



NATIONAL MARINE FISHERIES SERVICE

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NORTHEAST REGION, HABITAT CONSERVATION DIVISION (HCD)

GLOUCESTER FIELD OFFICE, GLOUCESTER, MA

BOEM CALL FOR INFORMATION FOR POTENTIAL OFFSHORE WIND DEVELOPMENT OFF RHODE ISLAND and MASSACHUSETTS

In October, the National Marine Fisheries Service (NMFS) provided comments on the Bureau of Ocean Energy Management's (BOEM) Call for Information (CFI) – Commercial Leasing for Wind Power on the Outer Continental Shelf Offshore Rhode Island (RI), and Massachusetts (MA), published in the Federal Register on August 18, 2011. The Call Area covers approximately 247 square miles offshore of RI and MA. The purpose of the CFI was to solicit interest for potential development of wind energy projects for the proposed area, as well as to solicit comments and information from interested parties on environmental issues and data that will be useful in the consideration of commercial wind energy leases in the Call Area. At the same time, BOEM also published a Notice of Intent (NOI) to prepare an environmental assessment (EA) for commercial wind lease issuance and site characterization and assessment activities within the proposed Call Area. The NOI solicited comments on the environmental effects of potential site characterization and assessment activities that may be undertaken if leases were issued for this area. Site characterization activities may include geophysical, archeological and biological surveys, and site assessment activities may include the installation of meteorological towers and buoys. NMFS is a member of the BOEM RI and MA Renewable Energy Task Forces and have

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provided initial information regarding our issues and concerns associated with offshore wind development. In response to the CFI and NOI solicitation, NMFS provided formal comments regarding our trust resources, commercial fishing activity, and management concerns within the Call Area. NMFS provided these comments to assist BOEM in avoiding and minimizing conflicts with fishery interests and resources in the future siting of offshore renewable energy facilities.

(Susan.Tuxbury@noaa.gov, 978-281-9176)

BOEM MAINE TASK FORCE MEETING

In December, the National Marine Fisheries Service (NMFS) Habitat staff attended the Bureau of Ocean Energy Management (BOEM) Maine Task Force Meeting in Portland, Maine. The purpose of the meeting was to go over the recent unsolicited request by Statoil North America, Inc. for a commercial lease site in the Gulf of Maine. The proposed project, called the Hywind Maine pilot project, would consist of four 3-MW wind turbine generators, located approximately 12 nautical miles off the coast of Maine in 460-520 feet of water. This proposed pilot project is intended to demonstrate the commercial potential of floating offshore wind turbine technology with potential plans for a future build out of a full-scale deepwater floating wind turbine facility. The proposed lease area consists of approximately 22 square miles, though the area is expected to be reduced to a final park size of approximately 2-4 square miles,

once conditions are assessed. The Task Force meeting covered the proposed Statoil lease request and the BOEM process. Presentations were made by the U.S. Coast Guard, Department of Defense, NMFS, USFWS and Maine Public Utilities on the consultation process for these agencies as well as information they could provide regarding the proposed area. BOEM is expected to publish a Request for Competitive Interest in January in response to this unsolicited request. At this time, NMFS will provide comments and information to assist BOEM in avoiding and minimizing conflicts with marine resources and fishery interests in the proposed lease area. The next Maine Task Force meeting is expected to be held in March or April of this year. (Susan.Tuxbury@noaa.gov, 978-281-9176)

CHELSEA CREEK SECTION 14 EMERGENCY STREAMBANK PROTECTION PROJECT

HCD staff attended a coordinated site visit with state and federal resource agencies at a section of the Chelsea Creek to view and discuss options for stabilization of the stream bank. Stabilization is being pursued by the City of Boston under the Army Corp of Engineers' (ACOE) *Streambank Erosion Protection* Program, authorized by *Section 14* of the Flood Control Act of 1946. A sewer main at the edge of Chelsea Creek is being threatened by continued erosion at the site. A bio-engineered slope is being considered to protect the sewer main which may also enhance fish habitat. Although much of Chelsea Creek's banks have been filled for commercial development and for disposal of unwanted materials, Chelsea Creek provides habitat for winter flounder, rainbow smelt, alewife and blueback herring. For this reason, it is important to protect the remaining functioning habitat in an otherwise degraded system from further impact. HCD staff continues to work with the ACOE to develop a suitable stabilization structure while minimizing impacts to fish habitat. (Jenna.Pirrotta@noaa.gov, 978-675-2176)

