



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

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St. Petersburg, Florida 33701-5505

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F/SER31:EGH

Ms. Siobhan O. Gordon, Biologist
South Carolina Department of Transportation
P.O. Box 191
Columbia, South Carolina 29202-0191

FEB 19 2013

Re: Reinitiation of ESA Consultation for Atlantic Sturgeon, Wando River bridge replacement, Berkeley and Charleston Counties (SCDOT PIN 32098)

Dear Ms. Gordon:

This responds to your November 7, 2012, letter and October 2012 addendum to the April 2008 Natural Resources Technical Report submitted by the South Carolina Department of Transportation (SCDOT) for the SC-41 bridge replacement over the Wando River. SCDOT requests Endangered Species Act (ESA) Section 7 informal consultation on the Wando River bridge replacement project due to the recent listing of Atlantic sturgeon, *Acipenser oxyrinchus oxyrinchus*, under the ESA. We previously conducted and concluded informal ESA consultation¹ pursuant to Section 7 of the ESA with SCDOT on this proposed action on December 2, 2010, determining that the action proposed was not likely to adversely affect shortnose sturgeon or any other species under National Marine Fisheries Service (NMFS) purview. The results of that consultation are incorporated herein by reference. On April 6, 2012, Atlantic sturgeon were listed under the ESA, triggering SCDOT's request. You concluded that the proposed action is not likely to adversely affect Atlantic sturgeon. Consultation is being conducted with SCDOT, the non-federal representative designated by the U.S. Federal Highway Administration (FHWA) pursuant to 50 CFR 402.08.

SCDOT proposes to replace the existing SC-41 moveable-span bridge over the Wando River. The current bridge is 1,690 feet long and approximately 24 feet wide and has been deemed structurally deficient and functionally obsolete. It will be replaced with a 2,100-foot-long, single-leaf bascule, moveable span bridge with a vertical clearance of approximately 14 feet in the closed position. One bascule counterweight housing (approximately 60 by 95 feet) will be constructed as part of the new bridge. The replacement of the bridge will involve the installation of thirteen concrete substructure units supported on concrete drilled shafts. In-water construction activities will be limited to construction of the concrete drilled shafts. Construction of drilled shafts in water consists of the installation of a steel casing (cylindrical in shape) to a specific depth below the river bottom and then drilling out the soil within the casing to some depth below the bottom of the casing. Reinforcing steel cages will then be lowered inside the casings, and concrete will be placed to fill the casings. Often, some sort of drilling fluid is required to maintain the stability of the excavation's sidewalls prior to the placement of concrete. All drilling spoils and drilling fluid will be removed, barged off-site, and disposed of in an approved upland disposal location. The existing bridge is proposed to be removed after completion of the replacement bridge. The replacement bridge construction will be accomplished from uplands or barge-mounted equipment and will take approximately 24 months to complete, beginning in late 2012.

¹ NMFS PCTS No. I/SER/2010/04938.



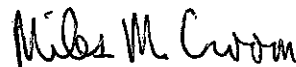
SCDOT will implement a seasonal moratorium between January and mid-April for all project in-water work to prevent adverse impacts to sturgeon that may be present (shortnose and Atlantic), and will use applicable best management practices year-round in order to preserve water quality at the project site. Equipment and materials associated with the construction of the bridge may need to remain idle in-place within the steel casings during the seasonal moratorium for all in-water work, but will not obstruct or impede passage through more than 50 percent of the channel.

NMFS concurs with SCDOT's conclusions that the project is not likely to adversely affect Atlantic sturgeon. The project area on the Wando River is about 10 miles upstream of the confluence with the Cooper River and Charleston Harbor, the location of the freshwater-saltwater interface. Atlantic (and shortnose) sturgeon are known to inhabit the nearby Cooper River that eventually flows into Charleston Harbor. According to your enclosed biological assessment, the Cooper River supports a small population of adult Atlantic sturgeon, but successful reproduction in the Cooper River has not been confirmed, and no occurrence of Atlantic sturgeon has been documented within five miles of the project study area. South Carolina Department of Natural Resources' sturgeon researcher Dr. Bill Post informed NMFS that no sturgeons (either shortnose or Atlantics) have been tracked into the Wando River, despite acoustic arrays having been deployed in Charleston Harbor, the Ashley River, the Cooper River, and two receivers deployed leading up to the entrance to the Wando River, since the arrays were deployed in 2010. He stated that he doubted that Atlantic sturgeon would be located as far upriver as the project site (B. Post, December 6, 2012, pers. comm. to E. Hawk). He opined that if Atlantic sturgeon were present in the project area, it would likely be between January and mid-April. Therefore, given the special provisions and in-water work moratorium required (and previously established for shortnose sturgeon) by SCDOT, and after conferring with Dr. Post, NMFS concludes that all potential effects of the proposed bridge replacement on Atlantic sturgeon in the Wando River project area are discountable.

This concludes your consultation responsibilities under the ESA for species under NMFS' purview. Consultation must be reinitiated if a take occurs or new information reveals effects of the action not previously considered, or the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat in a manner or to an extent not previously considered, or if a new species is listed or critical habitat designated that may be affected by the identification action.

If you have any questions, please contact Eric Hawk, ESA Section 7 Coordinator, at (727) 551-5773 or by e-mail at Eric.Hawk@noaa.gov. Thank you for your continued cooperation in the conservation of listed species.

Sincerely,



for Roy E. Crabtree, Ph.D.
Regional Administrator

cc: Patrick Tyndall – FHWA

File: 1514-22.L.2.SCDOT

Ref: SER-2012-9273

I/SER/2010/04938