

**Atlantic Intracoastal Waterway Federal Navigation Channel  
Cumberland Dividings Maintenance Dredging  
Camden County, Georgia  
Environmental Assessment and FONSI**

**Appendix F**

**COASTAL BARRIER RESOURCES ACT  
CBRA**

**U.S. ARMY CORPS OF ENGINEERS  
SAVANNAH DISTRICT  
100 WEST OGLETHORPE AVENUE  
SAVANNAH, GEORGIA 31401  
January 2023**



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# COASTAL BARRIER RESOURCES ACT CONSULTATION REQUEST

NOVEMBER 22, 2022

To:

Peter Maholland  
Acting Field Supervisor  
Georgia Ecological Services  
US Fish and Wildlife Service  
RG Stephens, Jr. Federal Building  
355 East Hancock Avenue, Room 320, Box 7  
Athens, GA 30601

FROM:

U.S. Army Corps of Engineers, Savannah District  
100 W. Oglethorpe Ave. Savannah, GA 31401

Consultation Request: The U.S Army Corps of Engineers, Savannah District requests a consultation with the U.S. Fish and Wildlife Service (Service) under the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.) for maintenance dredging of the Cumberland Dividings within the Atlantic Intracoastal Waterway (AIWW), a federal navigation channel.

Project Location: The dredging project is located in Camden County, GA, and is mostly within Unit N06 of the Coastal Barrier Resources System (CBRS).

Description of the Proposed Action or Project: The project involves maintenance dredging of shoaled in areas within the Cumberland Dividings in AIWW, river mile 704.5-709.5. Placement of the dredged material on a highly eroded bird island (BU-E) and nearshore linear berm for shoreline stabilization and restoration (BU-F). Placement at BU-E will add additional material to the eroding bird island providing elevation and stabilization for the shoreline and restoring foraging and roosting habitat for birds. Placement at BU-F in the nearshore zone would result in the further stabilization and encourage recruitment of oysterbeds. Dredge and placement locations are shown in the attached figures. Dredged material consists of 78-99% sand. The location of the dredging and placement sites are within the same CBRA zone, Unit N06. Approximately 316,000 cubic yards of sediment will be removed from the channel through use of cutterhead hydraulic dredge and piped to the placement sites. Material will first be placed on the bird island (BU-E) to restore this degraded habitat, any dredged material that is not needed for the bird island restoration site will be placed in the nearshore stabilization site (BU-F).

Applicable Exception(s) under 16 U.S.C. 3505(a)

General Exception 16 U.S.C. 3505(a)(2) and Specific Exception 16 U.S.C. 3505 (a)(6)(A)

## *General Exceptions*

16 U.S.C. 3505(a)(1): Any use or facility necessary for the **exploration, extraction, or transportation of energy resources** which can be carried out only on, in, or adjacent to a

coastal water area because the use or facility requires access to the coastal water body.

- 16 U.S.C. 3505(a)(2): The **maintenance or construction of improvements of existing Federal navigation channels** (including the Intracoastal Waterway) and related structures (such as jetties), including the disposal of dredge materials related to such maintenance or construction. A Federal navigation channel or a related structure is an existing channel or structure, respectively, if it was authorized before the date on which the relevant System unit or portion of the System Unit was included within the CBRS.
- 16 U.S.C. 3505(a)(3): The maintenance, replacement, reconstruction, or repair, but not the expansion, of **publicly owned or publicly operated roads, structures, or facilities that are essential links** in a larger network or system.
- 16 U.S.C. 3505(a)(4): **Military activities** essential to national security.
- 16 U.S.C. 3505(a)(5): The construction, operation, maintenance, and rehabilitation of **Coast Guard facilities** and access thereto.

***Specific Exceptions***

*These exceptions must also be consistent with all three purposes of the CBRA (see "Justification" section below).*

- 16 U.S.C. 3505(a)(6)(A): **Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats**, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.
- 16 U.S.C. 3505(a)(6)(B): Establishment, operation, and maintenance of **air and water navigation aids** and devices, and for access thereto.
- 16 U.S.C. 3505(a)(6)(C): Projects under the **Land and Water Conservation Fund Act of 1965** (16 U.S.C. 4601-4 through 11) and the **Coastal Zone Management Act of 1972** (16 U.S.C. 1451 et seq.).
- 16 U.S.C. 3505(a)(6)(D): **Scientific research**, including aeronautical, atmospheric, space, geologic, marine, fish and wildlife, and other research, development, and applications.
- 16 U.S.C. 3505(a)(6)(E): Assistance for **emergency actions essential to the saving of lives and the protection of property and the public health and safety**, if such actions are performed pursuant to sections 5170a, 5170b, and 5192 of title 42 **and are limited to actions that are necessary to alleviate the emergency.**
- 16 U.S.C. 3505(a)(6)(F): Maintenance, replacement, reconstruction, or repair, but not the expansion (except with respect to United States route 1 in the Florida Keys), of **publicly owned or publicly operated roads, structures, and facilities.**

- 16 U.S.C. 3505(a)(6)(G): **Nonstructural projects for shoreline stabilization** that are designed to mimic, enhance, or restore a natural stabilization system.

Justification for Exception(s)

The Proposed action will increase navigability of the federal channel AIWW and through beneficial use of dredged material, a highly eroded bird island will be restored. The restoration of the island will provide critical nesting and foraging habitat for indigenous and migratory birds. Additionally, the placement will provide stabilization for an eroding shoreline and substrate to encourage recruitment of oysterbeds.

