

CESAJ-RD and CESAS-RD  
Application SAJ-1992-01854 and SAS-2005-01790

## MEMORANDUM FOR RECORD

**SUBJECT:** Department of the Army Environmental Assessment and Statement of Finding for Above-Numbered Permit Applications

This document constitutes the Environmental Assessment, 404(b)(1) Guidelines Evaluation, Public Interest Review, and Statement of Findings.

### 1. APPLICATION AS DESCRIBED IN THE PUBLIC NOTICE:

a. APPLICANT: Commanding Officer  
United States Navy  
Naval Submarine Base, Kings Bay  
1063 USS Tennessee Avenue  
Kings Bay, Georgia 31547-2606

b. WATERWAY & LOCATION: The project is located in navigable waters of the United States at the Kings Bay Naval Submarine Base (Submarine Base), Camden County, Georgia. The project requires ocean access to the Submarine Base. The Kings Bay Inner Channel (KBIC) is mainly located in Camden County, Georgia. The Kings Bay Entrance Channel (KBEC), also known as the St. Mary's Entrance Channel, separates Amelia Island, Florida and Cumberland Island, Georgia, and is mainly located in Nassau County, Florida. There are four confined dredged material placement areas that are located at the Submarine Base in Camden County, Georgia. The placement of the beach quality dredged material would be located along the shoreline of Amelia Island, in Nassau County, Florida. The open water dredged material placement area is located off the beach in Amelia Island, in Nassau County, Florida.

c. LATITUDE & LONGITUDE (Center Coordinate in the Entrance Channel between Florida and Georgia): Latitude 30.70886, Longitude: -81.45224

d. PROJECT PURPOSE: The applicant's stated project purpose is to perform maintenance dredging necessary for the continued operation of the Kings Bay Naval Submarine Base. The work proposed by the applicant involves maintenance dredging accumulated sediments from existing navigation channels, berths, facilities, turning basins, and settling basins located in navigable waters of the United States (US), subject to jurisdiction under Section 10 of the Rivers and Harbors Act. The beach disposal areas, nearshore disposal area; and the discharge of effluent from the four upland confined disposal facilities (CDFs) into waters of the US are subject to jurisdiction under Section 404 of the Clean Water Act (CWA).

(1) Basic: The Corps has determined that the basic project purpose is to facilitate navigation.

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
 SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
 for the Above-Numbered Permit Applications

(2) Overall: The Corps has determined that the overall project purpose is to facilitate navigation by maintaining authorized depths of existing navigation channels, berths, facilities, turning basins, and settling basins located in and around the Kings Bay Naval Submarine Base.

(3) Water Dependency Determination:

(a) The Corps has determined that the basic project purpose is to facilitate navigation. The applicant proposes to do that by annually maintaining authorized depths by dredging existing navigation channels, berths, facilities, turning basins, and settling basins. This is a water dependent activity.

(b) Maintenance dredging requires the disposal of the material in a suitable disposal area, such as in an upland CDF. Therefore, the Corps has determined the disposal of the dredged material, a byproduct of dredging, is not a water dependent activity.

e. PROPOSED WORK: The applicant is proposing to annually maintenance dredge and dispose of 3,570,000 cubic yards of accumulated sediments from existing navigation channels, berths, facilities, turning basins, and settling basins located in and around the Kings Bay Naval Submarine Base. A cutter-suction, hopper, or clamshell dredge would be used depending upon the location of the dredge work. Refer to Tables 1-4 below for specific locations and depths.

Table 1. Main Navigation Channels

Location	Station	Approximate Width (feet)	Depth at MLLW
Lower Cumberland Sound	15+348.5 to 00+000	500	-47' <sup>1</sup>
Cut-1N Entrance Channel	00+000 to 501+23.68	500	-51' <sup>2</sup>
Cut-2N Entrance Channel	00+000 to 250+00	500	-51' <sup>2</sup>
Kings Bay & Upper Cumberland Sound	48+242 to 15+348.5	500'	-46' to -49' <sup>1</sup>

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
 SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
 for the Above-Numbered Permit Applications

Table 2. Turning Basins and Settling Basins

Location	Station	Approximate Width (feet)	Depth at MLLW
Upper Turning Basin	48+220 to 45+900	Varies	-49' <sup>4</sup>
North Turning Basin	12+50 to 71+00 in Cut 1N	320	-47' <sup>3</sup>
South Turning Basin	12+50 to 71+00 in Cut 1N	320	-47' <sup>3</sup>
North Settling Basin	119+00 to 227+50 in Cut 1N	150 to 300	-51' <sup>2</sup>
South Settling Basin	176+00 to 227+50 in Cut 1N	150 to 300	-51' <sup>2</sup>

Table 3. Turning Notch

Location	Station	Approximate Width (feet)	Depth at MLLW
Turning Notch 1-Lower Cumberland Sound	Within Range A1 and A2	Varies	-47' <sup>3</sup>
Turning Notch 2-Entrance Channel	480+00 of Cut 1-N to 20+00 in Cut 2-N	Varies	-51' <sup>2</sup>

1. 45 foot required depth, plus 2 foot allowable over dredge depth.
2. 46 foot required depth, plus 2 foot allowable over dredge depth, plus 3 ft advanced maintenance.
3. 42 foot required depth, plus 2 foot allowable over dredge depth, plus 3 ft advanced maintenance.
4. 49 foot required depth, plus 2 foot allowable over dredge depth.

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
 SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
 for the Above-Numbered Permit Applications

Table 4. Berths and Other Facilities within Inner Channel

Location	Station	Depth at MLLW
Dry Dock Caisson Gate Mooring Facility	48+220	-48'
Dry Dock Caisson Gate Sill	48+220	-49'
Transponder Removal Station Basin Trench	47+270 to 47+545	-55'
Refit Wharves	45+900 to 48+220	-49'
Small Boat Basin	43+530 to 45+250	-26'
Explosive Handling Wharves	41+300 to 43+350	-49'
Site Six Operational Area South w/Warrior Wharf	34+340 to 36+585	-47'
Site Six ARDM Operating Basin	34+340 to 36+585	-56'
Site Six Operational Area North w/Tender Area	36+850 to 38+800	-41'
Magnetic Silencing Facility (MSF) Operating Basin	34+350 to 30+500	-46'
MSF Boat Ramp Channel	32+450 to 31+600	-14'

In addition, the applicant is proposing to dispose of the dredged material. Depending on the material characteristics, the dredged material would be placed in the following disposal areas:

- Beach Disposal: Beach quality dredged material would be placed on Amelia Island beaches, Florida in the following locations: 1) Within and around the Ft. Clinch State Park and continuing eastward to DEP monument R-4 (Ft. Clinch Groin and Western Disposal Area). 2) The north beach placement area, which starts at the

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

southern boundary of Ft. Clinch State Park (in the vicinity of DEP monument R-13) and continues for approximately 3.2 miles. 3) The south beach placement area, which starts 2.5 miles south of the north beach placement area and continues for approximately 5.2 miles (between DEP monuments R-47 to R-79). 4) The base of the south jetty (from R-7.5 to R-9) along the northern end of Amelia Island.

- Nearshore Disposal: The nearshore disposal area is located off of Amelia Island, Florida, between the two beach placement areas (2.5 miles in length), which runs parallel to the beach and extends from mean high water to approximately -35 ft MLLW.
- Upland Disposal Facilities: Dredged material would be placed in one or more existing confined upland disposal facilities in Georgia: Big Crab Island, Mainside Disposal Area, Disposal Area 1, and/or Disposal Area 2.
- Fernandina Beach Ocean Dredged Material Disposal Site (ODMDS): Located 7.1 nautical miles offshore of Amelia Island. (The disposal option has been authorized under Section 103 of the Marine Protection, Research, and Sanctuaries Act on 1 November 2012. Reference the administrative record for the NEPA analysis for the Section 103 authorization dated 23 October 2012.)

f. AVOIDANCE AND MINIMIZATION INFORMATION: The project would not impact wetlands or submerged aquatic vegetation. A complete analysis of the proposal pursuant to the Section 404(b)(1) Guidelines of the Clean Water Act is located below in Paragraph 4.

g. COMPENSATORY MITIGATION: The project involves the continuation of existing maintenance dredging. No aquatic resources requiring compensation are being impacted; therefore, compensatory mitigation is not required for the project.

h. EXISTING CONDITIONS: The site conditions for the project where the dredged work would occur consist of open waters. The substrate bottom consists of sands, silts, and fines and does not support submerged aquatic vegetation or foraging resources. The placement of the dredged material would be on the beach, in a near shore disposal area, upland disposal facility, or in the Fernandina Beach ODMDS. The beach quality dredged material would be placed at the Mean High Water line (berm crest). The shoreline is a public beach that contains sand and shell material. There is no hard bottom or vegetation along the shoreline. The nearshore placement area is approximately 2.5 miles along the shoreline and goes approximately 3 miles offshore. The nearshore placement area is located between the two beach placement areas. The depth of the near

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

shore area extends from mean high water to -35 feet MLLW. The substrate of the area consists of sand and shell material. There is no submerged aquatic vegetation or hard bottom in the near shore placement area. The four confined upland disposal sites proposed are located on Kings Bay Naval Submarine Base and have previously been utilized. The Fernandina Beach ODMDS is located 7.1 nautical miles offshore of Amelia Island and has a depth range from -37 to -69 feet MLLW, with an average depth of 53 feet. The substrate of the ODMDS consists of sand, shell, silts and fine material. The site has been used for the disposal of dredged material annually since 1987.

i. BACKGROUND: The Corps permit for the Jacksonville District, SAJ-1992-01854 (SP-BAL), was issued on 11 October 2005 to maintenance dredge the Kings Bay Entrance Channel and to dispose of the dredged material on the beach, nearshore, or in the Fernandina Beach ODMDS. The permit authorized the work under Section 10 of the Rivers and Harbors Act of 1899 (Section 10), Section 404 of the Clean Water Act (Section 404), and Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (Section 103). The authorized work included the dredging of approximately 1,000,000 cubic yards of material annually (Section 10) with disposal to three beach locations, nearshore (Section 404) and offshore disposal sites (Section 103). The Section 10 and 404 authorizations expired on 31 August 2011. There have been two time extensions granted for the project and the permit expired on 30 April 2014. The Section 103 authorizations are only valid for three years. On 1 November 2012, SAJ-1992-01854(SP-BAL) was authorized under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413) for the transportation and disposal of dredged material in the Fernandina Beach ODMDS. This permit expires on 1 November 2015.

The Florida Department of Environmental Protection (DEP) Water Quality Certification, 0196204-0 13-JN, was issued on 22 September 2003 and expired on 22 September 2013. The authorization also provides consistency with the Coastal Zone Management Act (CZM). The permittee requested a two-year extension and the permit now expires on 22 September 2015. The permit authorizes the maintenance dredging of the Kings Bay Entrance Channel and the disposal of beach quality dredged material on the beach and the near beach quality material in the nearshore disposal area. The permit also authorizes the transportation and disposal of the dredged material to the Fernandina Beach ODMDS. The U.S. Navy submitted a new application to DEP and the Corps. The new application includes the same dredge and disposal areas in Florida and also includes the placement of dredged material from the Kings Bay Inner Channel in Georgia to be placed either on the beach or the nearshore area in Florida. The state permit would be authorized for 15 years.

The current Savannah District Department of Army permit, SAS-2005-01790, was issued 22 September 2006 for the maintenance dredging of Kings Bay Inner Channel. The permit

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

expired on 31 August 2011. Two one-year extensions were granted to extend expiration to 31 August 2013. A third extension was granted to extend expiration to 31 August 2014. This permit authorizes 800,000 cubic yards of material annually with disposal to the following approved Confined Upland Disposal Facilities: Big Crab Island, Mainside, Disposal Area 1, and Disposal Area 2. Concurrently, the Georgia Department of Natural Resources Water Quality Certification was issued to the Navy with issuance and expiration dates the same as permit SAS-2005-01790. The project related activities that are subject to jurisdiction under Section 404 of the CWA are the discharge of effluent from the CDFs, the placement of dredged material on the beach and nearshore disposal area. These proposed activities would be evaluated under the Section 404(b)(1) Guidelines of the CWA.

2. AUTHORITY:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403).

Section 404 of the Clean Water Act (33 U.S.C. §1344).

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

3. SCOPE OF ANALYSIS:

a. National Environmental Policy Act (NEPA):

(1) Factors:

(a) Whether or not the regulated activity comprises "merely a link" in a corridor type project: The proposed project involves maintenance dredging of existing navigation channels, berths, facilities, turning basins, and settling basins and is not considered to be "merely a link" in a corridor type project.

(b) Whether there are aspects of the upland facility in the immediate vicinity of the regulated activity which affect the location and configuration of the regulated activity: Due to the project purpose, the location and configuration of the proposed work needs to be adjacent to the submarine base.

(c) The extent to which the entire project will be within the U.S. Army Corps of Engineers jurisdiction: The entire project is within the Corps jurisdiction.

(d) The extent of cumulative Federal control and responsibility: The extent of

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

cumulative Federal control and responsibility includes authorities under the National Environmental Policy Act, Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, the National Historic Preservation Act, the Endangered Species Act, and the Magnuson-Stevens Act (Essential Fish Habitat).

