



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701-5505
<https://www.fisheries.noaa.gov/region/southeast>

July 21, 2021

F/SER47:CC/pw

(Sent via Electronic Mail)

Col. Joseph Geary, Commander
U.S. Army Corps of Engineers Savannah District
100 W. Oglethorpe Avenue
Savannah, Georgia 31402-0889

Attention: Kim Garvey

Dear Colonel Geary:

NOAA's National Marine Fisheries Service (NMFS) reviewed the revised *Brunswick Harbor Modifications Study draft Integrated Feasibility Report/Environmental Assessment* (revised IFR/EA) and Draft *Finding of No Significant Impact*, dated June 2021, prepared by the U.S. Army Corps of Engineers (USACE) Savannah District. The revised IFR/EA evaluates potential impacts from modifying the federal navigation channel and changes to the operation and maintenance (O&M) dredging at Brunswick Harbor, Glynn County, Georgia. The Savannah District's initial determination in the revised IFR/EA is the proposed modifications to Brunswick Harbor would not adversely affect essential fish habitat (EFH). As the nation's federal trustee for the conservation and management of marine, estuarine, and anadromous fishery resources, the NMFS provides the following comments and recommendations pursuant to authorities of the Fish and Wildlife Coordination Act and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

The NMFS previously reviewed the Draft IFR/EA, dated June 2020, and provided comments by letter on July 8, 2020, which offered no EFH conservation recommendations at that time for the proposed Brunswick Harbor modifications. The Draft IFR/EA from June 2020 evaluated eight action alternatives against the no action alternative and identified Alternative 8 as the Tentatively Selected Plan (TSP), which included a bend widener, turning basin expansion, and meeting area at Saint Simons Sound. The revised IFR/EA clarifies the proposed changes related to the O&M dredging of the federal navigation channel and the TSP. Specifically, the Public Notice for the revised IFR/EA notes the "O&M analysis in the draft IFR/EA has been updated to include additional analysis and information regarding the Corps' compliance with the 2020 South Atlantic Regional Biological Opinion for the Dredging and Material Placement Activities in the Southeast U.S. (2020 SARBO)."

The Savannah District's proposed O&M action is the elimination of the existing hopper dredging window in portions of Brunswick Harbor so that maintenance dredging and bed leveling can occur year-round. One important benefit of the window, which limited hopper dredging to the period of December 1 to April 15 and has been in place for over twenty years, is that it



minimized impacts from dredging to fishery resources migrating between ocean and nursery areas and to the habitats used by the migrants.

The NMFS letter dated July 8, 2020, provided comments reviewing EFH and Habitat Areas of Particular Concern (HAPCs) from the South Atlantic Fishery Management Council (SAFMC) for the fishery management plans (FMPs) covering penaeid shrimp, the snapper-grouper complex, and coastal migratory pelagic species. The NMFS continues to support those descriptions and, for brevity, will focus instead on information missing from the revised IFR/EA and relevant to the proposed changes to the environmental window for hopper dredging. While most species with FMPs are managed by regional fishery management councils, highly migratory species (HMS) such as sharks differ by occurring throughout U.S. Atlantic Ocean waters and the NMFS having primary authority for developing and implementing an Atlantic HMS FMP (Amendment 10 to the 2006 Consolidated HMS Fishery Management Plan: Essential Fish Habitat). The Atlantic HMS FMP designated EFH in the proposed project area includes coastal inlets and estuaries for bull sharks (*Carcharhinus leucas*), finetooth sharks (*C. isodon*), blacktip sharks (*C. limbatus*), sandbar sharks (*C. plumbeus*), scalloped hammerhead sharks (*Sphyrna lewini*), bonnethead sharks (*S. tiburo*), and Atlantic sharpnose shark (*Rhizoprionodon terraenovae*). Georgia estuaries have specifically been identified as primary and secondary nursery habitats for many coastal sharks with pregnant females entering estuaries to pup during spring through early summer and then neonates and juveniles using these areas as nursery habitats until exiting in the fall.

The revised IFR/EA does not review the historically successful application of hopper dredge environmental windows in Georgia to provide safe, efficient navigation while also protecting safe ingress of pregnant sharks through coastal inlets to access estuaries for pupping, and the safe egress of neonates and juveniles through coastal inlets. Sub-adult mortality is already high in Georgia estuaries and coastal habitats as a result of trawling bycatch¹. Altering the hopper dredge environmental windows may increase the cumulative impacts to these species by increasing mortality of pregnant adults as well as that of neonates and juveniles due to entrainment into the suction draghead of the hopper dredge during periods of ingress and egress through the coastal inlet.

The revised IFR/EA does not review the efforts by the NMFS and the NOAA National Centers for Coastal Ocean Science (NCCOS) to continue developing new information for efficiently tailoring environmental windows to navigation projects with applicability for Georgia. The NCCOS recently completed *An Assessment of the Fisheries Species Time-of-Year Restrictions for North Carolina and South Carolina*² to provide an up-to-date synthesis of the information about the distribution of vulnerable life stages of fishery resources with respect to dredging projects and is applicable to Georgia. Additionally, the North Carolina Division of Coastal Management, in partnership with USACE Engineer Research and Development Center (ERDC),

¹ Belcher, C.N. 2008. Investigating Georgia's shark nurseries: Evaluation of sampling gear, habitat use, and a source of sub-adult mortality. Ph.D. Dissertation. University of Georgia, Athens, GA. 154 pp.

