

Appendix B
USFWS ESA Consultation



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, CHARLESTON DISTRICT
69A HAGOOD AVENUE
CHARLESTON, SOUTH CAROLINA 29403-5107

November 16, 2022

Thomas McCoy
Ecological Services, South Carolina Field Office
U.S. Fish and Wildlife Service
176 Croghan Spur Road, Suite 200
Charleston, SC 29407

Dear Thomas McCoy:

In accordance with Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 USC 1531), and 50 CFR 402.13 (Informal consultation), the U.S. Army Corps of Engineers, Charleston District (USACE) seeks concurrence regarding determinations made for potential effects to federally designated threatened and endangered species as a result of federal action involving maintenance dredging of the Town Creek Federal Navigation Channel (TCFNC). USACE made determinations of may affect, but not likely to adversely affect for the following species: piping plover (*Charadrius melodus*), red knot (*Calidris canutus*), seabeach amaranth (*Amaranthus pumilis*), West Indian manatee (*Trichechus manatus*), green sea turtle (*Chelonia mydas*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), leatherback sea turtle (*Dermochelys coriacea*) and loggerhead sea turtle (*Caretta caretta*). A may affect, not likely to adversely affect determination was also made for federally designated or proposed habitat for piping plover, red knot, and loggerhead sea turtle. USACE has also determined that further consideration under the Marine Mammals Protection Act of 1972 (16 USC 1371, et seq) is not required.

Description of Federal Action

The TCFNC project was originally authorized under Section 107 of the River and Harbor Act of 1960, as amended, which provides for the development of small navigation projects not specifically authorized by Congress. An Environmental Impact Statement (EIS) was developed in 1973 and the project construction was completed in 1975. The TCFNC consists of an entrance channel from the ocean bar to the mouth of Five Fathom Creek designed at 12' in depth at mean low water (MLW) and 100' width. A navigation channel 10' deep and 80' wide extends beyond the entrance channel an additional 6.2 miles from the mouth of Five Fathom Creek, through Town Creek, to the Atlantic Intracoastal Waterway (AIWW).

Since completion of the original construction, maintenance dredging of Town Creek and the entrance channel have been conducted periodically, and in 1989, hurricane damages significantly eroded the southern stretch of the inlet. In response, USACE designated a realignment area using the previous authorities and established a more direct two-mile entrance channel. The entrance channel has been maintained with sidecast dredging and was most recently dredged in 2016. Hydrographic surveys conducted in 2022 indicate that several feet of shoaling is present in the entrance channel and requires dredging to maintain navigation into the TCFNC.

USACE is currently evaluating alternative actions to accomplish maintaining navigation in the TCFNC in an Environmental Assessment. The proposed action includes use of a special-use hopper dredge to excavate up to 190,000 yd³ of material dredged from approximately 10 acres of the entrance channel, and transport and placement of dredged material nearshore along Lighthouse Island within Cape Romain National Wildlife Refuge (Figure 1). Excavation would consist of 2.5 ac/30,000 y³ of beach-quality sand from the inner shoal, 3.2 ac/100,000 y³ from the outer shoal, and 4.5 ac/60,000 y³ from the advanced maintenance area. The proposed volume of dredged material would restore the channel to navigation depth of 12' plus an additional 2' of allowable over depth (allowable over depth accounts for variability in the dredging process). It would also allow for restoring depth of the advanced maintenance area adjacent to the inner shoal.