(2) Determined scope:

Only within the footprint of the regulated activity within the delineated water.

Over entire property.

b. National Historic Preservation Act (NHPA) "Permit Area":

(1) Tests. Activities outside the waters of the United States are/are not included because all of the following tests are/are not satisfied: Such activity would/would not occur but for the authorization of the work or structures within the waters of the United States; Such activity is/is not integrally related to the work or structures to be authorized within waters of the United States (or, conversely, the work or structures to be authorized must be essential to the completeness of the overall project or program); and Such activity is/is not directly associated (first order impact) with the work or structures to be authorized. The proposed dredging could proceed without impacting the uplands.

(2) Determined scope: For this project, the NHPA permit area is defined as the water bottoms within the channels, turning basins, settling basins and operational areas serving berthing and maintenance areas.

c. Endangered Species Act (ESA) "Action Area":

(1) Action area: Action area means all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action.

(2) Determined scope: For this project, the ESA action area is defined as the water bottoms within the channels, turning basins, settling basins and operational areas serving berthing and maintenance areas, and the immediate vicinity of these areas.

d. Public notice comments: On 1 May 2013, the U.S. Army Corps of Engineers, Jacksonville and Savannah Districts issued separate Public Notices (PNs) on the proposed work.

(1) Other comments: The public also provided comments at  N/A  public



CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
 SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
 for the Above-Numbered Permit Applications

hearing, and/or  public meeting.

(2) Commentors and issued raised: Comments received are summarized in the following table.

Name	Issue
National Marine Fisheries Service, Habitat Conservation Division (NMFS-HCD); 5 & 26 June 2013	The NMFS-HCD provided comments to both Jacksonville District Corps of Engineers (SAJ) and Savannah District Corps of Engineers (SAS) that are discussed below.
Florida State Historic Preservation Officer (SHPO); 9 May 2013	The SHPO stated their review of the Florida Master Site File indicates that because of the nature of the project it is unlikely that any historic or archaeological sites would be affected.
Seminole Tribe of Florida, Tribal Historic Preservation Officer (THPO); 6 June 2013	THPO has no objection to the proposal at this time. However, THPO would like to be informed if cultural resources that are potentially ancestral or historically relevant to THPO are inadvertently discovered at any time.
U.S. Fish and Wildlife Service (FWS - SAS); 7 June 2013	The FWS – SAS concurred with “may affect, not likely to adversely affect” the West Indian manatee provided standard manatee conditions included in any permit.
U.S. Fish and Wildlife Service (FWS - SAJ); 30 May 2014	The FWS – SAJ concurred with the Corps determination that the project fits the terms and conditions of the 22 August 2011 Statewide Programmatic Biological Opinion (SPBO) and the 22 May 2013 Programmatic Piping Plover Biological Opinion (P3BO). In addition, the FWS recommended that three special conditions be added to the permit in the event that a clamshell or some other mechanical dredge equipment is used for some portion of the project.

(a) National Marine Fisheries Service (NMFS), dated 5 June 2013 and 26 June 2013: In a letter, dated 5 June 2013, NMFS provided the following EFH Conservation Recommendations (CR) for SAS-2005-01790:

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

“To reduce the combined impacts to fishery species from low DO concentrations and high TSS concentrations, to the extent practicable, dredging should not occur when the average DO concentration in channel bottom waters is less than 4.0 mg/L. NMFS also recommends a monitoring program be developed to assess the frequency of dredging during times when both DO and TSS concentrations would impact fishery resources. The results of that monitoring could then be used by the District, Navy and NMFS to develop best management practices that would guide future dredging events.”

In a letter dated 26 June 2013, NMFS provided the following EFH CR for SAJ-1992-01854:

“Nearshore disposal shall not be authorized unless there is a physical and biological monitoring program that tracks the fate of the material and the recovery of the benthic communities the disposed material smothers. It is NMFS’ understanding that the nearshore disposal is the least likely disposal option for NSB-Kings Bay, so NMFS would not object to the permit being issued with a requirement that the Navy further coordinate with NMFS should the Navy pursue this disposal option.”

(b) United States Fish and Wildlife Service (FWS): Reference Paragraph 7.b.5 below for information regarding the coordination with FWS.

(3) Site inspection: Site was/was not visited by the Corps to obtain information in addition to delineating jurisdiction.

(4) Issues identified by the USACE: The Corps did not identify any additional issues requiring a response or rebuttal from by the applicant.

(5) Issues/comments forwarded to the applicant: NA/Yes. The comments received from NMFS for both SAJ and SAS were forwarded to applicant by letter dated 18 July 2013.

(6) Applicant replied/provided views: NA/Yes.

(a) NMFS: In an email dated 30 August 2013, the applicant provided the following response to NMFS:

U.S. Army Engineer Waterways Experiment Station (EWES)--now known as the U.S. Army Engineer Research Development Center (ERDC), has conducted research into the potential for DO reduction associated with bucket dredging operations in the Haverstraw Bay (located in the Hudson River Estuary). This scenario depicts a more conservative

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

scenario than the subject project since the KBIC is typically dredged using a hopper dredge and a cutterhead dredge. Results of this study conclude that while DO saturation is reduced by approximately 1 mg/L during dredging saturation, levels rebound to ambient levels minutes after dredging ceased. While predicted DO reduction was slightly greater than that observed, a liberal estimate of reduction is preferable, particularly in light of the highly variable conditions which characterize estuarine systems.

The recommendation to shut dredging down when the average DO concentration in the channel bottom waters is less than 4.0 mg/L would cause a dredge standby cost to be incurred of approximately \$1,000 per hour (\$24,000 per day). Any proposed monitoring program would also require new expenditures of more than \$100,000 annually in staff and equipment for the approximately 140 days of dredging activity.

There are no known significant impacts to DO levels, TSS levels or to the fish population as a result of dredging operations within the Kings Bay Inner Channel. This is a highly-flushed tidal estuary which would be unlikely to produce low-flow conditions that would potentially cause DO or TSS-related stress on adjacent fisheries and fishery habitats. No documentation has been provided with the conservation recommendation that supports a change in project-related impacts that have previously been evaluated through the NEPA and permitting processes.

Based on the results of the literature review, the prospective increase in project costs, and the lack of documentation provided demonstrating a previously unevaluated project environmental impact, the U.S. Navy, upon coordination with its agent, has determined that the DO and TSS monitoring program that NMFS has proposed is not necessary and therefore declines to accept the EFH recommendation.

With regard to the requested EFH Recommendation for a biological monitoring program for any nearshore placement, the Navy does not believe this is necessary based on the literature available on the impacts and recovery timeframes for the benthic infaunal community. The nearshore environment is a highly dynamic environment with high benthic population turnover due to natural physical effects. The species that live in this environment quickly re-colonize after major disturbances.

A literature review of published studies and monitoring reports for placement of material in the nearshore environment has documented impacts that are measurable. However, recovery of the environment occurs between two months and seven months along the east coast of Florida (Taylor Engineering 2009) and is supported by other studies (Nelson and Pullen, 1988 and Buras et al 2001) documenting recovery of the infauna between two months and two years elsewhere in the county. Taylor Engineering (2009) documents that

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

NOAA's 2007 report "*Applying Benthic Data: Dredging and Disposal of Marine Sediment*" states:

- "Benthic organisms living in shallow water estuarine and nearshore environments are well adapted to frequent physical disturbance."
- "Tides, currents, waves, and storms cause sediments to be lifted, deposited, or shifted."
- "The resilience of benthic organisms to these environmental changes allows them to re-colonize areas of the seafloor affected by dredging."

Any proposed monitoring program would require expenditure of more than \$100,000 annually. Based on the results of the literature review, the Navy has determined that the proposed monitoring program for nearshore placement of dredged material is not necessary and declines to accept the EFH Recommendation.

(7) Other comments: The following comments are not discussed further in this document as they are outside the Corps purview.  NA  Yes

4. ALTERNATIVE ANALYSIS: In this section, the proposed action, along with different alternatives, are presented and analyzed to identify the least environmentally damaging practicable alternative pursuant to 40 CFR 230.7(b)(1). The purpose of the below analysis is to ensure that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem." For the purpose of this analysis, the regulated activity associated with this project includes the discharge of dredged material onto the beach, in nearshore disposal sites, and the effluent generated from the upland CDFs that would be discharged into waters of the United States. Material resuspended during normal dredging operations is considered "de minimus" and not regulated under Section 404 of the Clean Water Act.

a. BASIC AND OVERALL PROJECT PURPOSE (as stated by applicant and independent definition by USACE):

Same as Project Purpose in Paragraph 1.

Revised: The overall project purpose was clarified to include the discharge of dredged material along the shoreline, within the near shore disposal area on Amelia Island, and the effluent from the CDFs that would be discharged into waters of the United States.

b. WATER DEPENDENCY DETERMINATION:

Same as in Paragraph 1.

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

Revised:

c. APPLICANT PREFERRED ALTERNATIVE SITE AND SITE CONFIGURATION:

Same as Project Description in Paragraph 1.

Revised:

CRITERIA: For the purpose of this evaluation, the regulated discharge associated with this project includes discharge of dredged sediments into waters of the U.S. and the discharge of effluent from CDFs into waters of the U.S. As a result, the site selection criteria was limited to existing disposal sites, the location of the sites in relation to the dredging events, the composition of the dredged material (and subsequently the composition of the material within the site) and the capacity of the disposal site.

d. Off-site disposal locations:

1. Applicant's Preferred Disposal: The applicant's preferred alternative includes disposal into designated beach disposal areas, nearshore disposal areas, the Fernandina ODMDS and upland confined disposal facilities. There is a hierarchical placement of the material depending on its composition (i.e. percentage of fines). Dredged material that contains 10% or less fines would be placed along the shoreline (Amelia Island beach disposal areas). Dredged material that contains less than 20% fines would be placed in the near shore disposal area. Material not meeting beach quality, nearshore quality, or ODMDS criteria, would be placed in one of the four confined upland disposal sites located on Kings Bay Naval Submarine Base. All preferred disposal sites are existing approved disposal sites designed to accommodate both the amount and composition of material being proposed for disposal. These sites are located within close proximity to the dredging events. In addition, these sites do not contain wetland, hard bottom, or sea grass beds.

2. Alternative Disposal 1: This alternative consists of placing the dredged material into an upland confined facility with no effluent discharge into waters of the U.S. Material would be dredged via a clamshell bucket dredge. This alternative would result in no discharge of dredged or fill material into waters of the U.S.

e. Off-site locations selected for further analysis and why:  N/A

f. ON-SITE CONFIGURATIONS: The placement of the material would not result in the discharge of fill or dredged material into wetlands or hard bottom. The proffered disposal

sites are existing approved disposal areas that have been previously utilized by the applicant for placement of dredged material. The beach and nearshore disposal areas are designed to allow the material (i.e. sand) to remain within the littoral system. The Fernandina ODMDS and the upland confined disposal facilities are designed to contain the dredged material and prevent the sediments from migrating into adjacent waters.

g. OTHER ALTERNATIVES NOT REQUIRING A PERMIT, INCLUDING “NO ACTION”

The no-action alternative would prevent the applicant from disposing of dredged material along the shoreline, within the near shore placement area, into the Fernandina Beach ODMDS and into the CDFs, resulting in the applicant’s inability to maintain the existing channel and submarine basin, thereby negatively affecting navigation.

h. ALTERNATIVES NOT PRACTICABLE OR REASONABLE: Alternative 1 is not considered practicable, as it does not meet the selection criteria. As proposed, the project would result in the removal of 3,570,000 cubic yards of accumulated sediments from existing navigation channels, berths, facilities, turning basins, and settling basins located in and around the Kings Bay Naval Submarine Base. However, the cost to clamshell all or a portion of the accumulated sediment and haul it to an upland site is not practicable. In addition, there are no approved upland disposal sites without return water located on Kings Bay.

i. LEAST ENVIRONMENTALLY DAMAGING PRACTICABLE ALTERNATIVE: The applicant’s preferred alternative would meet the overall project purpose and result in minimal impact on the aquatic environment. Therefore, the Corps has determined that the applicant’s preferred alternative is the least environmentally damaging practicable alternative (LEDPA) that would meet the overall project purpose.

5. EVALUATION OF THE 404(B)(1) GUIDELINES:

a. PART V, SUBPART C – POTENTIAL EFFECTS ON PHYSICAL AND CHEMICAL CHARACTERISTICS OF THE AQUATIC ECOSYSTEM

(1) Substrate (40 CFR Section 230.20): The dredged material is comprised of sand, silt and clay. Where this material is placed is dependent on the quality of material dredged. Therefore, the dredged material would be placed in a disposal area similar in nature and thus have no effect on the substrate.

