RETURN TO SER AR INDEX

NBH SER: Winter Flounder Spawning Habitat Compensatory Mitigation

Objectives

- maximize benefits to winter flounder ("wf") by, in order of preference, spawning habitat creation, restoration, enhancement located as close as is feasible to the South Terminal site.
    - Creation produces spawning habitat where none existed previously
    - Restoration repairs degraded spawning habitat not currently usable by wf
    - Enhancement "improves" existing spawning habitat that may not be optimal (and typically involves "trading off" habitat for some marine species to establish the wf spawning habitat)

- minimize risks inherent in the three activities described above by, among others, selecting sites that offer the most promising features, fewest complications/challenges, and best chances for long-term integrity

General Comments

- Referring to the Army Corps Compensatory Mitigation Guidance (Corps web site under Regulatory Program, see http://www.nae.usace.army.mil/reg/Mitigation/CompensatoryMitigationGuidance.pdf), the applicable compensation ratio for enhancement of habitat is 3:1
- Any one activity listed below is unlikely to be adequate in and of itself. State should focus on evaluating/proposing two or more of the activities to ensure the compensatory mitigation will adequately address the adverse impacts.
- Any plan must involve clear performance and success standards, comprehensive monitoring, and contingency/adaptive management provisions to address problems encountered.

Specific Comments re mitigation ideas proposed by state

In order of preference, we recommend

1. OU-3 area. Focus on deeper water areas such that a "two-fer" can be achieved: placing fill to cap contaminated sediment that is below the CERCLA clean-up threshold and would not otherwise be addressed by the CERCLA remedy, and that raises the bottom elevation of those deeper areas up into the appropriate depth zone (less than 5 meters) suitable for wf spawning habitat. Advantages: proximity, feasibility, clear benefits.
2. Removal of tidal restrictions. Second choice only if this activity includes substantial removal of filled land such that a sufficient area of wf spawning habitat is created. If removal of fill can not be included, then this option (tidal restrictions) moves to last place. Advantages (only if fill removal): feasibility (though not without challenges), some benefits.
3. Conservation mooring program. Must focus on inner harbor; must include a change to regulations such that conservation moorings become the only permissible type for all new moorings; must prioritize to begin with locations that are currently within the appropriate depth zone for wf spawning habitat. Advantages: proximity, feasibility, some benefits (though individually small, could be substantially in a cumulative sense).
4. Restoration of eelgrass. Numerous risks and uncertainties. Potential benefits would be tangential at best. Would have to include provision that required state to hire outside expert and gave the Region right of review/approval for that expert as well as the plan.

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