



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>

February 2, 2015

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(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: Tyler Crumbley

Dear Colonel Landers:

NOAA's National Marine Fisheries Service (NMFS) reviewed the public notice for Action ID No. SAW-2014-02232 dated December 19, 2014. The Town of Holden Beach proposes to develop a public park and transient docking facility with boat basin excavation in the Atlantic Intracoastal Waterway (AIWW), Holden Beach, Brunswick County. The project area is not designated as a Primary Nursery Area by the State of North Carolina. Submerged aquatic vegetation is not expected to be present. The Wilmington District's initial determination is the proposed project may adversely affect essential fish habitat (EFH) or associated fisheries managed by the South Atlantic Fishery Management Council (SAFMC), 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).

Description of the Proposed Project

The applicant proposes to construct a transient docking facility on the northeastern corner of the project site. The proposed facility would have an access pier (6 feet wide) extending waterward from the bulkhead over marsh for approximately 55 feet. The access pier would continue an additional 20 feet over water and terminate at an access ramp. The access ramp would extend to a floating dock (6 feet by 10 feet). The floating dock would be parallel to the shoreline and would be connected to a larger floating dock (6 feet by 90 feet), which is also parallel to the shoreline. The floating dock would provide dockage for up to three vessels. The applicant is proposing to excavate a boat basin that would be slightly irregular in shape and would have an average width of 50 feet and an average length of 150 feet. The boat basin would be excavated to -6 feet mean low water (MLW). Approximately 1,000 cubic yards of material would be excavated.



Impacts to Essential Fish Habitat

The excavation of the boat basin would disturb approximately 6,132 square feet of shallow bottom habitat and a minimum of 155 square feet of coastal marsh. NMFS expects the coastal marsh impacts to be higher due to sloughing during and after boat basin excavation. SAFMC identifies salt marsh and shallow sub-tidal bottom in estuarine waters as EFH for brown shrimp, pink shrimp, and white shrimp. SAFMC identifies these areas as EFH because fish and shrimp concentrate in these habitats for feeding and refuge and experience high growth and survival rates when located in these habitats. Detailed information on the EFH requirements of species managed by SAFMC is provided in a comprehensive amendment to the fishery management plans and *Fishery Ecosystem Plan of the South Atlantic Region*. Other species of commercial or recreational importance found in the project area include red drum, Atlantic croaker, spot, Atlantic menhaden, bay anchovy, striped mullet, weakfish, and blue crab. A number of these species serve as prey for fish that are managed by SAFMC (e.g., king mackerel, Spanish mackerel, and cobia) or for highly migratory fish managed by NMFS (e.g., billfishes and sharks).

NMFS finds the project, as proposed, does not reflect all practicable avoidance and minimization of impacts to EFH. Dredging could be limited to the time of year when juvenile shrimp and fish are least abundant. The floating dock could be shortened on the western end to avoid impacts to coastal wetlands. No mitigation is proposed by the applicant for impacts to coastal wetlands.

EFH Conservation Recommendations

NMFS concludes the proposed dock construction and dredging would adversely impact EFH. Section 305(b)(4)(A) of the Magnuson-Stevens Act requires NMFS to provide EFH conservation recommendations when an activity is expected to adversely impact EFH. Based on this requirement, NMFS provides the following:

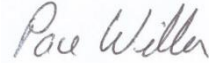
EFH Conservation Recommendations

- The permit shall restrict dredging to the period of October 1 to March 31 to protect juvenile shrimp and finfish using the shallow water and intertidal areas.
- The permit shall require mitigation for the loss of coastal wetlands. There is a section of impaired wetlands on the applicant's property near the northern end of Davis Street that could be restored.

Section 305(b)(4)(B) of the Magnuson-Stevens Act and its implementing regulations at 50 CFR 600.920(k), requires the Wilmington District to provide a written response to the EFH recommendations within 30 days of receipt. If it is not possible to provide a substantive response within 30 days, in accordance with the "findings" between NMFS and the Wilmington District, an interim response should be provided to NMFS. A detail response must then be provided prior to final approval of the action. The detailed response must include a description of measures proposed by the Wilmington District to avoid, mitigate, or offset the adverse impacts of the activity. If the Wilmington District's response is inconsistent with the EFH conservation recommendations, the District must provide a substantive discussion justifying the reasons for not following the recommendation. The detail response should be received by the NMFS at least ten days prior to final approval of the action.

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,

A handwritten signature in cursive script that reads "Poe Willa". The signature is written in dark ink on a light-colored background.

/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc:

COE, Tyler.Crumbley@usace.army.mil
USFWS, Pete_Benjamin@fws.gov
NCDCM, Doug.Huggett@ncmail.net
NCDCM, Shane.Staples@ncdenr.gov
EPA, Bowers.Todd@epa.gov
SAFMC, Roger.Pugliese@safmc.net
F/SER4, David.Dale@noaa.gov
F/SER47, Fritz.Rohde@noaa.gov