**FINDINGS:**     **No Effect**                                  **Negligible**  
                          **Short Term Minor**                                  **Long Term Minor**

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

(2) Suspended Particulates/Turbidity (40 CFR Section 230.21): Suspended solids within the effluent generated from the CDFs during dredging and disposal could affect turbidity. However, once the dredged material is placed within the CDFs, the sediments are allowed to settle out before the effluent is discharged into the surrounding waters of the US. As a result, the majority of the sediment remains within the CDFs and would not be discharged with the effluent or enter the water column. During the placement of the dredged material along the beach and nearshore disposal sites there may be additional turbidity and suspended solids in the immediate vicinity of the placement. However, this would subside once the beach and/or nearshore placement has been completed. Any suspended solids within the effluent or nearshore disposal, or that migrate down from beach placement would be diluted in the water column. Therefore, the proposed discharges would have a localized, short term minor effect on suspended particulates/turbidity.

**FINDINGS:**     **No Effect**                       **Negligible**  
                   **Short Term Minor**             **Long Term Minor**

(3) Water (40 CFR Section 230.22): With respect to contaminants, the maintenance material was evaluated using the protocols established within the Inland Testing Manual. According to the sediment evaluation, ammonia was the only tested analyte that exceeded water quality criteria values. These findings are similar to previous investigations conducted in 2006.

By letter dated 13 May 2014, the Georgia Department of Natural Resources, Environmental Protection Division (Georgia EPD), issued 401 WQ Certification for the proposed project with special conditions. Any permit issued by the SAS would include a special condition, requiring the permittee to adhere to these conditions as stated. With the issuance of the 401 WQ Certification, Georgia EPD has determined that the effluent discharge would meet all applicable State water quality standards. Therefore, no long term water related impacts are expected.

The Florida DEP issued a permit on 22 September 2003 that includes 401 WQ Certification for the proposed project with special conditions. The permit was modified to extend the duration of the permit, which now expires on 22 September 2015. With the issuance of the 401 WQ Certification, Florida DEP has determined that the discharge from beach and near shore placement would meet all applicable State water quality standards. Any permit issued by the SAJ and SAS would include the special conditions, requiring the permittee to adhere to these conditions as stated. Also, Florida DEP is processing a new application that includes the disposal of dredged material from Georgia onto Florida's beaches and nearshore placement area. The material that would be dredged from Georgia is similar to that in the existing authorization. The permit issued by SAJ and SAS

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

would include a special condition requiring the permittee to adhere to both Florida DEP permits. No long term water related impacts are expected as a result of the project.

Therefore, the Corps has determined that the proposed project would have a negligible effect on water quality.

**FINDINGS:**     **No Effect**                       **Negligible**  
                   **Short Term Minor**             **Long Term Minor**

(4) Current Patterns & Water Circulation (40 CFR Section 230.23): The amount of effluent that would be discharged into the surrounding waters of the US would be minute compared to the volume of water currently within the river. Therefore, the effluent would have no effect on current patterns and water circulation. The placement of the dredged material along the beach and near shore disposal sites could impact current patterns and/or water circulation. Currents in the project area are both tidal and long shore. Net movement of water due to the long shore current is typically from the north to the south. The placement of the dredged material would be incidental compared to the routine tidal and wave cycle. Therefore, the proposed discharges would have a negligible effect on current patterns and water circulation.

**FINDINGS:**     **No Effect**                       **Negligible**  
                   **Short Term Minor**             **Long Term Minor**

(5) Normal Water Fluctuations (40 CFR Section 230.24): The amount of effluent that would be discharged from the CDFs would be minute compared to the volume of water in the adjacent waters of the US. Therefore, the effluent would have no effect on normal water fluctuations. The placement of the dredged material along the beach and near shore disposal sites could impact water fluctuations. However, tides in the project area are semi-diurnal. The placement of the dredged material would be incidental compared to the routine tidal and wave cycle. Therefore, the proposed discharges would have a localized, short term minor effect on normal water fluctuations.

**FINDINGS:**     **No Effect**                       **Negligible**  
                   **Short Term Minor**             **Long Term Minor**

(6) Salinity Gradients (40 CFR Section 230.25): The effluent discharged into the adjacent waters of the US would have similar salinity levels as the water within the dredged material. Therefore, the effluent would have no effect on salinity gradients. The placement of the dredged material along the beach and near shore disposal sites would not impact salinity, water chemistry, or color. Any salinity gradient changes would be incidental compared to the routine tidal and wave cycle. Therefore, the proposed



CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

discharges would have a negligible effect on salinity gradients.

**FINDINGS:**     **No Effect**                       **Negligible**  
                   **Short Term Minor**             **Long Term Minor**

b. PART V, SUBPART D – POTENTIAL EFFECTS ON BIOLOGICAL CHARACTERISTICS OF THE AQUATIC ECOSYSTEM:

(1) Threatened or Endangered Species (40 CFR Section 230.30): The discharge from the effluent would have no effect on threatened and endangered species. Sea turtle nesting may occur in the project area during the time that dredging and disposal takes place. If construction occurs during the nesting season, a nest monitoring and relocation program would be implemented as recommended by the FWS. Seabird and shorebird nesting may occur in the project area during the time that dredging and disposal takes place. If construction occurs during the nesting season, a nest monitoring program would be implemented as recommended by the FWS. For the dredging work, protection measures for manatees, whales, swimming sea turtles, sturgeons, and small tooth sawfish would be followed to minimize the potential for harm to these species.

**FINDINGS:**     **No Effect**                       **May Effect Not Likely to Adversely Effect**  
                   **Adverse Effect**                       **Jeopardy**

(2) Fish, Crustaceans, Mollusks, and Other Aquatic Organisms in Food Web (40 CFR Section 230.31): Suspended solids within the effluent generated from the CDFs could impact aquatic organisms, however the majority of the sediment would settle out within the CDFs before entering the water column. The amount of effluent that would be discharged would be minute compared to the volume of water currently within the adjacent waters of the US. Any suspended solids within the effluent would be diluted in the water column. In addition, the receiving water would be similar to the effluent. Therefore, the proposed effluent discharge from the disposal area would have a negligible effect on aquatic organisms. With respect to contaminants, the maintenance material was evaluated using the protocols established within the Inland Testing Manual. According to the sediment evaluation, ammonia was the only tested analyte that exceeded water quality criteria values. These findings are similar to previous investigations conducted in 2006.

Suspended solids would be a result of the placement of the dredged material along the beach and near shore disposal sites and could affect aquatic organisms. However, the placement of the material would occur near or at the tidal zone that is dynamic depending on the tides and wave action. No longterm adverse impacts to fish, crustaceans, mollusks, and other aquatic organisms in the food web are expected as a result of the project.

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

Based on all the information above, we have determined that there would be a short term minor effect on the above concerns.

**FINDINGS:**     **No Effect**                       **Negligible**  
                   **Short Term Minor**             **Long Term Minor**

(3) Other Wildlife (40 CFR Section 230.32):

Suspended solids from the effluent generated from the CDFs and the placement of near shore material could impact other wildlife (i.e. species within the water column and/or water bottoms), however the majority of the sediments would settle. The discharge of beach material could impact other wildlife during placement activities. This too would subside after the material has been placed. Therefore there would be a negligible effect on other wildlife.

**FINDINGS:**     **No Effect**                       **Negligible**  
                   **Short Term Minor**             **Long Term Minor**

c. PARTV, SUBPART E – POTENTIAL EFFECTS ON SPECIAL AQUATIC SITES:

(1) Sanctuaries and Refuges (40 CFR Section 230.40): The closest refuges in Georgia are the Okefenokee National Wildlife Refuge (NWR), which is approximately 40 miles to the west and the Wolf Island NWR, which is approximately 42 miles to the north. In addition, King’s Bay has been annually dredging the basin for the last 30 years without adversely impacting the refuge. In Florida, there is no NWR within 100 miles of the proposed activity. Therefore, the effluent generated from CDFs, the beach placement, and the nearshore placement would have no effect on the above concerns.

**FINDINGS:**     **No Effect**                       **Negligible**  
                   **Short Term Minor**             **Long Term Minor**

(2) Wetlands (40 CFR Section 230.41): There is no discharge of fill or dredged material proposed in wetlands, therefore there would be no effect on wetlands.

**FINDINGS:**     **No Effect**                       **Negligible**  
                   **Short Term Minor**             **Long Term Minor**

(3) Mud Flats (40 CFR Section 230.42): There is no discharge of fill or dredged material proposed in mud flats, therefore there would be no effect on this factor.

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

**FINDINGS:**  **No Effect**                       **Negligible**                       **Major (Significant)**  
 **Short Term Minor**                       **Long Term Minor**

(4) Vegetated Shallows (40 CFR Section 230.43): There is no discharge of fill or dredged material proposed in vegetated shallows, therefore there would be no effect on this factor.

**FINDINGS:**  **No Effect**                       **Negligible**                       **Major (Significant)**  
 **Short Term Minor**                       **Long Term Minor**

(5) Coral Reefs (40 CFR Section 230.44): There is no discharge of fill or dredged material proposed in coral reefs, therefore, there would be no effect on this factor.

**FINDINGS:**  **No Effect**                       **Negligible**                       **Major (Significant)**  
 **Short Term Minor**                       **Long Term Minor**

(6) Riffle and Pool Complexes (40 CFR Section 230.45): There is no discharge of fill or dredged material proposed in a riffle and pool complex, therefore there would be no effect on this factor.

**FINDINGS:**  **No Effect**                       **Negligible**                       **Major (Significant)**  
 **Short Term Minor**                       **Long Term Minor**

d. PART V, SUBPART F – POTENTIAL EFFECTS ON HUMAN USE CHARACTERISTICS:

(1) Municipal and Private Water Supplies (40 CFR Section 230.50): The impact to water quality as a result of the proposed project would be negligible. Both the effluent and receiving water are salt water and not a source of municipal or private water supply. The areas designated for the placement of beach material and nearshore material are also not a source of municipal water supply. Therefore, there would be no effect on municipal and private water supplies.

**FINDINGS:**  **No Effect**                       **Negligible**                       **Major (Significant)**  
 **Short Term Minor**                       **Long Term Minor**

(2) Recreational and Commercial Fisheries (40 CFR Section 230.51): Suspended solids within the effluent generated from the CDFs as well as from the nearshore

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

placement could impact aquatic organisms such as crustaceans and shellfish; which could impact both commercial and recreational fisheries. However, the majority of the sediments would settle. Beach shore placement should have a negligible effect on recreational and commercial fisheries. When considering all aspects of the proposed project, the Corps has determined that the project would have a negligible effect on recreational and commercial fisheries.

**FINDINGS:**     **No Effect**                       **Negligible**  
                   **Short Term Minor**             **Long Term Minor**

(3) Water-related Recreation (40 CFR Section 230.52): The effluent, beach shore and nearshore placement would have a negligible effect on water-related recreation.

**FINDINGS:**     **No Effect**                       **Negligible**  
                   **Short Term Minor**             **Long Term Minor**

(4) Aesthetics (40 CFR Section 230.53): The effluent, beach shore and nearshore placement would have a negligible effect on aesthetics. The proposed disposal areas are all existing disposal sites that have been used in the past for the placement of dredged material that has been removed from the Kings Bay area. In addition, the dredged sediments would have a similar composition as the sediments located within the disposal sites. Therefore the discharge of effluent and the placement of sediments into the beach shore and nearshore disposal sites would have negligible on aesthetics.

**FINDINGS:**     **No Effect**                       **Negligible**  
                   **Short Term Minor**             **Long Term Minor**

(5) Parks, National and Historical Monuments, National Seashores, Wilderness Areas, Research Sites and Similar Preserves (40 CFR Section 230.54): Ft. Clinch is located on the northern end of Amelia Island. This area is subject to severe erosion and is listed in the U.S. National Register of Historic Places. The placement of beach quality material along the shoreline of Ft. Clinch is a high priority area in order to protect the structural integrity of the fort. Therefore, the project would have a short term minor beneficial effect on this structure.

**FINDINGS:**     **No Effect**                       **Negligible**  
                   **Short Term Minor**             **Long Term Minor**

(6) Cultural Resources Subject to Section 106 of the National Historic Preservation Act: The beach shore placement would have a beneficial effect on Fort Clinch. The

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

placement of sand along this stretch of the shoreline would help preserve the structural integrity of the Fort. Therefore, there would be no adverse effect on this structure.

**FINDINGS:**  No Effect       No Adverse Effect       Adverse Effect

e. PART V, SUBPART G – EVALUATION AND TESTING: The purpose of these evaluation procedures and the chemical and biological testing sequence outlined in 40 CFR Section 230.61 is to provide information to reach the determinations required by 40 CFR Section 230.11. Where the results of prior evaluations, chemical and biological tests, scientific research, and experience can provide information helpful in making a determination, these should be used. Such prior results may make new testing unnecessary. The information used shall be documented. Where the same information applies to more than one determination, it may be documented once and referenced in later determinations.

Chemistry data for the KBIC project was included in the 2006 Chemistry evaluation for the Kings Bay Inner Channel. The material being placed in the CDFs was evaluated. Sandy reaches of the project have never been tested for sediment chemistry, as the material has always been, and is still, considered suitable for beach placement with large grain size particles. Sandy material is usually considered to not likely adsorb contaminants to particles of large grain size.

For these areas it is not evident that there ever was any intention for the material to be placed anywhere but the upland disposal areas. During the time since previous dredging there have not been any substantive changes in the physical or chemical composition of the candidate material. There have been no major changes since the last evaluation, no major spills, major industrial development in the watershed, regulatory efforts or analytical/contaminate detection/QA-QC considerations. A review of the National Response Center (NRC) shows that only a few minor spills have occurred since the last chemical testing in 2008 near the Inner Channel, which were rapidly contained and cleaned up before significant environmental impacts could occur. There have been no changes in landside activities since evaluations in 2006.

