



**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>

December 10, 2014

F/SER47: KH/pw

(Sent via Electronic Mail)

Colonel Kevin Landers, Commander  
Wilmington District Corps of Engineers  
Washington Regulatory Field Office  
2407 West 5<sup>th</sup> Street  
Washington, North Carolina 27889

Attention: Thomas Steffens

Dear Colonel Landers:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice SAW-2014-01802 dated November 20, 2014. The North Carolina Department of Transportation (NCDOT) requests authorization to impact 4.17 acres of wetlands and 108 linear feet of surface waters in Nash County in order to replace Bridge Nos. 85, 141, 151 and extend Culvert C70 on US 301 over Swift Creek; extend Culvert C161 on US 301 over Lane Swamp; and bring US 301 shoulder widths up to current design standards. The Wilmington District has determined the proposed work is not within essential fish habitat (EFH), and NMFS agrees with this determination. As the nation's federal trustee for the conservation and management of marine, estuarine, and anadromous fishery resources, the following comments and recommendations are provided pursuant to authorities of the Fish and Wildlife Coordination Act.

The public notice describes the wetlands as Coastal Plain Small Stream Swamp. This community experiences seasonal to permanent inundation where overbank flooding occurs from streams in the study area. Bald cypress, tupelo, American sycamore, river birch, sweetgum, and red maple dominate the canopy. The ground and water surface layers are comprised of arrow arum, cattail, rush, and other common emergent vegetation. The loss of freshwater wetlands could adversely affect water quality as this habitat filters pollutants and facilitates transport of organic material. Additionally, downstream impacts must be considered during all aspects of the proposed construction. Swift Creek and Lane Swamp are direct tributaries of the Tar River, which ultimately terminates into the Pamlico River. The Pamlico River then broadens and establishes estuarine characteristics as it flows into Pamlico Sound. The Pamlico Sound is the largest embayed estuary in the world, and together with the Albemarle Sound encompass a complex of more than 3,000 square miles of open water, more the 9,000 miles of estuarine coastline, more than 200,000 acres of submerged aquatic vegetation, and is one of the most ecologically, economically and culturally significant regions in the United States.

As compensatory mitigation for impacts to jurisdictional wetlands and surface waters, NCDOT proposes investment through the in-lieu fee program administered by the North Carolina Ecosystem Enhancement Program (NCEEP). Mitigation through the NCEEP for this project is acceptable to NMFS.

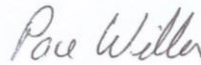
NMFS has no objection to the proposed activity as long as the described avoidance and minimization techniques are employed and all Best Management Practices are followed throughout construction. These include, but are not limited to, ensuring all efforts are made to avoid toxicant input into surface waters and



wetlands, and the use of Special Sediment Control Fence (SSCF) to avoid sediment input into Swift Creek, Lane Swamp and adjacent connected waters. Furthermore, rigorous and regular inspections of the efficacy of the SSCF and timely maintenance, including removing sediment accumulations and cleaning sediment control stone, are essential to avoid sediment input into project-adjacent waters. Sediment input into streams and rivers is a major threat to fish habitat. The Tar River and Swift Creek are both identified as Anadromous Fish Spawning Areas (AFSA) by the North Carolina Wildlife Resources Commission and are located downstream of the proposed project area. Although the state-designated AFSA at its closest point in Swift Creek is more than eight miles downstream of the project area, indirect impacts must be considered throughout all aspects of the construction process.

Thank you for the opportunity to provide these comments. NMFS is available to aid NCDOT as the project progresses. Related questions or comments should be directed to the attention of Keith M. Hanson at our Charleston Area Office, 219 Fort Johnson Road, Charleston, South Carolina 29412-9110, Keith.Hanson@noaa.gov or by phone at (843)762-8622.

Sincerely,



/ for

Virginia M. Fay  
Assistant Regional Administrator  
Habitat Conservation Division

cc:

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