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
https://www.fisheries.noaa.gov/region/southeast

August 2, 2019 F/SER47:FR/pw

(Sent via Electronic Mail)

Colonel Robert J. Clark., Commander
U.S. Army Corps of Engineers Wilmington District
69 Darlington Avenue
Wilmington, North Carolina 28403-1398

Attention: Tyler Crumbley

Dear Colonel Clark:

NOAA's National Marine Fisheries Service (NMFS) reviewed the public notice for Action ID No. SAW-2019-01155 dated July 3, 2019. The Town of Sunset Beach is proposing to perform navigational dredging of Canals A-D, the Feeder Channel, Bay Area, and an area of South Jinks Creek on the east end of Sunset Beach with beneficial placement of sand on 1,600 linear feet of oceanfront beach in Sunset Beach, Brunswick County. As the nation's federal trustee for the conservation and management of marine, estuarine, and diadromous fishery resources, the NMFS provides the following comments pursuant to the authorities of the Fish and Wildlife Coordination Act and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

The project narrative states the proposed dredging would connect the Feeder Channel and the Finger Canals with the Bay Area via South Jinks Creek maintaining navigational corridors. The Finger Canals, Feeder Channel, Bay Area, and South Jinks Creek were dredged previously, and the current project does not exceed the original project footprint. The most recent maintenance dredging for the Finger Canals occurred in 2002, and the initial dredging of the Feeder Channel, Bay Area, and South Jinks Creek occurred in early 1970s. The applicant would use the bucket-to-barge method to remove approximately 10,700 cubic yards of material from the Finger Canals, in an area measuring 3,200 feet in length and 20 feet in width, and 22,000 cubic yards of material from the Feeder Channel, in an area measuring 3,500 feet in length and 30 to 40 feet in width. The applicant would remove an estimated 15,900 cubic yards of material from the Bay Area. The applicant will truck material to an upland disposal site. The dredging of South Jinks Creek will remove 40,500 cubic yards of material, which the applicant will place on the oceanfront beach. The total volume of dredge material is 89,100 cubic yards.

The Wilmington District's initial determination is the proposed dredging may adversely affect essential fish habitat (EFH) or associated fisheries managed by the South Atlantic Fishery management Council, Mid-Atlantic Fishery Management Council, or the NMFS. This determination is based upon the scale of impacts (18 acres of shallow subtidal soft bottom and 8.5 acres of intertidal beach habitat) and inclusions of dredging and beach fill components. No SAV is present in the project area. The State of North Carolina has not designated the project area as a Primary Nursery Area (PNA). The applicant provided an EFH Assessment with the application, which in summary predicted only short-term impacts to EFH from increases in turbidity, siltation, and noise during construction. According to the submitted Shellfish Survey Report, the proposed project may affect clams present in South Jinks Creek, however the applicant states that the existing oyster beds appear to be located outside of the dredge channels. Conservation measures submitted by the applicant include an environmental window of November 16

through April 30 for any given year for the dredging activities and beach placement. The application also states there would be a minimum buffer of ten feet from any coastal wetlands.

The NMFS staff attended several pre-application meetings and a site visit for this project. Initially, the Town of Sunset Beach proposed dredging all of Jinks Creek from the Atlantic Intracoastal Waterway to the ocean. Most of Jinks Creek has never been dredged. After the site visit, the NMFS requested a shellfish survey be conducted throughout Jinks Creek. During a meeting prior to receiving the results of the survey, the NMFS staff requested the applicant move any oysters that would be impacted by the dredging along with other mitigation.

Based on the shellfish survey, the applicant estimated there were approximately 50,000 oysters in Jinks Creek at a density of 1,131 oysters per acre. It was estimated that there would be direct impacts to approximately 13,000 oysters. Additionally, while not designated as a PNA, the NMFS and North Carolina Division of Marine Fisheries staff believe the area functions as one. The State of North Carolina did not designate the area as a PNA during the 1970s because the creek was a navigational route from the Atlantic Intracoastal Waterway to the Atlantic Ocean.

During the third pre-application meeting, the NMFS staff, with support from other resource agencies, recommended the Town eliminate the new dredging within the northern part of Jinks Creek and only apply for areas previously impacted. This would avoid disturbing some 393,800 square feet or 9.0 acres (including the side slopes) and removing about 100,000 cubic yards of material of undisturbed soft bottom/subtidal EFH. The NMFS staff informed the applicant that if they proceeded with the original application, substantial mitigation would be required.

Based on our review of the current application, the Town has accepted the NMFS recommendations to protect the northern portion of Jinks Creek. They have also proposed Conservation Measures listed above regarding dredging windows and a buffer around coastal wetlands. As a result, the NMFS offers no EFH recommendations at this time under the Magnuson-Stevens Act. If conditions change, the NMFS requests the District reinitiate EFH consultation.

Thank you for the opportunity to provide these comments. Please direct related questions or comments to the attention of Mr. Fritz Rohde at our Beaufort Field Office, 101 Pivers Island Road, Beaufort, North Carolina 28516-9722, or at (252) 838-0828.

Sincerely,

WILBER.THOMAS.PAYSON.1365820186 Digitally signed by WILBER.THOMAS.PAYSON.1365820186 Date: 2019.08.02 14:34:53 -04'00'

/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc: COE, Tyler.A.Crumbley@usace.army.mil
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