

**Brunswick Harbor Modification Project
Jekyll Island Fishing Pier Shoreline Nourishment
Glynn County, Georgia
Draft Supplemental Environmental Assessment and Finding of No Significant
Impact**

Appendix F

National Historic Preservation Act

**U.S. ARMY CORPS OF ENGINEERS
SAVANNAH DISTRICT
100 WEST OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31401
January 2024**



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**Brunswick Harbor Modification Project
Jekyll Island Fishing Pier Shoreline Nourishment
Glynn County, Georgia
Draft Supplemental Environmental Assessment and Finding of No Significant
Impact**

Appendix F

F.1 Correspondence

**U.S. ARMY CORPS OF ENGINEERS
SAVANNAH DISTRICT
100 WEST OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31401
January 2024**



Brian P. Kemp
Governor



Christopher Nunn
Commissioner

October 17, 2023

Kimberly L. Garvey
Chief, Planning Branch
U.S. Army Corps of Engineers, Savannah District
100 West Oglethorpe Avenue
Savannah, Georgia 31401-3640
Attn: Andrea Farmer, Archaeologist, Planning Branch

**RE: Compliance with Programmatic Agreement
Programmatic Agreement: Modify Brunswick Harbor
Glynn County, Georgia
HP-191113-003**

Dear Ms. Garvey:

The Historic Preservation Division (HPD) has received the submitted information associated with the above referenced project. Our review of this documentation is in accordance with the programmatic agreement (PA) for the above referenced undertaking that HPD signed October 14, 2020.

The subject project consists of placing dredged material along the northern shoreline of Jekyll Island in an area south of the circa (ca.) 1966 fishing pier located on Clam Creek Road/North Loop Trail in order to stabilize salt marsh and peninsular erosion. Based on the information provided and desktop research, HPD concurs that archaeological sites 9GN236/North Leg 'A' Site and 9GN237/North Leg 'B' Site, within the proposed project's area of potential effect (APE), are eligible for listing in the National Register of Historic Places (NRHP). Additionally, HPD finds the NRHP-eligibility of the fishing pier, within the project's APE, is currently unknown due to a lack of available information. However, HPD concurs that no historic properties that are listed or eligible for listing in the National Register of Historic Places (NRHP) will be affected by this undertaking, as defined in 36 CFR Part 800.4(d)(1), due to the scope and location of the work.

This letter evidences consultation with our office for compliance with Section 106 of the NHPA. It is important to remember that any changes to this project as it is currently proposed will require additional consultation. HPD encourages federal agencies and project applicants to discuss such changes with our office to ensure that potential effects to historic resources are adequately considered in project planning.

Please refer to project number **HP-191113-003** in any future correspondence regarding this project. If we may be of further assistance, please contact me at Stacy.Rieke@dca.ga.gov or (470) 522-7979 or Noah Bryant, Compliance Review Archaeologist, at Noah.Bryant@dca.ga.gov or (404) 679-0649.

Sincerely,

A handwritten signature in blue ink that reads "Stacy Rieke".

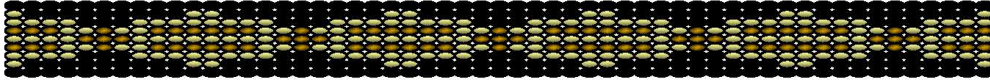
Stacy Rieke, MHP
Program Manager
Environmental Review & Preservation Planning

cc: Meagan Jones, Coastal Georgia Regional Commission
Jennifer Fordham, DCA Regional Services, Region 12
Andrea Marroquin, Mosaic Jekyll Island Museum



Catawba Indian Nation
Tribal Historic Preservation Office
1536 Tom Steven Road
Rock Hill, South Carolina 29730

Office 803-328-2427
Fax 803-328-5791



October 16, 2023

Attention: Andrea Farmer
Savannah District
U.S. Army Corps of Engineers

Re. THPO #	TCNS #	Project Description
2023-46-9		Jekyll Island Beneficial Use (Brunswick Harbor Modification Project)

Dear Ms. Farmer,

The Catawba have no immediate concerns with regard to traditional cultural properties, sacred sites or Native American archaeological sites within the boundaries of the proposed project areas. **However, the Catawba are to be notified if Native American artifacts and / or human remains are located during the ground disturbance phase of this project.**

If you have questions please contact Caitlin Rogers at 803-328-7369, or e-mail Caitlin.Rogers@catawba.com.

