



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>

April 13, 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: Steven Currie

Dear Colonel Litz:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice SAC-2013-00993-2IU, dated March 27, 2015. Carl Carlson, Rebellion Farm Holdings, LLC, requests authorization from the Department of the Army to modify several existing docks and a boat ramp and to construct four new community docks and a boat ramp in Berkeley County. The applicant is not proposing compensatory mitigation for impacts to tidal wetlands. The public notice indicates the proposed impacts to estuarine habitat are 0.07 acres from filling and 0.09 acres from shading. The Charleston District's initial determination is these impacts 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).

A NMFS biologist visited the site on April 1, 2015. The area includes estuarine emergent wetlands (salt marsh) and a tidal creek. Oysters are also present in the intertidal zone throughout the project site on mud flats, docks, and rip rap. The South Atlantic Fishery Management Council (SAFMC) identifies these habitats as EFH for estuarine-dependent species of the snapper-grouper complex while salt marsh is EFH for penaeid shrimp, including white shrimp (*Litopenaeus setiferus*) and brown shrimp (*Farfantepenaeus aztecus*). SAMFC also designates oysters as a Habitat Area of Particular Concern (HAPC). HAPCs are a subset of EFH that are either rare, particularly susceptible to human-induced degradation, especially important ecologically, or located in an environmentally stressed area. Salt marshes oysters, and tidal creeks 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 and its support of federally managed fishery species in Volume IV of the *Fishery Ecosystem Plan of the South Atlantic Region*¹.

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

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



NMFS generally supports the proposed community docks in lieu of separate docks for each coastal lot and the proposed modification of the existing boat ramp and docks rather than building all new structures. The public notice indicates 0.09 acres of estuarine habitat would be shaded by docks. NMFS requests this estimate be updated to include the 846 square feet of shading from the proposed vehicular and pedestrian bridges. The total existing footprint from the fixed docks is 6,897 square feet, and the proposed new footprint is 4,337 square feet. While most of the proposed shading would be over open water, the proposed walkway for dock D would shade approximately 144 square feet of vegetation currently exposed to full sun. NMFS requests the walkway be at least five feet above the marsh surface and the spacing between the deck boards be at least 0.5 inch.

Fill for the proposed boat ramp would impact 0.07 acres (2,937 square feet) of EFH, and the fill would be comprised of concrete, stone riprap, and a small section of asphalt to square off the existing earthen causeway. A timber bulkhead would also be constructed on either side of the ramp for stabilization. The landward portion of the boat ramp contains *Juncus* and transitional marsh species, such as sea oxeye (*Borrchia frutescens*). Closer to the water, *Spartina* dominates. A large patch of wrack has accumulated around the mid to high tide line. Fill would permanently remove this habitat from fishery use. To minimize impacts from the fill, NMFS recommends the applicant remove the debris and wrack build-up between docks A and B that is inhibiting marsh growth. In addition, boat wakes and effluent from a stormwater outfall adjacent to dock B may be eroding the shoreline. Oyster bags or other living shoreline techniques may stem this erosion and provide habitat benefits.

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:

COE, Steven.J.Currie@usace.army.mil
DHEC, trumbumt@dhec.sc.gov
SCDNR, DavisS@dnr.sc.gov
SAFMC, Roger.Pugliese@safmc.net
EPA, Laycock.Kelly@epa.gov
FWS, Karen_Mcgee@fws.gov
F/SER4, David.Dale@noaa.gov
F/SER47, Jaclyn.Daly@noaa.gov