

Appendix B

**Responses to Comments
on the Draft Environmental Assessment
for Rehabilitation of
Dredged Material Containment Area 1N (Onslow Island)
Savannah Harbor Navigation Project
Chatham County, Georgia**

Table of Contents:

July 25, 2013 United States Fish and Wildlife Service Comments	3
August 9, 2013 District Responses to USFWS Comments	5
July 24, 2013 South Carolina Savannah River Basin Maritime Commission Comments	6
August 9, 2013 District Responses to SCRBMC	13
August 2, 2013 Federal Aviation Administration Atlanta Airports District Office Comments	14
August 9, 2013 District Responses to FAA ATL-ADO Comments	17
July 25, 2013 National Marine Fisheries Service Comments.....	18
August 9, 2013 District Responses to NMFS Comments.....	24
July 29, 2013 Georgia Department of Natural Resources Coastal Resources Division.....	25
August 9, 2013 District Responses to GA DNR CRD Comments.....	26
July 24, 2013 Georgia Department of Transportation Comments.....	27
August 9, 2013 District Responses to GADOT Comments	28



United States Department of the Interior

Fish and Wildlife Service

105 West Park Drive, Suite D
Athens, Georgia 30606
Phone: (706) 613-9493
Fax: (706) 613-6059

West Georgia Sub-Office
Post Office Box 52560
Fort Benning, Georgia 31995-2560
Phone: (706) 544-6428
Fax: (706) 544-6419

Coastal Sub-Office
4980 Wildlife Drive
Townsend, Georgia 31331
Phone: (912) 832-8739
Fax: (912) 832-8744

July 25, 2013

Colonel Thomas J. Tickner
U. S. Army Corps of Engineers
Planning Division
100 West Oglethorpe Avenue
Savannah, Georgia 31401-0889
Attention: Ms. Ellie Covington

Re: USFWS File Number 2013-0708

Dear Colonel Tickner:

The U. S. Fish and Wildlife Service (Service) has reviewed the U. S. Army Corps of Engineers (USACE) draft Environmental Assessment (EA) and draft Finding of No Significant Impacts (FONSI) to evaluate modifying the 1996 Savannah Harbor Long Term Management Strategy Environmental Impact Statement (LTMS EIS). Dredged Material Containment Area (DMCA) 1N would be rehabilitated to provide wildlife habitat in the same manner as presently performed in other DMCA's for the Savannah Harbor Navigation Project. The proposed action is located adjacent to the Savannah River on lands of the Savannah National Wildlife Refuge in Chatham County, Georgia. The USACE requests comments on the EA and FONSI.

Representatives of the Service's Savannah Refuge and Georgia Ecological Services support the rehabilitation of DMCA 1N to provide habitat for the benefit of migratory waterfowl and shorebirds. As the proposed action would make DMCA 1N an active dredge disposal site, the Service recommends that effluent flowing from active dredging events into the created wetland habitat be tested for contaminants. At a minimum, we recommend a full metals scan be performed on effluent samples collected at the cross dike weirs during each dredging event. This testing would provide additional environmental

quality information for this area proposed to be created for the purpose of attracting wildlife and which will be an actively-managed wildlife area in the future on the Savannah National Wildlife Refuge. We have no further comment on the EA or FONSI at this time.

We appreciate the opportunity to comment on this project. If you have any further questions, please contact our Coastal Georgia Sub Office staff biologist, Bill Wikoff, at 912-832-8739 extension 5.

Sincerely,



Sandra S. Tucker
Field Supervisor



cc: Savannah National Wildlife Refuge, USFWS, Hardeeville, South Carolina
Georgia Ecological Services, USFWS, Athens, Georgia
Kay Davy, NMFS, Fort Lauderdale, Florida
Jaclyn Daly, NMFS, Charleston, South Carolina
Brad Gane, GDNR, Brunswick, Georgia
Bob Perry, SCDNR, Columbia, South Carolina
Margarett McIntosh, US Corps of Engineers, Savannah, Georgia
Ellie Covington, US Corps of Engineers, Savannah, Georgia

Response to USFWS:

Savannah District tests the sediments to be removed during maintenance of the Savannah Harbor Navigation Project on a recurring basis, typically every 10 years. We most recently tested and evaluated the O&M sediments in 2005. The testing did not identify any metals at levels of concern in the sediments in the reach proposed for deposition in DMCA 1N. The Corps will separately provide the USFWS the results of that analysis.

If/when the District uses DMCA 1N, it will conduct water quality monitoring in accordance with the Water Quality Certification for the project as documented in the 1996 Savannah Harbor LTMS EIS. The District will further consider performing a metals scan before releasing effluent from the DMCA after a material placement event occurs. The details of the metals scan will be coordinated with USFWS before any testing occurs.

WILLOUGHBY & HOEFER, P.A.