Sincerely,

Wenonah G. Haire
Tribal Historic Preservation Officer

From: [Elizabeth Toombs](#)
To: [Farmer, Andrea A CIV \(USA\)](#)
Subject: [Non-DoD Source] RE: Coordination Letter: Jekyll Island Beneficial Use (Brunswick Harbor Modification Project)
Date: Monday, September 25, 2023 10:26:11 AM

Thank you for your notice, Ms. Farmer. Glynn county is outside the Cherokee Nation's Area of Interest. Thus, this Office respectfully defers to federally recognized Tribes that have an interest in this landbase.

Thank you for the opportunity to comment upon this proposed undertaking. Please contact me if there are any questions or concerns.

Wado,

Elizabeth Toombs, Tribal Historic Preservation Officer
Cherokee Nation
Tribal Historic Preservation Office
PO Box 948
Tahlequah, OK 74465-0948
918.453.5389

From: Farmer, Andrea A CIV (USA) <Andrea.A.Farmer@usace.army.mil>
Sent: Wednesday, September 20, 2023 9:41 AM
To: Elizabeth Toombs <elizabeth-toombs@cherokee.org>
Subject: <EXTERNAL> Coordination Letter: Jekyll Island Beneficial Use (Brunswick Harbor Modification Project)

NOTICE: THIS EMAIL CONTAINS AN ATTACHMENT SENT FROM AN EXTERNAL SENDER.
IF YOU DO NOT KNOW THE SENDER OR WERE NOT EXPECTING THIS EMAIL,
DO NOT OPEN ANY EMAIL ATTACHMENTS AND DELETE THIS MESSAGE.
Thank you: The Cherokee Nation - Information Technology Department

Good morning,

The Savannah District, U.S. Army Corps of Engineers (Corps), is collaborating with the Jekyll Island Authority to place beneficial use material along the south end of Jekyll Island in Glynn County, Georgia. A coordination letter with information related to this undertaking is attached.

We would appreciate it if you would review the information and submit comments pursuant to Section 106 within 30 calendar days. If you have any questions, please feel free to contact me.

Best regards,

Andrea Farmer, RPA



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

September 18, 2023

SUBJECT: Brunswick Harbor Modifications Project (BHMP), Jekyll Island Beneficial Use Material Placement, Glynn County, Georgia, HP-191113-003

Jennifer Dixon
Georgia Department of Community Affairs
Director, Historic Preservation Division
Deputy State Historic Preservation Officer
60 Executive Park South, NE
Atlanta, Georgia 30329

Dear Ms. Dixon:

Please reference your file for HP-191113-003. The U.S. Army Corps of Engineers, Savannah District (Corps), in collaboration with the Jekyll Island Authority, proposes the use of beneficial dredge material south of the Jekyll Island fishing pier to stabilize rapid salt marsh erosion, as part of the Brunswick Harbor Navigation Project (Figure 1). This undertaking will stabilize the peninsula and the surrounding area from erosional hazards.

