Brunswick Harbor Modification Study
Glynn, County, Georgia
Section 106 Determination of Effects

1. Undertaking Location and Description.

The U.S. Army Corps of Engineers (USACE), Savannah District is proposing to modify Brunswick Harbor to reduce transportation cost inefficiencies experienced by the largest ship type (roll-on/roll-off) utilizing Brunswick Harbor. Vessels using Brunswick Harbor generally transport rolling cargo and are typically referred to as “roll-on/roll-off vessels” or RO/RO. These vessels have increased in length since the design of the Brunswick Harbor federal channel in the early 2000s. Additionally, some newer vessels are starting to increase in width. The channel was designed for vessels approximately 106 ft. wide and predictions for future vessels are widths of 120 ft. Vessel length has also increased from 660 feet to 870 feet long. There are locations within the federal channel where vessels experience navigational challenges due to vessel size. Self-imposed transportation safety restrictions are in place such as waiting for suitable weather (including favorable tides), one-way traffic for most of the harbor, and utilizing tug boats earlier in the berthing process. Larger Ro/Ro vessels are experiencing transportation cost inefficiencies due to these restrictions at targeted areas within the confined federal channel. The study will identify areas in the existing channel that can be modified to improve these inefficiencies. Areas that may be examined include the existing channel, existing turning basins and existing bend wideners. Deepening the channel is not being considered as part of this study.

Brunswick Harbor is located in the southeastern section of Glynn County, GA adjacent to the City of Brunswick (Figure 1). The harbor is approximately 70 miles north of Jacksonville, FL. The project area is within the inner channels through St. Simons Sound, Brunswick River, and East River. The inner channels are 36 ft. deep and 400 feet wide (Figure 2).

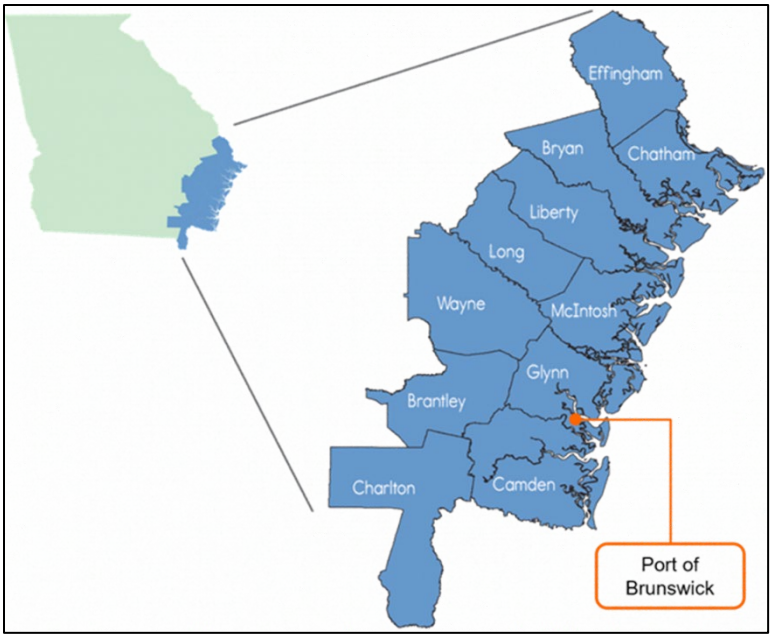


Figure 1. Study Area

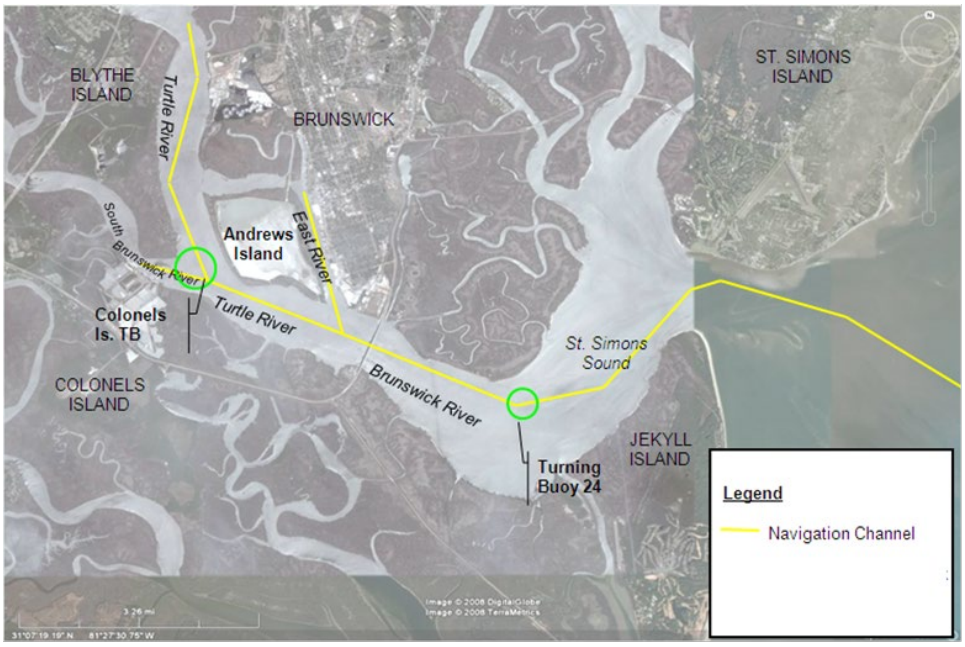


Figure 2. Brunswick Harbor Federal Navigation Channel.

USACE is currently analyzing 5 alternatives that may address the problems that currently exist. All alternatives feature widening existing elements of the channel. No deepening or new channels, new bend wideners or new turning basins are being considered. Further modeling that will be complete in late October will refine the

dimensions of the areas to be widened for each alternative. These alternatives are as follows:

Alternative 1 proposes to **widen the federal channel near the Cedar Hammock Range bend widener** (stations 20 and 23) in order to allow the harbor pilots to remove transit restrictions for tide, current, and wind for large RO/RO vessels currently calling at Brunswick Harbor.

Figure 3. Alternative 1 area highlighted with yellow box.

Alternative 2 proposes to widen the federal channel in order **to expand the existing turning basin** to allow the harbor pilots to remove additional transit restrictions for tide, current, and wind for large RO/RO vessels currently calling at Brunswick Harbor.

Figure 4. Alternative 2 area highlighted with yellow box.

Alternative 3 proposes to **widen the federal channel at the Cedar Hammock Range bend widener and** to widen the federal channel in order to **expand the existing turning basin**. This would allow the harbor pilots to further remove transit restrictions for large RO/RO vessels calling at Brunswick.

Figure 5. Alternative 3 with areas highlighted with yellow boxes.

Alternative 4 proposes to **widen the federal channel west of the Sidney Lanier Bridge** to create a vessel meeting and passing area. This channel segment will focus on widening the existing navigation channel in order to provide safe two-way passage for RO/RO vessels. This would allow for safe slow-speed navigation with high profile vessels in moderate weather conditions. **The exact location of this vessel meeting spot will be determined** as the design is refined. The intent is to leave the federal channel where it is (therefore, to NOT move the center line), but to expand a location in order to create a suitable meeting space. The expansion is expected to be approximately 300 ft. total.

