



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>

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(Sent via Electronic Mail)

Lt. Col. Matthew Luzzatto
Charleston District, Corps of Engineers
69A Hagood Avenue
Charleston, South Carolina 29403-5107

Attention: Tracy Sanders

Dear Lt. Colonel Luzzatto:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice 2014-00892-2T, dated July 8, 2015. MWV-East Edisto Summers Corner, LLC (MWV), requests authorization from the Department of the Army to fill freshwater wetlands associated with the Stono and Ashley Rivers to create a large, mixed-use development in Dorchester County. As compensatory mitigation, MWV proposes to purchase credits from the Pigeon Pond or Caw-Caw Mitigation Bank. The Charleston District's initial determination is the filling of freshwater wetlands 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

MWV proposes to build Summers Corner, a 6,199.10-acre mixed-use community. The site was most recently used for silviculture and currently contains 3,839.72 acres of uplands, 2,289.30 acres of forested freshwater wetlands, 13.04 acres of jurisdictional ditches, 13.30 acres of tributaries, 34.85 acres of excavated ponds, and 8.89 acres of silviculture roads. To facilitate development, MWV proposes to fill 23.61 acres of forested freshwater wetlands, 0.18 acres of tributaries cut through uplands, and 3.89 acres of ponds excavated in uplands. In addition, MWV would relocate, culvert, or fill 0.25 acres of man-made ditches. All remaining wetlands on-site would be preserved. A minimum vegetated buffer of 50 feet would remain between developed areas and preserved wetlands. The majority of the uplands would be developed. MWV is requesting a 30-year permit to complete construction.

Essential Fish Habitat in the Project Area

A NMFS biologist participated in an interagency site visit to the project area on August 4, 2015. No EFH occurs within the project area; however, the site drains to the Ashley and Stono Rivers through tributaries and creeks, and these systems include estuarine emergent wetland ecosystems (salt marsh). The South Atlantic Fishery Management Council (SAFMC) identifies salt marsh 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 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 the Ashley and Stono Rivers, the tidal creeks connected to them, 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 downstream from the project area provide habitat for several life stages of red drum.

Impacts to Essential Fish Habitat

No direct impacts to EFH would occur from the proposed project; however, indirect impacts are possible through increased freshwater runoff, degradation of water quality, and loss of organic nutrients. Holland et al. (2004)² found measurable adverse changes in the physical and chemical aquatic environment when impervious land cover exceeded 10 to 20 percent in a watershed, and the abundance of shrimp declined in tidal creeks when impervious land cover exceeded 20 to 30 percent. The reasons for these biological, chemical, and physical impacts are due to the increased runoff that alters salinity, temperature, alkalinity, and water quality.

Avoidance, Minimization, and Compensatory Mitigation

MWV can further minimize impacts of the project to downstream EFH. NMFS recommends MWV incorporate low-impact design (LID) principles into the plan to retain water on-site. Examples include vegetated bioretention areas and pervious pavements to control hydrology through infiltration and evapotranspiration. In addition, where impervious surfaces are most common (e.g., in the commercial retail centers), the width of the vegetated buffer should be increased. Finally, the preserved wetlands should not be used as stormwater retention.

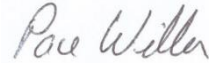
The applicant is requesting a 30-year permit during which time the Charleston District's Interagency Review Team (IRT) will likely revise the Charleston District's Compensatory Mitigation Standard Operating Procedure (SOP). These revisions could alter the amount of credits needed to offset impacts to freshwater wetlands. Because the applicant is requesting credits be purchased in phases as the work progresses, the NMFS recommends the amount of wetland credits needed for each phase be based on the SOP in effect at the time of impact. Because the majority of wetlands impacted drain to the Stono River, NMFS supports credit purchase from the proposed Caw Caw Mitigation Bank because it is within the same watershed as the majority of impacted wetlands.

¹ Available at safmc.net/EcosystemLibrary/FEPVolumeIV

² Holland, A.F., Sanger, D.M., Gawle, C.P., Lerberg, S.B., Santiago, M.S., Riekerk, G.H.M., Zimmerman, L.E., and Scott, G.I. 2004. Linkages between tidal creek ecosystems and the landscape and demographic attributes of their watersheds. *Journal of Experimental Marine Biology and Ecology* 298:151-178.

The 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, Tracy.D.Sanders@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