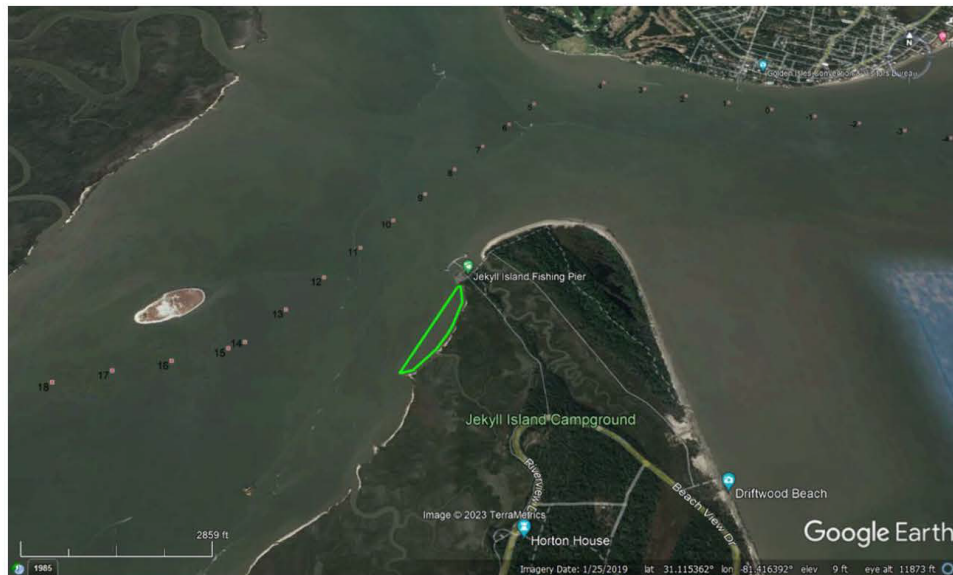


Figure 1. Proposed beneficial use placement highlighted in green near the Jekyll Island fishing pier.

The Area of Potential Effect (APE) for this undertaking is defined as a quarter-mile radius. According to Georgia's Natural, Archaeological, and Historic Resources Geographic Information System (GNAHRGIS.org), two archaeological sites, 9GN236 and 9GN237, are located within the APE. Both sites were identified as part of an archaeological survey of Jekyll Island performed by the Office of the State Archaeologist and West Georgia College for the Jekyll Island Authority in 1985. Site 9GN236, also referred to as the North Leg 'A' Site, is documented as a prehistoric Indian artifact and shell scatter. Site 9GN237, also referred to as the North Leg 'B' Site, is documented as a prehistoric Indian artifact and shell scatter. While both sites have been disturbed, both sites are thought to contain intact subsurface midden deposits that have the potential to provide information important to the prehistory of Jekyll Island. Preservation is recommended, so these sites are thought to be recommended eligible for the National Register of Historic Places.

No submerged cultural resources surveys have been performed within the project area, but one remote sensing survey was performed within the APE in the 1980s. No anomalies of concern were documented. Furthermore, the National Oceanic and Atmospheric Administration, Office of Coast Survey, Wrecks and Obstructions Database, reveals that no wrecks or obstructions are known within this area.

Based on the site research, the Corps has determined that there is no effect to historic properties. The two terrestrial archaeological sites will not be impacted, and there are no documented submerged cultural resources within or near the project area. The placement will likely aid in the preservation of the terrestrial archaeological sites by minimizing erosional hazards along the peninsula.

The Corps politely requests your office's concurrence on the no effect determination and welcomes any comments or concerns that you may have regarding this undertaking. Please provide concurrence or any questions or concerns to Ms. Andrea Farmer, Archaeologist, Planning Branch, at Andrea.A.Farmer@usace.army.mil or by phone at (912) 412-3363.

Sincerely,

GARVEY.KIMBERLY.L.1289729174
LY.L.1289729174

Digitally signed by
GARVEY.KIMBERLY.L.12897291
74
Date: 2023.09.19 09:24:56 -0400

Kimberly L. Garvey
Chief, Planning Branch



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

September 18, 2023

SUBJECT: Brunswick Harbor Modifications Project (BHMP), Jekyll Island Beneficial Use Material Placement, Glynn County, Georgia

Ms. Janice Lowe
Alabama-Quassarte Tribal Town
Tribal Historic Preservation Officer
Post Office Box 187
101 East Broadway
Wetumka, Oklahoma 74883

Dear Ms. Lowe:

The U.S. Army Corps of Engineers, Savannah District (Corps), in collaboration with the Jekyll Island Authority, proposes the use of beneficial dredge material south of the Jekyll Island fishing pier to stabilize rapid salt marsh erosion, as part of the Brunswick Harbor Navigation Project (Figure 1). This undertaking will stabilize the peninsula and the surrounding area from erosional hazards.