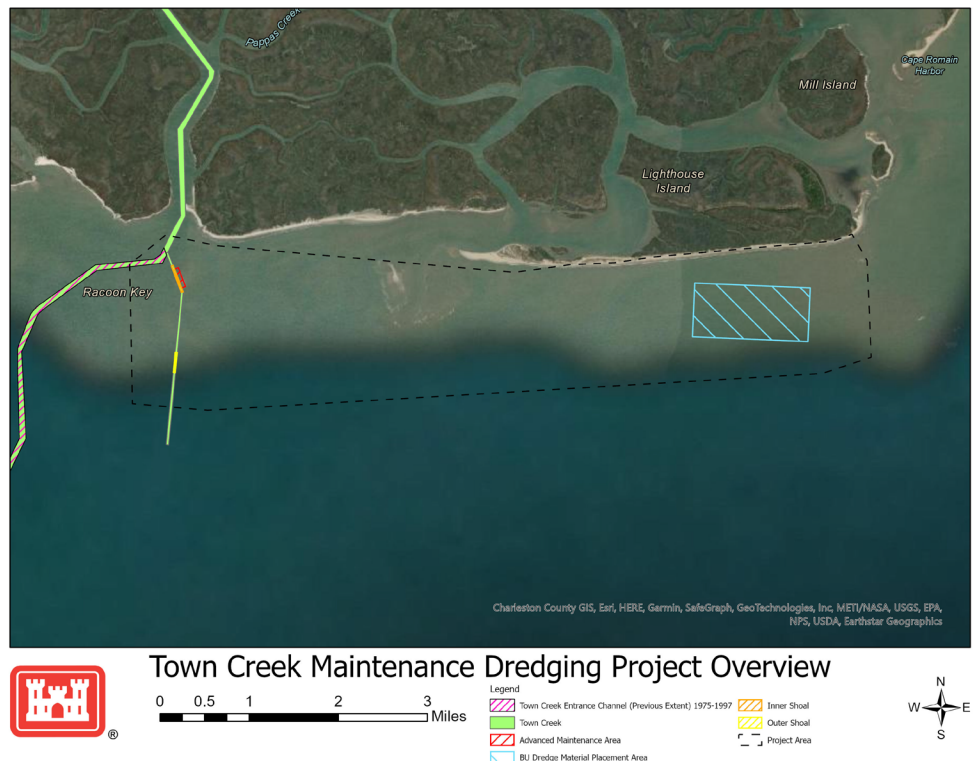


Figure 1. Scope of Town Creek maintenance dredging proposed project area

Initial project operations are projected to begin as soon as 1 March 2023 and to be completed in approximately 45 days. The special-use hopper dredge to be used has a total capacity of approximately 350 y³ of dredged material which will be transported in-vessel to the outlined placement area and deposited through the hopper doors directly to the seafloor in a mounded formation from about 13' MLW. Mounds are expected to be approximately 3-4' in height above the seafloor. Depending on operating conditions, approximately seven to ten deposits can be made per workday as operations are planned to be conducted only during daylight hours.

The rate at which shoaling within the entrance channel occurs will determine the length of required maintenance cycles. Maintenance of the entrance channel is expected to occur in cycles of 3-5 years depending on the availability of funds. The rate of shoaling may be affected by the occurrence of adverse climatic events such as hurricanes and tropical storms, or other factors such as traffic volume in the navigation channel. The area identified for placement of dredge material is large enough to allow for several dredging cycles with no significant compounding effects expected. Deposited material from each cycle is expected to be naturally displaced and form a sandy layer over a broader area, with some sand being incorporated into the nearby beach.

Species Assessment and Effect Determination

On 10 November 2022, USACE obtained a comprehensive list of threatened and endangered species occurring in the project area from U.S. Fish & Wildlife Service (FWS). The list includes 16 species and 8 critical habitat designations (Table 1).

Table 1 List of federally designated threatened and endangered species under ESA present in project area as determined by FWS

Species	Listing ¹	Critical Habitat ²	Species Determination ³	Critical Habitat Determination ³
Frosted Flatwoods Salamander	T	F	NE	NE
Bachman's Warbler	E	N	NE	-
Eastern Black Rail	T	N	NE	-
Piping Plover	T	F	MANLAA	MANLAA
Red Knot	T	P	MANLAA	MANLAA
Red-cockaded Woodpecker	E	N	NE	-
American Chaffseed	E	N	NE	-
Canby's Dropwort	E	N	NE	-
Pondberry	E	N	NE	-
Seabeach Amaranth	T	N	MANLAA	-
Northern Long-eared Bat	T	N	NE	-
West Indian Manatee	T	F	MANLAA	NE
Green Sea Turtle	T	F	MANLAA	NE
Kemp's Ridley Sea Turtle	E	P	MANLAA	NE
Leatherback Sea Turtle	E	F	MANLAA	NE
Loggerhead Sea Turtle	T	F	MANLAA	MANLAA

¹Species are designated as either "T" if listed threatened or "E" if listed as endangered

²Critical Habitat are designated as either "N" for none, "P" for proposed, or "F" for final

³Determinations are designated as either "NE" for no effect or "MANLAA" for may affect but not likely to adversely affect.