² Wickliffe, L.C., F.C. Rohde, K.L. Riley, and J.A. Morris, Jr. (eds.). 2019. An Assessment of Fisheries Species to Inform Time-of-Year Restrictions for North Carolina and South Carolina. NOAA Technical Memorandum NOS NCCOS 263. 268 pages.

East Carolina University, Duke University, and other state offices, is examining impacts to marine resources and habitats from hopper dredging operations at Wilmington Harbor and Morehead City Harbor. Results of this study will be valuable for addressing issues needed to complete the revised IFR/EA and for guiding any follow-up work necessary for minimizing dredging impacts to Georgia's marine resources.

The revised IFR/EA does not review or acknowledge the successful use of environmental windows by USACE district offices outside the USACE South Atlantic Division to provide safe, efficient navigation while also protecting vital fisheries resources. For example, various reports prepared by the USACE ERDC and others discuss dozens of federal projects in the Mid-Atlantic and New England successfully maintained through use of environmental windows³.

Lastly, the revised IFR/EA does not reflect the USACE-funded review by the National Research Council Marine Board and Ocean Studies Board (NRC) of the effectiveness of environmental windows for providing safe, efficient navigation while also protecting public-trust resources⁴. Among NRC's key findings is "environmental windows are one of a number of tools for reducing the environmental impacts of dredging and disposal operations and for increasing the efficiency and effectiveness of those operations." The NRC goes on to describe adaptive management processes for obtaining and incorporating new information about environmental windows into a risk management framework for managing dredge operation.

In summary, the NMFS believes the revised IFR/EA is incomplete, particularly in its review of the successful application of environmental windows to provide safe, efficient navigation while also protecting economically important and federally managed fisheries. Reports prepared and/or funded by the USACE describe processes for adaptively managing environmental windows for dredging projects. The revised IFR/EA should be based on those processes. The NMFS stands ready to work with the Savannah District, state resource agencies, and stakeholders to improve the IFR/EA and adaptively manage environmental windows for hopper dredges using the most up-to-date information available.

³ Evans, N.T., K.H. Ford, B.C. Chase, and J.J. Sheppard. 2011 (revised 2015). Recommended Time of Year Restrictions (TOYs) for Coastal Alteration Projects to Protect Marine Fisheries Resources in Massachusetts. Massachusetts Division of Marine Fisheries, New Bedford, Massachusetts. 80 pages.

LaSalle, M.W., D.G. Clarke, J. Homziak, J.D. Lunz, and T.J. Fredette. 1991. A Framework for Assessing the Need for Seasonal Restorations on Dredging and Disposal Operations. Dredging Operations and Technical Support Program TR D-91-1. USACE Waterways Experiment Station, Vicksburg, Mississippi. 77 pages.

Latchford, L. 2016. Collaborative Research during Massive Port Deepening Does Not Flounder: NOAA Fisheries Teams up with the U.S. Army Corps of Engineers on its Latest Deep-Draft Navigation Project. Environment Coastal and Offshore October 2016:30-35

Reine, K.J., D.D. Dickerson, and D.G. Clarke. 1998. Environmental Windows Associated with Dredging Operations. Technical Report DOER-E2. USACE Waterways Experiment Station, Vicksburg, Mississippi. 14 pages.

⁴ National Research Council. 2001. A Process for Setting, Managing, and Monitoring Environmental Windows for Dredging Projects. National Research Council Special Report 262, National Academy Press, Washington D.C. 96 pages.

EFH Conservation Recommendation

Section 305(b)(4)(A) of the Magnuson-Stevens Act requires NMFS to provide EFH Conservation Recommendations for any federal action or permit which may result in adverse impacts to EFH. Therefore, NMFS recommends the following to ensure the conservation of EFH and associated fishery resources:

- The USACE Savannah District should use the adaptive management process described by the National Research Council, or a similar adaptive/risk management process, to update the existing hopper dredging windows for operations and maintenance dredging in Brunswick Harbor.

Section 305(b)(4)(B) of the Magnuson-Stevens Act and implementing regulation at 50 CFR Section 600.920(k) require the USACE Savannah District to provide a written response to this letter within 30 days of its receipt. If it is not possible to provide a substantive response within 30 days, an interim response should be provided to the NMFS. A detailed response then must be provided prior to final approval of the action. The detailed response must include a description of measures proposed by the USACE Savannah District to avoid, mitigate, or offset the adverse impacts of the activity. If the response is inconsistent with the EFH conservation recommendation, the USACE Savannah District must provide a substantive discussion justifying the reasons for not following the recommendation.

The NMFS appreciates the opportunity to provide these comments and thanks the Savannah District for their efforts in coordination on the Brunswick Harbor Modification Study. Please direct related correspondence to the attention of Cindy Cooksey at our Charleston Area Office. She may be reached at (843) 460-9922 or by e-mail at Cynthia.Cooksey@noaa.gov.

Sincerely,

Rusty Swafford
Acting Assistant Regional Administrator
Habitat Conservation Division

cc: COE, Kimberly.L.Garvey@usace.army.mil
GADNR CRD, Karl.Burgess@gadnr.org
GADNR EPD, Bradley.Smith@dnr.ga.gov
EPA, Somerville.Eric@epa.gov
FWS, Bill_Wikoff@fws.gov
SAFMC, Roger.Pugliese@safmc.net
ASMFC, LHavel@asmfc.org
F/SER47, Cynthia.Cooksey@noaa.gov