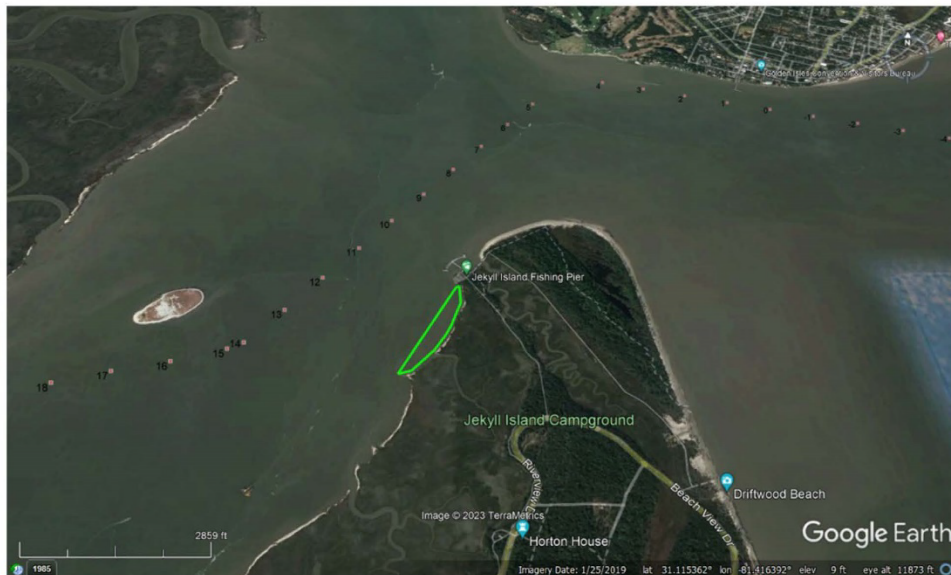


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Sincerely,

GARVEY.KIMBERLY.L.1289729174
LY.L.1289729174

Digitally signed by
GARVEY.KIMBERLY.L.12897291
74
Date: 2023.09.19 09:25:12 -0400

Kimberly L. Garvey
Chief, Planning Branch



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

September 18, 2023

SUBJECT: Brunswick Harbor Modifications Project (BHMP), Jekyll Island Beneficial Use Material Placement, Glynn County, Georgia

Ms. Elizabeth Toombs
Cherokee Nation
Tribal Historic Preservation Officer
Post Office Box 948
Tahlequah, Oklahoma 74465

Dear Ms. Toombs:

The U.S. Army Corps of Engineers, Savannah District (Corps), in collaboration with the Jekyll Island Authority, proposes the use of beneficial dredge material south of the Jekyll Island fishing pier to stabilize rapid salt marsh erosion, as part of the Brunswick Harbor Navigation Project (Figure 1). This undertaking will stabilize the peninsula and the surrounding area from erosional hazards.

