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)

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

Attention: Andrea Hughes

Dear Lt. Colonel Litz:

NOAA's National Marine Fisheries Service (NMFS) reviewed the public notice, dated December 31, 2014, and the Prospectus, dated December 12, 2014, from Environmental Banc & Exchange, LLC, for the proposed Lower Catawba Mitigation Bank -Fishing Creek Site, Chester County. NMFS has determined the bank does not contain habitats suitable for offsetting impacts to essential fish habitat (EFH) under the terms of the Magnuson-Stevens Fishery Conservation and Management Act but could potentially offset impacts to freshwater wetlands and streams under the Fish and Wildlife Coordination Act and Clean Water Act. As a member of the Interagency Review Team and 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.

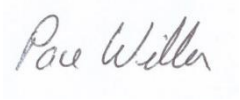
Proposed Project Description
The proposed bank would be within the Lower Catawba River Sub-Basin (03050103) and the Fishing Creek watershed (03050103-04); Fishing Creek empties into the Catawba River near the town of Great Falls. The site contains 3.2 miles of the main stem of South Fork Fishing Creek and 11,250 linear feet of tributaries. The goals of the bank include enhancing and preserving stream channels and their riparian buffers to a fully-functioning Piedmont stream ecosystem and restoring and enhancing approximately 17.8 acres of altered and degraded wetlands. Work in streams that are not fully functioning or functioning at risk is described loosely in Table 7 and includes hydrologic and geomorphic enhancement by raising local stream thalweg elevation so that bankfull corresponds with the top of the bank, modifying channel profile through the use of structure, adding in-stream wood, creating stable channels, improving bank protection with bio-engineering design, and reducing bank heights. Stream reaches classified as fully functioning or functioning-at-risk would be placed under preservation. Work in wetlands includes removing a downstream impoundment associated with historic silviculture practices and re-planting native wetland vegetation.

Comments on the Perspectus
More information is needed to determine if some of the proposed restoration and enhancement work is warranted and the amount of credit potentially generated. In addition, the performance standards require more detail. The Perspectus could be improved by addressing the following:

- For the stream enhancement reaches, the proposed values for each of the performance standard metrics should be identified. The Prospectus provides examples (e.g., Bank Ratio Height 1.0.-1.2) but, if a draft Mitigation Banking Instrument is prepared, it should list all target values.
- No baseline data are provided for the wetlands and no performance standards are provided to determine if wetland work is successful. It is unclear if the bank sponsor is requesting credit for enhancing freshwater wetlands by removing the impoundment and planting native species.
- The endangered Carolina heelsplitter is located within the stream channels proposed for enhancement. It is unclear if construction work would impact this species, potentially placing restrictions on the work proposed to generate credit.
- Stream reach A1 and A3 (7,906 linear feet total) would have a protective easement placed on only one bank. It is unclear how integrity of the streams can be guaranteed if there is no restriction on activities that may impact the stream directly or indirectly.
- According to the baseline condition description, reaches A-D are in fairly good condition with floodplain connectivity and therefore may not generate restoration or enhancement credit while reaches E-J exhibit moderate degradation including historical straightening, incision, lack bedform diversity, and have uniform depths. However, the photos for reach E and G do not portray these impairments. Data should be provided for each stream reach and compared to reference streams to demonstrate the need for enhancement.
- Table 7 should include the stream reach applicable for each work plan.

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:

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