

FINDING OF NO SIGNIFICANT IMPACT

Brunswick Harbor Modifications and Operations and Maintenance, Glynn County, Georgia Integrated Feasibility Report and Environmental Assessment

The U.S. Army Corps of Engineers, Savannah District (Corps) has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The final Integrated Feasibility Report and Environmental Assessment (IFR/EA) dated January 2022, for the Brunswick Harbor Navigation Project Modifications Study and Harbor Dredging Operations and Maintenance, Glynn County, Georgia, addresses navigational improvement opportunities and feasibility in Brunswick Harbor, Glynn County, Georgia. This IFR/EA also addresses alternatives for operations and maintenance (O&M) of the existing Brunswick Harbor, Georgia Project, as well as for additional O&M that would result from the modifications, consistent with the 2020 South Atlantic Regional Biological Opinion (SARBO) for Dredging and Material Placement Activities in the Southeast United States. The final recommendation for the modification is contained in the report of the Chief of Engineers, dated March 11, 2022, and the final recommendation for the O&M is contained in the IFR/EA.

The Final IFR/EA, incorporated herein by reference, evaluated various alternatives that would reduce transportation inefficiencies and associated increased costs experienced by the largest ship type utilizing Brunswick Harbor. It also includes O&M to the existing project and modifications. Alternative 8, the recommended plan, is the National Economic Development (NED) Plan and includes:

- Expansion of the Cedar Hammock Range bend widener located between stations 20+300 to 23+300. The bend widener will be expanded by a maximum of 321 feet on the north side and to a length of approximately 2,700 feet. The bend widener will be dredged to a depth of -38 feet Mean Lower Low Water (MLLW) (-36 feet MLLW plus 2 feet of allowable over depth dredging). The bend widener will result in approximately 205,000 cubic yards of dredged material.
- Expansion of the turning basin at Colonel's Island Terminal along approximately 4,100 feet, which will increase the width by a maximum of 395 feet along South Brunswick River from stations 0+900 to 5+300 and to a depth of -38 feet MLLW (-36 feet MLLW plus 2 feet of allowable over depth dredging). The turning basin expansion will result in approximately 346,000 cubic yards of dredged material.
- Creation of a vessel meeting area located at St. Simons Sound near the Brunswick Harbor entrance channel. No dredging is required since the area has naturally deep water. Creation of a meeting area at St. Simons Sound will relocate the north toe of the existing channel approximately 800 feet to the north along a length of approximately 10,000 feet from stations -6+800 to 4+300.
- Dredged material from the project will be placed at the existing Andrews Island Dredged Material Containment Area.

O&M is also included for Brunswick Harbor and modifications and is to apply a risk assessment and management process to avoid and minimize impacts to species protected under the Endangered Species Act (ESA) and includes implementation of the 2020 SARBO.

In addition to a “no action” plan, eight action alternatives were evaluated for the modification. The final array of alternatives, evaluated and compared in Section 3.9 of the IFR/EA, included: Alternative 2: expansion of the Cedar Hammock Range bend widener located between stations 20+300 to 23+300; Alternative 3: expansion of the existing turning basin at the Colonel’s Island Terminal along approximately 4,100 feet and increase the width by a maximum of 395 feet along South Brunswick River from stations 0+900 to 5+300; Alternative 4: creation of a roll-on/roll-off (RO/RO) vessel meeting area upstream of the Sidney Lanier Bridge to the turning basin at the Colonel’s Island Terminal; Alternative 5: creation of a RO/RO vessel meeting area located at St. Simons Sound near the entrance channel to Brunswick Harbor; Alternative 6: combination of the bend widener (Alternative 2) and the turning basin expansion (Alternative 3); Alternative 7: combination of the bend widener (Alternative 2), turning basin expansion (Alternative 3), and meeting area west of the Sidney Lanier Bridge (Alternative 4); Alternative 8: combination of the bend widener (Alternative 2), turning basin expansion (Alternative 3), and meeting area at St. Simons Sound (Alternative 5); and Alternative 9: combination of the bend widener (Alternative 2), turning basin expansion (Alternative 3), meeting area west of the Sidney Lanier Bridge (Alternative 4), and meeting area at St. Simons Sound (Alternative 5).

In addition to a “no action plan” which would be to continue to conduct O&M dredging as was done under the now-superseded 1997 SARBO, the following four O&M action alternatives were evaluated: Alternative 1: Winter Hopper Dredge Window (which is a restrictive implementation of the 2020 SARBO); Alternative 2: Extended Winter Hopper Dredge Window; Alternative 3: Summer Hopper Dredge Window; and Alternative 4: Apply a risk assessment and risk management process. The “no action” alternative differs from the four O&M action alternatives, as it assumes the Corps would continue O&M activities under the 1997 SARBO conditions.

For all alternatives of the modification and O&M, the potential effects were evaluated, as appropriate. A summary assessment of the potential effects of the recommended plan are listed in Tables 1.