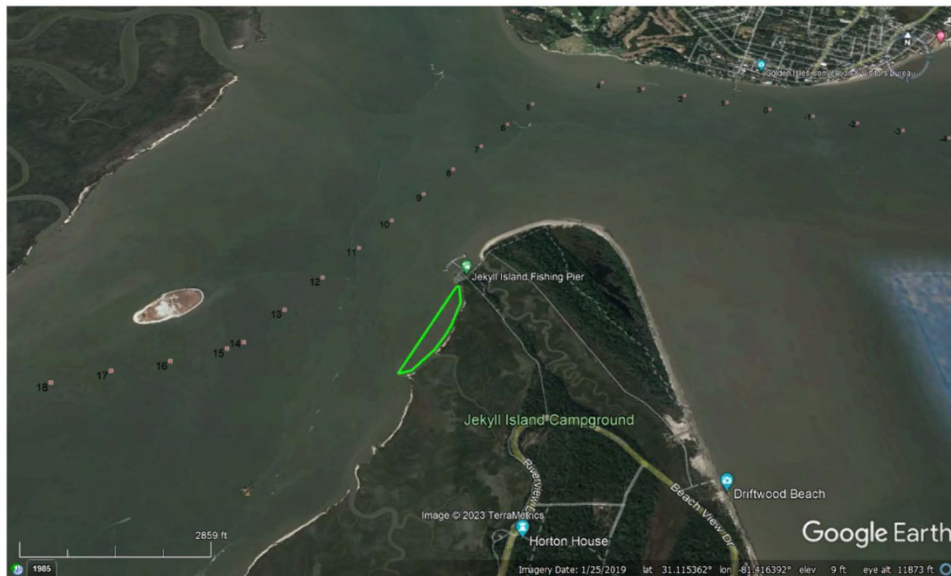


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Sincerely,

GARVEY.KIMBERLY.L.1289729174
LY.L.1289729174

Digitally signed by
GARVEY.KIMBERLY.L.12897291
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Date: 2023.09.19 09:25:45 -0400

Kimberly L. Garvey
Chief, Planning Branch



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

September 18, 2023

SUBJECT: Brunswick Harbor Modifications Project (BHMP), Jekyll Island Beneficial Use Material Placement, Glynn County, Georgia

Ms. Karen Brunso
Chickasaw Nation
Tribal Historic Preservation Officer
PO Box 1548
Ada, Oklahoma 74281-1548

Dear Ms. Brunso:

The U.S. Army Corps of Engineers, Savannah District (Corps), in collaboration with the Jekyll Island Authority, proposes the use of beneficial dredge material south of the Jekyll Island fishing pier to stabilize rapid salt marsh erosion, as part of the Brunswick Harbor Navigation Project (Figure 1). This undertaking will stabilize the peninsula and the surrounding area from erosional hazards.

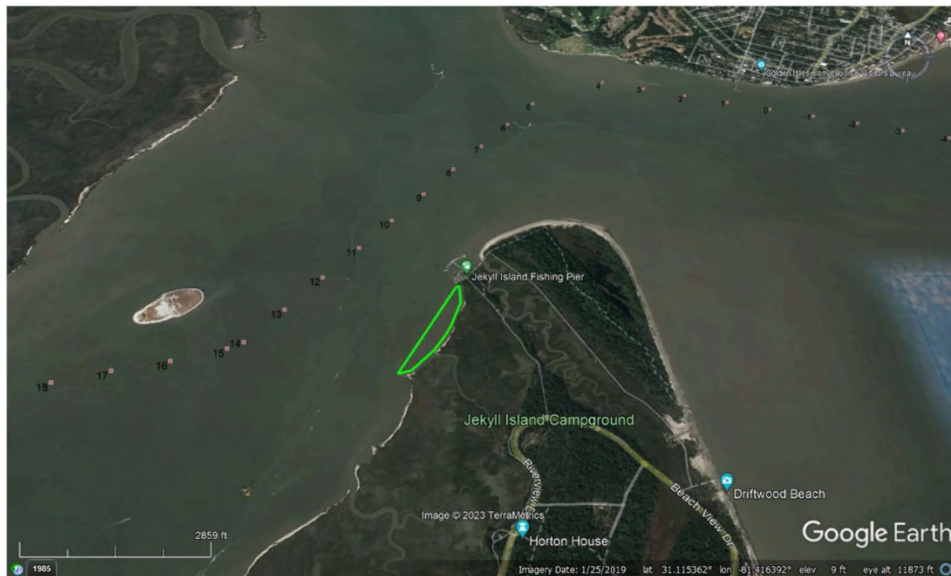


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Sincerely,

GARVEY.KIMBERLY
LY.L.1289729174

Digitally signed by
GARVEY.KIMBERLY.L.12897291
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Date: 2023.09.19 09:26:03 -0400

