UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

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November 19, 2009 F/SER4:FR/pw

(Sent via Electronic Mail)

Colonel Jefferson Ryscavage
District Engineer, Wilmington District
Department of the Army, Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403-1343

Dear Colonel Ryscavage:

NOAA's National Marine Fisheries Service (NMFS) reviewed the request, dated October 8, 2009, for comments on the Reconnaissance Analysis, 905(b) report, for the proposed North Carolina International Terminal (NCIT) that would be located near Southport, NC. A reconnaissance analysis is an early step in the planning process for federal civil works projects, and a step that occurs before evaluation of project feasibility. As such, we offer general comments mostly limited to our responsibilities under the Fish and Wildlife Coordination Act and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Project Description
The District's announcement provides little information about the potential project other than that ships calling on NCIT would require access to the new port and the present federal navigation channel to be deepened. Additional details about the potential project are within the North Carolina International Terminal Infrastructure Report prepared for the North Carolina State Ports Authority by CH2M HILL in September 2008. That report indicates preliminary dredging estimates are 9,670,000 cubic yards (CY) in the berthing area; 13,040,000 CY for the access channel and turning basin; and 45,580,000 CY for the main channel; a total of 68,290,000 CY. It is unclear whether or not these estimates include the side slopes of the channels and berthing areas; hence proposed dredge volumes could be substantially higher. The navigation channel would vary from 600 feet wide and -55 feet deep offshore to 500 feet wide and -52.5 feet deep inshore. The report indicates the offshore portion of the channel could be aligned to avoid most, but not all, of the known rock outcroppings. A new channel section, referred to as the "Cut Thru," would be dredged inshore to avoid the current sharp turns in the navigation channel near Battery Island. Material in the berth and turning basin areas is soft silt. Although not described in the document (but shown on Figure 1-2), dredging of the berthing area would

impact approximately 90 acres of coastal wetlands. At present, no information is available on impacts that might result from port-related infrastructure, such as railways and access roads.

Essential Fish Habitat
The lower Cape Fear River estuary and adjacent Atlantic Ocean have been studied for decades by scientists from the University of North Carolina Wilmington (UNCW), the NC Division of Marine Fisheries (DMF), Progress Energy (as Carolina Power & Light or CP&L), and its consultants. The Wilmington District has also funded studies and reports in the area. Collectively, the studies document the importance of this area to many species and life stages of fish, crab, and shrimp. While it appears that no state designated Primary Nursery Areas (PNA) would be impacted by the proposed project, the shallow waters of the Cape Fear River and coastal marsh adjacent to port property out to Snows Marsh function as a PNA, especially for penaeid shrimp.

The South Atlantic Fishery Management Council (SAFMC) designates the rocky outcrops in the proposed offshore channel as a Habitat of Particular Concern (HAPC); SAFMC also designates tidal inlets, including their ebb and flood-tidal shoals, as an HAPC for penaeid shrimp. HAPCs are a subset of essential fish habitat (EFH) and afforded special recognition because of their ecological importance, rarity, or susceptibility to human-induced degradation. Tidal inlets have this designation because of the unique role they play as migratory corridors connecting ocean and estuarine waters that serve as spawning and nursery areas. It should be noted that areas in close proximity to the mouth of the Cape Fear River are state designated PNAs, which emphasizes this important linkage role for this particular inlet. Detailed information on the EFH requirements of species managed by SAFMC is provided in a comprehensive amendment to the fishery management plans; SAFMC prepared that amendment in 1998. The area also includes waters which the Mid-Atlantic Fishery Management Council (MAFMC) designates as EFH for summer flounder, butterfish, and bluefish. Detailed information about the EFH requirements of species managed by MAFMC are included in separate amendments to individual fishery management plans.

Impacts to EFH would likely be significant with over 68,000,000 CY of dredging, much of it new and through intertidal and shallow subtidal soft bottom habitat, destruction of rocky outcrops and approximately 90 acres of coastal wetlands, plus the likelihood that ship docking and turning basin actions will negatively affect the wetlands of nearby Snow's Marsh. To help assess the significance of these potential impacts and to develop mitigative measures, NMFS recommends the Wilmington District prepare an expended EFH Assessment (50 CFR 600.920(e)(4)). This assessment could be a standalone document or included with the environmental reports that would be required by the National Environmental Policy Act (NEPA). NMFS also recommends the Wilmington District invite NMFS and other agencies with specialized expertise germane to the project to serve as cooperating agencies in the development of the Environmental Impact Statement. This invitation should be extended soon so that NMFS may assist the Wilmington District to fully assess the scope of the project impacts in a manner that would allow a complete feasibility assessment.

Protected Resources
Shortnose sturgeon, which is listed as endangered pursuant to the Endangered Species Act, is known to be present in low numbers in the Cape Fear River; Atlantic sturgeon is more abundant. The Carolina Distinct Population Segment of Atlantic sturgeon has been proposed for federal listing either as threatened or endangered. It has been documented in other coastal rivers that ships strike sturgeon, particularly large adults, and there are anecdotal accounts of this occurring in the Cape Fear River. Consultation with NMFS Protected Resources Division is recommended.

Thank you for this opportunity to provide comments. Related questions or comments should be directed to the attention of Mr. Fritz Rohde at our Beaufort Field Office, 101 Pivers Island Road, Beaufort, North Carolina 28516-922 or at (252) 838-0828.

Sincerely,

/ for

Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

cc:

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