ATTORNEYS & COUNSELORS AT LAW

930 RICHLAND STREET

P.O. BOX 8416

COLUMBIA, SOUTH CAROLINA 29202-8416

MITCHELL M. WILLOUGHBY
JOHN M.S. HOEFER
RANDOLPH R. LOWELL
TRACEY C. GREEN
BENJAMIN P. MUSTIAN
ELIZABETH ZECK*
ELIZABETHANN LOADHOLT CARROLL
CHAD N. JOHNSTON
JOHN W. ROBERTS

AREA CODE 803
TELEPHONE 252-3300
TELECOPIER 256-8062

*ALSO ADMITTED IN TX

July 24, 2013

VIA EMAIL

Ms. Ellie Covington
Planning Division
U.S. Army Corps of Engineers, Savannah District
100 West Oglethorpe Avenue
Savannah, GA 31401-0889
CESAS-PD.SAS@usace.army.mil

Re: Draft Environmental Assessment and FONSI, Savannah Harbor Navigation
Project, Dredged Material Containment Area 1N (Onslow Island), Chatham
County, Georgia

Dear Ms. Covington,

Please allow these comments to serve as a response on behalf of the Savannah River Maritime Commission, South Carolina Department of Health and Environmental Control, and South Carolina Department of Natural Resources (collectively, South Carolina Natural Resource Agencies) to the Draft Environmental Assessment (Draft EA) and Finding of No Significant Impact (FONSI) for the Savannah Harbor Navigation Project Dredged Material Containment Area (DMCA) 1N (Onslow Island) which was public noticed on June 28, 2013.

As described in the Draft EA, the Savannah District U.S. Army Corps of Engineers (Corps) and the U.S. Fish and Wildlife Service (USFWS) are proposing to restore dredged material containment area (DMCA) 1N (Onslow Island) back into a functional state for the purposes of storing dredged material and creating wildlife habitat for birds. The Corps further proposes to count that habitat as mitigation in the same manner as it does for the other DMCA's identified in the Savannah Harbor Navigation Project Long-term Management Strategy (LTMS) for dredged material.

Consistent with our position as stated in my earlier letter to Mr. Bill Bailey (dated June 17, 2013), the South Carolina Natural Resource Agencies concur in the restoration of DMCA 1N and the creation of wildlife habitat as set forth in the Draft EA. However, the South Carolina Natural Resource Agencies do not concur with the use of

this project, whether considered alone or in conjunction with other DMCA management projects in the Savannah Harbor estuary, to satisfy compensatory mitigation requirements for past or future wetland or water quality impacts to South Carolina waters. Our rationale for this position is described in greater detail below.

The following text providing background information on the proposed management strategy in DMCA 1N is excerpted from p. 2 of the Draft EA:

In 1996, the Corps Savannah District completed an Environmental Impact Statement (EIS) that evaluated operation and maintenance activities for the Savannah Harbor Navigation Project. The evaluation resulted in a Long Term Management Strategy (LTMS) for the Savannah Harbor Navigation Project. That strategy outlined actions (e.g., improvements to dredge pipe ramps) that would result in environmental impacts in both Georgia and South Carolina. The strategy also identified the need for another DMCA, which would become DMCA 14A located in Jasper County, South Carolina. Wetlands were present on the site, so the Corps committed to several mitigation actions, including a water management strategy to create beneficial habitat for shorebirds, migratory birds, waterfowl and colonial nesting seabirds while maintaining the primary purpose of the areas, which is dredged material disposal. The mitigation plan was approved by the US Environmental Protection Agency (EPA), US Fish and Wildlife Service (USFWS), South Carolina Department of Health and Environmental Control (SC DHEC), South Carolina Department of Natural Resources (SC DNR), and Georgia Department of Natural Resources (GA DNR).

The South Carolina Natural Resource Agencies acknowledge our earlier concurrence with the LTMS mitigation plan; however, as indicated in the above excerpt from the DEA, the water management strategy designed to create beneficial habitat for birds in selected DMCA's was only one component of a much more comprehensive LTMS mitigation plan to which the agencies agreed. Attached is a scanned copy of the 1996 Record of Decision (ROD) for the LTMS EIS. It is clear from the ROD that managing the dredged spoil disposal areas for birds was just one of six requirements of the mitigation plan intended to compensate for wetland impacts resulting from the diking of disposal area 14A and "miscellaneous disposal area operations in South Carolina." This multi-faceted plan represented a novel approach to wetland mitigation, which recognized the limited availability of options for on-site wetland restoration, creation or preservation, but also recognized that the creation of bird habitat alone did not compensate for the many other ecologically important wetland functions that would be affected. While some of the LTMS mitigation requirements as described in the ROD have been met, it is unclear whether others have been.

In order for the South Carolina Natural Resource Agencies to consider whether the proposed management of DMCA 1N can be counted toward the mitigation requirements for the past diking of disposal area 14A or "miscellaneous disposal operations in south

Ms. Ellie Covington

July 24, 2013

Page 3

Carolina,” we would need to see a full accounting of all actions taken to date in fulfillment of the mitigation plan for the Savannah Harbor Navigation Project as described in the attached ROD. This detailed accounting, including the calculation of wildlife habitat mitigation credits generated thus far¹, should be included in the DEA for the proposed restoration of DMCA 1N. Until this information is provided to the South Carolina Natural Resource Agencies for their review and approval, we continue to object to the use of this otherwise beneficial project to mitigate for past or future wetland or water quality impacts to South Carolina waters.

Very truly yours,

WILLOUGHBY & HOEFER, P.A.



Randolph R. Lowell

¹ Based on discussions between SCDNR and USFWS staff, we believe that the “Site Utilization Factor” used to calculate the potential number of wildlife mitigation credits that would be generated as a result of restoring shorebird and waterfowl habitat in the DMCA’s should be 6 months rather than 12 months. Therefore, the number of potential wildlife mitigation credits resulting from the proposed restoration of DMCA 1N (as shown in Table 1 of the DEA) appears to be an overestimate.