The results of the Kings Bay Harbor and navigation channel sediment evaluation indicated that the tested sediments would not be anticipated to have significant adverse environmental impacts. A comparison of the results from the 2006 sampling program to results from previous studies indicated that the physical and chemical characteristics of the proposed dredged material were comparable (USACE-Savannah District 1996). Therefore, placement of dredged material from the Kings Bay Harbor and navigation channel at an upland site at the Kings Bay Naval Submarine Base is an appropriate placement option.

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

(1) General Evaluation of Dredged or Fill Material (40 CFR Section 230.60):  
Dredged material from the Kings Bay Inner Channel construction and maintenance  
dredging project from all reaches including silt in upper reaches does meet the criteria set  
forth in the Inland Testing Manual and is able to be determined environmentally  
acceptable for upland placement in one or more of the following Approved CDFs: Big  
Crab Island, Mainside, DA-1, or DA-2.

(2) Chemical, Biological, and Physical Evaluation and Testing (40 CFR Section  
230.61): As determined at Part 5.e and above, the sediment testing done in 2006 is still  
sufficient to evaluate the dredged material and contaminants. In a memorandum entitled  
“CWA 404 Tier 1 Evaluation, Kings Bay Naval Submarine Base Inner Channel  
Maintenance Dredging Developed for CESAS us Feb 26, 2013”, CESAJ-PPD-EQ  
determined that “the dredged material is suitable for placement in the CDFs and meets the  
exclusion criteria.”

f. PART VI, SUBPART H, ACTIONS TO MINIMIZE ADVERSE EFFECTS:

There are many actions which can be undertaken in response to 40 CFR Section  
203.10(d) to minimize the adverse effects of discharges of dredged or fill material. Some  
of these, grouped by type of activity, are listed in this subpart. Any permit issued for the  
Kings Bay project would include general and special permit conditions addressing specific  
actions necessary to ensure minimization of adverse project related impacts to the  
categories discussed in this part. A listing of all proposed special permit conditions is  
located at Paragraph 10. d. of this document.

g. PART VI, DETERMINATION OF CUMULATIVE EFFECTS ON THE AQUATIC  
ENVIRONMENT (40 CFR SECTION 230.11(G)): According to Title 40 Code of Federal  
Regulation Parts 1508.7, cumulative impacts are the impacts on the environment that  
result from the incremental impact of the action when added to other past, present, and  
reasonably foreseeable future actions regardless of what agency or person undertakes  
such other actions. Based on an analysis of all available information, the Corps has  
determined that the proposed project would not result in a significant impact on the  
environment; considering the incremental impact of the action when added to other past,  
present, and reasonably foreseeable future actions. A detailed cumulative impacts  
assessment for this action is located at Paragraph 7.e.

h. PART VIII, DETERMINATION OF SECONDARY IMPACTS ON THE AQUATIC  
ENVIRONMENT (40 CFR SECTION 230.11(H)): The project was reviewed for potential  
secondary/indirect impacts such as those associated with utility relocation, satellite  
development and new infrastructure needs. No other known secondary/indirect impacts

exist other than what is documented as a direct or cumulative impact in Paragraph 7.e of this document.

i. EVALUATION OF COMPLIANCE WITH THE 404(B)(1) GUIDELINES (RESTRICTIONS ON DISCHARGE, 40 CFR SECTION 230.10). (A check in a block denoted by an asterisk indicates that the project does not comply with the guidelines):

(1) Alternatives test:

Yes     No    (a) Based on the discussion in Paragraph 4, are there available, practicable alternatives having less adverse impact on the aquatic ecosystem and without other significant adverse environmental consequences that do not involve discharges into "waters of the US" or at other locations within these waters?

Yes     No    (b) Based on the discussion in Paragraph 4, if the project is in a special aquatic site and is not water-dependent, has the applicant clearly demonstrated that there are no practicable alternative sites available?

(2) Special restrictions: Would the discharge:

Yes     No    (a) Violate state water quality standards [Note: Section 401 Water Quality Certification has been issued by Georgia EPD and Florida DEP]?

Yes     No    (b) Violate toxic effluent standards (under Section 307 of the Act)?

Yes     No    (c) Jeopardize endangered or threatened species or their critical habitat?

Yes     No    (d) Violate standards set by the Department of Commerce to protect marine sanctuaries?

Yes     No    (e) Evaluation of the information in Paragraph 5 indicates that the proposed discharge material meets testing exclusion criteria for the following reason(s).

( ) based on the above information, the material is not a carrier of contaminants

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

( ) the levels of contamination are substantially similar at the extraction and disposal sites and the discharge is not likely to result in degradation of the disposal site and pollutants would not be transported to less contaminated areas

( ) acceptable constraints are available and would be implemented to reduce contamination to acceptable levels within the disposal site and prevent contaminants from being transported beyond the boundaries of the disposal site

(3) Other restrictions: Would the discharge contribute to significant degradation of "waters of the US" through adverse impacts to:

       X   (a) Human health or welfare, through pollution of municipal  
Yes No water supplies, fish, shellfish, wildlife and special aquatic sites?

       X   (b) Life states of aquatic life and other wildlife?  
Yes No

       X   (c) Diversity, productivity and stability of the aquatic  
Yes No ecosystem, such as the loss of fish or wildlife habitat, or loss of  
the capacity of wetland to assimilate nutrients, purify water or  
reduce wave energy?

       X   (d) Recreational, aesthetic and economic values?  
Yes No

(4) Actions to minimize potential adverse impacts (mitigation): Would all appropriate and practicable steps (40 CFR 23.70-77) be taken to minimize the potential adverse impacts of the discharge on the aquatic ecosystem? If yes, measures are in Paragraph 4.

  X         
Yes No

6. PUBLIC INTEREST REVIEW: All public interest factors have been reviewed as summarized here. Both cumulative and secondary impacts on the public interest were considered. Public interest factors that have had additional information relevant to the decision are discussed in Paragraph 7. For the purpose of this evaluation, impacts

regulated under both Section 10 of the RHA and Section 404 of the CWA were considered.



				+ Beneficial effect
				0 Negligible effect or not applicable
				- Adverse effect
				M Neutral as result of mitigative action
+	0	-	M	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Conservation.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Economics.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Aesthetics.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. General environmental concerns.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. Wetlands.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. Historic properties.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. Fish and wildlife values
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8. Flood hazards.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9. Floodplain values.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10. Land use.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11. Navigation.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12. Shore erosion and accretion.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13. Recreation.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	14. Water supply and conservation.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	15. Water quality.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16. Energy needs.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17. Safety.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18. Food and fiber production.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	19. Mineral needs.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	20. Considerations of property ownership.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	21. Needs and welfare of the people.

7. EFFECTS, POLICIES, AND OTHER LAWS:

a. PUBLIC INTEREST FACTORS:

(1) Conservation: Not applicable. No conservation areas are located on or near the proposed project site. Therefore, the Corps has determined that the proposed project would have no effect on conservation values.

(2) Economics: Short term, annual dredging would result in an increase in construction related jobs in the area. Workers would utilize local vendors, thus stimulating the local economy. Long term, dredging would allow the applicant to fully utilize the existing submarine base. The project would contribute to an increase population and

stimulate the local and regional economy. Employment of support personnel and facilities would also benefit the local economy. Therefore, the Corps has determined there would be a positive benefit with respect to economic factors.

(3) Aesthetics: The proposed project would alter the aesthetic perception of the area. There would be construction activities that would temporarily affect esthetics. No long term changes are anticipated as a result of the dredging and disposal. Whether this change is adverse or an improvement is a matter of individual judgment. Due to the short term minor effect, the Corps has determined that the proposed project would have a negligible overall effect on aesthetics.

(4) General Environmental Concerns: The dredged material is not expected to degrade or endanger human health, the marine environment, or ecological systems. Each of these concerns was discussed above and below. No other adverse environmental impacts are anticipated. Therefore, the Corps has determined that the net effect of this project on the environmental factors, which were evaluated in the previously enumerated public interest factors, would be negligible.

(5) Wetlands: The project does not have any wetlands within the impact area. There are potential secondary effects to the wetland systems downstream of the CDFs due to the effluent discharged into the adjacent waters of the US. However, the amount of effluent that would be discharged would be minute compared to the volume of water currently within the adjacent rivers. Any suspended solids within the effluent would be diluted in the water column. Therefore, the Corps has determined that the project would have a negligible secondary effect on wetlands.

(6) Historical/Archaeological/Architectural: The placement of sand on the north end of Amelia Island would have a beneficial effect on historical or archeological concerns (Ft. Clinch). Therefore, the Corps has determined the proposed project would have a beneficial effect on historic properties.

(7) Fish and Wildlife Values: During dredging events, there could be minor short-term impacts to fish and wildlife in the vicinity of the project area due to the re-suspension of accumulated sediments. However, the post-dredging consistency of the open water and unconsolidated bottom would be virtually identical to current conditions. In addition, the temporary impacts would be relatively minor given the localized area of effect (i.e., spatial coverage) and short period of time to complete the project. Fishery species and their prey are migratory and would transit through the construction area. There is no submerged aquatic vegetation within the project vicinity to support fisheries life cycles. Threatened and Endangered species are discussed in Paragraph 7. b. below. Therefore, the Corps has determined that there is not an adverse effect to fish and wildlife values.

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

(8) Flood Hazards: The proposed project does not include construction of any new structures within the river or flood plain. Therefore, there would be no additional materials or objects that would be subject to mobilization during a flood event. In addition, the applicant would be responsible for insuring that the project complies with all rules, regulations and/or requirements of the Federal Emergency Management Agency (FEMA) with regard to flood plains and floodways. A special condition in the Georgia draft permit would require compliance with applicable FEMA regulations, which may be issued for this project. When considering all aspects of the proposed project, the Corps has determined that the project would have a negligible effect with respect to flood hazards.

(9) Floodplain Values: Not applicable. The project would have no effect on this factor.

(10) Land Use: The proposed dredging project would occur within the existing maintenance dredging footprint for the submarine base. The project would also utilize existing CDFs, beach and nearshore areas for disposal of dredged material, and therefore would not result in the conversion of marsh areas to upland. As a result of this project, there would be no change (i.e., no effect) in land use within the project review area. Therefore, the Corps has determined that the proposed project would have a negligible effect on land use.

(11) Navigation: The project would remove accumulated sediment that would improve navigation within the facility and access channels. During dredging operation, navigation could be impacted due to the dredging equipment; however, this would subside upon completion of the dredging work. In addition, any draft permit issued by the Corps, would include the following special condition, "That use of the permitted activity must not interfere with the public's right to free navigation within navigable waters of the United States." When considering all aspects of the proposed project, the Corps has determined that the project would have a beneficial effect on navigation.

(12) Shoreline Erosion/Accretion: The proposed project would have no effect on the existing submarine facilities. However, the proposed project would routinely deposit beach quality material along the shoreline and near beach quality material in the nearshore disposal area that would provide additional material for the beaches and littoral system. Therefore, the Corps has determined that the maintenance dredging would have a beneficial effect on shoreline erosion and accretion.

(13) Recreation: The only aspect of recreation that the proposed project would effect is the placement of beach quality dredged material along the shoreline and there would be a short period of time that the public could not access the area. Since this beach is

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

utilized by the public, the Corps has determined that the project would have a minor benefit on recreation.

(14) Water Supply and Conservation: The proposed project would not require water withdrawals and no withdrawal permits are required. Therefore, the Corps has determined that the project would have no effect on water supply conservation concerns.

(15) Water Quality: There would be some suspended solids generated as a result of the dredging operations that could affect turbidity. The dredged material would be disposed of in the CDFs, ODMDS, beach, and nearshore disposal areas. It is anticipated that the dredged material would result in increased turbidity and introduction of sediments in the water column. However, once the project is complete, the suspended material would settle and turbidity would not be an issue. In addition, both Florida and Georgia would regulate water quality by the issuance of their permits. Any conditions would be included or attached to the permit. With respect to contaminants, the dredged material was evaluated using the protocols established within the Corps/EPA Inland Testing Manual. The result of the Kings Bay Harbor and Navigation Channel sediment evaluation indicated that the tested sediments would not have significant adverse environmental impacts. Therefore, the Corps determined that the project would have negligible effects on water quality.

(16) Energy Needs: The proposed dredging project would require the use of fossil fuels to power the dredge and other supporting equipment. However, the use of fossil fuels to operate the dredge is negligible when compared to the fossil fuels consumed by the submarine base on a daily basis. Therefore, the Corps has determined that the project would have a negligible effect on energy needs.

(17) Safety: The proposed project would improve navigation into and out of the submarine base. With respect to public safety, dredging equipment could create a hazardous situation for recreational boaters in the area; however this would subside upon completion of the dredging operations. In addition, any draft permit issued by the Corps, would include the following special condition, "That use of the permitted activity must not interfere with the public's right to free navigation within navigable waters of the United States." When considering all aspects of the proposed project, the Corps has determined that the project would have a minor beneficial effect on safety.

