



**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 30, 2015

F/SER47:JD/pw

(Sent via Electronic Mail)

Colonel Thomas J. Tickner, Commander  
Savannah District Corps of Engineers  
100 W. Oglethorpe Avenue  
Savannah, Georgia 31402-0889

Attention: Sarah Wise

Dear Colonel Tickner:

NOAA's National Marine Fisheries Service (NMFS) reviewed the Savannah District Letter of Permission (LOP) notification SAS-2013-00621, dated December 31, 2014. Vincent and Patricia Sikorski request authorization from the Department of the Army to construct a private, single-user dock within the Skidaway River, Chatham County. No compensatory mitigation is proposed. The LOP notification did not include a determination by the Savannah District on whether the proposed dock would adversely impact essential fish habitat (EFH). 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).

*Description of the Proposed Project*

The proposed dock would total 5,657 square feet and include a walkway (4 feet 8 inches by 1214 feet) and a covered fixed deck (16 feet by 16 feet). A gangway (5 feet by 30 feet) would connect the fixed deck to a floating dock (8 feet 6 inches by 30 feet). In addition, a boat lift (12 feet by 16 feet) would be constructed landward of the floating dock. A timber catwalk (3 feet by 16 feet) leading to another catwalk (2 feet by 3 feet) would provide access to the boat lift. The elevation of the walkway would be 10 feet above the marsh surface. The structure would extend 94 feet into the Skidaway River.

*Essential Fish Habitat in the Project Area*

The site of the proposed project includes estuarine emergent wetlands (salt marsh), subtidal and intertidal non-vegetated flats, tidal creeks, and unconsolidated bottom (soft sediments). The South Atlantic Fishery Management Council (SAFMC) identifies salt marsh and non-vegetated flats as EFH for penaeid shrimp, including white shrimp (*Litopenaeus setiferus*) and brown shrimp (*Farfantepenaeus aztecus*), because larvae and juveniles concentrate, feed, and shelter extensively within these habitats. As a consequence, growth rates are high and predation rates are low, which makes these habitats effective nursery areas. The SAFMC also identifies salt marsh, tidal creeks and unconsolidated bottom as EFH for estuarine-dependent species of the snapper-grouper complex. In addition, the project area likely includes oyster aggregations. Oyster aggregations are Habitat Areas of Particular Concern (HAPCs) for estuarine-dependent species of snapper-grouper. 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 describes 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 Skidaway 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*

Docks constructed in salt marsh can inhibit vegetation growth, impact oyster aggregations, and result in localized erosion. Docks positioned over salt marsh shade vegetation, reducing biomass and carbon input by as much as 21 to 37 percent (Alexander and Robinson 2006). Mean stem density of *Spartina alterniflora* has been shown to be 56 to 71 percent lower beneath docks than 5 meters on either side (Alexander and Robinson 2004, Sanger et al. 2004). The proposed walkway would cross a dense network of tidal channels for approximately 630 feet. Oysters generally thrive within the intertidal zone of these channels and may be present within the proposed footprint or adjacent to the dock structure. Finally, placing piles within these narrow creek channels could result in scouring around the piles and potentially erode adjacent mud flats and vegetated areas.

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

The proposed dock alignment is through valuable salt marsh habitat. Alternative alignments for the dock should be explored. For example, if the dock extended southwestward off the southern tip of the homeowner's island (i.e., running parallel with the shoreline of Dutch Island) and terminated at the first major creek, the dock would need to be approximately 200 feet longer but would avoid some of the tidal channels and shade less marsh vegetation. Northern alignments should also be explored.

#### *Conservation Recommendations*

NMFS finds the proposed dock would adversely affect 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 affect EFH. Based on this requirement, NMFS provides the following:

#### **EFH Conservation Recommendations**

- The dock shall be re-aligned to avoid marsh and tidal creeks to the maximum extent practicable.
- Any permit issued shall prohibit impacts to oyster aggregations.

Section 305(b)(4)(B) of the Magnuson-Stevens Act and implementing regulation at 50 CFR Section 600.920(k) require the Savannah 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 Savannah 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.

In accordance with section 7 of the Endangered Species Act of 1973, as amended, it is the responsibility of the Savannah District to review and identify any proposed activity that may affect endangered or

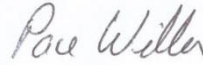
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<sup>1</sup> Available at <http://safmc.net/EcosystemLibrary/FEPVolumeIV>

threatened species and their designated critical habitat. Determinations involving species under NMFS jurisdiction should be reported to NMFS' Protected Resources Division at the letterhead address.

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.

Sincerely,



/ for

Virginia M. Fay  
Assistant Regional Administrator  
Habitat Conservation Division

cc:

COE, Sarah.E.Wise@usace.army.mil  
GADNR CRD, Kelie.Moore@ dnr.state.ga.us  
SAFMC, Roger.Pugliese@safmc.net  
EPA, Somerville.Eric@epa.gov  
FWS, Strant\_Colwell@fws.gov, Janice\_Wilcox@fws.gov  
F/SER4, David.Dale@noaa.gov  
F/SER47, Jaclyn.Daly@noaa.gov

References:

Alexander, C. and M. Robinson. 2004. *GIS and Field-Based Analysis of the Impacts of Recreational Docks on the Saltmarshes of Georgia*. A report prepared for the Georgia Coastal Zone Management Program, Georgia Department of Natural Resources, Coastal Resources Division, Brunswick, GA. 40 pages.

Alexander, C. and M. Robinson. 2006. *Quantifying the Ecological Significance of Marsh Shading: The Impact of Private Recreational Docks in Coastal Georgia*. Report prepared for Georgia Department of Natural Resources, Brunswick. 47 pages.

Sanger, D.M., A.F. Holland, and C. Gainer. 2004. *Cumulative Impacts of Dock Shading on *Spartina alterniflora* in South Carolina Estuaries*. Environmental Management 33:741-748.