Kimberly L. Garvey
Chief, Planning Branch



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

September 18, 2023

SUBJECT: Brunswick Harbor Modifications Project (BHMP), Jekyll Island Beneficial Use Material Placement, Glynn County, Georgia

Ms. Kristian Poncho
Coushatta Tribe of Louisiana
Acting Tribal Historic Preservation Officer
PO Box 10
Elton, LA 70532

Dear Ms. Poncho:

The U.S. Army Corps of Engineers, Savannah District (Corps), in collaboration with the Jekyll Island Authority, proposes the use of beneficial dredge material south of the Jekyll Island fishing pier to stabilize rapid salt marsh erosion, as part of the Brunswick Harbor Navigation Project (Figure 1). This undertaking will stabilize the peninsula and the surrounding area from erosional hazards.

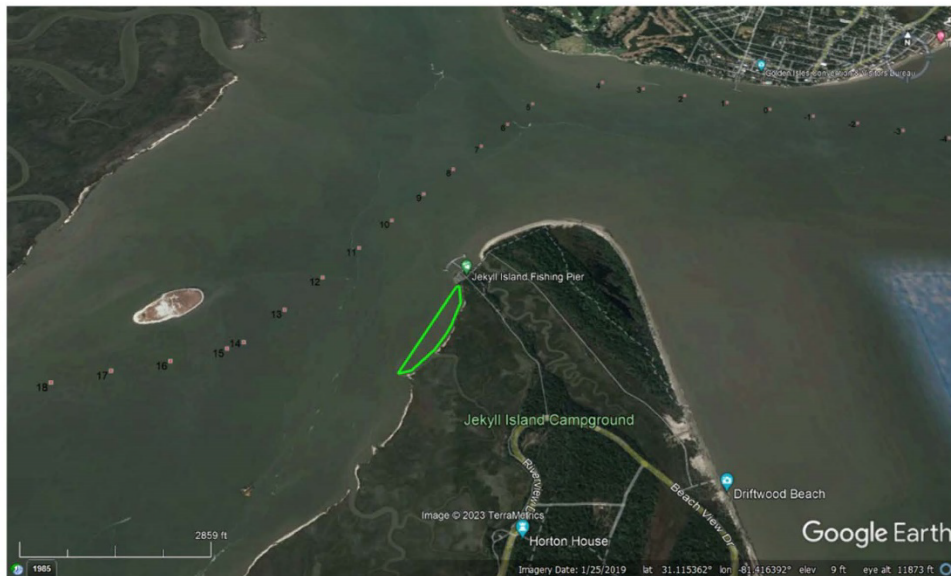


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Sincerely,

GARVEY.KIMBERLY.L.1289729174
LY.L.1289729174

Digitally signed by
GARVEY, KIMBERLY L.12897291
74
Date: 2023.09.19 09:26:16 -0400

Kimberly L. Garvey
Chief, Planning Branch



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

September 18, 2023

SUBJECT: Brunswick Harbor Modifications Project (BHMP), Jekyll Island Beneficial Use Material Placement, Glynn County, Georgia

Mr. David Cook
Kialegee Tribal Town
Tribal Historic Preservation Officer
Post Office Box 332
Wetumka, Oklahoma 74883

Dear Mr. Cook:

The U.S. Army Corps of Engineers, Savannah District (Corps), in collaboration with the Jekyll Island Authority, proposes the use of beneficial dredge material south of the Jekyll Island fishing pier to stabilize rapid salt marsh erosion, as part of the Brunswick Harbor Navigation Project (Figure 1). This undertaking will stabilize the peninsula and the surrounding area from erosional hazards.