(18) Food/Fiber Production: Not applicable. The project would have no effect on this factor.

(19) Mineral Needs: Not applicable. The project would have no effect on this factor.

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

(20) Consideration of Property Ownership: The proposed project would not change any current property ownership. Therefore, the Corps had determined that there would be no effect on property ownership.

(21) Needs and Welfare of the People: The project is needed to ensure Navy submarines and vessels can sufficiently navigate within the access channels and facilities to ensure national security. Therefore, the Corps has determined that the proposed project would have a beneficial impact on the needs and welfare of the people.

b. ENDANGERED SPECIES ACT - (ESA) – Section 7:

(1) Species considered:

(a) The following species might utilize the project site:

- West Indian manatee (*Trichechus manatus latrostris*)
- Wood stork (*Mycteria americana*)
- Striped newt (*Notophthalmus perstriatus*)
- Red knot (*Calidris canutus rufa*)
- Red-cockaded woodpecker (*Picoides borealis*)
- Eastern Indigo snake (*Drymarchon couperi*)
- Gopher tortoise (*Gopherus polyphemus*)
- Piping plover (*Charadrius melodus*)
- Roseate tern (*Sterna dougalli dougalli*)
- North Atlantic right whale (*Eubalaena glacialis*)
- Sperm whale (*Physeter macrocephalus caodon*)
- Sei whale (*Balaenoptera borealis*)
- Finback whale (*Balaenoptera physalus*)
- Humpback whale (*Megaptera novaeangliae*)
- Green sea turtle (*Chelonia mydas*)
- Loggerhead sea turtle (*Caretta caretta*)
- Leatherback sea turtle (*Dermochelys coriacea*)
- Kemp's Ridley sea turtle (*Lepidochelys kempii*)
- Hawksbill sea turtle (*Eretmochelys imbricate*)
- Smalltooth sawfish (*Pristis pectinata*)
- Shortnose sturgeon (*Acipenser brevirostrum*)
- Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*)

(b) The Corps reviewed geospatial data and other available information. The Corps

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

has not received or discovered any information that the project site is utilized by, or contains habitat critical to, any other federally listed threatened or endangered species.

(2) Effect determination(s):

(a) The project *would not affect* these species: Finback, Sei and Sperm whales and the Leatherback sea turtle; this determination was based on information contained in the South Atlantic Regional Biological Opinion. The Striped newt, Red knot, Red-cockaded woodpecker, Wood stork, Eastern Indigo snake, and Gopher tortoise, due to lack of habitat within the project area or based on the dredging activity.

(b) The project *may affect, but is not likely to adversely affect*, these species: West Indian manatee, Roseate tern, piping plover, North Atlantic right and humpback whales, shortnose sturgeon and smalltooth sawfish.

(c) The project *may affect* these species: loggerhead, green, hawksbill, Kemp's ridley sea turtles and Atlantic sturgeon.

(d) The project would not adversely modify designated critical habitat for any species noted above.

(e) The project would not jeopardize the continued existence of any species noted above.

(3) Basis for the determination(s):

(a) For the species under purview of National Marine Fisheries Service - Protected Resource Division (PRD):

(1) NMFS provided the South Atlantic Regional Biological Opinion (SARBO) in 1991 for dredging of channels in the Southeastern United States from North Carolina through Cape Canaveral, Florida. In order to assess the regional implications of the Corps' maintenance dredging actions, the NMFS extended the use of a Regional Biological Opinion in subsequent 1995 and 1997 SARBO consultations. To date, the Corps has been implementing its dredging program in the Southeast under the 1997 SARBO. The SARBO includes a detailed analysis of green, loggerhead, leatherback, hawksbill and Kemp's Ridley sea turtles; finback, humpback, North Atlantic right, Sei, and sperm whales; and shortnose sturgeon. On 18 September 2008, the Corps submitted the South Atlantic Regional Biological Assessment (SARBA) for "dredging activities in the coastal waters, navigation channels (including designated Ocean Dredged Material Disposal Sites (ODMDS)), and sand mining areas in the South Atlantic Ocean". During initial scoping

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

efforts for preparation of the new SARBA, the Corps and the NMFS Southeast Regional Office (SERO) agreed to include the listed smalltooth sawfish and the Atlantic sturgeon in anticipation of its potential listing during the consultation period within the consultation document. In a letter dated 25 October 2007, the NMFS stated that the Corps could continue to dredge under the existing SARBO and not cease operations while in reinitiation, as long as the continuation of operations would not violate Section 7(a) (2) or 7(d) of the Endangered Species Act.

(i) The following ten federally listed species are covered by the South Atlantic Regional Biological Opinion (SARBO) and the consultation on these species is complete:

- Green turtle (*Chelonia mydas*)
- Hawksbill sea turtle (*Eretmochelys imbricate*)
- Leatherback turtle (*Dermochelys coriacea*)
- Loggerhead turtle (*Caretta caretta*)
- Kemp's Ridley turtle (*Lepidochelys kempii*) sea turtles
- Sperm whale (*Physeter macrocephalus caodon*)
- Sei whale (*Balaenoptera borealis*)
- Finback whale (*Balaenoptera physalus*)
- Humpback whale (*Megaptera novaeangliae*)
- Shortnose sturgeon (*Acipenser brevirostrum*)

(ii) The listing of new species and/or critical habitat was one of several triggers for reinitiation of consultation. In 2003, the smalltooth sawfish was listed and, in 2011, the Atlantic sturgeon was listed. The 1997 SARBO has not been revised since the listing of the two species and the Corps has not received any correspondence regarding these newly listed species. Therefore, the Corps decided to consult on these two species because they do not believe they are covered under the 1997 SARBO. The Corps sent NMFS-PRD a letter dated 21 October 2013 initiating formal consultation on the Atlantic sturgeon and smalltooth sawfish. The consultation included a Biological Evaluation. The Corps believes these species are not legally covered in the SARBO because there is no incidental take for these species. The Corps concluded that the proposed action may affect the Atlantic sturgeon and may affect but is not likely to adversely affect the smalltooth sawfish.

(b) For species under purview of FWS - SAJ: The Corps and the applicant both agreed to comply with the Conservation Measures, Reasonable and Prudent Measures, and Terms and Conditions outlined in the Sea Turtle Statewide Programmatic Biological Opinion (SPBO) dated 22 August 2011 (Service Log Number: 41910-2011-F-0170). As such the Corps determined the placement of beach quality dredged material on the beach

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

and dredged material in the near shore area “may affect” loggerhead sea turtle, leatherback sea turtle, green sea turtle, hawksbill sea turtle, Kemp’s ridley sea turtle and “may affect, but is not likely to adversely affect” the West Indian Manatee. In a letter dated 20 May 2013, the Corps coordinated this determination with FWS. Additionally, the Corps and the applicant both agreed to comply with the Conservation Measures, Reasonable and Prudent Measures, and Terms and Conditions outlined in the Programmatic Piping Plover Biological Opinion (P3BO), dated 22 May 2013 (Consultation Code 04EF1000-2013-F-0124). As such, the Corps determined the placement of dredged material on the beach “may affect, but is not likely to adversely affect” the piping plover and its critical wintering habitat. The Corps coordinated this determination with FWS.

(c) For species under purview of FWS - SAS: The project area contains habitat that may be suitable for the West Indian manatee (*Trichechus manatus*). In the joint public notice dated 1 May 2013, the Corps made a determination of “may affect, not likely to adversely affect” the West Indian manatee.

(4) Consultation:

(a) For the species under purview of PRD – SAJ & SAS: PRD – Atlantic sturgeon and the smalltooth sawfish: The Corps’ South Atlantic Division (SAD) got involved in the consultation of this project because they are responsible for updating the SARBO. There were several discussions that took place in January 2014 between SAD and PRD, but no development on the consultation occurred at that time. In a letter dated 7 February 2014, SAD requested PRD to issue an interim supplement to the SARBO to address the potential effects of dredging activities on the Atlantic sturgeon and the smalltooth sawfish and provide incidental take authorization for the Atlantic sturgeon. In a letter dated 21 March 2014, PRD provided a response to SAD’s letter. The letter provided their position that "SAD should continue to conduct dredging operations under the Terms and Conditions" of the SARBO and management protocol and did not provide a take allocation. NMFS believes the language provides sufficient coverage to continue routine Civil Works and Regulatory-permitted dredging activities under the SARBO. In a letter dated 25 April 2014, SAD sent PRD a Section 7(a)(2)/7(d) analysis on the Atlantic sturgeon. The analysis concluded that for maintenance dredging actions the average annual rate of incidental take of Atlantic sturgeon is anticipated to remain very low. SAD anticipates less than one incidental take per year and it is not likely to jeopardize the continued existence of the species. Further, SAD stated that the Corps would not make any irreversible or irretrievable commitment of resources that would foreclose the formulation or implementation of any reasonable and prudent alternatives necessary to avoid jeopardizing the continued existence of Atlantic sturgeon. Based on these discussions and correspondence, the Corps concluded that SAD and PRD provided sufficient information to ensure the applicant is legally covered under Section 7 of the ESA. The



CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

permit, if issued would ensure the applicant adheres to the terms and conditions of the existing SARBO or revised SARBO.

(b) For species under purview of FWS, Jacksonville District: In a letter dated 30 May 2014, FWS concurred with the Corps determination on their listed species. The applicant agreed to adhere to the terms and conditions of the SPBO and P3BO. The Corps agreed to include the SPBO and P3BO as special conditions to the SAJ permit, if issued. Also, the FWS recommended that three special conditions be added to the permit in the event that a clamshell or some other mechanical dredge equipment is used for some portion of the project. The three manatee conditions would be added to the SAJ permit. See section 10.d. for the conditions. In addition, the FWS stated that the SPBO includes a reference to Florida Fish and Wildlife Conservation Commission standard guidelines (Guidelines) that must be followed during project activities occurring between 15 February and 31 August, to protect nesting seabirds in accordance with the Migratory Bird Treaty Act. The Guidelines are the responsibility of the applicant and would not be added as a special condition to the permit, if issued.

(c) For species under purview of FWS, Savannah District: In a letter dated 7 June 2013, the FWS concurred with the SAS Corps determination that the project may affect but not likely to adversely affect the West Indian manatee (*Trichechus manatus*) if the Corps would include "Standard Manatee Conditions and Procedures for Aquatic Construction" as special conditions of any permit. The Corps agrees to put these in any draft permit issued. See section 10.d for the conditions.

(5) Consultation resolution:

(a) PRD – Atlantic sturgeon and the smalltooth sawfish: The PRD is unable to complete consultation and provide an incidental take for the Atlantic sturgeon and smalltooth sawfish prior to the date the project needs a permit. On 25 April 2014, SAD submitted a 7(a)(2) 7(d) analysis to cover the incidental take of these species.

(b) The FWS – Jacksonville District: In a letter dated 30 May 2014, the Corps, SAJ, received concurrence from the FWS.

(c) The FWS – Savannah District: In a letter dated 7 June 2013, the Corps, SAS, received concurrence from the FWS.

c. ESSENTIAL FISH HABITAT: Adverse impacts to Essential Fish Habitat will/will not result from the proposed project. By letter dated 5 June 2013, and 26 June 2013, NMFS provided Essential Fish Habitat (EFH) Conservation Recommendations regarding impacts to DO, TSS and the fisheries and benthic communities during dredging and

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

disposal operations. Impacts to the water column associated with dredging (i.e. re-suspension of accumulated sediments and disposal of material) and the effluent return from the disposal sites would result in only minimal, temporary impacts. Kings Bay is a highly-flushed tidal estuary which would be unlikely to produce low-flow conditions that would potentially cause DO or TSS-related stress on adjacent fisheries and fishery habitats. In addition, the nearshore environment is a highly dynamic environment with high benthic population turnover due to natural physical effects. The species that live in this environment quickly re-colonize after major disturbances.

By letter dated 11 February 2014, the Corps provided NMFS with the response to these conservation recommendations from the applicant and stated that the Corps “is satisfied that the consultation procedures outlined in 50 Code of Federal Regulations Section 600.920 of the regulation to implement the provisions of the Magnuson-Stevens Act have been met and intends to issue permit numbers SAS-2005-001790 and SAJ-1992-01854 no sooner than 10 days after the date of this letter.” To date, the Corps has not received a response from NMFS, HCD.

d. National Historic Preservation Act (NHPA) – Section 106:

For SAJ: The proposed project will not / will affect sites listed, or eligible for listing, in the *National Register of Historic Places* or otherwise of national, state, or local significance based on correspondence from State Historic Preservation Office (and) the *Jacksonville District Regulatory Division Section 106 Key, March 2013*. Use of this key resulted in the sequence 1-2-*no potential to cause effect*. The determination was based on the scope of the work. In response to the public notice both the THPO and SHPO provided comments and neither agency objected to the proposed project.

For SAS: Since the activity proposed is maintenance dredging that has been ongoing for at least 10 years prior and the proposed dredging is not deepening, no special coordination was made with the Georgia State Historic Preservation Officer (SHPO) other than the public notice dated 1 May 13. No comments were received from the SHPO. Therefore, the Savannah District has made a no effect determination for Cultural Resources within the waters of the State of Georgia.

e. CUMULATIVE IMPACTS: The Council on Environmental Quality (CEQ) defines cumulative impacts as the “impact on the environment which results from the incremental impact of the action(s) when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions” (40 CFR 1508.7).