RECORD OF DECISION

SAVANNAH HARBOR LONG TERM MANAGEMENT STRATEGY SAVANNAH HARBOR, GEORGIA AND SOUTH CAROLINA

I have reviewed the Long Term Management Strategy Final Environmental Impact Statement for operation of the commercial navigation harbor at Savannah Harbor, Georgia. Based on this review and the views of interested agencies and the concerned public, I find the management strategy recommended by the Savannah District to be economically justified, in accordance with environmental statutes, and in the public interest. The selected strategy incorporates the following features:

- a) Rotational use of confined disposal areas in the middle and lower harbor, thereby extending their useful life;
- b) Diking and use of Disposal Area 14A to allow implementation of the rotational program;
- c) A Mitigation Plan to compensate for the wetland losses resulting from the diking of Disposal Area 14A and miscellaneous disposal area operations in South Carolina. This plan consists of the following features:
 - (1) Implementation of a water management strategy at the confined disposal areas used in the rotation program. The strategy is based on the best use -- for shorebirds and migratory birds -- of water pumped into those sites during disposal operations, depending on the date a disposal operation ceases;
 - (2) Construction and maintenance of a total of fourteen 1-acre islands within the seven confined disposal areas used in the rotation program for the benefit of shorebirds and colonial nesting birds;
 - (3) Construction and maintenance of a 2-acre island located in the nearshore area off the Turtle Island Wildlife Management Area for use by shorebirds, colonial nesting birds, and endangered species;

- (4) Clearing and maintenance of a 26-acre bare ground nesting area on high ground oceanward of the dike at Jones/Oysterbed Island for use by colonial nesting birds;
- (5) Restoration/creation or protection of 25 acres of tidal wetlands in South Carolina. The SC DHEC-OCRM would select feasible sites in the future and identify either (a) construction actions necessary to improve/create wetlands at the site, or (b) measures which would be necessary to adequately protect the site from future development. The SC DHEC-OCRM would administer an escrow account established by the local sponsor or its designee to accomplish the necessary construction and acquisition.
- (6) Installation of a water control structure at an existing 228-acre impoundment within the Savannah National Wildlife Refuge to increase fisheries resources;
- d) Construction and use of an access road to Disposal Area 2A to allow deposited sediments to be removed, thereby extending the useful life of that site;
- e) Miscellaneous disposal area operations consisting of the following: new pipe ramps, expansions of existing pipe ramps, installation of new weir/discharge pipes, replacement of existing weir/discharge pipes, and bank protection for eroding dikes along the Savannah River, including those at the Jones/Oysterbed Island Disposal Area;
- f) A commitment to mitigate at a 2:1 rate for the wetland losses in Georgia stemming from construction of the access road to Disposal Area 2A and miscellaneous disposal area operations at existing confined disposal areas;
- g) Installation of underdrains which would drain to either the Savannah or Back Rivers to allow faster drying of deposited sediments; thereby enhancing the removal of those sediments and extending the useful life of the confined disposal areas;
- h) Beneficial uses of nearshore sediments, consisting of construction and maintenance of submerged berms south of the Bar Channel, construction and maintenance of a feeder berm off Tybee Island, and placement directly on the Tybee and/or Daufuskie Island beaches;
- i) Hydraulic dredging of berths by dock owners with direct deposition of dredged material directly in confined disposal facilities, including deepening of berths by their owners to

increase the efficiency of hydraulic dredging of those sites and reduce the frequency of dredging events; and

j) Improvements in the following sediment control features to create additional off-channel storage for deposition of sediments: advance maintenance deepening at the Sediment Basin and turning basins, and deepening the existing advance maintenance section at the Kings Island Turning Basin. These actions would concentrate sediments out of the navigation channel, thereby extending the duration during which authorized channel depths are available.

Seven alternatives were developed and analyzed in addition to the No Action alternative. Those alternatives varied in disposal location, use of sediment control features, and use of material consolidation techniques. Alternative 8 was selected as the best management plan for efficient and effective operation of the harbor. That alternative includes components which address issues which do not affect the Federal costs of operating and maintaining Savannah Harbor. Those components describe the most environmentally-acceptable manner of maintaining adequate depths in berths and are contained in Alternative 6. The "Base Plan" for the Savannah Harbor Navigation Project -- which establishes the benchmark for Federal involvement in future operation of the harbor and the baseline for cost sharing purposes -- therefore consists of Alternative 8 without the features described in Alternative 6. Viewed from another perspective, the Base Plan consists of the combined use of Alternatives 3 (rotational use of the CDFs), 4 (underdrains), 5 (nearshore disposal options) and 7 (sediment control features in the inner harbor). The nearshore disposal location to be used for a specific dredging contract would be decided during project design and award based on identification of the least cost, environmentally-acceptable option. If disposal at a certain location is found to be more desirable for environmental or other reasons but would be more costly than one of the other acceptable options, it could be pursued using appropriate cost sharing authorities. The non-Federal sponsor is willing to fund the plan components for which it is responsible, with the most costly being the diking of Disposal Area 14A and implementation of its associated Mitigation Plan.

Major environmental issues centered on two areas: development of an acceptable comprehensive mitigation plan for expected wetland impacts, and development of project features which would either reduce the environmental impacts of current harbor operations or benefit the environment through changes in existing operational practices. Concurrence from resource agencies in the selected plan and the revised Mitigation Plan demonstrate the District's resolution of these issues from the perspective of those agencies.