Table 1: Summary of Potential Effects of the Recommended Plan

	Less than significant effects	Less than significant effects as a result of mitigation*	Resource unaffected by action
Aesthetics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aquatic resources/wetlands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Less than significant effects	Less than significant effects as a result of mitigation*	Resource unaffected by action
Invasive species	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fish and wildlife habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Threatened/Endangered species/critical habitat	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Historic properties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other cultural resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floodplains	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous, toxic & radioactive waste	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Navigation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise levels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Socio-economics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental justice	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tribal trust resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climate change	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic Properties is unaffected by the O&M action and has insignificant effects as a result of mitigation for the modification action. For the modification action, the Corps will follow the process described in the Programmatic Agreement (PA) to ensure compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA). For O&M and threatened/endangered species/critical habitat, the Corps will follow the Project Design Criteria (PDCs) included in the 2020 SARBO. Less than significant effects would result from the modification.			

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. Best management practices (BMPs) as detailed in the IFR/EA will be implemented, as appropriate, to minimize impacts.

The Corps proposes measures to avoid and minimize impacts to threatened and endangered species listed under the ESA. Avoidance and minimization measures which have been identified through the section 7 consultation process for ESA, include, but are not limited to, the following:

- Adherence to the appropriate 2020 SARBO PDC (Section 5.5 of the IFR/EA and Appendix B of the 2020 SARBO). The PDC are “specific criteria, including the technical and engineering specifications, indicating how an individual project must be sited, constructed, or otherwise carried out both to be covered under this

Opinion [2020 SARBO] and to avoid or minimize adverse effects to ESA-listed species or designated critical habitat” (2020 SARBO, page 13).

- In the event of an encounter with a West Indian manatee, contractors will observe BMPs and will remain informed of the civil and criminal penalties for harming, harassing, or killing species, which are protected under the ESA and/or the Marine Mammal Protection Act of 1972. A full listing of the West Indian manatee conditions can be found in section 5.5.2.
- The Corps will convene annually, for five years, a Georgia stakeholder session that presents lessons learned regarding implementation of the risk assessment process under the 2020 SARBO, this session will also address EFH considerations.

Mitigation for resources covered by Section 106 of the NHPA as amended, includes, but is not limited to, the following:

- The Corps will follow the process described in the PA to ensure compliance with Section 106 of the NHPA. Prior to initiating construction activities, the Corps will complete efforts to identify archaeological sites eligible for listing in the National Register of Historic Places (NRHP) within the direct Area of Potential Effect (APE) for the project and will provide SHPO opportunity to review and comment on the findings. If archaeological sites meeting the criteria for listing on the NRHP are identified, the Corps will coordinate with SHPO to determine practicable avoidance, minimization or mitigation measures needed to be completed prior to construction to ensure compliance with the NHPA.

No compensatory mitigation is required as part of the recommended plan.

Public review of the first draft IFR/EA and FONSI was completed on July 9, 2020. All comments submitted during the public review period were responded to in the Final IFR/EA and FONSI.

The Corps revised the draft IFR/EA to better analyze and describe the impacts of conducting routine O&M dredging in accordance with the 2020 SARBO. Public review of the second draft IFR/EA and FONSI was completed on July 21, 2021. The Corps received over 900 comments from an apparent email campaign opposing the implementation of the 2020 SARBO that replaces application of a rigid environmental window for hopper dredging with a risk assessment and management process to reduce risk across all listed species. In addition to the emails, six letters with substantive comments were received from Federal and State resource agencies, as well as public and private stakeholders. A 30-day state and agency review of the Final IFR/EA was completed on January 21, 2022. A copy of the comments received, as well as a summary matrix of the comments and Corps responses, can be found in Appendix F.1 of the IFR/EA.

Pursuant to Section 7 of the ESA of 1973, the Corps determined that the recommended plan for modifications may affect, but is not likely to adversely affect, the

following ESA-listed species: sea turtles (Kemp's Ridley, green, and loggerhead), sturgeon (shortnose and Atlantic), and Giant manta ray. A no effect determination was made for leatherback and loggerhead sea turtles. The National Marine Fisheries Service (NMFS) concurred with the Corps' determination on May 24, 2021.

Pursuant to Section 7 of the ESA of 1973, the Corps determined that the recommended plan for modifications may affect, but is not likely to adversely affect, the West Indian manatee. A no effect determination was made for all other ESA-listed species with the potential to occur in the action area. There is no designated critical habitat in the project location. The U.S. Fish and Wildlife Service (USFWS) concurred with the Corps' determination on June 18, 2020.

Pursuant to Section 7 of the ESA of 1973, the Corps determined that the recommended plan for operations and maintenance dredging will not jeopardize the continued existence of the NMFS-regulated ESA-listed species in the action area and is a covered activity in the NMFS issued the 2020 SARBO, dated July 30, 2020. The 2020 SARBO is a programmatic opinion that considers effects to the following species: sea turtles (Kemp's Ridley, green, hawksbill, leatherback, and loggerhead), sturgeon (shortnose and Atlantic), Nassau grouper, Giant manta ray, scalloped hammerhead shark, smalltooth sawfish, oceanic whitetip shark, whales (North Atlantic right, Blue, Fin, Sei, and Sperm), Johnson's seagrass, and corals (Boulder star, elkhorn, Lobed star, Mountainous star, Pillar, rough cactus, and staghorn). All project design criteria, terms and conditions, and reasonable and prudent measures in the 2020 SARBO shall be implemented to avoid and minimize effects on endangered species.

