



**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 23, 2015

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(Sent via Electronic Mail)

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

Attention: Mary Hope Green

Dear Lt. Colonel Litz:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice 2014-00416-2G, dated December 24, 2014. The Citadel requests authorization from the Department of the Army to dredge its boat basin and docking facility to allow for safe vessel operation and access to the Ashley River, Charleston County, and to replace the existing floating dock. As compensatory mitigation, the Citadel proposes to purchase 11.5 credits from the Clydesdale Club Mitigation Bank. The Charleston District's initial determination is the dredging of 59,500 cubic yards of sediment from 7.9 acres of the Ashley River would not have substantial individual or cumulative adverse impacts on essential fish habitat (EFH) or federally managed fishery species. 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 and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

*Proposed Project Description*

The proposed work includes maintenance dredging 59,500 cubic yards of material from 7.9 acres around the existing boating basin, docking facility, and the unnamed tidal creek leading to the Ashley River, and replacing an existing floating dock with a six-slip floating dock. Dredge depths would be -6 feet mean low water (MLW) plus 2 feet of allowable overdepth for the outer entrance channel and 1 foot of allowable overdepth for the remainder of the area. The channel leading to the docking facility would be 60 feet wide with vertical side slopes. The material would be removed with a hydraulic dredge and pumped via a pipeline to the Citadel's confined disposal facility (CDF) approximately 3,000 feet southwestward of the existing dock. Dredging should take two to three months to complete. In addition to the immediate work, the Citadel requests the permit allow maintenance dredging every 3 to 5 years for 10 years.

*Essential Fish Habitat in the Project Area*

The site of the proposed project includes estuarine emergent wetlands, subtidal and intertidal non-vegetated flats, unconsolidated bottom (soft sediments), tidal creeks, and oyster aggregations. The South Atlantic Fishery Management Council (SAFMC) identifies the two former habitats as EFH for penaeid shrimp, including white shrimp (*Litopenaeus setiferus*) and brown shrimp (*Farfantepenaeus aztecus*). SAFMC also identifies estuarine emergent wetlands, tidal creeks, oyster reefs and unconsolidated bottom



as EFH for estuarine-dependent species of the snapper-grouper complex. Salt marshes are EFH because larvae and juveniles concentrate and feed extensively and shelter within these habitats. As a consequence, growth rates are high and predation rates are low, which makes these habitats effective nursery areas. Oyster aggregations are designated a Habitat Area of Particular Concern (HAPC). HAPCs are a subset of EFH that is either rare, particularly susceptible to human-induced degradation, especially important ecologically, or located in an environmentally stressed area. The SAFMC provides additional information on EFH for federally managed species in Volume IV of the *Fishery Ecosystem Plan of the South Atlantic Region*<sup>1</sup>.

The waters of the Ashley River, the tidal creeks connected to it, and the surrounding coastal marsh also serve as nursery and forage habitat for other species, such as red drum (*Sciaenops ocellatus*), black drum (*Pogonias cromis*), Atlantic menhaden (*Brevoortia tyrannus*), and blue crab (*Callinectes sapidus*). Many of these species are prey for fish managed under the Magnuson-Stevens Act, such as mackerels, snappers, groupers, billfish, and sharks. Red drum are important as a recreationally caught species, and estuarine wetlands within the project area provide habitat necessary for development and survival throughout all life stages of red drum.

#### *Impacts to Essential Fish Habitat*

NMFS conducted a site visit on January 15, 2015, to assess existing habitat conditions and dredge boundaries. In total, 4.9 acres of marsh vegetation, mudflats, and oysters would be lost due to the proposed project. The oyster aggregations were sparse and mostly northward of the existing floating dock. The last dredging event occurred in the mid-1990s, and the marsh vegetation has recolonized naturally and in a patchy distribution. In the absence of the previous dredging, NMFS expects the entire site would be densely vegetated similar to adjacent, unimpacted marsh. The majority of EFH impacted by the project is intertidal mudflat. Dredging also suspends sediments and increases sedimentation in nearby areas.

#### *Avoidance, Minimization, and Mitigation*

Impacts to EFH could be minimized by reducing the dredge footprint to the minimum necessary to maintain small vessel operation. Specifically, the dredging area to the northward of the existing floating dock should be re-assessed. In addition, the shoreline of the site is eroding and contains old rip-rap and debris; this area should be restored. Finally, the applicant provided a sediment testing report, dated December 4, 2014, indicating sediments contained levels of select metals, dioxins/furans, and polynuclear aromatic hydrocarbons (PAHs) exceeding ecological effects concentration thresholds. Sediment removal and storage should be executed in a manner that minimizes release of contaminants.

To compensate for the loss of EFH, the applicant is proposing to purchase 11.5 credits from the Clydesdale Club Mitigation Bank located on the Savannah River. While the Charleston District approved the Mitigation Banking Instrument (MBI) in 2012, no credits are currently available from this bank due to pending litigation. As a member of the Interagency Review Team, NMFS consistently opposed extending the Clydesdale Club Mitigation Bank service area more than two watersheds away from the Savannah River. Accordingly, NMFS does not support use of this mitigation bank for the Citadel project. NMFS is available to work with the applicant to identify suitable permittee-responsible mitigation options within the Ashley River watershed.

#### *Conservation Recommendations*

While NMFS has no objection to the proposed dock replacement, NMFS finds the proposed dredging of salt marsh habitat, including oyster aggregations, would adversely affect EFH. Section 305(b)(4)(A) of

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<sup>1</sup> Available at <http://safmc.net/EcosystemLibrary/FEPVolumeIV>

the Magnuson-Stevens Act requires NMFS to provide EFH conservation recommendations when an activity is expected to adversely affect EFH. Based on this requirement, NMFS provides the following:

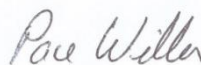
#### **EFH Conservation Recommendations**

- The dredging area authorized shall be the minimum necessary to provide reliable and safe navigation from the dock to the Ashley River. NMFS recommends the area that is northward of the existing floating dock and adjacent to the shore not be dredged.
- Dredging shall be conducted during winter months when biological productivity is low.
- Authorization of the project shall include best management practices to limit transport of suspended sediments out of the dredging area and away from the disposal site. Appropriate measures may include sediment curtains and capping sediments in the CDF.
- The authorization shall require project impacts to salt marsh habitat and oyster aggregations be offset within the Ashley River watershed. NMFS is available to help identify appropriate mitigation, which may include removing old rip-rap and debris from the shoreline and installing a living shoreline design to combat erosion.

Section 305(b)(4)(B) of the Magnuson-Stevens Act and implementing regulation at 50 CFR Section 600.920(k) require the Charleston District to provide a written response to this letter within 30 days of its receipt. If it is not possible to provide a substantive response within 30 days, an interim response should be provided to NMFS. A detailed response then must be provided 10 days prior to final approval of the action. The detailed response must include a description of measures proposed by the Charleston District to avoid, mitigate, or offset the adverse impacts of the activity. If the response is inconsistent with an EFH conservation recommendation, a substantive discussion justifying the reasons for not following the recommendation must be provided.

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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