The real estate rights contained within the specific easements in effect for the Navigation Project's confined disposal facilities are under review. Should the Corps determine that any additional real estate interests are necessary to implement provisions of the LTMS EIS, the local sponsor would be responsible for obtaining such interests. Any specific construction and/or management activities on those lands would be contingent upon obtaining all necessary interests. If components of the plan are found to not be implementable as a result of further real estate activity, they may be revised. Those revisions would be developed with input from Federal and state resource agencies, and the public. Depending on the extent of the revisions, additional NEPA documentation may be required.

Three Memorandums of Agreement (MOAs) were prepared. Two MOAs were developed to document actions the District will take concerning cultural resources listed on the National Register of Historic Places. Those sites are Old Fort Jackson and the CSS GEORGIA. Implementation of these MOAs will ensure the District's continued compliance with Section 106 of the National Historic Preservation Act. The third MOA documents actions Savannah District and the Environmental Protection Agency will take in their joint management of the Savannah Ocean Dredged Material Disposal Site (ODMDS).

Technical and economic criteria used in the formulation of alternative plans were those specified in the Water Resource Council's Principles and Guidelines. The District considered applicable laws, executive orders, regulations and local governmental plans in evaluating the alternatives. They incorporated into the recommended plan all practical means to avoid or minimize adverse environmental effects. Based on review of these evaluations, I find that the combined savings and environmental benefits from implementing dredging and disposal activities in the recommended manner outweigh the adverse effects.

3 Feb 1997

DATE



R. L. VANANTWERP
Brigadier General, U.S. Army
Division Engineer

Response to South Carolina Savannah River Basin Maritime Commission:

The District does not concur with the Commission's position that wildlife mitigation credits obtained from DMCA 1N may not be counted towards the annual mitigation requirements as outlined in the 1996 Savannah Harbor LTMS EIS. The EA proposes to rehabilitate the existing DMCA for dredged material placement and perform activities at the site that could be counted toward previous Savannah Harbor O&M project mitigation requirements. If approved for mitigation, the District's flexibility to meet the commitments outlined in the LTMS would be increased. The project does not propose absolution of mitigation commitments in South Carolina. In the event bare ground nesting commitments are exceeded for the project over several years, the District may choose to modify O&M activities such as clearing interior DMCA bird islands in South Carolina for bare ground nesting credits. PD believes that Savannah District should operate the DMCAs in the harbor to minimize environmental impacts in the estuary and, when possible, provide environmental benefits. That operation should be independent of the state boundary. As such, the Corps believes that mitigation actions performed by the Savannah Harbor Navigation Project O&M activities in Georgia provide the same environmental benefits as identical mitigation actions performed in South Carolina. In this instance, the targeted mitigation requirements are for bird habitat creation. These birds are highly mobile and in some instances migratory, often covering a large geographic area in search of food and nesting/roosting areas. The benefits provided by the proposed action would accrue to avian wildlife that regularly use wetlands and bare ground nesting habitats in both South Carolina and Georgia estuaries.

The District does concur in the Commission's request to see a full account of all mitigation actions described in the LTMS EIS Record Of Decision and will provide that information to the Commission. The District concurs with changes to the Habitat Unit calculations and the final EA has been updated to reflect these changes.



U.S. Department
of Transportation

**Federal Aviation
Administration**

Atlanta Airports District Office

1701 Columbia Ave., Campus Bldg.

Atlanta, GA 30337-2747

P: (404) 305-7150 F: (404) 305-7155

August 02, 2013

Ms. Ellie Covington
Planning Division
US Army Corps of Engineers, Savannah District
100 West Oglethorpe Avenue
Savannah, Georgia 31401-0889

Dear Ms. Covington:

Federal Aviation Administration, Atlanta Airports District Office (FAA ATL-ADO) Comments: Draft Environmental Assessment - Savannah Harbor Navigation Project, Rehabilitation of Dredged Material Containment Area (DMCA) 1N (Onslow Island), Chatham County, Georgia, June 2013

We appreciate the US Army Corps of Engineers (USACE), Savannah District for coordinating with FAA on this proposed project.

As discussed in our telecom on July 17, 2013, the proposed project involves a land-use identified in FAA's Advisory Circular (AC) 150/5200-33 as having the potential to attract hazardous wildlife. For the safety of the flying public, the FAA recommends siting land-uses of this type beyond 5-miles of the nearest airport air operations area (AOA) to protect the approach, departure and circling airspace.

The closest airport AOA to Onslow Island is the runway safety area (RSA) of Runway (RWY) 10/28 at Savannah/Hilton Head International Airport (SAV). Using Google Earth, the closest straight-line distance from the designated RSA endpoint to Onslow Island is approximately 2.65 nautical miles, well inside FAA's recommended 5-mile separation distance (Encl).

The Draft EA indicates that Onslow Island (DMCA 1N) is owned by the US Fish and Wildlife Service (USFWS) and is part of the Savannah National Wildlife Refuge. Onslow Island has been a potential hazardous wildlife attractant since 1973, when a special use permit allowed construction of dikes and for disposal and/or removal of dredge spoil there. Sediments were deposited on Onslow Island periodically until the late 1990's. The USFWS used the site as a bird management area and during that time a third party constructed a nesting island within the site to provide rare nesting habitat for birds such as Least Terns. In 1999 USACE pumped a large quantity of silt on the island over several days, destroying the habitat previously created. Since 1999, Onslow Island has not been managed for habitat and no dredge spoil has been placed there.

The FAA appreciates that the coastal biome is by default attractive to wildlife, and especially so to birds. We realize Onslow Island is located in an area dominated by extensive wetted areas that are designated conservation areas and managed specifically to attract and provide habitat for wildlife. We understand that Onslow Island itself is part of the Savannah National Wildlife Refuge and prior to 1999 the USFWS managed the island for bird habitat.

