

EFH Assessment Example No 1.

TO: NOAA Fisheries
FROM: ACTION AGENCY
RE: Essential Fish Habitat Assessment
DATE: February 10, 1999

ACTIVITY: Construct an 85 slip marina and associated facilities in Barndoor Bay, NJ. Project includes the excavation of 1.8 acres of waters of the United States including wetlands for boat basin and channel creation. Basin to be dredged to -6.0 MLW and channel to -7.5 MLW; filling of 1.5 acres of waters of the United States including wetlands associated with bulkhead for boat basin, parking lot, roadways, walkways, and fuel storage tanks.

The example clearly states the proposed action and action area.

EFH DESIGNATIONS: The area of the proposed action (Barndoor Bay) has been identified as Essential Fish Habitat (EFH) for several species of fish. The designations are as follows: summer flounder (larvae, juvenile and adults), scup (all life stages), black sea bass (larvae, juveniles and adults), bluefish (juveniles and adults), Atlantic herring (juveniles and adults), windowpane flounder (all life stages), winter flounder (all life stages including spawning adults). In addition to these EFH designations, a Habitat Area of Particular Concern (HAPC) has also been identified as submerged aquatic vegetation (eel grass) beds for larval and juvenile summer flounder.

Identifying which EFH species the action agency has initially found to be within the project areas demonstrates to NOAA Fisheries that the action agency is taking necessary steps to satisfy EFH requirements. This also demonstrates that the action agency is committed to assessing its action and minimizing any adverse affects on EFH from their action.

ASSESSMENT: The above fish species are not estuarine resident species and therefore only utilize this area on a seasonal basis, primarily in the warmer summer months. During the summer months the estuary is typically utilized as a forage area for juveniles and adults and nursery area for larvae and juveniles. The only apparent exception to this is winter flounder which spawns in the estuary, generally from February through June.

The proposed in-water work is scheduled to be undertaken from September 1, 1999 through March 31, 2000. All in water work will be completed at times when most of the above species are not expected to be present with the exception of winter flounder. Therefore, it is reasonably well assured that there will be no physical impact to those species. Winter flounder, however, spawn during the months that dredging and boat basin construction will be occurring. Since winter flounder lay demersal eggs, there is a potential that the construction activities will adversely impact eggs in the proposed areas of disturbance. Since adults and juveniles are mobile, it is expected that they will avoid the areas of disturbance and therefore will not be impacted. The area of winter flounder EFH disturbance is relatively small scale (1.8 acres) compared to the suitable habitat available to winter flounder adjacent to the project site within Barndoor Bay. In a worst case scenario, 1.8 acres containing winter flounder eggs will be adversely impacted for one season. The affected area would be available for deposition of winter flounder eggs

in subsequent years after the dredging activities are completed.

The dredging of 1.8 acres of wetlands and subtidal areas will also result in the temporary loss of benthic invertebrates (prey species). However, they will recolonize within a few seasons (Citation: Author, Date) Although the project proposes to fill 1.5 acres of wetlands and subtidal areas, the project sponsor will provide compensatory mitigation in the form of 3.0 acres of created non-tidal wetlands and 0.3 acres of created tidal wetlands for a total of 3.3 acres. Additionally, there are no submerged aquatic vegetation (eel grass) beds located within the project area so there will be no adverse impact to summer flounder HAPC. Finally, the timing of the construction to winter months mitigates any potential adverse impacts to the majority of the listed EFH species.

This paragraph explains the action agency's thoughts on the length of time any effect may last, adverse effects on EFH that may occur after the action, and proposed mitigation for the adverse effects on EFH. This assessment could be improved by separating these sections, especially the mitigation offering. By doing so, NOAA Fisheries can readily review mitigation recommendations and offer any EFH conservation measures back to the action agency, if applicable.

CONCLUSION: Based upon the project design, the minimal short-term impacts associated with the dredging and the extensive mitigation, the "Action Agency" believes that the potential adverse impacts to EFH will not be substantial.

REFERENCE: Author, Date. Title. Journal, Book, Report, EFH Assessment. Pages.

The conclusion section describes the agency's reasoning behind its stated conclusion. However, a clear EFH determination has not been made. A clear conclusion would state: "Based upon the project design, the minimal short-term impacts associated with the dredging, and the extensive mitigation, the "Action Agency" believes there will not be any adverse effects to EFH"