Figure 6. Alternative 4 with area highlighted with yellow box.

Alternative 5 proposes to **widen the federal channel at the Cedar Hammock Range bend widener, create a vessel meeting area between the Sidney Lanier Bridge and the turning basin, and widen the federal channel in order to expand the existing turning basin**. This action would allow the harbor pilots to further remove transit restrictions for large RO/RO vessels calling at Brunswick.

Figure 7. Alternative 5 areas highlighted with yellow boxes.

USACE is scheduled to select an alternative that will be analyzed in detail in December 2019. Channel depth of the widened areas will be 36 ft., the authorized depth. The method of dredging (cutter head, hopper dredge, etc.) has yet to be determined.

In addition to widening areas of the channel, ancillary benefit that may be included is evaluation of beneficial use disposal options including, but not limited to placement of dredged material offshore at Jekyll Island and creation of new bird island within the Harbor. If material is found to not be suitable for beneficial re-use it would likely be placed at Andrew's Island, the existing dredged material disposal site. No new dredged material disposal area sites will be created.

2. Area of Potential Effects.

The APE for the proposed undertaking is defined as the areas that will be widened, including the sideslopes of the channel, within the Federal Navigation Project. The APE also includes any area(s) chosen for beneficial use disposal, and areas for dredged material disposal. Staging areas and access roads for construction would also be within the APE. These areas have yet to be identified.

3. Efforts to Identify Historic Properties.

Survey data from Georgia's Natural, Archaeological and Historic Resources GIS (GNAHRGIS) database shows that investigations within the Federal Navigation project are limited to the existing channel and Bird Island (Table 1). Surveys conducted prior to 1997 resulted in the identification of anomalies in the channel and associated wideners and bends that was attributed to modern debris and no further investigations were recommended. During the 1997 Panamerican Consultants, Inc., survey of the South River turning basin (existing turning basin), two anomalies were located that had signatures indicative of submerged cultural resources. These have not been investigated to date. The targets/anomalies located in East River were investigated in

2005. In 2002, Gordon Watts located 17 anomalies in the area where the Bird Island would be created. Diver investigations determined that none of the identified anomalies were significant.

Table 1. Cultural Resources Investigation in Brunswick Harbor

GASF Report #	Title	Survey area	Results
9600	Underwater Remote Sensing Survey, Brunswick Harbor, Georgia, August 1987. Mobile District	Brunswick River channel from Sidney Lanier Bridge westward to Colonels Island; two areas of bend easing at Brunswick River and the East and Turtle Rivers and the Atlantic Ocean disposal site.	43 magnetic anomalies, most correlated with sidescan sonar. Sidescan sonar targets were modern debris, primarily pipe. 3 targets in disposal area. No further investigations warranted.
9631	An Archival Study of Shipwrecks in the Vicinity of Savannah and Brunswick Harbors, Georgia and a Magnetometer Survey of Selected Reaches of Savannah and Brunswick Harbors, Georgia. 1980. Ervan G. Garrison and David R. Evans	Brunswick River Channel; Disposal Area; East River Channel	Noted anomalies in East river likely metal pipelines or cables. One magnetic anomaly in South Brunswick River. No further work recommended, except archaeological surveys in areas adjacent to Jekyll and St. Simons Islands
6090	Diver hands-on Evaluation of Anomalies Proposed Brunswick Bird Island, Glynn County, Georgia. April 2002. Tidewater Atlantic Research, Inc., through Gulf South Research Corporation	Bird Island in Brunswick Harbor, 1400 ft long x 850 ft. wide	17 anomalies investigated - all modern. Two were sections of small diameter pipe; 7 traps; 3 rebar trap frames; 1 piece of iron; 4 could not be relocated. No further investigations recommended.

9492	Diver hands-on Evaluation of Anomalies Proposed Brunswick Bird Island, Glynn County, Georgia. April 2004. Tidewater Atlantic Research, Inc., through Gulf South Research Corporation	Bird Island in Brunswick Harbor, 1400 ft long x 850 ft. wide	Final report
NA	Draft Report, Remote-Sensing Survey Brunswick Harbor Deepening Project, Glynn County, Georgia. June 1977, Panamermican Consultants, Inc.	The navigation channel that would be deepened in East River; enlargement of the turning basin in South Brunswick River; new turning basin in East River. Terrestrial survey of mud flats	2 targets in South Brunswick River Turning Basin - need investigation if cannot be avoided; 18 targets in East River - 4 require investigation if cannot be avoided. Terrestrial - 4 water craft; two midden areas - need delineation
NA	Draft Report, Remote-Sensing Survey Data Analysis and Diver Investigations, Brunswick Harbor, Glynn County, Georgia. May 2007, Panamermican Consultants, Inc.	Investigated a total of 5 anomalies, including Target 6 identified in 1997 survey in East River	All found to be modern debris. No additional work needed.

A review of GNAHRGIS shows no recorded submerged resources within Brunswick River, South Brunswick River or Turtle River. Recorded resources within 1 km of the navigation channel are limited to terrestrial archaeological sites that are located on Colonel's Island (9GN94, 9GN95, 9GN179), the northwest and northern areas on Jekyll Island (9GN236, 9GN237) and the southern tip of St. Simons Island (9GN3, 9GN8, 9GN317; 9GN318: 9GN405) (Figure 8 and Table 2). Mitigative data recovery was conducted at the site on Colonel's Island by Georgia Ports Authority in the late 1970s prior to development; additional work was conducted in 2000 when the facility was expanded. The sites on Jekyll Island are prehistoric shell midden sites.