Upon review, USACE made determinations of may affect, but not likely to adversely affect for the following species: piping plover (*Charadrius melodus*), red knot (*Calidris canutus*), seabeach amaranth (*Amaranthus pumilis*), West Indian manatee (*Trichechus manatus*), green sea turtle (*Chelonia mydas*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), leatherback sea turtle (*Dermochelys coriacea*) and loggerhead sea turtle (*Caretta caretta*). A no effect determination was made for all other listed species under consideration.

Piping Plover and Red Knot:

The extent of potential impact from placement of dredge material falls within federally designated or federally proposed critical habitat for these species. Cyclic placement of the estimated nearshore dredge material may potentially result in some increase in the total area of shoreline and/or tidal flats in the area through time as wave action and tidal flow displace sand mounds. This net increase in sandy sediment to shoreline habitat should improve habitat quality/quantity and have a beneficial impact to these species and critical habitat.

Seabeach Amaranth:

Cyclic placement of dredge material may potentially result in some increase in the total area of shoreline and/or tidal flats in the area through time as wave action and tidal flow displace sand mounds. This net increase in sandy sediment to shoreline habitat should improve habitat quality/quantity and have a beneficial impact to this species.

West Indian Manatee:

Operation of special-use hopper dredge in the waters throughout the project area may adversely affect manatees that occur in the area through collision or entanglement. However, USACE will implement *Standard Manatee Construction Conditions*, as recommended by FWS, thereby reducing any potential impacts to discountable and insignificant levels. Project area does not fall within any critical habitat for West Indian Manatee.

Green/Kemp's Ridley/Leatherback/Loggerhead Sea Turtles:

The extent of potential impact from placement of dredge material falls within federally designated critical habitat for the loggerhead sea turtle. Cyclic placement of the of dredge material may potentially result in some increase in the total area of shoreline and/or tidal flats in the area through time as wave action and tidal flow displace sand mounds. This net increase in sandy sediment to shoreline habitat should improve habitat quality/quantity and have a beneficial impact to these species and critical habitat.

Summary

USACE has determined that the proposed federal action for the TCFNC may affect, but is not likely to adversely affect, the aforementioned species and, where applicable, their critical habitats. The proposed federal action will have no effect on the remaining species in Table 1.

In accordance with Section 7 of the ESA, USACE requests concurrence with the above determinations. Please provide your response and/or comments within 60 calendar days of receipt of this letter.

Sincerely,

Nancy Parrish

Nancy Parrish
Chief, Planning and Environmental Branch

Brown, Niko R CIV USARMY CESAC (USA)

From: Chaplin, Melissa <melissa_chaplin@fws.gov>
Sent: Thursday, December 15, 2022 12:43 PM
To: Brown, Niko R CIV USARMY CESAC (USA)
Cc: Charleston Regulatory, FW4; Dawsey, Sarah; Stacie Crowe; Michelle Pate
Subject: [Non-DoD Source] Town Creek Channel Maintenance

Hi Niko,

The Service concurs with the Corps' determination for the species and critical habitat determinations of MANLAA in Table 1 on page 4 of your November 16, 2022, letter requesting concurrence. This project involves in-water work only. As you know, the Service and NMFS share jurisdiction of federally-listed sea turtles. The Service has jurisdiction of sea turtles when they are out of the water on their nesting beaches and NMFS has jurisdiction of sea turtles when they are in the water. Although the in-water work is outside of our jurisdiction and we concur with your agency's determinations on sea turtles when they are on their nesting beaches adjacent to the project area, we do have concerns about dredging occurring within waters of the Cape Romain National Wildlife Refuge (NWR) between April 1 and October 31. Cape Romain NWR has the highest density of loggerhead sea turtle nesting north of Florida. These individuals are part of the Northern Recovery Unit of the Northwest Atlantic Distinct Population Segment (DPS). We recommend that the dredging contract specify that work must be completed between November 1 and March 31.

Thanks,

Melissa

Melissa K. Chaplin
Endangered Species Biologist/Recovery Team Lead
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<https://www.fws.gov/office/south-carolina-ecological-services>

Work Schedule:
M-F 7:30 AM - 4 PM

