



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701-5505
<https://www.fisheries.noaa.gov/region/southeast>

May 27, 2022

F/SER47:JR/pw

(Sent via Electronic Mail)

Mark Reiss, Chief
Dredging Sediment and Ocean Section
EPA Region 2, Division of Water
290 Broadway
New York, New York 10007

Dear Mr. Reiss:

NOAA's National Marine Fisheries Service (NMFS), Habitat Conservation Division (HCD), received your email dated May 19, 2022, requesting consultation under the essential fish habitat (EFH) provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) for the Site Management and Monitoring Plan (SMMP) for five Ocean Dredged Material Disposal Sites (ODMDS's) in Puerto Rico. The five ODMDS locations are offshore Arecibo Harbor, Mayaguez Harbor, Ponce Harbor, Yabucoa Harbor, and San Juan Harbor. The U.S. Environmental Protection Agency (EPA) notes issuing the SMMP does not authorize use of the sites for any specific project, rather this is EPA's programmatic determination that implementing the SMMP ensures any impacts to EFH or federally managed fishery resources associated with the transport to and disposal of dredged materials at these five sites will be minimized. Each individual project seeking to dispose material at one of the five Puerto Rico ODMDSs would require separate EFH coordination or consultation during the permitting or authorizing process. As the nation's federal trustee for the conservation and management of marine, estuarine, and anadromous fishery resources, the NMFS provides the following comments and recommendations pursuant to authorities of the Fish and Wildlife Coordination Act and the Magnuson-Stevens Act.

HCD staff has reviewed the EPA memorandum "Review of impacts to EFH and ESA listed species from activities covered under the updated SMMP for PR ODMDS's" dated November 22, 2021, and the draft SMMP prepared by the EPA Region 2 and the USACE Jacksonville District dated November 22, 2021. In addition, HCD reviewed EPA's letter dated November 23, 2021, to our Protected Resources Division, and we discussed past uses of the sites with local colleagues.

The SMMP includes measures to minimize risks to shelf-edge reef and coral habitat, including requiring vessels using the sites to be fitted with a surveillance system recording the draft and position of the vessel every few minutes and transmitting that information to a third party for daily review by EPA. This will allow early detection of leakage or other irregularities so EPA and site users can address issues promptly. EPA has used this system successfully in Puerto Rico previously. In addition, the SMMP includes site use restrictions, including limiting disposal to the deeper areas of the Ponce Harbor and Yabucoa Harbor ODMDS's and restricting routes to the Arecibo Harbor, Yabucoa Harbor, and Ponce Harbor ODMDS's to ensure vessels



avoid coral reef habitats and transit over deeper water after exiting the respective harbor entrance channels.

Based on reports of disposal plumes near the boundaries of the San Juan Harbor and Arecibo Harbor ODMDS's, HCD recommends the EPA require users of these sites limit disposal of material to the northern half of the sites to help prevent sediment plume dispersal to the shelf-edge habitats.

We appreciate the opportunity to provide these comments. Please direct related questions or comments to the attention of Mr. José A. Rivera at NOAA HCD, HC2 Box 1736, Boquerón, Puerto Rico, 00622-9300. He also may be reached by telephone at 787-405-3605 or by e-mail at Jose.A.Rivera@noaa.gov.

Sincerely,

/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc: F/SER47, Jose.A.Rivera@noaa.gov