(1) Geographic Scope/Region of Influence (ROI): the National Environmental Policy

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

Act (NEPA) requires that the impacts of each proposed project be considered within the appropriate geographical area/region of influence (ROI). The geographic area/ROI for purposes of consideration of the proposed project is the Cumberland-St. Simons watershed and United States Geological Service, Georgia Hydrologic Unit Code (HUC) 03070203 for the Georgia and the Upper St. Marys River watershed, Florida HUC 03070204. Georgia HUC 03070203 encompasses southeastern Wayne, eastern Brantley, most of Glynn, and a northern portion of Camden County. Florida HUC 03070204 encompasses the southern and western parts of the St. Marys Basin, extends to the point where the river turns northward, northeast of Macclenny. The eastern boundary runs along the top of the Trail Ridge. The Upper St. Marys River watershed includes the following tributaries of the St. Marys River: North Prong, Middle Prong, Cedar Creek, South Prong, Deep Creek, and Baldwin Bay–Brandy Branch. Further, this stretch of the river basin includes portions of the Okefenokee Swamp and the Osceola National Forest. The Corps determined that actions taken in the watersheds would be sufficiently similar in location, topography, watershed impacts, habitat types, etc., to be considered in a cumulative impacts assessment. To properly scope this analysis the Corps has identified target resources for evaluation based on public and agency comments. Target resources are important resources that could be cumulatively affected by activities in the identified scoping area.

The Corps identified the following target resources because of their scarcity and regional importance: (1) wetlands; (2) water quality; and (3) aquatic species. Below we have assessed the cumulative impacts of the proposed project on these target resources. In doing this, we considered the impacts of this project, past projects, as well as all reasonably foreseeable impacts.

The proposed action, in addition to other projects in the geographic area of consideration (i.e., Georgia HUC 03070203 and Florida HUC 03070204), have the possibility to result in either negative or positive impacts in a cumulative manner. Cumulative impacts are most likely to occur when a relationship exists between a proposed action, or alternative, and other actions expected to occur in a similar location, time period, and/or involving similar actions, i.e. past, present, and reasonably foreseeable future actions.

There are numerous projects in the watersheds, which are part of typical urban activities/development. These projects can be categorized generally as construction, maintenance, or demolition. This analysis takes into account the proposed project/action along with the larger projects in the ROI.

(a) Wetlands: Dredging projects that occur within the Kings Bay and Cumberland Sound do not typically result in direct impacts to wetlands. Direct impacts would include

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

actions such as excavation, which result in the immediate removal of the resource. When scoping dredging projects, the Corps also considers the potential for indirect impacts to wetlands. Dredged material would be discharged to an upland CDF, nearshore or off-shore beach replacement depending on the dredged material. Effluent from the CDFs may be discharged into Kings Bay. The effluent could contain sediment that in turn would be released into Kings Bay and subsequently the wetland systems located downstream. However, once the dredged material is placed within the CDFs, the sediments are allowed to settle out before the effluent is discharged into the river. As a result, the majority of the sediment remains within the CDFs and would not be discharged with the effluent or enter the water column. The amount of effluent that would be discharged into Kings Bay would be minute compared to the volume of water currently within the river. Any suspended solids within the effluent would be diluted in the water column. In addition, any permit issued by this office would include special conditions stating that the project must comply with all state water quality standards. Therefore, the proposed effluent discharge from the disposal area would have a negligible effect on water quality. Therefore, the Corps has determined that the proposed project would have a negligible effect on wetlands.

(b) Water Quality: Water quality is affected by changes to the environment (referred to as stressors) that adversely affect aquatic life or impair human uses of a water body. Point sources are municipal and industrial wastewater discharge. Non-point sources consist of sediment, litter, bacteria, pesticides, fertilizers, metals, oils, grease, and a variety of other pollutants that are washed from rural and urban lands by storm water. Expected growth in population and employment in the basin would mean more potential stress from storm water runoff as well as non-point source loading.

- **Wetland Loss**: Impacts to wetlands were discussed above. There would be no direct loss of wetlands (i.e. filling of a wetland), nor would the effluent be discharged into wetlands. In addition, any indirect impact to wetlands would be minute and therefore would have a negligible effect on water quality.

- **Point Source Discharges**: Impacts from municipal wastewater, agricultural, and industrial discharges were greater prior to the 1970's. Due to increased regulation, these discharges have been reduced but continue to introduce pollutants into the system, which lower water quality when considered cumulatively.

- **Suspended solids** within the effluent generated from the CDFs could affect turbidity within Kings Bay. However, once the dredged material is placed within the CDFs, the sediments are allowed to settle out before the effluent is discharged into the river. As a result, the majority of the sediment remains within the CDFs and would not be discharged with the effluent or enter the water column. The amount of effluent that would be discharged into Kings Bay would be minute compared to the volume of water currently

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

within the river. Any suspended solids within the effluent would be diluted in the water column. In addition, any permit issued would include special conditions stating the project must comply with all state water quality standards.

With respect to contaminants, the maintenance material was evaluated using the protocols established within the Corps/EPA Inland Testing Manual (see section 5.e above). As indicated above, CESAS-PD-E evaluated the sediments in the project area and determined that there were no issues concerning contaminants in the material. Thus, it can be concluded that the discharge from the CDFs effluent would not be expected to contain contaminants; this is particularly true since contaminants typically are retained with the solids fraction of dredged material. Prior to the start of work, the material associated with any future, new work dredging projects would also be evaluated using the same Inland Testing Manual procedures. If any issues concerning contaminant levels, fate and/or transport were identified, then the Corps would implement the steps necessary to prevent mobilization and exposure. Therefore, the Corps has determined that issues concerning contaminants, when evaluated for the proposed project and in conjunction with possible future projects, would have a negligible effect on water quality.

- **Non-point Source Discharges:** Residential, commercial and industrial development results in an increase in impervious surfaces (roof tops, paved roads, parking lots, etc.), which affects storm water discharges. Development results in an increase in non-point source contaminant loading through associated increases in urban landscaping (pesticides and fertilizers), increased traffic (oil, grease and metals), and other associated activities. There would be an anticipated incremental increase in adverse impacts to water quality as impervious surfaces increase. The proposed dredging project, and any possible future dredging projects, would not result in a change in land use or an increase in impervious surface coverage. Therefore, these projects were not considered and/or evaluated from the standpoint of contributing to non-point source discharges. The proposed dredging project was, however, considered from the standpoint of a Point-Source Discharge, and the data analysis can be found in the previous section.

- **Summary:** This project, when combined with other projects in the geographical area of influence, has the potential to result in adverse cumulative impacts; however, it is expected that future projects would be implemented as follows: projects would use erosion control measures, silt fencing, and other Best Management Practices; sufficient storm water management structures would be constructed as part of new construction; erosion and sedimentation control plans would be filed in accordance with Georgia's Sedimentation Pollution Control Act; and all projects would be undertaken in accordance with federal, state, and local laws.

In view of the above, the Corps determined that the proposed project, with special

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

permit conditions, would have minimal impacts on water quality when considered alone or in concert with the other past, present and reasonably foreseeable future projects in the basin.

(d) Aquatic Species: Impacts from this project to wetlands and water quality would have negligible effects on fish and other small invertebrate food chain organisms as discussed above in Paragraph 6.

When evaluating the cumulative effects of maintenance dredging, impacts to water quality could indirectly impact aquatic species. With respect to the proposed maintenance and any future maintenance dredging, the Corps has determined that there would be a negligible effect on water quality. Thus, the indirect effect to aquatic species would also be negligible. With respect to direct impacts, the project would require the hydraulic dredging of sediments from the unconsolidated bottom of the turning basin, which is considered EFH. The unconsolidated bottoms are in a constant state of flux given the ongoing efforts to maintain the project depths. Thus, any aquatic species linked with the past, present, and future use of these water bottoms, would be accustomed to the continuous disturbance of the habitat. When evaluating effects to EFH, the Corps again considered all of the current and future proposed dredging projects within the harbor.

Summary: In view of the above, the Corps determined that the proposed project, with special permit conditions, would not have a significant impact on aquatic species when considered alone or in concert with the other past, present and reasonably foreseeable future projects in the basin.

(e) Overall Summary: In view of the above, the Corps determined that the proposed project, with special permit conditions, would not have a significant impact on the human environment when considered alone or in concert with the other past, present and reasonably foreseeable future projects in the basin.

f. SECONDARY/INDIRECT EFFECTS: The project was reviewed for potential secondary/indirect impacts such as those associated with the Kings Bay submarine base. The proposed project would allow for annual maintenance dredging and result in a more efficient use of the navigation channels, berths, facilities, turning basins and settlement basins. There would be no additional requirement for any shoreline structures and/or

upland-based distribution facilities. Therefore, the proposed work is not anticipated to result in satellite development, new infrastructure needs, or other secondary/indirect impacts.

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

g. US ARMY CORPS OF ENGINEERS WETLAND POLICY: Based on the public interest review herein, the beneficial effects of the project outweigh the detrimental impacts of the project.

h. EFFECT ON FEDERAL PROJECTS: The Corps has determined the proposed activity would not have an adverse effect on any Federal Project (33 CFR 320.4(g)).

i. WATER QUALITY CERTIFICATION:

For SAJ - Water Quality Certification (WQC) under Section 401 of the Clean Water Act was issued by the Florida DEP on 22 September 2003 and includes specific conditions to ensure that the project would meet water quality standards. The permit expires on 22 September 2015. These conditions would be included in the permit, if issued. In addition, on 22 May 2014, the Florida DEP issued a notice of intent on the project that includes the placement of Georgia sand in Florida. There is no evidence or indication from Florida DEP that the project is inconsistent with the WQC. A condition would be added to the permit, if issued, to incorporate these WQC conditions.

For SAS: - Water Quality Certification under Section 401 of the Clean Water Act was issued by letter dated 13 May 2014. The Georgia DNR, EPD stated "Pursuant to Section 401 of the Clean Water Act, the State of Georgia issues this certification to the U.S. Navy, Kings Bay Submarine Base. This certification is contingent upon the following conditions: (1) All work performed during construction will be done in a manner so as not to violate applicable water quality standards; (2) No oils, grease, materials or other pollutants will be discharged from the construction activities which reach public waters; (3) The applicant must notify Georgia EPD of any modifications to the proposed activity; (4) All hopper dredging activities must be restricted to December 15 through March 31, when sea turtles are least abundant, unless prior approval is obtained from the Georgia DNR Wildlife Resources Division. This time period is consistent with the recommendations of the NMFS South Atlantic Regional Biological Opinion and the Corps' South Atlantic Division Protocols. Please contact Mr. Mark Dodd of the Wildlife Resources Division for approval, at (912) 506-7260 or [Mark.Dodd@dnr.state.ga.us](mailto:Mark.Dodd@dnr.state.ga.us). Sea turtle takes must be reported to the Wildlife Resources Division within 24 hours. Hopper dredging activities will be halted if sea turtle takes exceed the limits specified by NOAA. Bed leveling equipment may not be used unless approved by Georgia DNR; (5) Hopper dredges must utilize protected species observers, and have 100% inflow and outflow screening that is kept functional to the maximum extent practicable. A copy of all Inspection Checklists for hopper dredge operations should be provided to the Georgia DNR, Wildlife Resources Division after each inspection. Copies should be sent to the attention of Mr. Mark Dodd, Senior Wildlife Biologist, One Conservation Way, Brunswick, Georgia 31522, or via email, [Mark.Dodd@dnr.state.ga.us](mailto:Mark.Dodd@dnr.state.ga.us); (6) Kings Bay and Corps Jacksonville District (SAJ) personnel should coordinate access to all available hopper dredge events with Georgia

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

DNR personnel, to enable observation and inspection of sea turtle monitoring and protection equipment (inflow, outflow, draghead deflectors) and (7) The project shall be periodically reviewed by the Georgia EPD to consider changed conditions that may affect this 401 certification, including but not limited to new dredging technologies, environmental conditions, laws, regulations, and modifications to the project. It is expected that these reviews would generally be performed annually. The 401 certification will be modified as appropriate.”

j. COASTAL ZONE MANAGEMENT (CZM) CONSISTENCY/PERMIT:

For SAJ: For the project in Florida the issuance of a permit from the Florida DEP certifies that the project is consistent with the CZM plan. There is no evidence or indication from the States that the project is inconsistent with their CZM plan. For the placement of Georgia sand on Florida beach, the SAJ Corps, received a conditional CZM from the Georgia DNR, CRD. The conditions are listed in the paragraph below. The Corps agrees to include the conditions to the SAJ permit, if issued.

