



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>

August 17, 2015

F/SER47: KH/pw

(Sent via Electronic Mail)

Col. Kevin P. Landers, Commander
U.S. Army Corps of Engineers, Wilmington District
69 Darlington Avenue
Wilmington, North Carolina 28403-1398

Attention: Tracey Wheeler

Dear Colonel Landers:

NOAA's National Marine Fisheries Service (NMFS) reviewed the email from the Wilmington District, dated August 4, 2015, and the application from the North Carolina Department of Transportation (NCDOT), dated July 14, 2015, for a permit to conduct soil borings at 45 sites within the proposed alignments for North Carolina Highway 12 Long Term Improvements (B-2500) Phase II B near Rodanthe in Dare County. The NCDOT has determined the proposed work is within areas designated essential fish habitat (EFH). 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 NCDOT is collecting subsurface information to design the foundation of the proposed bridge for the Phase II B portion of the NC Highway 12. The investigation would take place along the preferred alternatives -2014A- and -2014B- (Sound Alignments) and involve up to 25 Standard Penetration Test (SPT) borings and 20 Cone Penetration Test (CPT) borings. Forty borings would be in Pamlico Sound and five would occur in upland areas. Except for the borings in shallow water, NCDOT would collect the borings from a jack-up barge, and each boring would consist of turning or driving three-inch to eight-inch diameter steel casings into the Sound bottom. The NCDOT would remove the steel casings upon completing each boring. On land and in shallow water, NCDOT would collect the borings from a rubber-tired drill rig or low-ground pressure-tracked drill rig, respectively. The NCDOT has not proposed any borings in salt marsh. The NCDOT expects to complete all the borings by October 16, 2015.

Essential Fish Habitat in the Project Area

The site of the proposed project includes shallow estuarine bottom, estuarine emergent wetlands, and submerged aquatic vegetation (SAV). The SAFMC identifies shallow estuarine bottom and estuarine emergent wetlands as EFH for penaeid shrimp and estuarine-dependent species of the snapper grouper complex. The SAFMC also identifies SAV as a Habitat Area of Particular Concern (HAPC) for estuarine-dependent species of the snapper-grouper complex. HAPCs are a



subset of EFH that are rare, particularly susceptible to human-induced degradation, especially important ecologically, or located in an environmentally stressed area. The SAFMC identifies these areas as 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 for shrimp and snapper. The SAFMC provides additional information on EFH for federally managed species in Volume IV of the *Fishery Ecosystem Plan of the South Atlantic Region*¹.

Impacts to Essential Fish Habitat

The application indicates the disturbance from borings should be limited to within a two-foot radius of each boring location. Although the disturbance from each boring should be minimal, the NMFS has concerns regarding the impacts to shallow estuarine bottom and SAV in Pamlico Sound from use of barges and tracked drill rigs, and the permit application lacks an analysis of potential temporary or permanent impacts to SAV from the drilling equipment. There also is no information provided on specific locations and water depths where barges and tracked drill rigs would be used, and how barges and tracked drill rigs would be transported to boring locations.

EFH Conservation Recommendation

Section 305(B)(4)(A) of the Magnuson-Stevens Act requires NMFS to provide EFH Conservation Recommendations for any federal action or permit which may result in adverse impacts to EFH. Therefore, NMFS recommends the following to ensure the conservation of EFH and associated fishery resources:

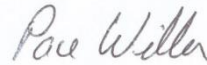
- The permit should not authorize permanent or temporary impacts to SAV habitat from the equipment used to perform the borings, including transport of the drilling equipment. Alternatively, the NMFS recommends NCDOT amend its permit application to include evaluations of potential temporary and permanent impacts to SAV from boring activities in Pamlico Sound. The amendment should include specific information regarding each type of drilling method (barge and tracked drill rig), where each method will be utilized (depth and location), and how the barges and rigs will be transported throughout the Sound. The amendment should also include specific avoidance and minimizations measures for impacts to shallow estuarine bottom and SAV in the Sound. Unavoidable impacts to SAV may require mitigation.

Section 305(b)(4)(B) of the Magnuson-Stevens Act and implementing regulation at 50 CFR Section 600.920(k) require the Wilmington 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 the 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 Wilmington District to avoid, mitigate, or offset the adverse impacts of the activity. If the response is inconsistent with the EFH conservation recommendation, a substantive discussion justifying the reasons for not following the recommendation must be provided.

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

Thank you for the opportunity to provide these comments. Please direct related questions or comments to the attention of Keith M. Hanson at our Charleston Area Office, 219 Fort Johnson Road, Charleston, South Carolina 29412-9110, Keith.Hanson@noaa.gov or by phone at (843)762-8622.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

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