The FAA cannot change the coastal biome, nor can we alter decisions of the past. However, it is our responsibility to do everything we can to ensure new proposed actions with known potential to become hazardous wildlife attractants are sited in accordance with our agency recommendations identified in AC 150/5200-33.

In cases where land uses with known potential to attract hazardous wildlife must be sited inside of the FAA's 5-mile recommended separation distance, the FAA with technical support from the USDA-WS will collaborate with you regarding design modifications that would make the potential attractant as unattractive as possible to the most hazardous avian species. Additionally, we will request the development of a sustainable long-term management plan to manage against hazardous wildlife if they present themselves. On 07/19/31, the FAA requested technical expertise and support from the GA-USDA-WS to assist us in this area. The designated GA-USDA-WS biologist will contact you directly to arrange a site visit to the island. Prior to the start of construction, we recommend that a depredation permit be on-hand and maintained in perpetuity so that hazards, if they arise, can be dealt with immediately.

We look forward to our continued coordination. Please contact me at dana.perkins@faa.gov or (404) 305-7152 if our comments require discussion or if I may be of further assistance.

Sincerely,



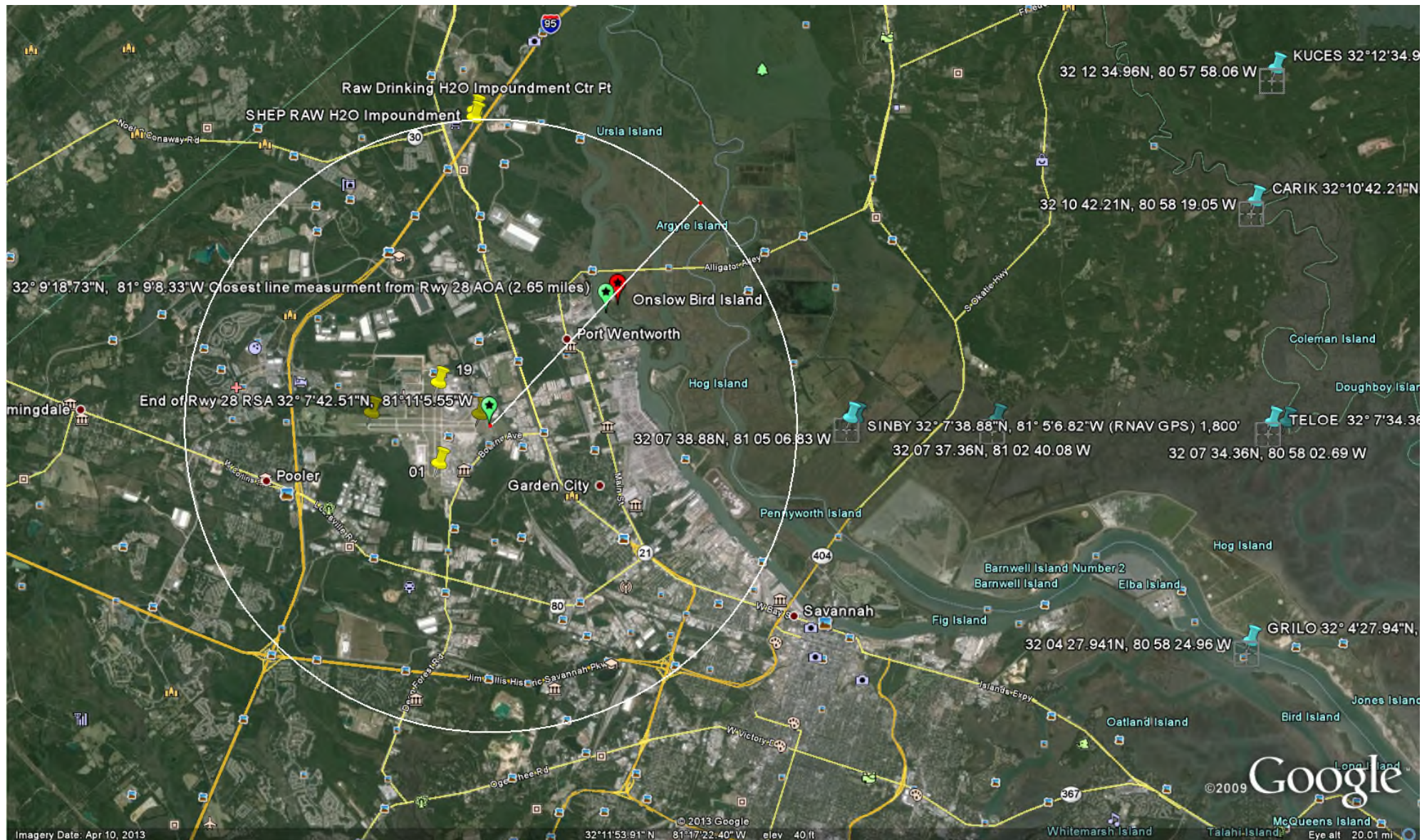
Dana L. Perkins
Environmental Program Manager

cc w. encl:

US Army Corps of Engineers, Savannah District, ATTN: William Bailey (Planning Division)/
Mackie McIntosh (Environmental Resources Branch)
Savannah Airport Commission, ATTN: Greg Kelly
Georgia Department of Transportation, ATTN: Carol Comer (Division of Intermodal)/
David Griffin (Waterways Programs)/ Peter Cevallos (Aviation Programs)
U.S. Department of Agriculture, Animal and Plant Health Inspection Service - Wildlife
Services (ATTN: Steve Smith/Jonathan Smith)
Federal Aviation Administration, Southern Region, ATTN:
Steve Hicks/Patrick Rogers/Jim Price/Jack McSwain (Airports - Safety and Standards)
Jackie Sweatt-Essick (Airports – Planning and Programing)
Bonnie Baskin (Air Traffic Organization – Eastern Service Area, Operational Support
Group)
Federal Aviation Administration HQ, ATTN: John Weller/Amy Anderson (Office of
Airport Safety and Standards)

** Original mailed via USPS to addressee and e-mailed to addressee and all cc recipients for expediency.*

USACE Savannah Proposed Development of Onslow Island to a “Bird Island” for mitigation credits.



Ctr Pt of Onslow Island (320 ac) = 32157307N & -81.148998W

Closest straight line distance from end of Rwy 28 AOA to Onslow Island = 2.65 NM

Response to FAA:

The District concurs with the FAA recommendation to have a Georgia USDA-WS biologist visit the site and make recommendations for minimizing potential threats to aviation safety. The District concurs with developing a sustainable long-term management plan to address potential wildlife hazards and has developed and included a Wildlife Hazard Management Plan as an appendix to the Final EA. The District is coordinating with USFWS and the FAA on the recommendation to obtain a Depredation Permit to manage potential hazardous species that may use the site.

**UNITED STATES DEPARTMENT OF COMMERCE**

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

July 25, 2013

F/SER47:JD/pw

(Sent via Electronic Mail)

Colonel Thomas J. Tickner, Commander
Savannah District Corps of Engineers
100 W. Oglethorpe Avenue
Savannah, Georgia 31402-0889

Attention: Ellie Covington

Dear Colonel Tickner:

NOAA's National Marine Fisheries Service (NMFS) reviewed the Notice of Availability of a Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI), dated June 28, 2013, for a modification to the U.S. Army Corps of Engineers (USACE) 1996 Savannah Harbor Long Term Management Strategy Environmental Impact Statement (LTMS EIS) in Georgia and South Carolina. The proposed modification to Dredged Material Containment Area (DMCA) 1N (Onslow Island) and access road would allow DMCA 1N to be used for dredged material disposal in manner that would also provide wildlife habitat. The Savannah District's initial determination is the DMCA 1N and access road do not include essential fish habitat (EFH); NMFS agrees with this determination and, accordingly, offers no comments under the essential fish habitat (EFH) provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). As the nation's federal trustee for the conservation and management of marine, estuarine, and anadromous fishery resources, the following comments and recommendations are provided pursuant to authorities of the Fish and Wildlife Coordination Act.

The Draft EA presents two alternatives. Under Alternative 1 (No-Action), DMCA 1N would remain in its current state used, primarily by the U.S. Fish and Wildlife Service National Wildlife Refuge, as a source of construction sand and for storage of derelict equipment. Invasive vegetation unsuitable for migratory birds and native wildlife would remain abundant, and the site would have limited or no capacity for additional dredged material. Under Alternative 2 (Preferred Alternative), the perimeter dike of DMCA 1N would be raised to 26 feet mean lower low water (MLLW). The access road from Georgia Highway 25 would be improved and three pipe ramps repaired. The existing weir structures would be replaced in their present locations. A two-acre island would be constructed within DMCA 1N to provide loafing, feeding, and nesting habitat for colonial nesting birds, such as least terns, Wilson's plovers, sandwich terns, and gull-billed terns. The island would be managed to provide bare ground that mimics beach nesting sites, which are a locally limiting resource due to development. To deter predators, water levels would be managed within DMCA 1N to isolate the island during nesting season (1 April to 30 September) to the extent practicable. Under this alternative, DMCA 1N would be added to the approved wildlife mitigation plan within the LTMS EIS while regaining some capacity for dredged material disposal. No wetland impacts outside DMCA 1N are anticipated. The Savannah District is requesting 1,640 mitigation credits for construction of the two-acre island as calculated in the form of "bird habitat units" in the manner described in the LTMS EIS.



While the Draft EA does not provide detail regarding the proposed rehabilitation of the access road from Highway 25 to DMCA 1N, the Draft EA suggests and the Savannah District staff have confirmed¹ that no impacts to adjacent the salt marsh are anticipated. NMFS recommends the Savannah District make this point more clear in the Final EA since it is the basis for the District's determination that no adverse impacts to EFH are proposed. Should subsequent planning for rehabilitation of the road show the adjacent marsh will be disturbed, it will likely be necessary for the District to reinstate EFH consultation.

The Draft EA does not describe how the bird habitat units are calculated under the terms of the LTMS EIS. Given the LTMS EIS is nearly 20 years old, NMFS recommends the Final EA include an appendix with the detailed calculation for clarity. Also for clarity, the Final EA should note that the Savannah District is not proposing to use the created bird habitat units as credit to offset past or future wetland impacts², especially EFH impacts.

Lastly, NMFS recommends the Savannah District provide the agencies and the public with a summary of the status of the various mitigation actions that the District committed to perform in the Record of Decision (ROD) for the LTMS EIS (attached). This would provide an opportunity to tidy the administrative record and to document compliance with the environmental regulation enacted subsequent to the ROD (such as the EFH provisions of the Magnuson-Stevens Act).