WHITTIER BRIDGE REPLACEMENT PROJECT

HCD staff reviewed and commented on the Massachusetts Department of Transportation's (MassDOT's) essential fish habitat (EFH) assessment for the replacement of the John Greenleaf Whittier Bridge over the Merrimack River between Newburyport and Amesbury, Massachusetts. The new bridge is proposed to replace the existing structurally deficient, functionally obsolete bridge. The replacement project is one of 14 infrastructure projects throughout the country selected for expedited review by the Obama Administration. As a result, the permitting and environmental review processes will be conducted on an accelerated timeline. The Merrimack River serves as

a migratory corridor for a variety of anadromous fish including Atlantic salmon, American shad, alewife and blueback herring, which serve as prey for a number of federally managed species. We had concerns with the potential impacts from the construction due to habitat loss through temporary and permanent fill, as well as interference with upstream migration from the construction equipment and associated noise and turbidity. To minimize those impacts, we recommended that all in-water work take place within cofferdams, that only one cofferdam be installed at a time, that at least one channel remain unobstructed at all times during the upstream migration period, and that an observer be present during the installation of cofferdams so that in-water work may be delayed if anadromous fish are observed in the area. These recommendations are intended to minimize disruptions to anadromous species when they are migrating upstream, so that they are able to successfully travel to their spawning grounds. In-water construction and man-made barriers have made seasonal upstream migration much more difficult for these species. MassDOT has agreed to incorporate the recommendations into the contract for the design build contractor, to ensure the continued protection of EFH.

Jenna.Pirrota@noaa.gov, 978-675-2176)

HOLYOKE PROJECT ON THE CONNECTICUT RIVER

NFMS Habitat Conservation Division and Protected Resource Division staff attended a meeting at Alden Labs in

Holden, MA in December to review proposed measures to improve downstream fish passage at the Holyoke Hydroelectric facility on the Connecticut River. NMFS and USFWS have been working with the license holder, Holyoke Gas and Electric, to develop an angled rack that would help prevent shortnose sturgeon as well as other downstream migrating species such as American eel, Atlantic salmon, and river herring from entering the intake structures that lead to the turbines. The current proposal is for an angled rack to be placed in front of the intake structures so that fish are directed to the bypass gate. Alden Labs has developed several hydraulic models that display flow velocities in and around the project. With this information, further refinements to the proposed structure are being made. USFWS and NMFS anticipate continued involvement with the development and refinement of the angled rack structure. (William.McDavitt@noaa.gov, 978-675-2156)

SANDY HOOK FIELD OFFICE, HIGHLANDS, NJ

FEDERAL ENERGY REGULATORY COMMISSION (FERC) HYDROKINETIC PROJECTS

FERC has issued notices requesting comments on six preliminary permit applications by Natural Currents Energy Services, LLC (NCES) to allow for the study of the feasibility of installing NC Sea Dragon or Red Hawk tidal turbines in several waterways in southern New Jersey. NCES's Maurice River Tidal Energy Project, BW2 Tidal Energy Project and Dorchester-Maurice Tidal Energy Project encompass several miles of the Maurice River in Commercial Township, Cumberland County, NJ and include the potential installation of between 13 and 43 turbines in the river. NCES's Cape May Tidal Energy project involves the potential installation of 10 to 30 turbines the entire length of the Cape May Canal, from the Atlantic Ocean west to Delaware Bay. On the Atlantic coast, NCES proposes to evaluate the installation of 10 to 30 turbines each in Ingram Thorofare and Beach Thorofare under their Avalon and Margate Tidal Energy Projects, respectively. HCD, in coordination with the Protected Resources Division and General Counsel, provided comments to FERC on each project, reminding FERC of its consultation responsibilities under the Magnuson Stevens Act and Endangered Species Act should in-water work be proposed. Also recommended was the development and implementation of a baseline aquatic resource survey including the collection of one full year of fish sampling prior to the installation of any in-water structures.

