



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

<http://sero.nmfs.noaa.gov>

October 8, 2014

F/SER47:FR/pw

(Sent via Electronic Mail)

Colonel Kevin P. Landers, Sr., Commander
U.S. Army Corps of Engineers Wilmington District
69 Darlington Avenue
Wilmington, North Carolina 28403-1398

Attention: Ronnie Smith

Dear Colonel Landers:

NOAA's National Marine Fisheries Service (NMFS) reviewed the public notice for Action ID No. SAW-2014-01809 dated October 7, 2014. Surf City Crab, Inc. proposes to construct a docking facility at 512 Roland Avenue, adjacent to Yow's Channel/Stump Sound, in Surf City, Pender County. The water depths in the location of the proposed docking facility are between -2 feet and -8 feet relative to NLW. The project area is designated as Primary Nursery Area (PNA) by the State of North Carolina, but no dredging is proposed. Submerged aquatic vegetation is not expected to be present due to the water depths. The Wilmington District's initial determination is the proposed project will not adversely affect essential fish habitat (EFH) or associated fisheries managed by South Atlantic Fishery Management Council, the Mid-Atlantic Fishery Management Council, or NMFS. As the nation's federal trustee for the conservation and management of marine, estuarine, and diadromous fishery resources, the following comments and recommendations are provided pursuant to the authorities of the Fish and Wildlife Coordination Act and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

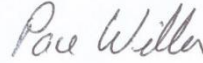
In general, NMFS favors docking facilities over multiple single docks because of the potential to reduce cumulative impacts to salt marsh and intertidal areas while still providing the public with access to coastal waters. No submerged aquatic vegetation has been reported at the site of the proposed dock, and the state field investigation report concludes the proposed dock design is consistent with the standards set forth in 15A NCAC 07H. 0208(b)(6). The dock would be in a state-designated Primary Nursery Area, which makes the location a Habitat Area of Particular Concern (HAPC) under the South Atlantic Fishery Management Council's fishery management plans for shrimp, snappers, and groupers; please see *Fishery Ecosystem Plan of the South Atlantic Region* for additional information about HAPCs (this plan is available at www.safmc.net).

NMFS has no objection to the proposed docking facility provided no dredging is authorized and the applicant is aware that future dredging at the site is unlikely to be authorized. This recommendation is consistent with the extra protection warranted for HAPCs and with the provisions of 15A NCAC 07H.0208 that indicates no new dredging or excavation within the PNA will be allowed, including "kicking" with boat propellers.



Thank you for the opportunity to provide these comments. Related questions or comments should be directed to the attention of Mr. Fritz Rohde at our Beaufort Field Office, 101 Pivers Island Road, Beaufort, North Carolina 28516-9722, or at (252) 838-0828

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc:

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