize the adverse impacts of bottom trawling for squid and monkfish. The tilefish closures will be more effective since they will prohibit all bottom trawling activity.

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SCOPING MEETING HELD FOR CALAIS LNG

FERC held a public scoping meeting on December 4, 2008 to evaluate issues related to the Calais Liquefied Natural Gas (LNG) import and storage terminal proposed for Washington County, ME. This project includes the construction of a terminal facility located on the St. Croix River. This single berth marine terminal would be comprised of

mooring dolphins and a 1000-foot long pier. A platform with cargo and vapor unloading equipment would be affixed to the pier. Two LNG storage tanks each with a capacity of 160,000 m³, an LNG vaporizing system, as well as ancillary facilities such as maintenance buildings, mechanical buildings, and safety and security features, would be built on the adjacent upland area. This project would also include approximately 20.5 miles of pipeline extending from the terminal location to the Maritimes & Northeast Pipeline, LLC pipeline system in Princeton, ME with at least three route alternatives currently being considered.

HCD staff is coordinating with FERC regarding potential impacts on ichthyoplankton and zooplankton resources resulting from operation of the LNG vessels at the terminal, and potential adverse affects on Atlantic salmon EFH from pipeline crossings in portions of the St. Croix River. HCD comments to FERC included the need for analysis of the alternative pipeline routes, construction techniques for potential adverse affects to fishery resources, and proposed mitigation in the Environmental Impact Statement (EIS). Woodard & Curran, Inc., the environmental consultants for this project, have submitted benthic survey, ichthyoplankton sampling, and lobster sampling plans for review by NOAA Fisheries Service. The results of these surveys are expected to be included in the forthcoming EIS.

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MILFORD FIELD OFFICE, MILFORD, CT

GREEN ISLAND HYDROELECTRIC PROJECT

HCD staff provided comments on the Green Island Power Authority's (GIPA) Preliminary Licensing Proposal (PLP) for the Green Island Hydroelectric Project on the Hudson River in Green Island, New York. The Project is located on the west side of the Hudson River at the U.S. Army Corps of Engineers (USCOE) Federal Dam which is approximately 5 miles north of Albany, NY. The Hudson River is tidal downstream of this Dam. The current license for the Green Island Project expires on March 2, 2011. Under the re-licensing process, GIPA is proposing to expand the generating capacity at the site from 6,000 kW to 32,000 kW. The project also includes plans to construct an additional powerhouse, and create a recreation area for public access. The effects of this action are important because the Hudson River supports a number of ecologically important species such as American shad, blueback herring, alewife, American eel, striped bass, and the federally endangered shortnose sturgeon. NMFS' focus will be to protect and enhance historical spawning,

rearing, and forage habitat for these species. (Susan.Tuxbury@noaa.gov, 978/ 281-9176, or Sean.Mcdermott@noaa.gov, 978/ 281-9113)

11th FLATFISH BIOLOGY CONFERENCE

HCD staff attended the 11th Flatfish Biology Conference in Westbrook, Connecticut. The conference was organized by NOAA's Northeast Fisheries Science Center's Milford Laboratory in Milford, Connecticut. The two day conference included speakers from federal and state government agencies, academic organizations, and private and non-profit groups. Participants also included Wilton High School students giving a talk on their winter flounder surveys in Norwalk Harbor. The talks and poster presentations covered the latest information and research on flatfish species in the northeast as well as southern flounder and Pacific halibut. Species responses to climate change, seasonal population patterns, movement studies, habitat usage, stock assessments, and dredging impacts on flatfish species were among the covered topics. The program and abstracts for the conference can be found at:

<http://www.nefsc.noaa.gov/publication/s/crd/crd0819/>.

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SANDY HOOK FIELD OFFICE, HIGHLANDS, NJ

MINERALS MANAGEMENT SERVICE ALTERNATE ENERGY MEETINGS

Minerals Management Service (MMS) hosted two stakeholder meetings in the Mid-Atlantic region, one in Delaware and one in New Jersey, to discuss projects proposed under the Interim Policy on Alternate Energy Projects on the Outer Continental Shelf (OCS). The meetings were held in two parts with the morning reserved for federal, state, and local agencies, and the afternoon open to all other stakeholders. Several projects in Delaware and New Jersey are proposed to move forward under an Interim Policy that was issued in November 2007. The policy allows for limited leasing in the OCS for data collection and technology testing. The leases are for a maximum of five years with no priority right for future leasing. The meeting included an update on MMS's progress toward a final rule for the Alternate Energy in the OCS, presentations by the three companies seeking leases offshore of NJ, and questions and answer sessions both with and without the potential lessees. (Karen.Greene@noaa.gov, 732/ 872-3023)

DELAWARE RIVER DEEPENING

The Philadelphia District of the Army Corps of Engineers (USACE) issued a public notice announcing plans to reactivate a proposal to deepen the Delaware River Federal Navigation Channel from 40 feet to 45 feet, 102 miles from Philadelphia Harbor, PA and Beckett Street Terminal, Camden, NJ to the mouth of the Delaware Bay. The USACE also plans to conduct an environmental review of all applicable, existing and new information generated subsequent to a 1997 Supplemental Environmental Impact Statement (SEIS) prepared for the project. The District invited the public and all agencies to comment on the changes to the selected alternative since the 1997 SEIS, and to identify any applicable existing, and new information generated subsequent to the 1997 SEIS by December 31, 2008. The project includes the widening of 12 of the 16 bends in the channel, the partial deepening of the anchorage at Marcus Hook, and the relocation of, and addition of, aids to navigation in the river. Dredged material disposal was proposed originally at several existing and proposed disposal sites in New Jersey, at offshore sand stockpile sites in Delaware, and two beneficial use sites, one in Delaware and one in New Jersey.