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

METRO CENTRAL, LLC/TRIPLE FIVE DEVELOPEMENT

HCD staff reviewed a public notice issued by the New York District ACOE for a proposal by Metro Central, LLC/Triple Five Development (Metro) to fill 5.47 acres of waters of the United States, including tidal and non-tidal wetlands for the construction of an indoor amusement park and indoor water park adjacent to the former Xanadu entertainment complex. The complex is now known as "American Dream Meadowlands." The 21.75 acre site is part of the New Jersey Sports and Exposition Authority's (NJSEA) facility in East Rutherford, Bergen County, New Jersey. The current project site contains approximately 7.36 acres of jurisdictional wetlands including an unnamed tributary to the Hackensack River and associated wetlands, and an unnamed tributary to Cedar Creek (a tributary to the Hackensack River). The original components of this project were authorized under Department of the Army permit 2003-00459 issued in March 2005. At that time, the filling of approximately 7.69 acres of wetlands and open water was authorized for the construction of the retail/entertainment complex then known as Xanadu. HCD commented on the project in accordance with paragraphs 3(a) and 3 (b) our Section 404 interagency Memorandum of Agreement (MOA). Due to the absence of an alternatives analysis that demonstrates avoidance or minimization of the loss of aquatic habitat; the lack of information on the habitat characteristics and lost functions of the wetlands; the lack of a full and complete evaluation of all the temporary and permanent impacts of

the proposed project including the direct, indirect, individual and cumulative effects of the combined wetlands losses on the NJSEA site; an incomplete essential fish habitat (EFH) assessment; and insufficient information of compensatory mitigation, we concluded that the project as proposed would have substantial and unacceptable adverse effects on aquatic resources of national importance. (Karen.Greene@noaa.gov, 732-872-3023)

TEXAS EASTERN TRANSMISSION, LP and ALGONQUIN GAS TRANSMISSION, LLC (SPECTRA ENERGY CORPORATION) NEW JERSEY - NEW YORK EXPANSION PROJECT

In coordination with the Protected Resources Division, staff from the HCD Mid-Atlantic Field Office reviewed and provided EFH conservation recommendations to the Federal Energy Regulatory Commission (FERC), the lead federal action agency, on the draft environmental impact statement (EIS) for the NJ-NY Project to modify and expand their existing natural gas transmission pipeline systems. The process would involve the construction and operation of approximately 19.8 miles of natural gas pipeline and associated equipment and facilities in New Jersey, New York, and Connecticut. Portions of the project would be located within the designated coastal zones of New Jersey and New York and thus could have a substantial adverse impact on coastal resources principally wetlands and aquatic habitat. Texas Eastern and Algonquin propose to begin construction in 2012 and place the project facilities in service by November of 2013. (Brian.C.May@noaa.gov, 732-872-3116)

GARDEN STATE PARKWAY INTERCHANGE IMPROVEMENTS

Pursuant to the National Environmental Policy Act (NEPA), the HCD reviewed documents and provided commentary to New Jersey Turnpike Authority in conjunction with the New Jersey Department of Transportation (NJDOT), the Federal Highway Authority, and Cape May County, on proposed improvements to Exits 9, 10, and 11 on the Garden State Parkway in the Township of Middle, Cape May County, New Jersey. This section of the Parkway was originally built as a Route 9 bypass to remove through traffic from the center of Cape May Court House. The severe congestion on both the Parkway and Route 9 has eliminated that original purpose. The proposed grade separations will provide a through roadway connection that will restore the bypass, which was the original purpose for the construction of this section of the Parkway. The three at-grade, signalized intersections connect the Parkway with local streets and are

the only roadway crossings along the entire 172-mile length of the Parkway that are not grade separated. The purpose of the proposed project is to improve regional traffic and pedestrian safety at the three at-grade, signalized crossings of the Parkway at Interchanges 9, 10 and 11, while improving the capacity and Level of Service along this section of the Parkway. The planned improvements would eliminate the at-grade crossings and construct highway overpasses with interchange ramp connections so as to allow direct access to and from the Parkway at these three locations.