For SAS: By letter dated 3 April 2014, the Georgia DNR, CRD stated “the Georgia Coastal Management Program concurs with the Navy's federal consistency certification with the following conditions: (1) The Navy shall notify GCMP and GaDNR/EPD of any modifications to the proposed activity; (2) All hopper dredging activities shall be restricted to 15 December through 31 March unless prior approval is obtained from GCMP; (3) Hopper dredges shall have 100% inflow and outflow screening that is kept functional to the maximum extent practicable. Should inflow screening become inoperable for more than 48 continuous hours, approval must be obtained by GCMP to continue operations with only outflow screens; (4) Hopper dredge inspection checklists shall be provided to GaDNR/WRD prior to commencing dredging and (5) Hopper dredges shall have protected species observers onboard to monitor each dredging.”

k. OTHER AUTHORIZATIONS: A permit was authorized under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413) for the transportation and disposal of dredged material to the Fernandina Beach ODMDS. The permit, SAJ-1992-01854(SP-BAL), was issued to the US Navy on 1 November 2012 and expires on 1 November 2015.

l. SIGNIFICANT ISSUES OF OVERRIDING NATIONAL IMPORTANCE: (☒NA)

8. COMPENSATION AND OTHER MITIGATION ACTIONS:

a. COMPENSATORY MITIGATION:



CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

(1) Is compensatory mitigation required?  yes  no

(2) Other Mitigative Actions: N/A

9. GENERAL EVALUATION CRITERIA UNDER THE PUBLIC INTEREST REVIEW:  
We considered the following within this document:

a. The relative extent of the public and private need for the proposed structure or work. Public benefits include the need to maintain navigation channels for national security. This dredging project is also in the public interest in terms of jobs, employment opportunities and a potential increase in the local tax base. Private benefits include the ability to use the facility as needed and not be constrained due to shoaling concerns. This allows a continue use of the facility.

b.  There are no unresolved conflicts as to resource use. ( There are unresolved conflicts as to resource use. One or more of the alternative locations and methods described above are reasonable or practicable to accomplish the objectives of the proposed structure or work but are not being accepted by the applicant.) ( There are unresolved conflicts as to resource use however there are no practicable reasonable alternative locations and methods to accomplish the objective of the proposed work.)

c. The extent and permanence of the beneficial and/or detrimental effects, which the proposed work is likely to have on the public, and private uses to which the area is suited. Detrimental impacts are expected to be minimal, there would be minor disturbance after dredging and the placement of the material on the beach or nearshore area. The beneficial effects associated with utilization of the property would be permanent.

10. PERMIT ACTION ALTERNATIVES:

a. TO ISSUE THE PERMIT IN ACCORDANCE WITH THE PLANS SUBMITTED BY THE APPLICANT: This course of action by itself would be inappropriate because it does not include provision for special conditions. Refer to Paragraph 10. d. below.

b. TO DENY THE REQUEST FOR A PERMIT: Denial of the permit would not be an appropriate course of action. The proposed activity would not have significant adverse effects on navigation, the environment or other public interest factors.

c. TO ISSUE THE PERMIT AFTER SUBMITTAL OF MODIFIED PLANS BY THE APPLICANT WITH SPECIAL CONDITIONS: This course of action would not be warranted. Our review of the applicant's plans and alternatives showed the applicant's proposed activity to be the most practicable way to accomplish the applicant's overall

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

purpose.

d. TO ISSUE THE PERMIT IN ACCORDANCE WITH THE PLANS SUBMITTED BY THE APPLICANT WITH SPECIAL CONDITIONS: This would be the appropriate course of action to follow. In order to protect the public interest special conditions would be placed on the permits.

The following special conditions would be included in any permit issued by the Jacksonville District:

**1. Commencement & Completion Notification:** The Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit at least 15 days before initiation of any dredging operations authorized by this permit and a completion notification no less than 15 days after the completion of the dredging operation. The notification should be sent to the following email address if a hopper dredge will be used: [sajdredgenotice@usace.army.mil](mailto:sajdredgenotice@usace.army.mil). The notification should be sent to the following email address if a cutter-suction, clamshell or other mechanical dredge equipment is used: U.S. Army Corps of Engineers, Regulatory Division, **Enforcement Branch**, P.O. Box 4970, Jacksonville, FL 32232-0019. Requests for documents, forms or information should also be submitted to the Corps at this email address or mailing address. The Permittee shall reference DA permit number, SAJ-1992-01854(SP-BAL), 'SARBO', and include the type of dredge in the subject line of the email and on all submittals.

**2. Concurrence:** The permittee acknowledges that authorization for transport of dredged material to the Fernandina Beach Ocean Dredge Material Disposal Site is not valid until concurrence is granted from the U.S. Environmental Protection Agency.

**3. Georgia Coastal Management Program:** The permittee shall comply with the conditions in the Federal Consistency Certification that is attached to this permit.

**4. Florida Joint Coastal Permit (FJCP):** The permittee shall ensure they obtain a copy of the latest FJCP and comply with the conditions specified in the permit.

**5. Hopper Dredging Conditions:**

**a. Regional Biological Opinion:** Dredging is approved under the current National Marine Fisheries Service (NMFS) South Atlantic Regional Biological Opinion (SARBO) and its references that includes the SARBO Management Protocols which can be viewed on the following web site: <http://el.erdc.usace.army.mil/seaturtles/refs-bo.cfm> or the Corps website:

<http://www.saj.usace.army.mil/About/DivisionsOffices/Planning/EnvironmentalBranch/Envir>

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

[onmentalDocuments.aspx#District\\_Wide.](#)

The permittee is responsible for obtaining and complying with the SARBO. If the permittee is unable to view the SARBO at this website the permittee shall contact the Corps to receive a copy of the SARBO. The permittee shall implement all reasonable and prudent measures identified in the SARBO. NMFS has issued the SARBO to the Corps of Engineers for hopper dredge projects that limit the take of listed turtles, sturgeon, and any other species listed in the SARBO. Authorization under this DA permit is conditional upon compliance with all of the mandatory terms and conditions associated with the SARBO, which terms and conditions are incorporated by reference in this DA permit. Failure to comply with the terms and conditions associated with the SARBO, where a take of the listed species occurs, would constitute non-compliance with this DA permit. Failure to comply with this DA permit will be the basis for suspension and revocation of this DA permit and may be the basis for other enforcement action. NMFS has directed that this SARBO issued to the Corps serve as the formal consultation for all hopper dredge projects in the area covered by the SARBO, however, where the terms and conditions of the SARBO differ from the Special Conditions of this DA permit, the Special Conditions of this DA permit will take precedence as the more stringent condition.

**b. Deflector Device Submittal:** No dredging shall be performed by a hopper dredge without the inclusion of an approved rigid sea turtle deflector device. The Permittee shall ensure that drawings of the proposed sea turtle deflector device and the Hopper Dredge Deflector Device Checklist are complete and all required documentation submitted to the Corps, at least 10 days prior to initiating the authorized work. The Permittee shall not commence hopper dredging until approval of the sea turtle deflector device has been granted by the Corps. A copy of the approved drawings, calculations and signed Hopper Dredge Deflector Device Checklist form shall be available on the vessel during dredging operations.

**c. Commencement Notification:** Within 3 days from the date of initiating the authorized work, the Permittee shall provide to the Corps, the completed Hopper Dredge Startup Inspection Checklist form (Attachment 3) with a written notification of the date of commencement of work authorized by this DA permit. An inspection of the hopper dredge will be scheduled and performed by the Corps after receipt of the notification of commencement.

**d. Pre-Dredging Inspection Submittal:** The Permittee shall submit the completed Hopper Dredge Pre-Dredge Inspection Checklist form to the Corps, at least 5 days prior to initiating the authorized work.

**e. Dredging Quality Management:** Dredging and dredged material disposal and monitoring of dredging projects using the Dredging Quality Management (DQM) system

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

shall be implemented for this DA permit. The Permittee shall ensure that each hopper dredge assigned to the work authorized by this DA permit is equipped with DQM, previously known as 'Silent Inspector', for hopper dredge monitoring. The Permittee's DQM system must have been certified by the DQM Support Team within one calendar year prior to the initiation of the dredging/disposal. Questions regarding certification should be addressed to the DQM Support Center at 251-690-3011. Additional information about the DQM System can be found at <http://dqm.usace.army.mil>. The Permittee is responsible for insuring that the DQM system is operational throughout the dredging and disposal project and that project data are submitted to the DQM National Support Center in accordance with the specifications provided at the aforementioned website. The data collected by the DQM system shall, upon request, be made available to the Regulatory Division of the U.S. Army Corps of Engineers - Jacksonville District.

**f. Incidental Take Statement:** This DA permit does not authorize the Permittee to take an endangered species, in particular sea turtles, sturgeon, or any other endangered species listed in the SARBO. The SARBO includes an Incidental Take Statement (ITS) issued to the Corps.

(1) The Permittee understands and agrees that, even where it is in full compliance with the terms and conditions of the SARBO ITS and this DA permit, incidental take by the Permittee or other hopper dredging operations within the area covered by the SARBO may result in suspension or modification of this DA permit by the Corps. The amount of incidental take that will trigger suspension, and the need for any such suspension, shall be determined at the discretion of the Corps. The Permittee understands and agrees on behalf of itself, its agents, contractors, and other representatives, that no claim, legal action in equity or for damages, adjustment, or other entitlement against the Corps shall arise as a result of such suspension or related action.

(2) The Permittee shall immediately cease all hopper dredging operations and notify the Corps upon discovery of an incidental take of a sea turtle or sturgeon. The Permittee shall not resume hopper dredging until notified by the District Engineer, or his designee. The Sea Turtle Incidental Take Data form which is located at the following web site under the heading "Turtle Information" Observer Forms: <http://el.erdc.usace.army.mil/seaturtles> will be filled out by the Observer and shall be submitted to the Corps with photographic documentation within 24 hours of the take event.

**g. Endangered Species Observers:** During dredging operations, NMFS approved endangered species observers (Observer) shall be aboard each hopper dredge to monitor for the presence of endangered species including sea turtles, sturgeon, whales and manatees. Observers shall perform their observations 24hr/day and every day during dredging operation.

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

(1) During transit to and from the disposal area, the Observer shall monitor from the bridge during daylight hours for the presence of endangered species, especially the Northern right whale, during the period December through March.

(2) During dredging operations, while dragheads are submerged, the Observer shall continuously monitor the inflow and/or overflow screening for turtles and/or turtle parts and sturgeon and/or sturgeon parts.

(3) Upon completion of each load cycle, dragheads should be monitored as the draghead is lifted from the sea surface and is placed on the saddle in order to assure that sea turtles that may be impinged within the draghead are counted and recorded. The Observer shall physically inspect dragheads and inflow and overflow screening/boxes for threatened and endangered species take. The Observer shall identify, count and record sea turtle or sturgeon parts during the inspection of the inflow and overflow screening/boxes. All debris shall be removed from the screening/boxes after the inspection is complete so as not to impede the functioning of the screens during the next load cycle.

(4) The Observer shall maintain a log detailing all incidents, including sightings, collisions with, injuries to, or killing of endangered species during dredging operations. The data shall be recorded daily on the Observer forms which are located at the following web site under the heading "Turtle Information": <http://el.erdc.usace.army.mil/seaturtles>. If the permittee is unable to view the Observer forms at this website the permittee shall contact the Corps to receive a copy of the Observer forms. Completed observer forms shall be submitted to the Corps at the end of each day as identified in the reporting special condition. A Summary Report of the above incidents and sightings shall be submitted to the Corps within 15 days of project completion.

**h. Observer Equipment:** The Permittee shall provide a digital camera, with an image resolution capability of at least 300 dpi, in order to photographically report all incidental takes, without regard to species, during dredging operations. Immediately following the incidental take of any threatened or endangered species, images shall be submitted to the Corps in a .JPG or .TIF format and shall accompany incidental take forms. The nature of findings shall be fully described in the incidental take forms including references to photographs.

**i. Sea Turtle Trawling:** Sea turtle trawling shall be conducted following the take of two sea turtles, without regard to species, and continue until the end of dredging or as directed by the Corps. Trawling shall be conducted in accordance with the attached Sea Turtle Trawling requirements. Hopper dredging shall not resume until trawling has been initiated and until notified by the District Engineer, or his designee. The results of each

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

trawl shall be recorded on the Sea Turtle Trawling Report which are located at the following web site under the heading "Turtle Information":

<http://el.erdc.usace.army.mil/seaturtles>. If you are unable to view the Trawling Report forms at this website you must contact the Corps to receive a copy of the forms. Interim trawling reports shall be submitted to the Corps by the end of each day. A final trawling report shall be prepared and submitted to the Corps after the completion of all trawling efforts. The final trawling report shall summarize the results of the trawling including total trawling times, number of trawls and number of captures. Any turtles captured during trawling shall be immediately released.

**6. Sand Placement in Florida:** The disposal of dredged material on the beach is approved under the current Statewide Programmatic Biological Opinion for sand placement activities in Florida (SPBO). The SPBO can be viewed on the following web sites: <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx> or [http://www.saj.usace.army.mil/About/DivisionsOffices/Planning/EnvironmentalBranch/EnvironmentalDocuments.aspx#District\\_Wide](http://www.saj.usace.army.mil/About/DivisionsOffices/Planning/EnvironmentalBranch/EnvironmentalDocuments.aspx#District_Wide). The permittee is responsible for obtaining and complying with the SPBO. If the permittee is unable to view the SPBO at this website the permittee shall contact the Corps to receive a copy of the SPBO. The permittee shall implement all reasonable and prudent measures identified in the SPBO. The U.S. Fish and Wildlife Service developed the SPBO with the Corps of Engineers for sand placement for species listed in the SPBO. Authorization under this DA permit is conditional upon compliance with all of the mandatory terms and conditions associated with the SPBO, which terms and conditions are incorporated by reference in this DA permit. Failure to comply with the terms and conditions associated with the SPBO, where a take of the listed species occurs, would constitute non-compliance with this DA permit. Failure to comply with this DA permit will be the basis for suspension and revocation of this DA permit and may be the basis for other enforcement action.