According to the notice, at present, the USACE has found no factors precluding the project from moving forward based on previous studies. HCD and the Protected Resources Division developed a joint letter outlining outstanding issues on the project including the need to reinitiate the Section 7 consultation, complete an essential fish habitat consultation, address new biological information for submerged aquatic vegetation, Atlantic sturgeon, oysters, horseshoe crabs, and

other species, and to incorporate the Delaware River Fish and Wildlife Management Cooperative's current seasonal work restrictions.

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PORT OF PAULSBORO

South Jersey Port Corporation and the Gloucester County Improvement Authority are proposing to redevelop a former industrial site into a port facility. The project site is located along the Delaware River on the south side on Mantua Creek in Paulsboro, New Jersey. Several alternate designs are being considered. HCD staff met with the Philadelphia District of the USACE, the New Jersey Department of Environmental Protection's Office of Dredging and Sediment Technology, the applicants, and their consultants to discuss the project and methods to evaluate the habitat values of the site. The applicant's consultant has proposed to use a method for developing a mitigation ratio that was prepared for NOAA Fisheries Office of Habitat Conservation by Dennis King and Elizabeth Price from the University of Maryland in 2004.

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

WALLOPS SHORELINE RESTORATION & PROTECTION PROGRAM

Interagency coordination continued on the Wallops Shoreline Restoration & Protection Program, which involves replenishment of the shoreline along Wallops Island, Virginia, to protect buildings and infrastructure associated with the NASA Goddard Space Flight Center. A stakeholders' meeting was held at the Goddard Flight Center on November 20, 2008. NASA proposes to nourish 6,800 meters of seaward shoreline on the island with 2.6 million cubic yards of sand, and periodically nourish the island by adding 0.6 million cubic yards to the shoreline at 5-year intervals over a 50-year period. Sand would be hopper dredged from one or both of two offshore borrow sites: Blackfish Bank, a sand knoll lying 5 miles off Chincoteague Island, and an unnamed sand knoll lying 12 miles off Chincoteague Island. NOAA Fisheries Service stressed the need to minimize impacts on the offshore sand knolls, which provide diverse bottom habitat for a wide array of coastal marine fauna. To conserve sand borrow, HCD staff recommended use of borrow measures that conserve the morphometry of the knolls, and use of stone containment structures and vegetative plantings along the NASA shoreline to retain nourishment material for longer periods prior to it entering the coastal littoral drift system. (John.Nichols@NOAA.GOV, 410/ 267-5675)

MARYLAND DEPARTMENT OF NATURAL RESOURCES, BURIED OYSTER SHELL RECOVERY PROGRAM

Interagency coordination continued on a proposal by the Maryland Department of Natural Resources (DNR) to recover 1.5 million cubic yards of buried oyster shell over a 10-year period on state Natural Oyster Bars (NOBs) throughout the upper and mid-Chesapeake Bay. Shell slated for recovery is that planted as cultch on NOBs during past years, primarily to attract oyster spat set. Buried shell will be recovered using industrial shell dredges and/or shellfish harvesting dredges, which will hydraulically separate shell from overlying sediments to a depth of 12 inches below the sediment surface. Concerns have been raised by NOAA Fisheries Service and other regulatory agencies regarding release of nitrogen and phosphorus to the water column during dredging activity. Both nutrients have been implicated with the Bay's seasonal anoxia problem. HCD staff is working with DNR to develop a monitoring protocol for determining whether the shell recovery will significantly add to the Bay's nutrient budget. The buried shell recovery program will provide a source of cultch for managing the state oyster program.

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GLOUCESTER POINT FIELD OFFICE,
GLOUCESTER POINT, VA

PROPOSED DEVELOPMENT ON PLEASURE HOUSE CREEK, VIRGINIA BEACH

The USACE has issued a public notice for a proposed waterfront residential development along Pleasure House Creek, a tributary of the Lynnhaven River, in the City of Virginia Beach. The applicant, Tate Terrace Realty

Investors, Inc., proposes to construct a 1,096 unit, upscale residential community that requires filling 1.37 acres of tidal vegetated wetlands, 1.21 acres of non-tidal vegetated wetlands, 2.44 acres of open water, and 0.77 acres of tidal non-vegetated wetlands. The applicant has proposed to mitigate proposed impacts on-site through the creation of 6.09 acres of vegetated wetlands, the construction of a 0.25 acre oyster reef, and the enhancement of 0.17 acres of vegetated (*Phragmites*) wetlands.

The residential development, “Indigo Dunes” first proposed in 2006, received local outcry from citizen and environmental groups to keep the property undeveloped for the water quality function and terrestrial, avian, and aquatic habitat it provides. Historically, the site had been used as a sand borrow pit and to dispose of dredge material. The property is characterized by wooded and scrub-shrub uplands, tidally restricted ponds, and an extensive fringing salt marsh. The project site remains one of the last undeveloped parcels of its size (+/- 69 acres) in the Lynnhaven River watershed. Last year, a permit required from the Virginia Beach Wetlands Board was denied, though that decision was appealed by the applicant and reversed by the Virginia Marine Resources Commission (VMRC). The City subsequently appealed VMRC’s decision to Circuit Court, where the case awaits hearing. In addition to the USACE and Local Wetland Board permits, the applicant requires a CWA Section 401 water quality protection permit from the Virginia Department of Environmental Quality (DEQ). DEQ has requested the applicant provide an economic analysis justifying the scope of the development project and impacts. HCD Virginia staff will continue to coordinate closely with local, state, and federal permitting agencies throughout the permit decision process and provide conservation recommendations to help protect EFH and aquatic resources. (David.L.O'Brien@noaa.gov, 804/ 684-7828)