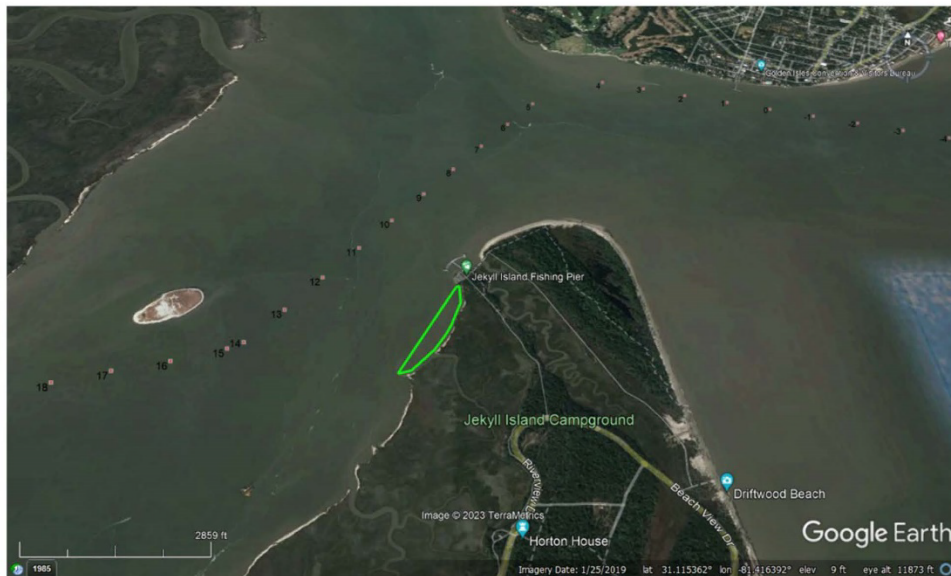


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Sincerely,

GARVEY, KIMBERLY L. 1289729174
Digitally signed by
GARVEY, KIMBERLY L. 1289729174
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Date: 2023.09.19 09:26:33 -0400

Kimberly L. Garvey
Chief, Planning Branch



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

September 18, 2023

SUBJECT: Brunswick Harbor Modifications Project (BHMP), Jekyll Island Beneficial Use Material Placement, Glynn County, Georgia

Mr. Turner Hunt
Muscogee (Creek) Nation
Tribal Historic Preservation Officer
Post Office Box 580
Okmulgee, Oklahoma 74447

Dear Mr. Hunt:

The U.S. Army Corps of Engineers, Savannah District (Corps), in collaboration with the Jekyll Island Authority, proposes the use of beneficial dredge material south of the Jekyll Island fishing pier to stabilize rapid salt marsh erosion, as part of the Brunswick Harbor Navigation Project (Figure 1). This undertaking will stabilize the peninsula and the surrounding area from erosional hazards.

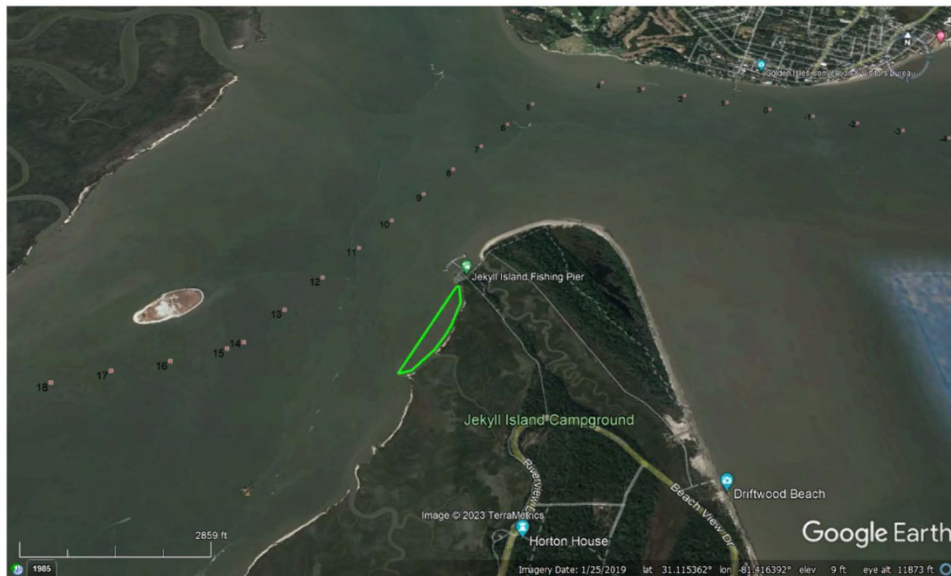


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Sincerely,

GARVEY, KIMBERLY L. 1289729174
Digitally signed by GARVEY, KIMBERLY L. 1289729174
Date: 2023.09.19 09:26:47 -0400