**7. Piping Plover:** The disposal of dredged material on the beach for the protection of the piping plover is approved under the current Programmatic Piping Plover Biological Opinion for sand placement activities in Florida (P3BO). The P3BO can be viewed on the following web site:

<http://www.saj.usace.army.mil/Portals/44/docs/Planning/EnvironmentalBranch/EnvironmentalDocs/PipingPloverProgrammaticBiologicalOpinion.pdf>. The permittee is responsible for obtaining and complying with the P3BO. If the permittee is unable to view the P3BO at this website the permittee shall contact the Corps to receive a copy of the P3BO. The permittee shall implement all reasonable and prudent measures identified in the P3BO. The U.S. Fish and Wildlife Service developed the P3BO with the Corps of Engineers for sand placement for species listed in the P3BO. Authorization under this DA permit is conditional upon compliance with all of the mandatory terms and conditions associated with the P3BO, which terms and conditions are incorporated by reference in this DA

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

permit. Failure to comply with the terms and conditions associated with the P3BO, where a take of the listed species occurs, would constitute non-compliance with this DA permit. Failure to comply with this DA permit will be the basis for suspension and revocation of this DA permit and may be the basis for other enforcement action.

**8. Manatee Conditions:** The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work - 2011" attached to the permit.

**9. Clamshell or Other Mechanical Dredge Equipment Conditions:**

**a. Observers:** The Permittee shall ensure that when in-water work is being performed or vessels are moving, at least one person will be designated as protected marine animal observer. Only individuals having previous, on-water experiences serving as dedicated, protected marine animal observers during daytime and nighttime dredging operations, including clamshell dredging, shall serve in this capacity for the proposed work. The Permittee shall retain a record that includes proof of the observer's qualifications, such as, the observer's name, previous observation experience (project title, location, date) and hours of dedicated observation per project, and make that record available upon request. Observers will be equipped with binoculars and polarized sunglasses to assist with observations during daylight operations, and advise personnel to cease operations upon sighting a manatee within 50 feet of any in-water construction. If the dedicated observers determine that detection of manatees during certain weather conditions (i.e. fog, rain, wind, etc.) is not possible, the Permittee will cease operation until weather conditions improve and detection is again possible.

**b. Operations:** For clamshell operations, the observer shall be stationed in a position to clearly observe the point of entry and exit of the clamshell bucket, as well as the waters surrounding that operation to a radius of 200 feet around the hoist line of the bucket. The dredge operator will gravity-release the clamshell bucket beginning at the water's surface, and only after confirmation that there are no manatees or marine turtles within the 50-foot safety distance identified in the standard conditions. In order to better observe manatees and marine turtles during nighttime clamshell operations, the Permittee shall install lighting, shielding and/or otherwise directed, which illuminates only the water surface within 200-foot radius of the clamshell bucket hoist line. Such lighting shall be installed to not represent a hazard to navigation, or violation of any other operational safety requirement.

**c. Reporting:** All observers shall maintain a daily log that details sightings, collisions, or injuries to protected marine animals, as well as specific information (such as work itinerary, weather, work shutdowns, observer shift changes, length of time of sightings, estimate distance of animal from the dredge/equipment/vessel, animal behavior during the



CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

sighting, and actions taken as a result of sightings, collisions or injuries). The logs and final summary report that includes the location and name of the project, and the dates and times of work shall be submitted within 30 days following project completion to the U.S. Fish and Wildlife Service at [jaxregs@fws.gov](mailto:jaxregs@fws.gov).

The following special conditions would be included in any permit issued by the Savannah District:

1. A copy of this permit, including the approved drawings and plans; special conditions; and any amendments shall be maintained at the work site whenever work is being performed. The permittee(s) shall assure that all contractors, subcontractors, and other personnel performing the permitted work are fully aware of the permit's terms and conditions.
2. The permittee shall notify the issuing office, in writing (electronic facsimile is acceptable), at least ten days in advance of their intent to commence work in waters of the United States for the permitted activity. The permittee shall also notify this office, in writing, 30 days after this project is completed using the enclosed Certification of Compliance Form.
3. All work will be performed in accordance with the following attached plans and drawings which are incorporated in and made part of the permit entitled "Naval Submarine Base Kings Bay, Nassau County, Florida and Camden County, Georgia, Entrance and Inner Channel Maintenance Dredging Projects, Section 10/404 Permits Plates, Project Location Map" (Plate G-01 – G-07) and "Naval Submarine Base Kings Bay, Nassau County, Florida and Camden County, Georgia, Entrance and Inner Channel Maintenance Dredging Projects Section 10/404 Permit Plates, Dredging Plan", (Plate C-01 –C35) :
4. That use of the permitted activity must not interfere with the public's right to free navigation within navigable waters of the United States.
5. That prior to deposition of any material into the disposal area, the permittee shall inspect all berms, embankments and weirs to determine if they are in satisfactory condition.
6. That any breaches in the disposal area dikes shall be repaired prior to discharge of any dredged material and the dikes and weirs shall be maintained in good condition throughout the period of discharge and until the dredged material has settled and stabilized.
7. The permittee shall comply with all applicable conditions that are referenced in the



CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

attached Georgia Department of Natural Resources, Environmental Protection Division  
(Georgia EPD) 401 WQ Certification.

8. This permit does not authorize the interference with any existing or proposed Federal Project and the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein, which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

9. All work conducted under this permit shall be located, outlined, designed, constructed and operated in accordance with the minimal requirements as contained in the Georgia Erosion and Sedimentation Control Act of 1975, as amended. Utilization of plans and specifications as contained in the "Manual for Erosion and Sediment Control, (Latest Edition)," published by the Georgia Soil and Water Conservation Commission or their equivalent, will aid in achieving compliance with the aforementioned minimal requirements.

10. If you or your contractors discover any federally listed threatened or endangered species and/or their habitat while accomplishing the activities authorized by this permit, you must immediately STOP work in the area and notify the issuing office of what you have found. We will initiate the Federal and state coordination required to determine if the species and/or habitat warrant further consultation with the US Fish and Wildlife Service.

11. Regarding the present and future protection of the West Indian Manatees that have the potential to be within the project vicinity, the following conditions must be fully implemented by the applicant:

a. The permittee agrees that all personnel associated with the project will be advised that there are civil and criminal penalties for harming, harassing or killing manatees, which are protected under the Endangered Species Act of 1973 and the Marine Mammal Protection Act of 1972. The permittee and contractor will be held responsible for any manatee harmed, harassed or killed as a result of construction activities.

b. Siltation barriers will be made of material in which manatees cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.

c. All vessels associated with the project will operate at "no wake/idle" speeds at all times while in the construction area. All vessels will follow routes of deep water whenever possible.

d. All on-site project personnel are responsible for observing water-related activities

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

for the presence of manatees. All construction and activities in open water will cease upon sighting of manatees within 50 feet of the project area. Construction activities will not resume until the manatees have left the project area for at least 30 minutes.

e. Extreme care will be taken in lowering equipment or materials, including, but not limited to piles, sheet piles, casings for drilled shaft construction, spuds, pile templates, anchors, etc., below the water surface and into the stream bed; taking any precaution not to harm any manatee(s) that may have entered the construction area undetected. All such equipment or materials will be lowered at the lowest possible speed.

f. The permittee agrees that any collision with a manatee shall be reported immediately to the US Army Corps of Engineers (912-652-5347), the US Fish and Wildlife Service, Ecological Services Field Office, (912-832-8739), and Georgia Department of Natural Resources (GADNR) (Weekdays 8:00 a.m.-4:30 p.m.: 912-264-7218 or 1-800-272-8363; (nights and weekends: 1-800-241-4113). Any dead manatee(s) found in the project area must be secured to a stable object to prevent the carcass from being moved by the current before the authorities arrive. In the event of injury or mortality of a manatee, all aquatic activity in the project area must cease pending section 7 consultation under the Endangered Species Act with the US Fish and Wildlife Service and the lead Federal agency.

g. The permittee agrees that the contractor shall keep a log detailing sightings, collisions, or injury to manatees, which have occurred during the contract period.

h. The permittee agrees that following project completion, a report summarizing the above incidents and sightings will be submitted to the US Fish and Wildlife Service, Ecological Services Field Office, Coastal Georgia Sub-Office, 4980 Wildlife Drive, NE Townsend, Georgia 31331.

i. All temporary construction materials will be removed upon completion of the work, and salt marsh areas will be restored. No construction debris or trash will be discarded in the water.

m. The permittee agrees to install and maintain a minimum of two 3-foot by 4-foot temporary manatee awareness construction signs labeled "Manatee habitat - Idle Speed in Construction Area" shall be installed and maintained at prominent locations within the construction area/docking facility prior to the initiation of construction. One temporary sign will be located prominently adjacent to the construction permit and, if required, a second temporary construction sign will be installed in a location prominently visible to water related construction crews. Also, a minimum of two "Caution - Manatee Area 1-800-2 SAVE ME" temporary construction signs should be placed facing upstream and

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

downstream of the project site. GADNR (912-264-7218) can assist in correct sign design and placement. Temporary construction signs will be removed by the permittee upon completion of construction.

11. DETERMINATIONS:

a. PUBLIC HEARING REQUEST: NA

I have reviewed and evaluated the requests for a public hearing. There is sufficient information available to evaluate the proposed project; therefore, the requests for a public hearing are denied.

b. SECTION 176(C) OF THE CLEAN AIR ACT GENERAL CONFORMITY RULE REVIEW: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed de minimis levels of direct or indirect emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps's continuing program responsibility and generally cannot be practicably controlled by the USACE. For these reasons a conformity determination is not required for this permit action.

c. RELEVANT PRESIDENTIAL EXECUTIVE ORDERS:

(1) EO 13175, Consultation with Indian Tribes, Alaska Natives, and Native Hawaiians. This action has no substantial direct effect on one or more Indian tribes.

(2) EO 11988, Floodplain Management. Not in a floodplain. (Alternatives to location within the floodplain, minimization, and compensation of the effects were considered above.)

(3) EO 12898, Environmental Justice. In accordance with Title III of the Civil Right Act of 1964 and Executive Order 12898, it has been determined that the project would not directly or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin nor would it have a disproportionate effect on minority or low-income communities.

(4) EO 13112, Invasive Species.

There were no invasive species issues involved.

The evaluation above included invasive species concerns in the analysis of

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

impacts at the project site and associated compensatory mitigation projects.

Through special conditions, the permittee will be required to control the introduction and spread of exotic species.

(5) EO 13212 and 13302, Energy Supply and Availability  The review was expedited and/or other actions were taken to the extent permitted by law and regulation to accelerate completion of this energy-related (including pipeline safety) project while maintaining safety, public health, and environmental protections.)

d. FINDING OF NO SIGNIFICANT IMPACT (FONSI): Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement will not be required.

e. COMPLIANCE WITH THE SECTION 404 (B)(1) GUIDELINES: Having completed the evaluation in paragraph 5, I have determined that the proposed discharge  complies/  
 does not comply with the 404(b)(1) guidelines.

f. PUBLIC INTEREST DETERMINATION: I find that issuance of a Department of the Army permit  is not/ is contrary to the public interest.

**PREPARED BY:**

\_\_\_\_\_ Date:  
Beverlee A. Lawrence  
Project Manager  
Jacksonville Regulatory Division

\_\_\_\_\_ Date:  
Sarah E. Wise  
Regulatory Specialist  
Savannah Regulatory Division

**REVIEWED BY:**

CESAJ-RD and CESAS-RD; Application SAJ-1992-01854 and SAS-2005-01790  
SUBJECT: Department of the Army Environmental Assessment and Statement of Findings  
for the Above-Numbered Permit Applications

**PREPARED BY:**

Beverlee Lawrence Date: 5 June 2014  
Beverlee A. Lawrence  
Project Manager  
Jacksonville Regulatory Division

Sarah E. Wise Date: 6/5/14  
Sarah E. Wise  
Regulatory Specialist  
Savannah Regulatory Division

**REVIEWED BY:**

Kelly E. Unger Date: 5 June 2014  
Kelly E. Unger  
Chief, Permits Section  
Jacksonville Regulatory Division

Kimberly L. Garvey Date: 6/5/14  
Kimberly L. Garvey  
Chief, Permits Section, Coastal Branch  
Savannah Regulatory Division

**APPROVED BY:**

Alan M. Dodd Date: 5 June 2014

for Alan M. Dodd  
Colonel, Corps of Engineers  
Commanding  
Jacksonville District

Thomas J. Tickner Date: 6/5/2014  
Thomas J. Tickner  
Colonel, US Army  
Commanding