



**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>

September 11, 2015

F/SER47:JD/pw

(Sent via Electronic Mail)

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

Attention: Courtney Stevens

Dear Colonel Luzzatto:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice SAC-2014-00387-PIC, dated August 14, 2015. To construct a high-density polyethylene (HDPE) pipe manufacturing and storage facility, Agru America requests authorization from the Department of the Army to fill 1.35 acres of freshwater wetlands near essential fish habitat (EFH) and to impact 16 acres of mostly open estuarine waters with docks and floating pipes in Charleston County. As compensatory mitigation for impacts to freshwater wetlands, Agru America proposes to purchase 16.6 credits from the Pigeon Pond Mitigation Bank. The Charleston District's initial determination is the proposed filling and shading of freshwater wetlands and estuarine water would not have substantial individual or cumulative adverse impacts on 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.

*Description of the Proposed Project*

Agru America proposes to place fill in 1.35 acres of freshwater wetlands near EFH within the Cooper River to construct HDPE pipe manufacturing and export facilities. HDPE pipe segments up to 2,000 feet long and nine feet in diameter would be produced by heating HDPE pellets. Wetland fill is required to construct two rail spurs, a stormwater pond, and a laydown operational area. The applicant would also clear timber from uplands within the 15.29-acre property to support facility development but would leave a vegetated buffer between uplands and salt marsh. The existing rail bed leading from the proposed manufacturing facility to the Cooper River would be paved and include a roller system to transport the pipe to the storage area in the water. Where the rail bed is not wide enough to accommodate emergency vehicles, fill would be placed in uplands and an access bridge (123 by 24 feet) would span a small portion of salt marsh; no support bents would be installed in the marsh.

Floating pipe segments would be moored in the Cooper River prior to being exported via ocean-going vessels. To facilitate storage and transport to and from the welding building, the applicant proposes to construct a pipe launch pier (360 by 27 feet), pipe retrieval and launch pier (123 by



63 feet), causeway pier (120 by 36 feet), floating dock (31 by 12 feet), two finger docks (70 by 4 feet), service boat supply pier (120 by 12 feet), and access dock (3 by 29 feet) with two boatlifts (14 by 12 feet). In addition, 41 guide piles located on 50-foot centers, 21 spar buoy moorings secured by cement blocks (8 by 8 by 4 feet) or drilled helical anchors on the river bottom, and five seven-pile dolphins would be installed in the Cooper River. To support the piers, docks, and additional structures, 227 timber piles would be installed in shallow open water or over fringing marsh using a vibratory hammer to the maximum extent practicable followed by impact driving if necessary. Finally, Agru America would remove approximately 260 feet of an approximately 2,110-foot-long abandoned coal tipple trestle by cutting piles off at the mudline and disposing of piles and decking in an upland landfill.

#### *Essential Fish Habitat in the Project Area*

The site of the proposed project includes estuarine emergent wetlands (salt marsh), unconsolidated bottom, and a tidal creek. 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*). Salt marsh, unconsolidated bottom and tidal creeks are EFH for 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 off federally managed species in Volume IV of the *Fishery Ecosystem Plan of the South Atlantic Region*<sup>1</sup>.

The waters of the Cooper 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 public notice indicates the proposed project would impact 16 acres of EFH; however, the majority of this acreage includes the open water area where pipes would be floating. The applicant has avoided placing fill in EFH but the construction of piers and docks over salt marsh would permanently shade vegetation resulting in decreased vegetation density. In addition, activities such as pile driving and dock and pier construction can result in temporary marsh impacts. The applicant can minimize these impacts by installing piles in the intertidal area during lower tides, using top-down pier and dock-construction methods, and avoiding using barge mats or other access methods that smother marsh or compact the marsh floor.

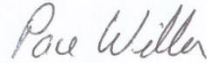
The pilings used to construct the coal tipple trestle were likely treated with creosote. Creosote is a toxic mixture of hydrocarbon compounds used to preserve wood and can leach into the aquatic environment. The NMFS recommends removing all pilings associated with the abandoned coal tipple trestle in their entirety, not cut off at the mudline.

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<sup>1</sup> Available at [safmc.net/EcosystemLibrary/FEPVolumeIV](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](mailto:Jaclyn.Daly@noaa.gov).

Sincerely,



/ for

Virginia M. Fay  
Assistant Regional Administrator  
Habitat Conservation Division

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