



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

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St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

May 4, 2015

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(Sent via Electronic Mail)

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

Attention: Sherelle Reinhardt

Dear Colonel Tickner:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice SAS-2011-00086, dated March 26, 2015. Georgia Power requests authorization from the Department of the Army to fill 0.51 acres of tidal marsh to construct a transmission line access road in Chatham County. As compensatory mitigation, Georgia Power proposes to purchase 5.1 credits from the Ogeechee River Mitigation Bank and to allocate funds to the Skidaway Island State Park for restoration in the Park. The Savannah District's initial determination is the proposed filling 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 work includes placing 3,000 cubic yards of clean fill in salt marsh to construct an access road (approximately 1,533 feet long) to reestablish Georgia Power's ability to inspect, maintain, and repair four structures (labelled 36, 37, 38, and 39) along a segment of the Ferguson Avenue-Skidaway Island Transmission Line. The majority of marsh fill (0.37 acres) is for accessing structure 36; the remaining fill is for accessing structure 39. The road would stop approximately 65 feet short of structure 36 but would extend up to structure 39. Temporary barge mats would be placed between the road and structure 36 when access is needed. The road would be constructed over a geo-grid base to reduce soil disturbance. The geo-grid base would be covered with a layer of sand which in turn would be covered with a layer of compacted aggregate. Toe-to-toe fill width would be 30 to 60 feet to accommodate the 16-foot-wide surface road with 3:1 slopes. A series of culverts would be installed to maintain hydrologic flow. Silt fencing would be placed on either side of the roadway during construction to minimize sedimentation impacts to surrounding marsh.

The salt marsh impacts proposed for accessing structure 36 (i.e., 0.37 acres of the total 0.51 acres proposed) would be within the 2.82-acre salt marsh restoration mitigation site the Georgia



Department of Transportation (GDOT) established for replacing the Skidaway Narrows Bridge (SAS-2007-001571). GDOT removed and graded the pre-existing fill to compensate for impacts to salt marsh from new bridge construction. The pre-existing fill served as Georgia Power's previous access to the transmission line structures. The loss of access has limited Georgia Power's ability to inspect, maintain, and repair the Ferguson Avenue-Skidaway Island Transmission Line; hence, the need for the proposed project.

Essential Fish Habitat in the Project Area

The site of the proposed project includes estuarine emergent wetlands (salt marsh). The South Atlantic Fishery Management Council (SAFMC) identifies this habitat as EFH for penaeid shrimp, including white shrimp (*Litopenaeus setiferus*) and brown shrimp (*Farfantepenaeus aztecus*), and estuarine-dependent species of the snapper-grouper complex. Salt marshes 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 provides additional information on EFH for federally managed species in Volume IV of the *Fishery Ecosystem Plan of the South Atlantic Region* (available at safmc.net/EcosystemLibrary/FEPVolumeIV).

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 is an important state-managed fishery, and estuarine wetlands within the project area provide habitat for all life stages of red drum.

Impacts to Essential Fish Habitat

The permit application analyzes 14 action alternatives for the proposed project, including alternatives discussed during an interagency, pre-application meeting NMFS attended on February 11, 2014. Georgia Power's analysis included non-fill alternatives, such as helicopter access, a bridge to structure 36, relocating power lines, and temporary mats, and concluded these options are too costly. One alternative evaluated (Alternative 13) would impact 0.1 less acres of marsh than the selected alternative; however, much of the impacts from Alternative 13 would be to fully functional, previously undisturbed marsh. NMFS agrees with Georgia Power's decision to not select Alternative 13 even though the selected alternative (labelled Alternative 15 in the permit application) would impact GDOT's mitigation site provided Georgia Power's mitigation credit calculations are based on the level of marsh function GDOT's permit presumes will be achieved after the mitigation fully meets its performance standards. In other words, NMFS recommends the Savannah District view the marsh impacted by Georgia Power as fully functional when determining the amount of mitigation required.

As noted above, the proposed road would stop approximately 65 feet short of structure 36 but would extend up to structure 39. The NMFS recommends a similar design for structure 39 to reduce the amount of marsh impacted.

As compensatory mitigation, Georgia Power proposes to purchase 5.1 credits from the Ogeechee River Mitigation Bank and to allocate funds to the Skidaway Island State Park for restoration in the Park. The NMFS has three concerns with the proposed credit purchase. First, the number of credits purchased should reflect a previous mitigation area is being impacted. When a project impacts an area used as mitigation for another project, the credit requirements by the Charleston District often are three times the credits calculated, and the NMFS recommends the Savannah District adopt this approach. Second, the Ogeechee River Mitigation Bank is tidal freshwater to only slightly saline, whereas the proposed impacts are to polyhaline marsh, i.e., out-of-kind mitigation is proposed, and the credits required should be adjusted accordingly. Third, as noted above, the NMFS recommends the Savannah District view the marsh impacted by Georgia Power as fully functional when determining the amount of mitigation required.

Regarding the restoration within Skidaway Island State Park, while Georgia Power investigated enhancing eight to ten acres of salt marsh within the Skidaway Island State Park, Georgia Power prefers instead to provide an unspecified amount of funding to the Park and for the Park to conduct the mitigation. It appears Georgia Power made this choice because it believes the mitigation must be done before road construction begins. This sequencing is not a USACE requirement; see the Savannah District's Standard Operating Procedure (SOP), including the "credit schedule" factor for post-impact mitigation (schedule 5). It also is not clear to the NMFS if under Georgia Power's scenario the Park needs to be a co-permittee for Georgia Power to fulfill its permit mitigation requirements.

EFH Conservation Recommendations

NMFS finds the proposed filling of tidal wetlands 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 recommends:

- The length of road to structure 39 be shortened to reduce salt marsh impacts.
- The amount of mitigation required be based on:
 - Viewing the impacts to the GDOT mitigation site as impacts to a fully functional marsh.
 - Adjustments for impacting a previous mitigation site.
 - Adjustments for the Ogeechee River Mitigation Bank credits being out-of-kind mitigation for the proposed impacts.
 - Georgia Power remains responsible for the success of the mitigation performed at Skidaway Island State Park. Preferably, the permit would fully describe this mitigation and, if necessary, the SOP "credit schedule" factor for post-impact mitigation, would be used in the mitigation calculations.

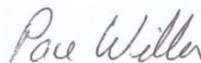
Section 305(b)(4)(B) of the Magnuson-Stevens Act and implementing regulation at 50 CFR Section 600.920(k) require the Savannah District to provide a written response to this letter within 30 days of its receipt. If it is not possible to provide a substantive response within 30 days, an interim response 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 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

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