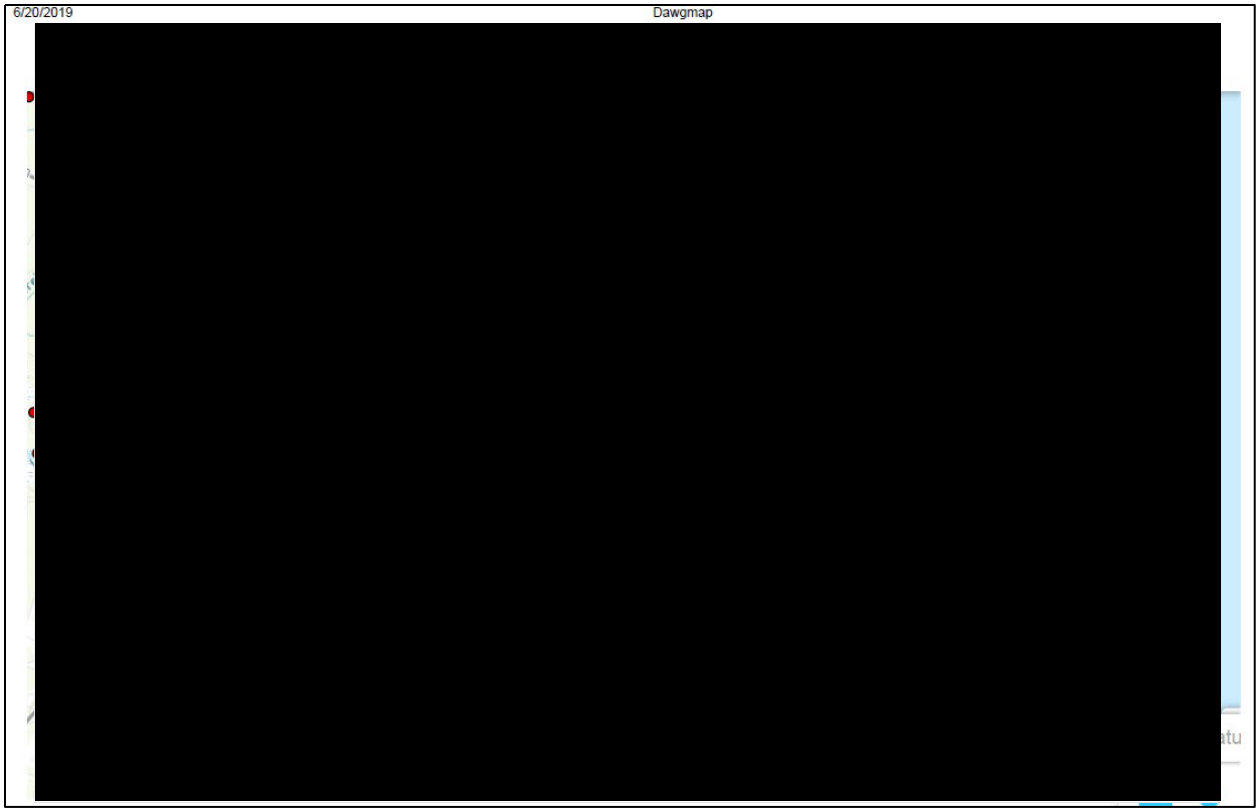


Figure 8. Archaeological Sites within 1km radius of Brunswick Channel from GNAHRGIS.

Table 2. Recorded Sites within 1km of Brunswick Navigation Channel

Site Number/ GASF Report	**Site Name**	**Site Type**	**NRHP Status**	**Comments**
9GN3/AR_705	Charlie King Mound	Mound and village	Unknown	excavated by Holder 1937/38
9GN8/ AR_1529		Prehistoric	Unknown	
9GN94/AR_8/249/2000	Colonel's Bluff (Colonel's Island)/ Parland Plantation	Early Woodland - Historic Contact/ Historic occupation 1810-1850	Eligible	Located in area of GPA expansion; mitigated
9GN95/AR_8/249	Railroad Site, Colonel's Island	Shell Midden/Late Archaic/Mississippian		Located in area of GPA expansion; mitigated

9GN179/AR_9/249	Long Creek	Oyster Middens		Located in area of GPA expansion; mitigated
9GN236/ AR_663	North Leg 'A'	Shell Scatter w/intact subsurface midden	Unknown	Badly Disturbed; Additional testing recommended
9GN237/ AR_663	North Leg 'B'	Shell Scatter w/intact subsurface midden	Unknown	Additional testing recommended
9GN317/ AR_5069	Tabby House	late 18th-20th Century	Unknown	Razed
9GN318	Ft. St. Simons	18th century British fort; lighthouse; 18-20th Century	Listed	Excavations from 1970s by Lou Larson but no report found. LAMAR Institute site form prepared in 2004
9GN405	Neptune Park Site		Unknown	Recorded by Fred Cook 2012

No cultural resources investigations have been conducted for any of the proposed alternatives for this study to date. USACE will conduct the investigations in the Planning, Engineering and Design phase of the project which will initiate after the feasibility study has been finalized.

4. Effects to Historic Properties.

Potential direct effects to submerged historic properties could result from dredging of the river bottom. Direct effects to submerged and terrestrial historic properties could also result from the placement of beneficial use material on top of the resources.

No cultural resources investigations have been conducted of the APE and will not be conducted until after USACE has finalized the feasibility study. Further investigations will determine if there are historic properties that would affected by the proposed undertaking.

To the greatest extent possible, USACE will use existing dredged material disposal areas and access roads and previously used construction staging areas to minimize and avoid impacts to historic properties.

5. Resolution of Adverse Effects.

USACE will prepare a Programmatic Agreement that will contain a strategy to conduct surveys in areas within the APE that have not been surveyed previously and to investigate previously identified submerged targets. The PA will also contain information for determining adverse effects and consultation to streamline the Section 106 process.

GEORGIA
DEPARTMENT OF NATURAL RESOURCES
HISTORIC PRESERVATION DIVISION

MARK WILLIAMS
COMMISSIONER

DR. DAVID CRASS
DIVISION DIRECTOR

December 2, 2019

Rebecca Weiss
Acting Chief, Planning Branch
US Army Corps of Engineers, Savannah District
100 West Oglethorpe Avenue
Savannah, Georgia 31401-3604
Attn: Julie Morgan, Archaeologist

RE: PA: Modify Brunswick Harbor
Glynn County, Georgia
HP-191113-003

Dear Ms. Weiss:

The Historic Preservation Division (HPD) has received initial information concerning the above referenced project. Our comments are offered to assist the US Army Corps of Engineers in complying with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA).

Thank you for notifying us of this proposed project. We look forward to receiving Section 106 compliance documentation when it becomes available and working with you as this project progresses. Additionally, HPD concurs that developing a programmatic agreement to govern the Section 106 process for this project is prudent. Please note that the project area of potential effect should also include the area of indirect impacts, such as visual, audible, or similar. Furthermore, efforts to identify historic properties should also include background research, identification, survey, and assessment of historic resources.

Please refer to project number **HP-191113-003** in future correspondence regarding this project. If we may be of further assistance, please do not hesitate to contact Jennifer Bedell, Archaeological Compliance Unit Manager, at jennifer.bedell@dnr.ga.gov or (770) 389-7861 or me at jennifer.dixon@dnr.ga.gov or (770) 389-7851.