We appreciate the opportunity to provide these comments. Please direct related correspondence to the attention of Ms. Jaclyn Daly-Fuchs at our Charleston Area Office. She may be reached at (843) 762-8610 or by e-mail at Jaclyn.Daly@noaa.gov.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc:

COE, CESAS-PD@usace.army.mil
COE, Ellie.L.Covington@usace.army.mil
SAFMC, Roger.Pugliese@safmc.net
FWS, Bill_Wikoff@fws.gov
SCDNR, wendtp@dnr.sc.gov
SCDNR, perryb@dnr.sc.gov
F/SER4, David.Dale@noaa.gov
F/SER47, Jaclyn.Daly@noaa.gov

¹ Emails from dated July 17, 2013, and July 25, 2013, from Ellie Covington to Jaclyn Daly.

² Email from dated June 20, 2013, from William Bailey to Kay Davy.

RECORD OF DECISION

SAVANNAH HARBOR LONG TERM MANAGEMENT STRATEGY SAVANNAH HARBOR, GEORGIA AND SOUTH CAROLINA

I have reviewed the Long Term Management Strategy Final Environmental Impact Statement for operation of the commercial navigation harbor at Savannah Harbor, Georgia. Based on this review and the views of interested agencies and the concerned public, I find the management strategy recommended by the Savannah District to be economically justified, in accordance with environmental statutes, and in the public interest. The selected strategy incorporates the following features:

a) Rotational use of confined disposal areas in the middle and lower harbor, thereby extending their useful life;

b) Diking and use of Disposal Area 14A to allow implementation of the rotational program;

c) A Mitigation Plan to compensate for the wetland losses resulting from the diking of Disposal Area 14A and miscellaneous disposal area operations in South Carolina. This plan consists of the following features:

- (1) Implementation of a water management strategy at the confined disposal areas used in the rotation program. The strategy is based on the best use -- for shorebirds and migratory birds -- of water pumped into those sites during disposal operations, depending on the date a disposal operation ceases;
- (2) Construction and maintenance of a total of fourteen 1-acre islands within the seven confined disposal areas used in the rotation program for the benefit of shorebirds and colonial nesting birds;
- (3) Construction and maintenance of a 2-acre island located in the nearshore area off the Turtle Island Wildlife Management Area for use by shorebirds, colonial nesting birds, and endangered species;

- (4) Clearing and maintenance of a 26-acre bare ground nesting area on high ground oceanward of the dike at Jones/Oysterbed Island for use by colonial nesting birds;
 - (5) Restoration/creation or protection of 25 acres of tidal wetlands in South Carolina. The SC DHEC-OCRM would select feasible sites in the future and identify either (a) construction actions necessary to improve/create wetlands at the site, or (b) measures which would be necessary to adequately protect the site from future development. The SC DHEC-OCRM would administer an escrow account established by the local sponsor or its designee to accomplish the necessary construction and acquisition.
 - (6) Installation of a water control structure at an existing 228-acre impoundment within the Savannah National Wildlife Refuge to increase fisheries resources;
- d) Construction and use of an access road to Disposal Area 2A to allow deposited sediments to be removed, thereby extending the useful life of that site;
 - e) Miscellaneous disposal area operations consisting of the following: new pipe ramps, expansions of existing pipe ramps, installation of new weir/discharge pipes, replacement of existing weir/discharge pipes, and bank protection for eroding dikes along the Savannah River, including those at the Jones/Oysterbed Island Disposal Area;
 - f) A commitment to mitigate at a 2:1 rate for the wetland losses in Georgia stemming from construction of the access road to Disposal Area 2A and miscellaneous disposal area operations at existing confined disposal areas;
 - g) Installation of underdrains which would drain to either the Savannah or Back Rivers to allow faster drying of deposited sediments; thereby enhancing the removal of those sediments and extending the useful life of the confined disposal areas;
 - h) Beneficial uses of nearshore sediments, consisting of construction and maintenance of submerged berms south of the Bar Channel, construction and maintenance of a feeder berm off Tybee Island, and placement directly on the Tybee and/or Daufuskie Island beaches;
 - i) Hydraulic dredging of berths by dock owners with direct deposition of dredged material directly in confined disposal facilities, including deepening of berths by their owners to

increase the efficiency of hydraulic dredging of those sites and reduce the frequency of dredging events; and

j) Improvements in the following sediment control features to create additional off-channel storage for deposition of sediments: advance maintenance deepening at the Sediment Basin and turning basins, and deepening the existing advance maintenance section at the Kings Island Turning Basin. These actions would concentrate sediments out of the navigation channel, thereby extending the duration during which authorized channel depths are available.

Seven alternatives were developed and analyzed in addition to the No Action alternative. Those alternatives varied in disposal location, use of sediment control features, and use of material consolidation techniques. Alternative 8 was selected as the best management plan for efficient and effective operation of the harbor. That alternative includes components which address issues which do not affect the Federal costs of operating and maintaining Savannah Harbor. Those components describe the most environmentally-acceptable manner of maintaining adequate depths in berths and are contained in Alternative 6. The "Base Plan" for the Savannah Harbor Navigation Project -- which establishes the benchmark for Federal involvement in future operation of the harbor and the baseline for cost sharing purposes -- therefore consists of Alternative 8 without the features described in Alternative 6. Viewed from another perspective, the Base Plan consists of the combined use of Alternatives 3 (rotational use of the CDFs), 4 (underdrains), 5 (nearshore disposal options) and 7 (sediment control features in the inner harbor). The nearshore disposal location to be used for a specific dredging contract would be decided during project design and award based on identification of the least cost, environmentally-acceptable option. If disposal at a certain location is found to be more desirable for environmental or other reasons but would be more costly than one of the other acceptable options, it could be pursued using appropriate cost sharing authorities. The non-Federal sponsor is willing to fund the plan components for which it is responsible, with the most costly being the diking of Disposal Area 14A and implementation of its associated Mitigation Plan.

