# SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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September 18, 2008

Mr. Henry Wicker
U. S. Army Corps of Engineers
Wilmington District Regulatory Field Office
P. O. Box 1890
Wilmington, North Carolina 28402-1890

Regarding: Action ID # SAW-2007-00073, Carolina Cement Company (Titan America), Castle Hayne Project, New Hanover County. North Carolina

Dear Mr. Wicker:

The South Atlantic Fishery Management Council (SAFMC) offers the following comments on the subject Public Notice (PN), dated June 6, 2008. These comments are based on a briefing of the proposed project provided by the USFWS Southeast Regional Office and the Council's approved Habitat Plan (SAFMC, 1998a) and habitat policies. The applicant, Carolinas Cement Company (a subsidiary of Titan America), has applied for a Department of the Army (DA) permit to construct a cement manufacturing plant and operate a quarry for limestone and marl in an area east of the Town of Castle Hayne along the southern bank of the Northeast Cape Fear River.

The U.S. Army Corps of Engineers, Wilmington District (Corps) has determined that an Environmental Impact Statement (EIS) will be prepared for the project. The Council is very supportive of that determination and encourages the Corps to require objective analysis of all reasonable alternatives in addition to that preferred by the applicant.

The only alternative for the proposed quarry and cement plant mentioned in the Public Notice would be located east of Castle Hayne in New Hanover County, North Carolina. The proposed project would be located on an approximately 1,868-acre site on Ideal Cement Road approximately 2 .6 miles east of Interstate 40 and north of Holly Shelter Road. The proposed site is bordered on the north by the Northeast Cape Fear River, a blackwater river which is a major, undammed tributary to the Cape Fear River. The eastern boundary is formed by Island Creek. The site alternative includes undeveloped forested wetlands, some of which are tidal, an existing aggregate quarry pit currently operated by Martin Marietta Materials, and an inactive cement manufacturing plant, formerly operated by Ideal Cement. The applicant proposes to eliminate

via mining approximately 493 acres of wetlands, including 294 acres of tidal forested wetlands. The Council believes that permitting the direct mining of forested wetlands would set a highly undesirable precedent and strongly encourages the applicant to consider less damaging alternatives.

Because of the juxtaposition of oceanic saline, mesohaline and oligohaline conditions coupled with the highest diurnal tidal range of any North Carolina estuary, the Cape Fear River estuary, including the tidal portion of the Northeast Cape Fear River, has high fish species diversity, with in excess of 250 species documented from 88 families (Schwartz et al. 1982). More recent data are available in reports of the Lower Cape Fear River Program located at <http://www.uncwil.edtr/cmsr/aquaticecology/LCFRP/reports.htm> and the reports by Hackney et al. (2008) regarding monitoring of potential increased tidal ranges in the Cape Fear River ecosystem due to Wilmington Harbor deepening, available at <http://www.saw.usace.army.mil/wilmington-harbor/main.htm>. The Council believes an ecosystem with so many distinct ecological features merits the highest level of conservation measures to ensure its future sustainability.

The Northeast Cape Fear River is designated as a primary nursery area (PNA) by the North Carolina Division of Marine Fisheries (NCDMF). A PNA is a designated area in an estuarine system where initial postlarval development takes place. These areas are usually located in the uppermost sections of a system where populations are predominantly very early juveniles. The Council has designated primary nursery areas in North Carolina including the Northeast Cape Fear River and associated riverine wetlands as an Essential Fish Habitat- Habitat Area of Particular Concern (EFH-HAPC) (see the Council's Habitat Plan, SAFMC 1998). The tidally influenced reaches of the Northeast Cape Fear River support estuarine dependent species such as gag grouper (*Mycteroperca microlepis*), Spanish mackerel (*Scomberomorus maculates*), red drum (*Sciaenops ocellatus*), flounder (*Paralichthys* spp.), and various shrimp species (e.g., *Penaeus* spp.) as well as a number of anadromous species such as American and hickory shad (*Alosa sapidissima* and *A. mediocris*), Atlantic sturgeon (*Acipenser oxyrinchus*) blueback herring (*Alosa aestivalis*), striped bass (*Morone saxatilis*),and the federally-listed endangered shortnose sturgeon (*Acipenser brevirostrum*). Another species dependant on these systems that also serve as prey to managed species includes Menhaden (*Brevoortia tyrannus*).

The applicant and the Corps should undertake a thorough assessment of the threats to EFH that would result from the selection of the Castle Hayne alternative site. Furthermore, there should be a thorough evaluation of the cumulative impact of other existing and future proposed threats to EFH in coastal North Carolina. In this regard, the applicant and Corps may find it useful to review and reference Collins et al. (2000).

Thank you for the opportunity to provide comments on this project. Please direct questions or comments to Roger Pugliese (Roger.Pugliese@safmc.net) at the SAFMC office, (843) 571-4366.

Sincerely,

Duane Harris

Duane Harris
Chairman

cc: (via electronic mail)
Council Members and Staff
Habitat Advisory Panel
Phil Steele and Joe Kimmel, NMFS SERO
Monica Smit-Brunello, NOAA GC
Tom Jamir, NMFS SEFSC

**References**

Collins, M. R., S.G. Rogers, T. I. J. Smith and M. L. Moser. 2000. Primary factors affecting sturgeon populations in the southeastern United States: fishing mortality and degradation of essential habitats. Bulletin of Marine Science6 6(3):917-928.

Hackney, C. T., M. Posey, L. A. Leonard, T. Alphin, G. B. Avery, Jr. and D. M.DuMond. 2008. Monitoring effect of a potential increased tidal range in the Cape Fear River ecosystem due to deepening Wilmington Harbor, North Carolina, Year 7: June1 ,2006-May 3, 2007. U.S. Army Corps of Engineers, Wilmington District, Wilmington, North Carolina. Contract No. DACW 54-02-0009. 465 pp.

Schwartz, F .J.,W .T. Hogarth and M .P. Weinstein. 1982. Marine and freshwater fishes of the Cape Fear River Estuary, North Carolina, and their distribution in relation to environmental factors. Brimleyana7 : I7 -37.

SAFMC (South Atlantic Fishery Management Council). 1998a. Habitat Plan for the South Atlantic Region. South Atlantic Fishery Management Council, 1 Southpark Cir., Ste 306, Charleston, S.C. 29407-4699 [http://www.safmc.net/ecosystem/EcosystemManagement/HabitatProtection/SAFMCHabitatPlan/tabid/80/Default.aspx]

SAFMC (South Atlantic Fishery Management Council). 1998b. Comprehensive Amendment Addressing Essential Fish Habitat in Fishery Management Plans of the South Atlantic Region. South Atlantic Fishery Management Council, 1 Southpark Cir., Suite 306, Charleston, S.C. 29407-4699. [http://www.safmc.net/ecosystem/EcosystemManagement/HabitatProtection/SAFMCHabitatPlan/tabid/80/Default.aspx]