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 3, 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: Rob Huff

Dear Colonel Litz:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice 2014-01107-3H, dated January 23, 2015. CK Holdings requests authorization from the Department of the Army to impact 1.12 acres of tidal wetlands and waters to create a 240-boat storage facility along the Atlantic Intracoastal Waterway (AIWW) in Horry County. To compensate for the impacts, the applicant proposes to purchase 9.3 credits from the Waccamaw Mitigation Bank. The Charleston District's initial determination is the proposed project 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 240-boat storage facility would require placing 5,690 cubic yards of fill material into 0.46 acres of tidally influenced, freshwater wetlands adjacent to the AIWW to construct building foundations[1], attendant structures, and parking. In addition, the facility would require dredging approximately 3,800 cubic yards of material from both open waters of the AIWW (0.38 acres) and freshwater wetlands (0.28 acres) for a total of 0.66 acres. The proposed dredging within wetlands would be to a depth of -6 feet mean low water (MLW). The proposed dredging within open waters of the AIWW would be sloped from -6 to -7 feet MLW. The dredging would be performed by a barge-mounted excavator, and the dredged material would be transported by barge to a boat ramp in North Myrtle Beach where the material would be offloaded, placed onto trucks, and hauled to a final upland disposal site. Within the dredged basin, the applicant is proposing to construct four floating docks and one fixed dock totaling 6,140 square feet and a bulkhead totaling 495 linear feet for bank stabilization. An unidentified amount of timber pilings would be installed to support the docks.

Essential Fish Habitat in the Project Area
The site of the proposed project includes tidal freshwater wetlands, estuarine emergent wetlands (i.e., brackish marsh and salt marsh), and unconsolidated bottom. The South Atlantic Fishery Management Council (SAFMC) identifies these habitats as EFH for estuarine-dependent species of the snapper-grouper complex and for penaeid shrimp, including white shrimp (*Litopenaeus setiferus*) and brown shrimp

[1] Sheet 9 of 11 suggests the storage building would be supported by timber pilings; NMFS confirmed with the Charleston District via phone on January 28, 2015, this is not the case.

(*Farfantepenaeus aztecus*). Tidally influenced wetlands and shallow water areas 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. The SAFMC describes EFH for federally managed species in Volume IV of the *Fishery Ecosystem Plan of the South Atlantic Region*[2].

The waters of the AIWW, 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
The proposed project would result in the permanent loss of 0.74 acres of tidal marsh (0.46 acres from fill and 0.28 acres from dredging) that provides nursery habitat. In addition, 0.38 acres of shallow water habitat that provides nursery habitat would be disturbed by dredging and may not recover to its pre-dredging level of function. The proposed bulkhead would harden the shoreline, removing habitat complexity and increasing wave energy as it reflects off the bulkhead, potentially eroding the marsh on the eastern side of the AIWW.

Avoidance, Minimization, and Mitigation
The applicant has not demonstrated impacts have been avoided and minimized to the maximum extent practicable. Uplands are present on the site, and the applicant offers no alternative configurations for the boat facility to use the available uplands. In general, NMFS opposes filling wetlands for private use and hardening shorelines. Finally, the applicant proposes out-of-kind compensatory mitigation by purchasing freshwater wetland credits for impacts to tidal marsh. The proposed mitigation would not offset the functional loss of the habitat impacted from the proposed project.

Conservation Recommendation
NMFS finds the proposed filling and dredging of tidal wetlands will 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 Recommendation

- The project, as proposed, shall be denied. NMFS would re-evaluate this recommendation if the filling of wetlands for construction of the boat storage facility and dredging of wetlands were removed, shoreline stabilization include a living shoreline design, and in-kind mitigation were provided for the unavoidable impact to tidal marsh and shallow water areas.

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

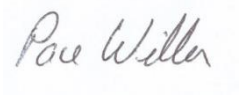
[2] Available at *http://safmc.net/EcosystemLibrary/FEPVolumeIV*

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 Charleston District to review and identify any proposed activity that may affect endangered or 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:

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