Sincerely,

Jennifer Dixon, MHP, LEED Green Associate
Program Manager
Environmental Review & Preservation Planning

cc: Eric Landon, Coastal Georgia Regional Commission

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT
100 W. OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31401-3604

January 29, 2020

Planning Branch

Advisory Council on Historic Preservation
Office of Federal Agency Programs
ATTN: Christopher Daniel, Program Analyst
401 F Street NW, Suite 308
Washington, DC 20001-2637

Dear Mr. Daniel:

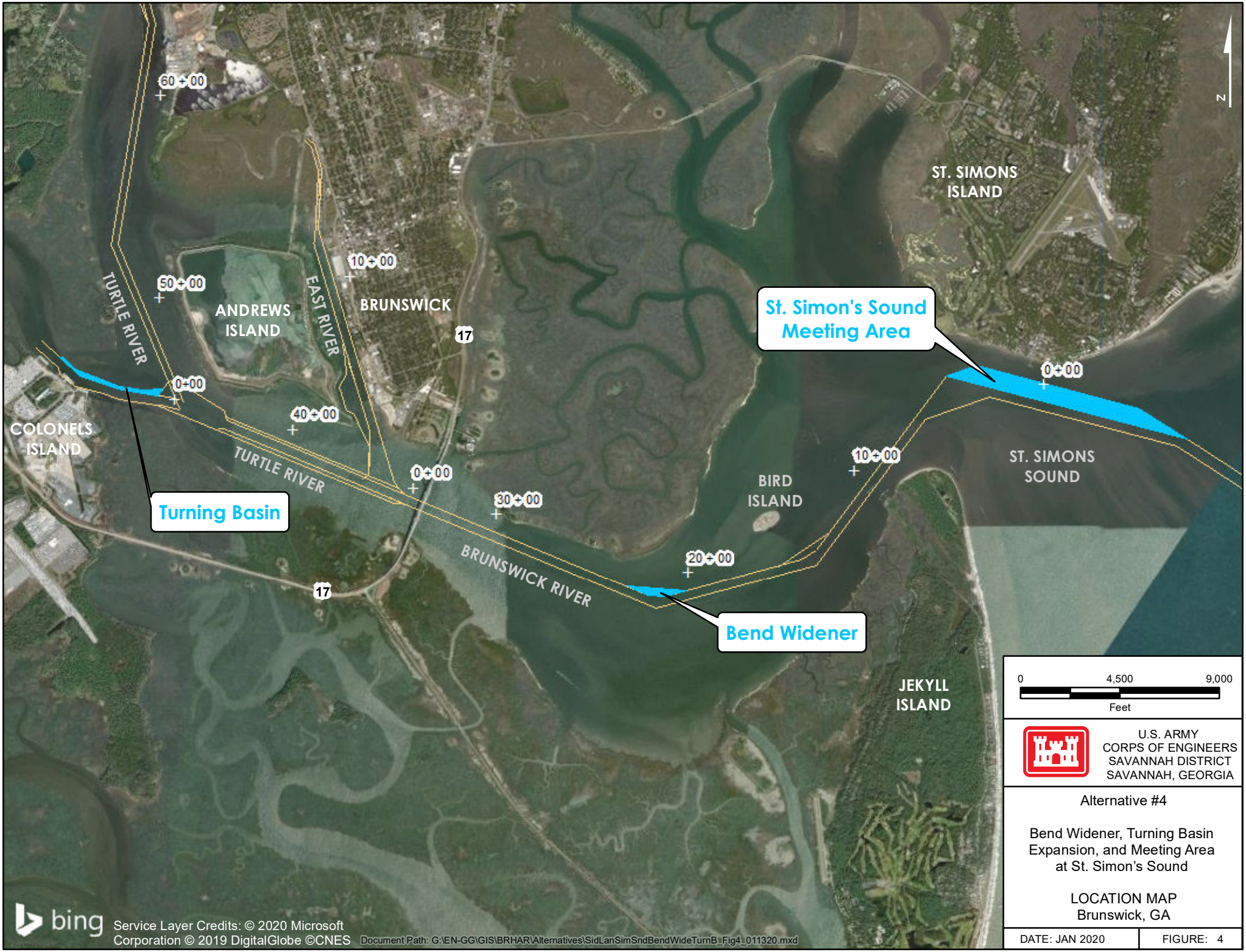
The U.S. Army Corps of Engineers, Savannah District (USACE), is in the process of analyzing navigation improvements to Brunswick Harbor, Glynn County, Georgia. This study will consider modifying the footprint of existing features to reduce transportation cost inefficiencies experienced by the largest ship type utilizing Brunswick Harbor. These vessels have increased in length since the design of the Brunswick Harbor channel in the early 2000's and there are locations where vessels experience navigational challenges in the federal channel due to vessel size. The results of the study will be presented in an integrated feasibility and Environmental Assessment report.

In accordance with 36 CFR Part 800, the Corps is notifying you of the intent to prepare a Programmatic Agreement and providing information regarding the undertaking on your agency's e106 Form along with supplemental materials. At this time I would like to ask your agency to review the enclosed materials and provide a response regarding the Advisory Council on Historic Preservation's participation in Section 106 consultation. Please direct your questions or comments regarding the undertaking to Ms. Julie Morgan at (706) 856-0378, or via email at julie.a.morgan@usace.army.mil.

