



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)

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

Attention: Ronnie Smith

Dear Colonel Landers:

NOAA's National Marine Fisheries Service (NMFS) has reviewed the regional conditions the U.S. Army Corps of Engineers (USACE) Wilmington District proposes for implementing the USACE Nationwide Permit (NWP) program in North Carolina. The USACE issues NWPs to authorize activities under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor Act of 1899. The NWPs are general permits issued on a nationwide basis, and reviewed every five years, to streamline authorization of activities that result in no more than minimal individual or cumulative adverse environmental effects. The NWPs authorize a wide variety of activities such as installation of mooring buoys, utility lines, and road crossings, as well as mining activities, wetland and stream restoration activities, and commercial shellfish aquaculture. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), requires federal action agencies to consult with the NMFS for any action they authorize, fund, or undertake that may adversely affect essential fish habitat (EFH). Staffs from the NMFS and USACE Wilmington District have collaborated in developing regional conditions to ensure any adverse environmental effects from authorized activities on EFH are no more than minimal, both individually and cumulatively in North Carolina.

The NMFS greatly appreciates the opportunity to collaborate with the Wilmington District in preparation for renewal of the NWPs. The NMFS believes that through review of NWPs, the regional conditions reflect the best scientific information available for strengthening protections for EFH and the environment. Also, the addition of two new NWPs, Low-head Dam Removal (#53) and Living Shorelines (#54), will enhance meaningful habitat conservation. Specifically, the permit for low-head dam removal will encourage water quality and stream restoration projects that seek to restore rivers to pre-dam conditions, including restoration of natural river flow, redistribution of sediments, and removal of impediments for fish migration. The benefits of low-head dam removal are substantial for both water quality, fish habitat, and aquatic ecosystems. Similarly, there are many benefits associated with permitting living shorelines when properly sited.

NOAA has invested significantly in tools and resources to strengthen the resilience of coastal ecosystems and decrease the vulnerability of communities to weather or climate-related hazards. The permit for living shorelines will provide coastal communities new alternatives to protect shorelines and reduce the threat of erosional damage caused by storms, wave energy, and sea level rise. For many reasons, the NMFS supports the use of living shorelines and bioengineered "soft" alternatives over hardened shorelines (e.g., bulkhead and seawall structures)¹. Most importantly, living shorelines maintain the

¹ National Oceanic and Atmospheric Administration. 2015. Guidance for considering the use of living shorelines,



continuity of the natural land-water interface and reduce erosion while providing habitat value and enhancing coastal resilience. The NMFS values the new permit for living shorelines and will recommend shoreline stabilization projects use the softest approach practicable, based on site conditions. This approach will provide the greatest opportunity for protection of our coastline and conservation and restoration of aquatic habitat.

The Wilmington District's revisions to the regional conditions should result in no more than minimal individual or cumulative adverse impacts from authorized projects. The NMFS worked with the Wilmington District to revise regional conditions for protection of submerged aquatic vegetation (SAV). North Carolina supports dynamic SAV habitats that range in extent from 134,000 to 200,000 acres². The South Atlantic Fishery Management Council (SAFMC) identifies SAV in estuarine waters as EFH for brown shrimp, pink shrimp, and white shrimp. The SAFMC also identifies SAV as a Habitat Area of Particular Concern (HAPC) for shrimp, gag, and gray snapper. 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 fish and shrimp concentrate in these habitats for feeding and refuge and experience high growth and survival rates when located in these habitats. The Wilmington District has revised its regional conditions to protect SAV from adverse impacts by requiring consultation with the NMFS if a project may adversely affect SAV.

Thank you for the opportunity to provide these comments on the re-authorization of the 2017 NWP and the regional conditions. Please direct related questions or comments to the attention of Dr. Ken Riley at our Beaufort Field Office, 101 Pivers Island Road, Beaufort, North Carolina 28516-9722, or at (252) 728-8750.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

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35pp. Accessed at: <http://www.habitat.noaa.gov/>

² North Carolina Department of Environmental Quality. 2016. North Carolina Coastal Habitat Protection Plan: Enhancing coastal fisheries through habitat protection and restoration, 487pp. Accessed at: <http://portal.ncdenr.org/web/mf/habitat/CHPP>