Contact Information

Alexander Gregory, Biologist

Savannah District

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912-515-5148

Funding Agency Signature

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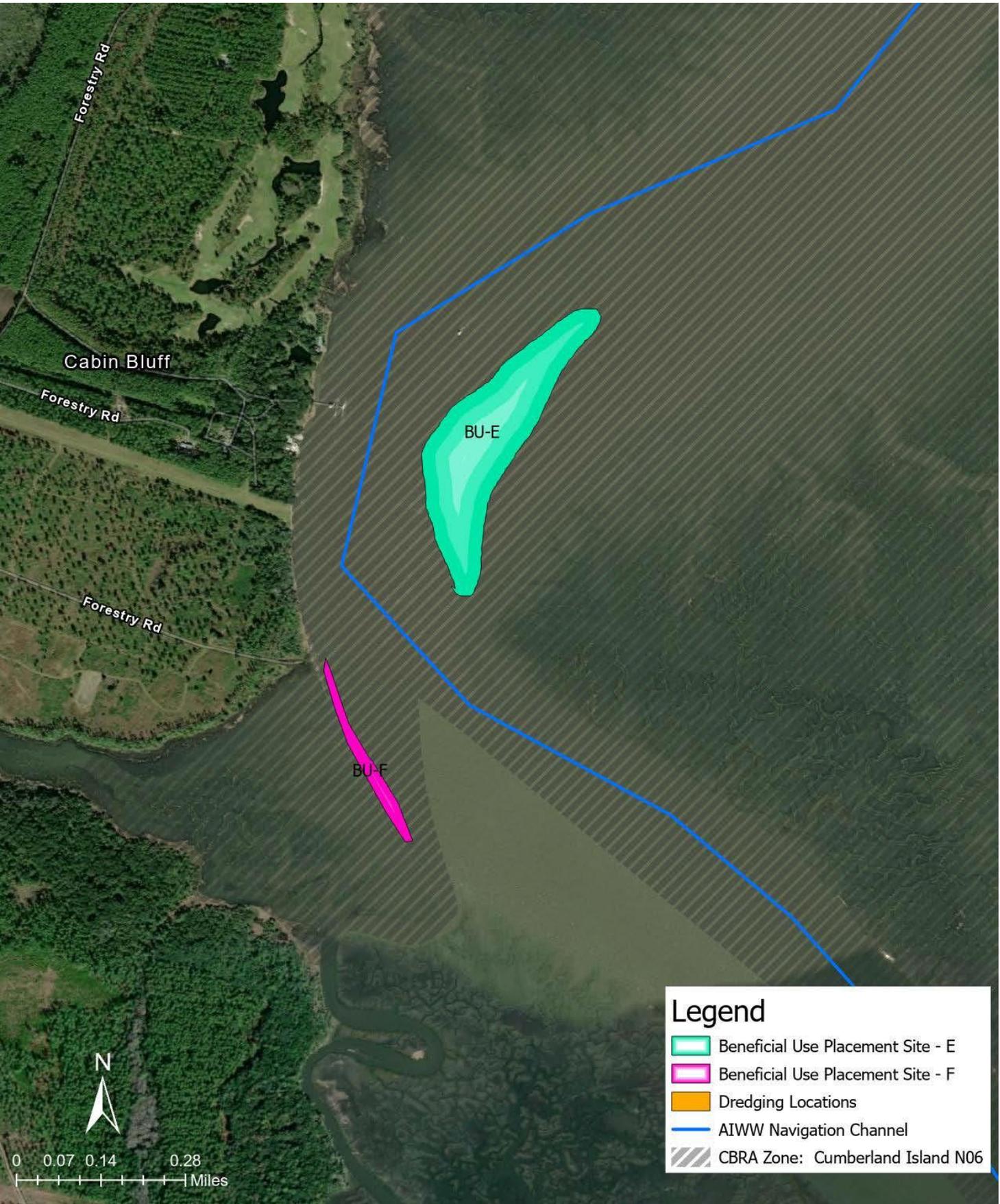
Environmental Team Lead



**Legend**

- Beneficial Use Placement Site - E
- Beneficial Use Placement Site - F
- Dredging Locations
- AIWW Navigation Channel
- CBRA Zone: Cumberland Island N06





U.S. Fish and Wildlife Service Response

Below is the Service's response to U.S Army Corps of Engineers, Savannah District request for a consultation under CBRA for maintenance dredging of the Cumberland Dividings within the Atlantic Intracoastal Waterway (AIWW), a federal navigation channel. This response represents the Service's opinion. **The final decision regarding the expenditure of funds for this action or project rests with the federal action agency.** U.S Army Corps of Engineers, Savannah District has fulfilled its obligation to consult with the Service under CBRA for this particular action or project within the CBRS. Please note that any new commitment of federal funds associated with this action or project, or change in the project design and/or scope, is subject to CBRA's consultation requirement.

The Service has reviewed the information provided by U.S Army Corps of Engineers, Savannah District, and believes the referenced action/project is:

- Not located within a System Unit of the CBRS and CBRA does not apply (except with respect to the restrictions on federal flood insurance)
- Located within a System Unit of the CBRS and meets the exception(s) to CBRA selected above
- Located within a System Unit of the CBRS and meets different exception(s) than the one(s) selected above (see additional information/comments below)
- Located within a System Unit of the CBRS and does not meet an exception to CBRA (see additional information/comments below)

Additional Information/Comments

No additional information or comments.

This response does not constitute consultation for any project pursuant to section 7 of the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) or comments afforded by the Fish and Wildlife Coordination Act (48 Stat. 401; 16 U.S.C. 661 et seq.); nor does it preclude comment on any forthcoming environmental documents pursuant to the National Environmental Policy Act (83 Stat. 852; 42 U.S.C. 4321 et seq.).

Peter D. Maholland  
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Georgia Ecological Services Field Office