Sincerely,

Kimberly L. Garvey
Chief, Planning Branch

Enclosures



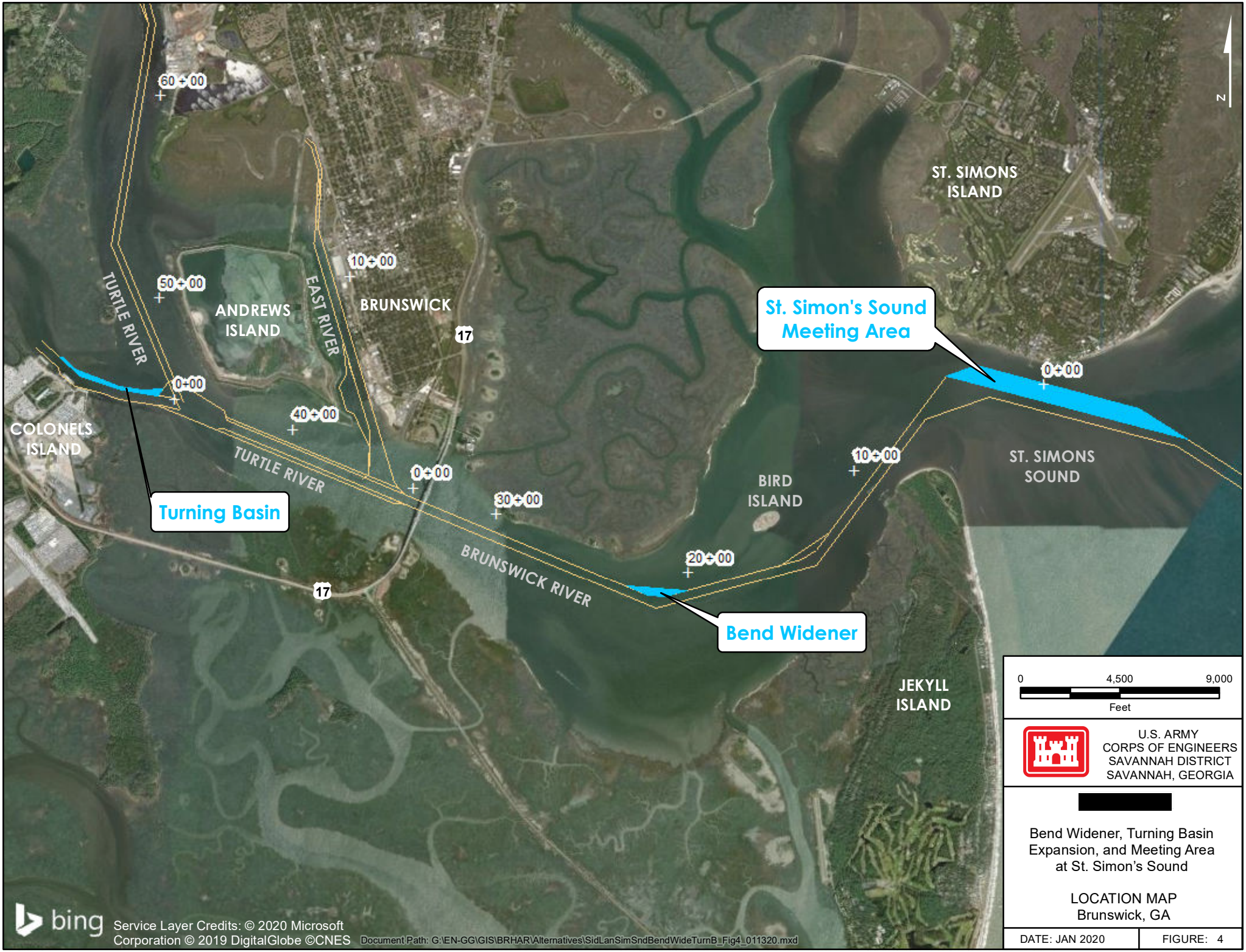
U.S. ARMY
CORPS OF ENGINEERS
SAVANNAH DISTRICT
SAVANNAH, GEORGIA

Alternative #4

Bend Widener, Turning Basin Expansion, and Meeting Area at St. Simon's Sound

LOCATION MAP
Brunswick, GA

DATE: JAN 2020 | FIGURE: 4



U.S. ARMY
CORPS OF ENGINEERS
SAVANNAH DISTRICT
SAVANNAH, GEORGIA

[redacted]

Bend Widener, Turning Basin Expansion, and Meeting Area at St. Simon's Sound

LOCATION MAP
Brunswick, GA

DATE: JAN 2020 | FIGURE: 4

February 26, 2020

Kimberly L. Garvey
Section Chief, Coastal Branch
Regulatory Division, Savannah District
U.S. Army Corps of Engineers
100 W. Oglethorpe Avenue
Savannah, GA 31401-3640

Ref: *Proposed Savannah Brunswick Harbor Modification Project*
Glynn County, Georgia

Dear Ms. Garvey:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Programmatic Agreement (PA), developed in consultation with the Georgia State Historic Preservation Office (SHPO) and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the PA and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact Christopher Daniel at 202 517-0223 or via e-mail at cddaniel@achp.gov.

Sincerely,

Artisha Thompson
Historic Preservation Technician
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION
401 F Street NW, Suite 308 • Washington, DC 20001-2637
Phone: 202-517-0200 • Fax: 202-517-6381 • achp@achp.gov • www.achp.gov

PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT, AND
THE GEORGIA STATE HISTORIC PRESERVATION OFFICE,
REGARDING THE BRUNSWICK HARBOR MODIFICATION STUDY,
GLYNN COUNTY, GEORGIA

WHEREAS, the U.S. Army Corps of Engineers, Savannah (hereinafter Corps) has proposed to make navigation channel improvements in Brunswick Harbor from St. Simon's Sound to the Colonel's Island auto processing facility in Glynn County, Georgia. These modifications to the navigation channel will allow flexibility in operations and accommodate newer vessels that have increased in length since the design of the Brunswick Harbor federal channel in the early 2000s (hereinafter the Project); and

WHEREAS, the Project involves navigation improvements to Brunswick Harbor, including channel widening in several areas, which may result in effects on properties listed in or eligible for listing in the National Register of Historic Places (NRHP); and

WHEREAS, the Corps has consulted with the Georgia Historic Preservation Division (GA HPD) which serves as the Georgia State Historic Preservation Office (SHPO) pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) (hereinafter Section 106); and

WHEREAS, the Corps, in consultation with the SHPO, has established the Project's direct Area of Potential Effects (APE) as the areas that will be widened, including the sideslopes of the channel with 300 foot buffer, within the Federal Navigation Project, any area(s) chosen for beneficial use disposal, areas for dredged material disposal and staging areas and access roads for construction; and

WHEREAS, archaeological surveys have not been conducted within the Project's APE, as shown in Attachment A, and no recorded sites listed in or eligible for listing in the NRHP are within the Project's APE; and

WHEREAS the Corps, in consultation with the SHPO, has determined that the Project has the potential to cause adverse effects to unrecorded submerged archaeological sites which may be eligible for listing in the NRHP; and

WHEREAS, 36 CFR § 800.14(b)(1)[ii] allows federal agencies to fulfill their obligations

under Section 106 through the development and implementation of programmatic agreements when effects on historic properties cannot be determined prior to approval of an undertaking; and

WHEREAS, in accordance with 36 CFR § 800.14(b), the Corps has notified the Advisory Council on Historic Preservation (ACHP) of its intention to develop this programmatic agreement (hereinafter the "Agreement"), pursuant to 36 CFR § 800.14(b)(1)(ii) and the ACHP has declined to participate in the consultation; and

WHEREAS, in accordance with 36 CFR § 800.14(b)(2)(i), the Corps has invited the appropriate Federally recognized Indian tribes – Alabama-Quassarte Tribal Town, Catawba Indian Nation, Cherokee Nation, Chickasaw Nation, Coushatta Tribe of Louisiana, Kialegee Tribal Town, Muscogee (Creek) Nation, Poarch Band of Creek Indians, Seminole Nation of Oklahoma, Seminole Tribe of Florida and Thlopthlocco Tribal Town – to consult on and sign this Agreement as Concurring Parties and none accepted; and

WHEREAS, in accordance with 36 CFR § 800.2(d) the Corps has solicited public comment on the Project through the public notice and notification of release of the draft feasibility study and environmental assessment on XXX 2020; and

NOW, THEREFORE, the Corps**,** and the SHPO **(**hereinafter the "Signatories," or "Signatory Parties") agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the effects of the Project on historic properties.

STIPULATIONS

The Corps shall ensure that the following measures are carried out:

I. ARCHAEOLOGICAL HISTORIC PROPERTIES

A. Identification

1. Prior to initiating construction activities and in an effort to identify

historic properties within the direct APE, pursuant to 36 CFR § 800.4, the Corps shall complete efforts to identify archaeological sites eligible for listing in the NRHP within the direct APE for the Project in accordance with 36 CFR § 800.4(b). The Corps shall conduct these identification efforts pursuant to the requirements of Stipulations VI.A. and VI.B. of this Agreement. Pursuant to Stipulation I.B. of this Agreement, the Corps shall provide the SHPO the opportunity to review and concur, and the other Consulting Parties the opportunity to review and comment on a report of its findings.

2. The Corps shall conduct any further investigations necessary to evaluate the NRHP-eligibility of any archaeological site identified as a result of the activities described in Paragraph A.1 of this Stipulation. These evaluations shall be conducted in accordance with 36 CFR § 800.4(c), and pursuant to the requirements of Stipulations VI and VII.A. of this Agreement. Pursuant to Stipulation III.B., The Corps shall provide the SHPO the opportunity to review and concur, and the other Consulting Parties the opportunity to review and comment, on a report of its findings.

