



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

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January 9, 2012

F/SER4:FR/pw

(Sent via electronic mail)

Colonel Steven A. Baker, Commander
US Army Corps of Engineers Wilmington District
69 Darlington Avenue
Wilmington, North Carolina 28403-1398

Attention: William Wescott

Dear Colonel Baker:

NOAA's National Marine Fisheries Service (NMFS) has reviewed the Public Notice (PN) dated December 1, 2011, concerning the application from Martin Marietta Materials to develop a crushed stone operation to supply aggregate material to the construction industry (Corps Action ID # SAW-2011-02235). The applicant proposes to develop a 649-acre, open-pit aggregate mine within a 1,664-acre site located on the Beaufort/Craven County line. Total impacts, according to the PN, include 6.69 acres of jurisdictional non-riparian wetlands and 58,671 linear feet of jurisdictional man-made ditches. The Wilmington District's initial determination is the proposed project would not adversely impact essential fish habitat (EFH) or associated federally managed fisheries. As the nation's federal trustee for the conservation and management of marine, estuarine, and anadromous fishery resources, the following comments are provided pursuant to authorities of the Fish and Wildlife Coordination Act and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

The PN does not discuss the potential adverse impacts from the proposed project to Blounts Creek and its aquatic community. Up to 12 million gallons per day (mgd) of water from dewatering of the mine would eventually be discharged into the creek's upper tributaries. Blounts Creek is a brackish system, which makes the creek EFH for bluefish and flounder that have been documented in the creek (K. Hart, NC Division of Marine Fisheries personal communication). In addition, Blounts Creek has been designated an Anadromous Fish Spawning Area by the NC Wildlife Resources Commission, and anadromous fishes of interest to NMFS have been documented using the creek for spawning as well for as a nursery area. During a site visit to Blounts Creek at the NC 33 crossing on January 5, 2012, a NMFS biologist observed minimal flow in the creek. In addition to altering the creek's salinity regime, injecting up to 12 mgd has the potential to scour the creek substrate or erode the banks, thus increasing sedimentation and turbidity.

EFH Conservation Recommendations

Because of the probable impacts to EFH in Blounts Creek from water discharges associated with the production of aggregate material, NMFS recommends a detailed EFH assessment be prepared in accordance with 50 CFR Section 600.920(3)(4). Based on the information provided thus far, NMFS finds the project would have adverse impacts on EFH. Section 305(b)(4)(A) of the Magnuson-Stevens Act requires NMFS to provide EFH conservation recommendations when an activity is expected to adversely



impact EFH. Based on this requirement, NMFS provides the following:

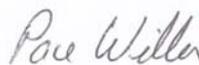
EFH Conservation Recommendation

A decision to authorize this project shall be held in abeyance until NMFS has an opportunity to review a detailed EFH assessment. Based on that assessment, we may elect to provide additional EFH conservation recommendations.

Section 305(b)(4)(B) of the Magnuson-Stevens Act and implementing regulation at 50 CFR Section 600.920(k) require your office 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, in accordance with our “findings” with your Regulatory Functions Branch, an interim response should be provided to NMFS. A detailed response then must be provided prior to final approval of the action. Your detailed response must include a description of measures proposed by your agency to avoid, mitigate, or offset the adverse impacts of the activity. If your response is inconsistent with our EFH Conservation Recommendation, you must provide a substantive discussion justifying the reasons for not following the recommendation.

Thank you for the opportunity to provide these 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 28516-9722, or at (252) 838-0828.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc:

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