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 10, 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: Debra King

Dear Colonel Luzzatto:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice 2015-00629-1W, dated August 26, 2015. Harbor Island Ocean Front Property Owners Group (Harbor Island POG) requests authorization from the Department of the Army to perform sand scraping within St. Helena Sound, Beaufort County, to protect residential properties and restore the eroded shoreline. No compensatory mitigation is proposed. The Charleston District's initial determination is the proposed dredging and 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.

Description of the Proposed Project
Notice drawings indicate Harbor Island POG proposes to scrape approximately 3,268 cubic yards of sand from 1.09 acres of a tidal inlet by digging two feet below grade using a frontend loader. The footprint of the scraping area would run parallel with the beach within the intertidal zone. The applicant would use the sand to create a dune and dry beach above the mean high water elevation (3.57 feet NGVD 29). Several of the properties to receive sand were constructed seaward of any natural protections, such as marsh or dunes, and one has a seawall surrounding it. The Harbor Island POG is requesting authorization to perform the project once a year for five years.

Essential Fish Habitat in the Project Area
The South Atlantic Fishery Management Council (SAFMC) identifies coastal inlets as a Habitat Area of Particular Concern (HAPC) for penaeid shrimp, including white shrimp (*Litopenaeus setiferus*) and brown shrimp (*Farfantepenaeus aztecus*), and estuarine-dependent species of the snapper-grouper complex. 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. The SAFMC provides additional information on EFH and its support of federally managed species in Volume IV of the *Fishery Ecosystem Plan of the South Atlantic Region*[1].

The waters of St. Helena Sound, 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

[1] Available at *safmc.net/EcosystemLibrary/FEPVolumeIV*.

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 proposed project would impact 3.09 acres of the inlet (1.09 acres at the scraping site and 2.0 acres at the fill site). Although the footprint is small, the cumulative, long-term impact from multiple projects is most concerning. Tidal inlets are migratory corridors linking spawning and nursery areas and many fishery species spawn or forage in the shoal complexes associated with inlets. In the spring, fisheries in their larval and post-larval life stage are ingressing from the ocean to the estuary. In the fall, juvenile and adult fish leave estuaries through the inlet and migrate along the coast. The benthic macro-invertebrate community (e.g., mole crabs, bivalve mollusks, amphipods, and polychaetes) that dominates the intertidal and subtidal zone represent the prey base for these fishes as well as shorebirds and predatory crabs. Sand scraping has the potential to decrease the forage value of the local habitat by directly removing animals from the dredge site and burying animals at the fill site. Data related to the duration of impacts from sand scraping are scant; however, based on beach nourishment projects using an offshore sand source, these communities are expected to recover within six months to two years. Repetitive work would consistently remove prey at the project location.

Avoidance and Minimization
The Harbor Island POG did not provide an alternatives analysis to the proposed project; however, NMFS believes project impacts can be further minimized. The proposed work constitutes a chronic impact to fish forage habitat for the life of the permit due to the proposed frequency of the work. To allow the benthic community to recover, NMFS has consistently recommended sand scraping be limited to no more than two times over a five year period and each project occur at no less than two year intervals (e.g., see comment letters for public notices 2010-1041-2IG and 2015-00515-3B).

Four of the properties proposed to receive sand currently have a wave dissipation system (WDS) installed in front of them as part of the Citadel's ongoing study examining the effectiveness of the system as a surrogate for sand bags. The study is permitted to last one year from date of installation. According to South Carolina Department of Health and Environmental Control (SCDHEC) permit, "sand must not be trucked to the site, scraped from the beach, or otherwise brought to the project site and must not be placed seaward or landward of the WDS for the duration of the study." The NMFS recommends the Charleston District contact SCDHEC to ensure the federal permit does not conflict with the earlier state permit.

EFH Conservation Recommendation

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

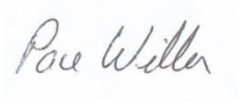
- The permit should not allow more than two sand scraping events over the life of the five-year permit and each event should be separated by a period of two or more years.

Section 305(b)(4)(B) of the Magnuson-Stevens Act and implementing regulation at 50 CFR Section 600.920(k) require the Charleston 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 Charleston 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 Charleston 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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