



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>

March 19, 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: Brian Hardee

Dear Lt. Colonel Litz:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice 2004-13457-3IY, dated February 26, 2015. Harborwalk Marina / Evening Post Ventures, LLC, request authorization from the Department of the Army to modify an existing commercial marina by filling and dredging (0.29 acres) and by constructing a dock (0.07 acres) in the Sampit River, Georgetown County. The applicant is not proposing compensatory mitigation. 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).

Description of the Proposed Project

The proposed project includes:

- Filling a boat basin (4,200 square feet or 0.096 acre) with 1,840 cubic yards of clean material.
- Placing 340 cubic yards of riprap along the riverward side of the filled area and the existing shoreline (4,350 square feet or 0.100 acre),
- Constructing two new docks (10 feet by 236 feet and 8 feet by 139 feet) for a total of 3,230 square feet (0.074 acre). The docks would be L-shaped and positioned parallel to the shoreline. Prior to constructing the new dock, the applicant would remove the existing dock.
- Dredging 4,000 square feet (0.092 acre) of open water to -6 to -8 feet mean low water by removing approximately 1,000 cubic yards of sediment via a mechanical dredge. The applicant would dry the dredged material in the marina parking lot and then truck it to the Georgetown County Landfill for disposal. To reduce turbidity and runoff, the applicant proposes to install turbidity barriers around the dredge area and hay bales and filter fabric around the containment area.

Essential Fish Habitat in the Project Area

The site of the proposed project includes unconsolidated bottom; the South Atlantic Fishery Management Council (SAFMC) identifies this habitat as EFH for shrimp and for estuarine-dependent species of the snapper-grouper complex because these organisms concentrate and forage in the habitat. The SAFMC provides additional information on EFH for federally managed species in Volume IV of *Fishery*



*Ecosystem Plan of the South Atlantic Region*¹. Bluefish and summer flounder, managed by the Mid-Atlantic Fishery Management Council (MAFMC), may also occur within the project area, and MAFMC designates estuarine waters as EFH for these species. MAFMC provides details about the EFH requirements of species it manages in amendments to individual fishery management plans and in technical reports².

The waters of the Sampit 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

The project would impact 0.196 acre of EFH by converting 0.096 acre of unconsolidated bottom and open water into uplands and 0.100 acre into a hardened shoreline. While NMFS generally opposes filling EFH to create uplands, NMFS presumes the habitat quality within the commercial marina basin is low due to its location and absence of a natural shoreline.

The project would impact 0.092 acre of EFH by dredging. The site is near contaminant sources, including active industrial outfalls managed under National Pollution Discharge Elimination System permits; superfund sites managed under the Comprehensive Environmental Response, Compensation, and Liability Act; and leaking underground storage tanks (according to the U.S. Fish and Wildlife Service). Adverse effects on fish and shrimp from exposure to contaminants and suspended material include respiratory disruption and decreased foraging efficiency. NMFS recommends testing of the sediments in accordance with the Charleston District's Draft Sampling and Analysis Plan to assess if additional sedimentation control measures are necessary.

The project would impact 0.074 acre of EFH by dock construction and dock removal. While the new dock would shade 13 percent more estuarine bottom than the current dock, NMFS offers no objection to the proposed dock given past use of the site and the presumed low habitat quality.

Conservation Recommendation

NMFS finds the proposed dredging of the Sampit River 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

- Testing the sediments in accordance with the Charleston District's Draft Sampling and Analysis Plan to assess if additional sedimentation control measures are necessary.

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

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

² Available at <http://www.greateratlantic.fisheries.noaa.gov/hcd/>

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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