

SCDOT Essential Fish Habitat Assessment Process

In accordance with Magnuson-Stevens Fishery Conservation and Management Act, Federal agencies (e.g., FHWA) must consult with NMFS on all projects that may adversely affect Essential Fish Habitat (EFH). EFH is present within all tidally influenced waters (salt or tidal fresh) within South Carolina's 8 coastal counties.

If there are adverse impacts to EFH from a proposed project, the EFH Survey Template form must be filled out during the NEPA phase.

1. The EFH Survey Template form should include the following:
 - a) Beginning and End Project Coordinates (lat/long: decimal degrees)
 - b) Concise description of the proposed action including:
 - Alignment, approaches, stabilizing walls, etc.
 - Possible construction access methods
 - Existing impacts to be removed (e.g., removal of existing fill from marsh)
 - c) An analysis of the action on EFH and managed species including:
 - Quantities and type of impacts to each EFH type (including pillars).
 - Description of quality of affected EFH in accordance with Corps' SOP categories for existing conditions.
 - d) Permit type (GP, NWP#, IP)
 - e) Avoidance, Minimization and Mitigation Measures including:
 - Design efforts to minimize impacts to EFH (e.g., reduced slopes, vegetated buffers, etc.)
 - BMPs (see attached list)
 - Limits to in-water work. To the extent practical, it is ideal to perform in-water work during low biological productivity period (typically November to March).
 - f) Proposed Mitigation: final credit calculations not needed but value assigned to each category in SOP should be identified.
 - g) Any monitoring plans.
 - h) Attach a location map in kmz format, bridge profile, and preliminary plans to template form.
 - i) Since EFH consultation is a federal process, a disclosure that SCDOT is acting on behalf of FHWA.
2. The EFH Survey Template and attachments will serve as the EFH Assessment and initial coordination between FHWA, SCDOT, and NOAA-NMFS for all projects that qualify for the GP or NWP. Additional information may or may not be requested by NOAA-NMFS during the review period. All correspondence between SCDOT and NOAA-NMFS during this and any subsequent review periods will be included in the pre-construction notification (PCN) to the Corps.

3. For projects that require an IP, the EFH Survey Template may serve as pre-application coordination with NOAA/NMFS. In accordance with EFH regulations, the level of detail in an EFH Assessment should be commensurate with the complexity and magnitude of the potential adverse effects of the action. Typically, projects that require an IP will need a more detailed EFH Assessment document than that allowed for through the survey template; however, NMFS may accept the EFH Survey Template to serve as the EFH Assessment on a case-by-case basis.
4. SCDOT EMO will submit a completed EFH Survey Template and attachments to NOAA -NMFS (Jaclyn Daly-Fuchs, Jaclyn.Daly@noaa.gov) and copy FHWA (Shane Belcher, Jeffrey.Belcher@dot.gov) through email with a “review by” date (no less than 15 days). The appropriate project manager at the Corps will also be copied on all correspondence.
5. SCDOT will consult with NOAA-NMFS if there are any design changes that result in greater impacts to EFH that were not disclosed during the EFH consultation.
6. SCDOT will send NOAA-NMFS an annual spreadsheet (by January 30 each year) documenting completed projects with impacts to EFH that includes: anticipated acreage impacts, final acreage impacts, type of permit, any monitoring plans, commitments specific to EFH, and final mitigation plan.
7. This process will be valid from the concurrence date by NOAA-NMFS, Atlantic Branch Office. The terms of this consultation process will remain in effect until a new USACE 404 GP is in place. Once a new GP is approved the EFH consultation process will be evaluated for renewal by FHWA, SCDOT, and NOAA-NMFS. If all parties agree to amend the consultation process prior to a new approved GP, a revised concurrence agreement will be drafted for approval by NOAA-NMFS.

I concur in the above EFH consultation process.



Signed: _____

Date: November 10, 2014

NOAA-NMFS, Atlantic Branch Supervisor