



**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 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: Mary Hope Green

Dear Colonel Litz:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice 2005-5548-2G, dated March 17, 2015. Magwood Dock, LLC, requests an after-the-fact permit from the Department of the Army for docks and fueling facilities constructed by a previous owner and for a new permit to install riprap and sheet pile within tidal wetlands, Charleston County. No compensatory mitigation is proposed. The Charleston District's initial determination is the proposed fill 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*

In 2006, the Charleston District authorized the former owners of Magwood Marina to construct a drystack facility for storage of 65 boats and to install a fixed pier (504 square feet) with one floating dock (360 square feet). The project was constructed outside the scope of the permit such that the marina currently has storage capability for 79 boats, a fueling facility, two fixed piers (456 square feet and 1,317 square feet), and two floating docks (84 square feet and 699 square feet). The new marina owner proposes to: increase the number of vessels authorized to be stored at the facility to 80, authorize the fueling facilities, replace the current un-permitted 699-square-foot floating dock with a permitted 968-square-foot floating dock, and install 30 cubic yards of rip rap and approximately 20 linear feet of sheet pile bulkhead at the critical line beneath the existing fixed pier to prevent erosion. The applicant would also add 39 parking spaces on the upland portion of the facility. Modifications to the large fixed pier are being addressed by the District separate from this public notice.

*Essential Fish Habitat in the Project Area*

NMFS conducted a site visit on March 26, 2015. The site of the proposed project includes subtidal and intertidal non-vegetated flats and estuarine emergent wetlands occur in the vicinity. The South Atlantic Fishery Management Council (SAFMC) identifies these habitats as EFH for



penaeid shrimp, including white shrimp (*Litopenaeus setiferus*) and brown shrimp (*Farfantepenaeus aztecus*). Salt marshes and unvegetated flats are EFH because larvae and juveniles feed 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 general area near the marina also contains large amounts of oysters. The SAFMC designates oysters as a Habitat Area of Particular Concern (HAPC) for the estuarine-dependent species of the snapper-grouper complex. 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. Dense oyster reefs are present to the north and south of the site but are sparse within the proposed construction footprint with the exception of a cluster located near the edge of the proposed fill 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 Shem Creek, 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 new floating dock would shade 0.022 acres. The proposed rip rap and sheet pile wall would impact approximately 0.006 acres of EFH. Shading impacts should be discountable because no tidal vegetation is present within the project footprint. The fill and construction debris could impact the oysters. While oysters are sparse within the project footprint, this may be because the poor quality of the existing fill is inhibiting oyster settlement or growth.

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

During the site visit, NMFS found the condition of the shoreline is poor due to a large amount of debris, including rebar, pvc pipes, trash, and construction waste. The upland areas also contain unstabalized sediment. To further avoid and minimize impacts from the project and compensate for the unauthorized activities conducted at the marina and the currently proposed work, NMFS recommends:

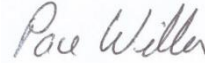
- All existing riprap and trash be removed from the entire shoreline and the applicant replace it with clean rock (due to the extreme slope of the bank, a living shoreline option is likely not feasible). Although some oysters may be impacted from this action, particularly between the existing concrete launch pier and existing adjacent dock at the southern portion of the property, oysters would likely recolonize the new riprap.
- Measures are in place to prevent construction debris from entering Shem Creek.
- Pervious pavement and bioswales are used for the new parking area to reduce silt and pollution laden runoff from the marina into Shem Creek.

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

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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