B. Assessment of Effects

If archaeological sites meeting the criteria for listing on the NRHP are identified as a result of the activities described in Paragraphs A.1. and A.2. of this Stipulation, the Corps shall assess the effects of the Project on these properties in a manner consistent with 36 CFR § 800.5, and submit its findings to the SHPO for its review and concurrence, and to the other Consulting Parties for review and comment pursuant to Stipulation II.B.

C. Mitigation of Adverse Effects

The mitigation of adverse effects to archaeological sites eligible for listing in the NRHP shall be funded by Corps and the City as part of the construction budget. No construction affecting an archaeological site eligible for listing in the NRHP shall be allowed to commence until the mitigation for adverse effects to that archaeological site have been completed. Mitigation may vary according to the type of effect, as follows:

1. If the Corps, in consultation with the SHPO and the Consulting Parties, determines that an archaeological site eligible for listing on the NRHP will be adversely affected by the Project, the Corps in consultation with the SHPO, the Corps shall determine whether avoidance or minimization of the adverse effects is practicable. If the adverse effects cannot be practicably avoided, the Corps, in consultation with the SHPO and the other Consulting Parties, shall develop a

treatment plan for the affected archaeological site. In a manner consistent with Stipulation I.B. of this Agreement, the Corps shall provide the SHPO the opportunity to review and concur with, and the Consulting Parties the opportunity to review and comment on, the treatment plan.

2. Any treatment plan the Corps develops for an archaeological site under the terms of this stipulation shall be consistent with the requirements of Stipulation VI.A. of this Agreement and shall include, at a minimum:

(a) Information on the portion of the property where data recovery or controlled site burial, as appropriate, is to be carried out, and the context in which the property is eligible for the NRHP;
(b) The results of previous research relevant to the project;
(c) Research problems or questions to be addressed, with an explanation of their relevance and importance;
(d) The field and laboratory analysis methods to be used, with a justification of their cost-effectiveness and how they apply to this particular property and the research needs;
(e) The methods to be used in artifact, data, and other records management;
(f) Explicit provisions for disseminating in a timely manner the research findings to professional peers;
(g) Arrangements for presenting to the public the research findings, focusing particularly on the community or communities that may have interests in the results;
(h) The curation of recovered materials and records resulting from the data recovery in accordance with 36 CFR Part 79;
(i) Conservation of materials from both submerged and terrestrial contexts as appropriate for the preservation of artifacts; and
(j) Procedures for evaluating and treating discoveries of unexpected remains during the course of the project, including necessary consultation with other parties.

3. The Corps shall ensure the treatment plan is implemented and that any agreed-upon data recovery field operations have been completed before ground-disturbing activities associated with the Project are initiated at or near the affected archaeological site. The Corps shall notify the SHPO once data recovery field operations have been completed so that a site visit may be scheduled, if the SHPO finds a visit appropriate. The proposed construction may proceed following this notification while the technical report is in preparation. The Corps shall ensure that the archaeological site form on file in the Georgia Archaeological Site Files is updated to reflect the implementation of the

treatment plan for each affected site.

II. PREPARATION AND REVIEW OF DOCUMENTS

A. Review

The SHPO agrees to provide comments to the Corps on all technical materials, findings, and other documentation arising from this Agreement within thirty (30) calendar days of receipt unless otherwise specified. If no comments are received from the SHPO, within the thirty (30) calendar- days review period, the Corps may assume that the non-responsive party has no comment. The Corps shall take into consideration all comments received in writing from the SHPO within the thirty (30) calendar-day review period.

B. Physical Documents

The Corps shall provide the SHPO one (1) hard copy on acid-free paper and one (1) in Adobe® Portable Document Format (.pdf) on compact disk of all final reports prepared pursuant to this Agreement.

III. CURATION STANDARDS

The Corps shall ensure that all original archaeological records (research notes, field records, maps, drawings, and photographic records) and all archaeological collections recovered from the Corps' Project area produced as a result of implementing the Stipulations of this Agreement are curated at a facility in accordance with 36 CFR 79, *Curation of Federally Owned and Administered Archaeological Collections*.

IV. CHANGES IN PROJECT SCOPE

In the event of any changes to the Project scope that may alter the APE, the Corps shall consult with SHPO pursuant to 36 CFR § 800.2 through § 800.5.

V. STANDARDS

A. Research Standards

All work carried out pursuant to this Agreement shall meet or exceed the *Secretary of the Interior's Standards for Archaeology and Historic Preservation* (SOI's Standards; http://www.nps.gov/history/local-law/arch_stnds_9.htm).

B. Professional Standards

The Corps shall ensure that all work carried out pursuant to this Agreement shall be done by or under the direct supervision of the appropriate professionals who meet or exceed the *Secretary of the Interior's Professional Qualifications Standards* (Federal Register, Vol. 62, No. 119, pp. 33708-33723) in the appropriate discipline. The Corps shall ensure that consultants retained for services pursuant to this Agreement meet these standards.

C. Documentation Standards

All technical reports prepared pursuant to this Agreement shall be consistent with Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation* (48 FR 44734-37), and *Georgia's Standards and Guidelines for Archaeological Investigations* (Revised 2019) or subsequent revisions, or any subsequent revisions or replacements of these documents.

VI. TREATMENT OF HUMAN REMAINS

A. Coordination

In the event human skeletal remains or burials are encountered during implementation of the Project, the Corps shall coordinate its compliance with Section 106 with other applicable federal, state, and local laws and reviews as appropriate.

B. Procedures

Historic and prehistoric human remains from non-federal, non-tribal lands are subject to protection under Georgia's burial/unmarked grave/cemetery law(s). If human remains are discovered during construction, work in that portion of the project shall stop immediately. The remains shall be covered and/or protected in place in such a way that minimizes further exposure of and damage to the remains, and the Corps shall immediately consult with the SHPO. If the remains are found to be Native American, in accordance with applicable law, a treatment plan shall be developed by Corps and SHPO in consultation with appropriate federally recognized Indian tribes. The Corps shall ensure that any treatment and reburial plan is fully implemented. If the remains are not Native American, the appropriate local authority shall be consulted to determine final disposition of the remains. Avoidance and preservation in place is the preferred option for treating human remains.

C. Additional Procedures

Additional procedures regarding the treatment of human remains are detailed in Attachment B of this Agreement.

VII. POST-REVIEW DISCOVERIES

If properties are discovered that may be eligible for listing in the NRHP or unanticipated effects on historic properties found subsequent to the completion of surveys under Stipulations I-II, the Corps shall implement the discovery plan included as Attachment B of this Agreement.