Pursuant to Section 7 of the ESA of 1973, the Corps determined that the recommended O&M plan may affect, but not likely to adversely affect, the West Indian manatee. The USFWS concurred with the Corps' determination on September 10, 2021. A no effect determination was made for all other ESA-listed species with the potential to occur in the action area. There is no designated critical habitat in the project location.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, the Corps determined that historic properties may be adversely affected by the recommended modifications plan. The Corps and the Georgia Historic Preservation Division entered into a PA on October 21, 2020. All terms and conditions resulting from the agreement shall be implemented to minimize adverse impacts to historic properties.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, the Corps determined that the recommended O&M plan has no effect on historic properties.

Pursuant to the Clean Water Act of 1972, as amended, the discharge of dredged or fill material associated with the recommended modification and O&M plan has been found to be compliant with section 404(b)(1) Guidelines (40 CFR 230). The Clean

Water Act Section 404(b)(1) Guidelines evaluations are found in Appendix L of the IFR/EA.

Pursuant to Section 401 of the Clean Water Act of 1972, as amended, a water quality certification was obtained from the Georgia Department of Natural Resources (GADNR), Environmental Protection Division. All conditions of the water quality certification shall be implemented to minimize adverse impacts to water quality.

On April 23, 2021, GADNR-Coastal Resources Division (GADNR-CRD) provided conditional concurrence to the Corps' Coastal Zone Management Act consistency determination for the IFR/EA (Appendix J). The Corps found the conditions unacceptable and determined GADNR-CRD's conditional concurrence to be an objection. The Corps did not accept the conditions and concluded that the proposed action is consistent with or, alternatively, consistent to the maximum extent practicable with the enforceable policies of the management program. On May 20, 2021, the Corps informed GADNR-CRD of the Corps decision, as required in 15 C.F.R. § 930.43(e), to not to accept the conditions. However, the Corps identified conditions that it would nonetheless substantively comply with even though not as a required condition. Additional information can be found in Section 7 of the IFR/EA and the response is found in Appendix J.1.

Pursuant to the Fish and Wildlife Coordination Act (FWCA) of 1934, as amended, on May 20, 2020, the USFWS provided the Corps with the final FWCA Evaluation for the harbor improvements, which has been incorporated into the IFR/EA. The USFWS found no significant effects to species under their jurisdiction for the recommended modifications plan. The FWCA Evaluation can be found in Appendix K of the IFR/EA. For the recommended O&M plan, the USFWS provided FWCA comments in their letter dated September 10, 2021, which is found in Appendix K. In their letter dated September 10, 2021, the USFWS provided comments regarding the beneficial use of dredged material and opined that the new work material is likely to be of better quality for beneficial use than O&M material. Additionally, the FWCA comments provided suggestions on how beneficial use of new work material may be shown to meet the Federal Standard. The Corps will consider these comments in future stages of design for the new work and for future projects that may benefit from the use of O&M dredged material.

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MSA) of 1976, as amended, NMFS responded to the Corps by letter dated July 8, 2020, and provided no conservation recommendations (Appendix G). Therefore, the substantive requirements of the MSA have been met. The MSA correspondence letter can be found in Appendix I of the IFR/EA. For the O&M preferred alternative, the NMFS provided a letter, dated July 21, 2021 (Appendix G), that included a conservation recommendation for an adaptive management process for obtaining and incorporating new information about environmental windows into a risk management framework for managing dredge operations. This recommendation is consistent with the risk assessment process that would be followed for O&M dredging in accordance with the

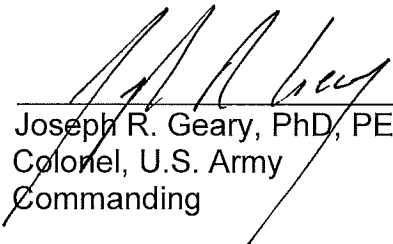
process outlined in the 2020 SARBO, Section 2.9.2. The Corps would integrate essential fish habitat (EFH) considerations into the risk assessment process for O&M dredging. Additionally, the process described in the NMFS letter includes a collaborative engagement with local stakeholders. The Corps will convene annually, for five years, a Georgia stakeholder session that presents lessons learned regarding implementation of the risk assessment process, including information gathered from by-catch monitoring of EFH. Therefore, the substantive requirements of the MSA have been met.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed.

Technical, environmental, economic, and cost effectiveness criteria used in the formulation of alternative plans were those specified in the Water Resources Council's 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies. All applicable laws, executive orders, regulations, and policies were considered in the evaluation of alternatives. Based on this report, the reviews of other Federal, State and local agencies, Tribes, input of the public, and the review by my staff, it is my determination that the recommended plan for improvements and the O&M preferred alternative, which includes O&M of the improvements, would not cause significant adverse effects on the quality of the human environment; therefore, preparation of an EIS is not required.

25 MAY 2022

Date



Joseph R. Geary, PhD, PE
Colonel, U.S. Army
Commanding