Brian.C.May@noaa.gov, 732-872-3116)

MILFORD FIELD OFFICE, MILFORD, CT TAPPAN ZEE BRIDGE SELECTED FOR EXPEDITED REVIEW AND APPROVAL

The Governor Malcolm Wilson Tappan Zee bridge replacement is one of fourteen projects that have risen on the national stage since President Obama's decision to move them from traditional regulatory review structures to a new, expedited process that could see work commencing by the late summer or early fall of 2012. This decision was in response to a request by New York Governor Andrew Cuomo. The 56-year old bridge crosses the Hudson River at one of its widest points between Rockland and Westchester Counties, New York. The project area lies in the lower Hudson River estuary in an area that is influenced by strong semi-diurnal tides and moderate salinities. This river reach forms the core of the estuarine "mixing zone", where fresh water from interior New York merges

with salt water intruding from the Atlantic Ocean. This is a critical ecotone which functions as a critical nutrient and plankton trap, rendering the area particularly productive for a variety of living aquatic resources including diadromous fishes, commercially and recreationally harvested species, and abundant prey items. The decision to make this project eligible for expedited review is controversial. Although the new project would rely to some degree on the results of prior and ongoing public coordination, it would no longer include transit options such as dedicated bus lanes and light rail that had been featured in previous planning. The project also would be reviewed under a "design-build" format, which reviews general conceptual designs only. The eventual design would be determined by contractors who were successful bidders for the work. Staff from the National Marine Fisheries Service is engaged on the expedited review process. (Diane.Rusanowsky@noaa.gov, 203-882-6504)

UPDATE ON VERDANT POWER, LLCs ROOSEVELT ISLAND TIDAL ENERGY PROJECT

The New York State Department of Environmental Conservation [NYSDEC] has issued its water quality certificate to Verdant Power, LLC for its pilot hydrokinetic project proposed in the east branch of the East River adjacent to the northeast corner of Roosevelt Island. This project continues to be reviewed by FERC for a hydrokinetic pilot license. If the FERC decision is affirmative, up to 30 underwater turbine units and associated project components would be installed, operated, monitored, and maintained during a three phase build out. The turbines resemble three-bladed fans or windmills that would be installed on tubular steel triforms mounted to the riverbed. We anticipate that a pilot licensing decision will be made shortly for this innovative, renewable energy project. The cumulative plate rating of the project, once fully installed, would be approximately 1MW. (Diane.Rusanowsky@noaa.gov, 203-882-6504)

LIS DMMP PROGRESS REPORT

The US Environmental Protection Agency, Region 1 has compiled the 6th Annual Report regarding progress in developing a dredged material management plan [DMMP] for the Long Island Sound Region. Participating staff on the DMMP Project Delivery Team has reviewed this document, which identifies, reviews, and summarizes 250 sources on environmental data describing the Long Island Sound region. These culminated in presentations of 4 data comparisons, 33 directories, 67 environmental analyses, 51 field sampling efforts, 5 forums for current research, 2 models, 71 monitoring programs, 11 regulations and manuals, and 6 reviews. Sixty-two of these data

sources contain or present geospatial data. It is the stated goal of this effort to reduce or eliminate the disposal of dredged material in Long Island Sound through identification and implementation of alternative placement materials for dredged material, some of which may seek to recognize the potential of certain classes of sediment as a valuable resource and not a waste. To determine if this goal is being met will require measuring and tracking the amount of dredged material being disposed of or placed in the Sound and other locations and an open dialogue on alternative, beneficial uses for the material. (Diane.Rusanowsky@noaa.gov, 203-882-6504)

NEW YORK DISTRICT, ARMY CORPS OF ENGINEERS & PARTNERS RECEIVE SPIRIT AWARD

The US Army Corps of Engineers New York District and its partner agencies were recognized this fall by the Coastal America consortium of federal agencies, state and local government, and private organizations dedicated to protect, preserve, and restore the nation's coasts for their efforts in the Elders Island Marsh Islands restoration project in Jamaica Bay. Once known for its extensive salt marsh island and mudflat complexes, Jamaica Bay has experienced significant losses and degradation of this critical habitat. The partners were recognized for their role in a large-scale marsh islands restoration project in the Gateway National Recreation Area of Jamaica Bay, and for their innovative and successful ongoing efforts using dredged material beneficially to restore

the appropriate grades and elevations for restoring intertidal salt marsh vegetation. The Elders Point East and Elders Point West sites are a marsh island complex within the 26-square mile Jamaica Bay Park and Wildlife Refuge that support an abundant array of fish, invertebrates, and coastal wildlife. (Diane.Rusanowsky@noaa.gov, 203-882-6504)