Major environmental issues centered on two areas: development of an acceptable comprehensive mitigation plan for expected wetland impacts, and development of project features which would either reduce the environmental impacts of current harbor operations or benefit the environment through changes in existing operational practices. Concurrence from resource agencies in the selected plan and the revised Mitigation Plan demonstrate the District's resolution of these issues from the perspective of those agencies.

The real estate rights contained within the specific easements in effect for the Navigation Project's confined disposal facilities are under review. Should the Corps determine that any additional real estate interests are necessary to implement provisions of the LTMS EIS, the local sponsor would be responsible for obtaining such interests. Any specific construction and/or management activities on those lands would be contingent upon obtaining all necessary interests. If components of the plan are found to not be implementable as a result of further real estate activity, they may be revised. Those revisions would be developed with input from Federal and state resource agencies, and the public. Depending on the extent of the revisions, additional NEPA documentation may be required.

Three Memorandums of Agreement (MOAs) were prepared. Two MOAs were developed to document actions the District will take concerning cultural resources listed on the National Register of Historic Places. Those sites are Old Fort Jackson and the CSS GEORGIA. Implementation of these MOAs will ensure the District's continued compliance with Section 106 of the National Historic Preservation Act. The third MOA documents actions Savannah District and the Environmental Protection Agency will take in their joint management of the Savannah Ocean Dredged Material Disposal Site (ODMDS).

Technical and economic criteria used in the formulation of alternative plans were those specified in the Water Resource Council's Principles and Guidelines. The District considered applicable laws, executive orders, regulations and local governmental plans in evaluating the alternatives. They incorporated into the recommended plan all practical means to avoid or minimize adverse environmental effects. Based on review of these evaluations, I find that the combined savings and environmental benefits from implementing dredging and disposal activities in the recommended manner outweigh the adverse effects.

3 Feb 1997

DATE



R. L. VANANTWERP
Brigadier General, U.S. Army
Division Engineer

Response to NMFS:

The District concurs with the NMFS request to clarify that the project's construction will have no impacts to wetlands and therefore no EFH analysis is required. This clarification has been included in the final EA. The District also clarified the Habitat Unit calculations in the final EA. The District will provide NMFS and any other interested parties an update of all mitigation actions described in the Savannah Harbor LTMS EIS Record Of Decision through FY 12.



MARK WILLIAMS
COMMISSIONER

A.G. 'SPUD' WOODWARD
DIRECTOR

July 29, 2013

US Army Corps of Engineers
Savannah District, Planning Division
Attn: Mr. William Bailey
100 West Oglethorpe Avenue
Savannah, Georgia 31401-0889

RE: CZM Consistency Determination: Concurrence for Savannah Harbor 1996 LTMS DEIS
Modification – Rehabilitation of DMCA 1N (Onslow Island)

Dear Mr. Bailey:

Staff of the Coastal Management Program has reviewed your June 28, 2013 public notice of availability of a Draft Environmental Assessment and Draft Finding of No Significant Impact for a modification to the US Army Corps of Engineers' 1996 Savannah Harbor Long Term Maintenance Strategy (LTMS) in Georgia and South Carolina to rehabilitate Dredged Material Containment Area (DCMA) 1N on Onslow Island for the purpose of storing dredged material and creating wildlife habitat.

The Program concurs with your consistency determination. This concurrence is only applicable to the expressly stated modification of rehabilitating DMCA 1N as described in the June 28, 2013 Public Notice. Please feel free to contact Kelie Moore or me if we can be of further assistance.

Sincerely,

Brad Gane
Chief, Ecological Services

BG/km

Response to GA DNR-CRD:

The District acknowledges GA DNR-CRD's concurrence in the District's CZM consistency determination.



July 24, 2013

Ms. Ellie Covington
Planning Division
US Army Corps of Engineers
Savannah District
100 West Oglethorpe Avenue
Savannah, Georgia 31401

Dear Ms. Covington:

Thank you for the opportunity to review and comment on the Draft Environmental Assessment to evaluate modifying the mitigation plan for the Savannah Harbor Navigation Project (SHNP) to provide wildlife habitat in Dredged Material Containment Area (DMCA) 1N on Onslow Island.

We support development of this project as it will provide additional disposal capacity in the upper reaches of the SHNP, while at the same time helping to meet the environmental commitments outlined in the current mitigation plan for dredging the SHNP. However, we request that the Corps consider including monitoring of any birds or wildlife attracted to the island during and after construction to verify this project does not lead to increased interactions between birds using the island and planes using the nearby Savannah Hilton Head International Airport.

Thank you once again for the opportunity to comment. If you have any questions, please feel free to contact David Griffin, Waterways Program Manager, at 404-631-1228.

Sincerely,

A handwritten signature in blue ink, reading "Carol L. Comer".

Carol L. Comer, Director
Division of Intermodal

Response to GA DOT:

The District concurs with the DOT recommendation to monitor birds or wildlife attracted to the site to ensure increased threats to aircraft wildlife interactions are avoided and as stated earlier will continue coordination with the FAA in development of a wildlife management plan.