VIII. COMMUNICATIONS

Electronic mail (email) may serve as the official correspondence method for all communications regarding this Agreement and its provisions. See Attachment C for a list of contacts and email addresses. Contact information in Attachment C may be updated as needed without an amendment to this Agreement. It is the responsibility of each party to the Agreement to immediately inform the Corps of any change in name, address, email address, or phone number of any point-of-contact. The Corps shall forward this information to all Signatories and Consulting Parties by email.

IX. MONITORING AND REPORTING

Each year on the anniversary of the execution of this Agreement until it expires or is terminated, the Corps shall provide all parties to this Agreement a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the Corps' efforts to carry out the terms of this Agreement. The reporting period shall be the fiscal year from October 1 to September 30.

X. DISPUTE RESOLUTION

Should any Signatory to this Agreement object in writing at any time to any actions proposed under this Agreement, or the manner in which the terms of this Agreement are implemented, the Corps shall consult with the objecting party to resolve the objection. If the Corps determines that such objection cannot be resolved, the Corps will:

A. Documentation

Forward all documentation relevant to the dispute, including the Corps' proposed resolution, to the ACHP. The ACHP shall provide the Corps with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the Corps shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, Signatories and Consulting Parties and provide them with a copy of this written response. The Corps shall then proceed according to its final decision.

B. Resolution

If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the Corps may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the Corps shall prepare a written response that takes into account any timely comments regarding the dispute from the Signatories and Consulting Parties to the Agreement, and provide them and the ACHP with a copy of such written response.

C. Continuity

The Corps' responsibilities to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute remain unchanged.

XI. ANTI-DEFICIENCY ACT

The Corps' obligations under this Agreement are subject to the availability of appropriated funds, and the stipulations of this Agreement are subject to the provisions of the Anti-Deficiency Act. The Corps shall make reasonable and good faith efforts to secure the necessary funds to implement this Agreement in its entirety. If compliance with the Anti-Deficiency Act alters or impairs the Corps' ability to implement the stipulations of this agreement, the Corps shall consult in accordance with the amendment and termination procedures found at Stipulations XII and XIII of this Agreement.

XII. AMENDMENTS

This Agreement may be amended when such an amendment is agreed to in writing by all Signatories. The amendment shall be effective on the date a copy is signed by all of the Signatories. Attachment D is a template for amendments.

XIII. TERMINATION

If any Signatory to this Agreement determines that its terms are not or cannot be carried out, that party shall immediately consult with the other Signatories to attempt to develop an amendment per Stipulation XIV, above. If within thirty (30) days (or another time period agreed to by all Signatories) an amendment cannot be reached, any Signatory may terminate the Agreement upon written notification to the other Signatories.

Once the Agreement is terminated, and prior to work continuing on the Project, the Corps must either (a) execute another Agreement pursuant to 36 CFR § 800.14, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. The

Corps shall notify the Signatories as to the course of action it will pursue.

XIV. DURATION

This Agreement shall remain in effect until such time as the legal requirements for Section 106 are completed or until the end of the ten (10) year period beginning on the date the Agreement is signed by all Signatories, whichever is earlier. Six (6) months prior to the end of such ten (10) year period, the Corps shall consult with SHPO to reconsider the terms of the Agreement and amend it in accordance with Stipulation XII above, if necessary.

XV. EXECUTION OF THIS AGREEMENT

This Agreement may be executed in counterparts, with a separate signature page for each party. The Corps shall ensure that each party is provided with a copy of the fully executed Agreement.

Execution of this Agreement and its submission to the ACHP, and implementation of its terms, evidence that the Corps has afforded the ACHP an opportunity to comment on the Project and its effect on historic properties, and that the Corps has taken into account the effect of the Project on historic properties.

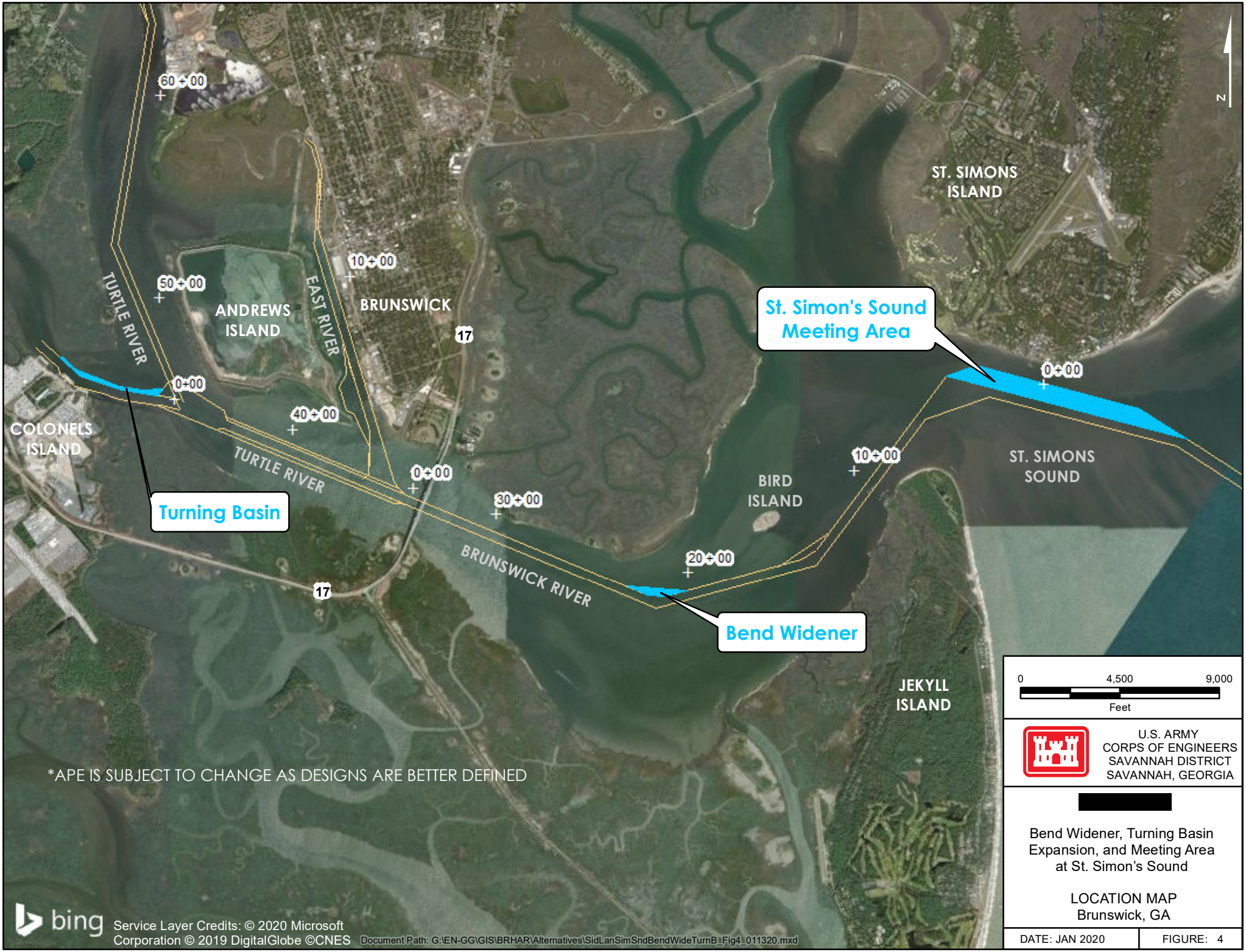
XVI. SIGNATORY:

U.S. Army Corps of Engineers, Savannah District

SIGNATORY:

Georgia Historic Preservation Division

ATTACHMENT A
AREAS OF POTENTIAL EFFECT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TURTLE RIVER
ANDREWS ISLAND
EAST RIVER
BRUNSWICK
17
COLONELS ISLAND
TURTLE RIVER
Turning Basin
BRUNSWICK RIVER
17
BIRD ISLAND
St. Simon's Sound Meeting Area
ST. SIMONS ISLAND
ST. SIMONS SOUND
Bend Widener
JEKYLL ISLAND
N
0
4,500
9,000
Feet
U.S. ARMY
CORPS OF ENGINEERS
SAVANNAH DISTRICT
SAVANNAH, GEORGIA
[redacted]
Bend Widener, Turning Basin Expansion, and Meeting Area at St. Simon's Sound
LOCATION MAP
Brunswick, GA
DATE: JAN 2020
FIGURE: 4
*APE IS SUBJECT TO CHANGE AS DESIGNS ARE BETTER DEFINED
bing
Service Layer Credits: © 2020 Microsoft Corporation © 2019 DigitalGlobe ©CNES
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ATTACHMENT B

PROCEDURES FOR POST REVIEW
DISCOVERIES

PROCEDURES FOR POST REVIEW DISCOVERIES

Post Review Discoveries

The Corps will ensure that construction documents contain the following provisions for the treatment of unanticipated archaeological discoveries:

> "If previously unidentified historic properties or unanticipated effects to historic properties are discovered during contract activities, the contractor shall immediately halt all activity within a one hundred (100) foot radius of the discovery, notify the Corps Project Manager and the Corps Archaeologist of the discovery and implement interim measures to protect the discovery from looting and vandalism. Work in all other areas not the subject of the discovery may continue without interruption."

Immediately upon receipt of such notification from the construction contractor, the Corps Archaeologist shall:

1. Inspect the construction site to determine the extent of the discovery and ensure that the Undertaking in that area has halted;

2. Clearly mark the area of the discovery;

3. Implement additional measures, as appropriate, to protect the discovery from looting and vandalism;

4. Determine the extent of the discovery and provide recommendations regarding its National Register of Historic Places (NRHP) eligibility and treatment; and

5. Notify the Corps Project Manager, and the SHPO of the discovery describing the measures that have been implemented to comply with this Stipulation.

6. Notify the Federally Recognized Tribes within 48 hours of the discovery.

Upon receipt of the information required in subparagraphs 1-5 above, the Corps shall provide the SHPO with an assessment of the NRHP eligibility of the discovery and the measures proposed to resolve adverse effects. In making the evaluation, the Corps in consultation with the SHPO, may assume the discovery to be eligible for the NRHP for the purposes of Section 106 pursuant to 36 CFR Part 800.13(c). The SHPO shall respond to the Corps' assessment within forty-eight (48) hours of receipt.

The Corps shall take into account the SHPO recommendations on eligibility and treatment of the discovery and shall provide the SHPO with a report on the actions when implemented. The Undertaking may proceed in the area of the discovery, once the Corps has determined that the actions undertaken to address the discovery pursuant to this Stipulation are complete.

Treatment of Human Remains

The Corps shall make all reasonable efforts to avoid disturbing gravesites, including those containing Native American human remains and associated funerary objects. If human remains and/or associated funerary objects are encountered during the course of the Undertaking, the Corps shall immediately halt the Undertaking in the area and contact the Corps Archaeologist and the appropriate city Police Department.

The Corps shall treat all human remains in a manner consistent with the ACHP's Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects (February 23, 2007; http://www.achp.gov/docs/hrpolicy0207.pdf).

The Corps shall make a good faith effort to ensure that the general public is excluded from viewing any Native American burial site or associated funerary objects. The Consulting Parties to this PA agree to release no photographs of any Native American burial site or associated funerary objects to the press or general public. The Corps shall notify appropriate federally recognized Tribe(s) if their interest(s) have been established, when Native American burials, human skeletal remains, or funerary objects are encountered during the Undertaking. Following consultation by the Corps, the SHPO and identified Tribes with cultural affiliation, the Corps shall ensure that proper steps are taken regarding the remains. This could include the delivery of any Native American human skeletal remains and associated funerary objects recovered pursuant to this PA to the appropriate Tribe.

If the remains are determined to be historic and not Native American, Corps shall consult with the SHPO and other appropriate Consulting Parties prior to any excavation by providing a treatment plan including the following information:

- The name of the property or archaeological site and specific location from which the recovery is proposed. If the recovery is from a known archaeological site, a state-issued site number must be included.
- Indication of whether a waiver of public notice is requested and why. If a waiver is not requested, a copy of the public notice to be published in a newspaper having general circulation in the Brunswick area for a minimum of four weeks prior to recovery.
- A copy of the curriculum vitae of the skeletal biologist who will perform the analysis of the remains.

- A statement that the treatment of human skeletal remains and associated artifacts will be respectful.
- An expected timetable for excavation, osteological analysis, preparation of final report, and final disposition of remains.
- A statement of the goals and objectives of the removal of human remains (to include both excavation and osteological analysis).
- If a disposition other than reburial is proposed, a statement of justification for that decision.

The Corps Archaeologist shall submit the draft treatment plan to the Corps, and the SHPO for review and comment. All comments received within thirty (30) calendar days shall be addressed in the final treatment plan. Upon receipt of final approval in writing from the Corps Archaeologist, the treatment plan shall be implemented prior to those Undertaking activities that could affect the burial(s).

The Corps Archaeologist shall notify the Corps Project Manager and the SHPO in writing once the fieldwork portion of the removal of human remains is complete. The Undertaking in the area may proceed following this notification while the technical report is in preparation. The Corps Archaeologist may approve implementation of undertaking-related ground disturbing activities in the area of the discovery while the technical report is in preparation.

The Corps Archaeologist shall ensure that a draft report of the results of the recovery is prepared within one (1) year of the notification that archaeological fieldwork has been completed and submitted to the Corps and the SHPO for review and comment. All comments received within thirty (30) calendar days of receipt shall be addressed in the final treatment plan. When the final report has been approved by the Corps Archaeologist, two (2) copies of the document, bound and on acid-free paper and one (1) electronic copy in Adobe® Portable Document Format (.pdf) shall be provided to the SHPO.

The Corps Archaeologist shall notify the Corps Project Manager and the SHPO within fifteen (15) calendar days of final disposition of the human remains.

ATTACHMENT C
CONTACTS

CONTACT INFORMATION

U.S. Army Corps of Engineers, Savannah District

Colonel

Project Manager

Archaeologist

Georgia Historic Preservation Division

Director and SHPO