GLOUCESTER POINT FIELD OFFICE, GLOUCESTER POINT, VA MID-TOWN TUNNEL EXPANSION UPDATE, NORFLK, VIRGINIA

The proposed second Mid-Town tunnel, crossing the Elizabeth River and connecting the Cities of Norfolk and Portsmouth, Virginia, has been in the planning and design stages for more than two years. The existing two-lane tunnel operates daily at more than twice its designed capacity and is a choke point for both commuters and container freight carriers traveling between Norfolk International Terminal, Portsmouth Marine Terminal and downtown Portsmouth and Norfolk. Recently, the Norfolk District of the U.S. Army Corps of Engineers issued a Public Notice and accepted public and agency comments on the proposed second tube. The heavily developed and industrialized Elizabeth River is designated as EFH for 14 federally managed species and is a confirmed anadromous fish use area by Virginia's Department of Game and Inland Fisheries (VDGIF). NOAA Fisheries Service HCD staff has met numerous times over the course of the planning and design phases of the project with the environmental consultant, design engineer and marine contractor to help minimize impacts to EFH during construction and to help develop a robust mitigation plan for unavoidable impacts to marine resources and subaquatic habitat. An EFH assessment has been submitted and is currently under review by HCD staff, though specific questions regarding the project submitted by HCD during the Corps' public comment period have yet to be addressed by the applicant. HCD staff will continue to work with the Corps and the project proponents to ensure that impacts to federally managed and anadromous species utilizing the Elizabeth River are minimized and adequately compensated. (David.L.O'Brien@noaa.gov, 804-684-7828)

EAST COAST REPAIR & FABRICATION, PORTSMOUTH, VIRGINIA

A pre-application meeting was recently held to discuss plans to substantially renovate an existing ship repair facility located on the Western Branch of the Elizabeth River in the City of Portsmouth,

Virginia. Upgrades to the site include removal of four (4) existing piers, the replacement of a 700 ft. bulkhead and the removal of the yard's four (4) marine railways which will be replaced with a 100,000 ton Syncrolift Shiplift and Transfer System. The Syncrolift system will relocate all ship repair activities from over or near the river to uplands where BMPs and other environmental controls will be in place to reduce and collect residual particulates. Storm water coming from the site will also be collected and treated prior to discharge into the river. Areas adjacent to the facility's bulkheads will be maintenance dredged to the previously authorized depth of -14 ft. MLW which will remove contaminated sediments from the river system for upland disposal. As the joint permit application (JPA) process moves forward, HCD staff will continue working with the applicant and their consultant to ensure best management practices are employed during construction and dredging operations for the protection of EFH. (David.L.O'Brien@noaa.gov, 804-684-7828)

ATLANTIC WIND CONNECTION, WILLIAMSBURG, VIRGINIA

During the recent Mid-Atlantic Fishery Management Council (MAFMC) meeting conducted December 13-15, 2011, in Williamsburg, Virginia, a spokeswoman from Atlantic Wind Connection (AWC) gave a presentation to the Council regarding their proposed power transmission cable to connect the Bureau of Ocean Management's (BOEM) proposed wind energy areas (WEAs) along the mid-Atlantic seaboard. The twin six-inch power cable will extend 820 miles to connect the WEAs of the mid-Atlantic region with five (5) landing sites located along the existing northeast power grid. The project includes the construction of numerous offshore platforms that convert the alternating current (AC) produced by the wind farms to direct current (DC) current for transmission ashore, the installation of the twin six-inch submarine DC power cable buried 3-6 ft. below the seabed and the land-side substations. The proposed power cable project will be phased in over 10 years as the WEAs are developed by the wind power generation companies with the first phase of the project planned for the New Jersey and Delaware WEAs. Siting analyses will be conducted to determine the best location of the converter platforms and submarine cable utilizing a tiered approach to assess potential use conflicts and environmental impacts. A right-of-way application was submitted by AWC to BOEM in March 2011 though the Federal Register (FR) request for competitive interest (RFCI) soliciting comment on the proposed network of submarine cables, offshore platforms and land-based substations was just issued on December 21, 2011. AWC hopes to begin construction of the project in 2015 and servicing wind farms by 2016. HCD staff will continue working through BOEM's various state wind energy task forces and will provide comments on the proposed network of power transmission cables during the FR public comment period which closes February 21, 2012. (David.L.O'Brien@noaa.gov, 804-684-7828)