



**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>

January 15, 2015

F/SER47:JD/pw

(Sent via Electronic Mail)

Lt. Col. John Litz, Commander  
Charleston District, Corps of Engineers  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107

Attention: Richard Darden

Dear Lt. Colonel Litz:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice 2014-0972-SIR, dated December 18, 2014. Gramling Brothers Real Estate requests authorization from the Department of the Army to place 9,355 cubic yards of clean fill material within 3.94 acres of wetlands (13,083 feet of jurisdictional ditches) to modify existing flow pathways for surface waters and treated stormwater. The work would be part of the on-going Cane Bay master planned residential development, Mill Branch, Berkeley County. The applicant proposes to purchase 20.1 credits from the Pigeon Pond Mitigation Bank as compensatory mitigation. The Charleston District's initial determination is the proposed fill would not be within areas designated essential fish habitat (EFH). NMFS agrees with this determination and, accordingly, offers no comments under the authorities of the Magnuson-Stevens Fishery Conservation and Management Act. 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 proposed work includes filling 13,083 linear feet of a ditch, 4 to 5 feet wide, created for silviculture purposes. The applicant would then cut interconnected stormwater ponds throughout the uplands so that flow would discharge offsite through the existing outfalls under Black Tom Road. The applicant would retain 25-foot vegetated upland buffers around twelve wetlands on site.

The ditch to be filled currently moves water to Mill Branch, a tributary of Wassamassaw Swamp. Mill Branch eventually flows into the Ashley River, which in this area is known to have low concentrations of dissolved oxygen. The filling of the ditch could enhance wetlands on the property by retaining water on-site. However, the stormwater ponds may negate this benefit. In addition, the applicant is not proposing to fill other ditched wetlands. More concerning is the proposed land use once the ditch is filled. It is clear the applicant is planning to construct a residential development. In an email dated January 7, 2015, from the Charleston District to NMFS, the applicant anticipates 35 to 38 percent of the site would be impervious surface once construction is complete. Increasing impervious surface within the Ashley River watershed could lead to reduced water quality. The public notice neither includes draft development plans and nor indicates if additional filling of wetlands at the site is necessary to complete the development.




The wetland acreages stated in the application do not match the total acreage in the plans. The application states the 1,932.89-acre tract contains 1,453.01 acres of uplands and 479.88 acres of wetlands (24.91 acres of non-jurisdictional wetlands and 454.97 acres of jurisdictional wetlands). However, wetlands in the drawings total 491.12 acres. Of this, 445.53 acres would be buffered and 45.59 acres would not be buffered. NMFS also notes that two sets of non-jurisdictional wetlands are termed C, X, and Y despite them being different features. The exact acreage of the wetland impacts should be verified given these errors.

In lieu of purchasing credits from the Pigeon Pond Mitigation Bank, NMFS recommends all wetlands on site be placed under a protective covenant, upland buffers be widened to a minimum of 50 feet, and restoration of wetlands damaged by past silviculture activities.

NMFS appreciates the opportunity to provide these comments. Please direct related correspondence to the attention of Ms. Jaclyn Daly-Fuchs at our Charleston Area Office. She may be reached at (843) 762-8610 or by e-mail at [Jaclyn.Daly@noaa.gov](mailto:Jaclyn.Daly@noaa.gov).

Sincerely,



/ for

Virginia M. Fay  
Assistant Regional Administrator  
Habitat Conservation Division

cc:

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