Kimberly L. Garvey
Chief, Planning Branch



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

September 18, 2023

SUBJECT: Brunswick Harbor Modifications Project (BHMP), Jekyll Island Beneficial Use Material Placement, Glynn County, Georgia

Mr. Larry Haikey
Poarch Band of Creek Indians
Tribal Historic Preservation Office
5811 Jack Springs Road
Atmore, Alabama 36502

Dear Mr. Haikey:

The U.S. Army Corps of Engineers, Savannah District (Corps), in collaboration with the Jekyll Island Authority, proposes the use of beneficial dredge material south of the Jekyll Island fishing pier to stabilize rapid salt marsh erosion, as part of the Brunswick Harbor Navigation Project (Figure 1). This undertaking will stabilize the peninsula and the surrounding area from erosional hazards.

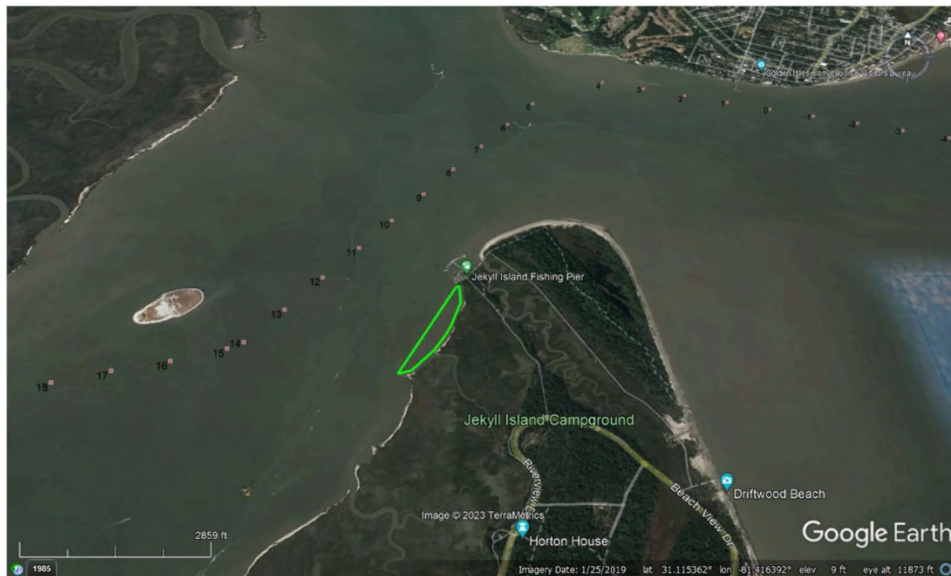


Figure 1. Proposed beneficial use placement highlighted in green near the Jekyll Island fishing pier.

The Area of Potential Effect (APE) for this undertaking is defined as a quarter-mile radius. According to Georgia's Natural, Archaeological, and Historic Resources Geographic Information System (GNAHRGIS.org), two archaeological sites, 9GN236 and 9GN237, are located within the APE. Both sites were identified as part of an archaeological survey of Jekyll Island performed by the Office of the State Archaeologist and West Georgia College for the Jekyll Island Authority in 1985. Site 9GN236, also referred to as the North Leg 'A' Site, is documented as a prehistoric Indian artifact and shell scatter. Site 9GN237, also referred to as the North Leg 'B' Site, is documented as a prehistoric Indian artifact and shell scatter. While both sites have been disturbed, both sites are thought to contain intact subsurface midden deposits that have the potential to provide information important to the prehistory of Jekyll Island. Preservation is recommended, so these sites are thought to be recommended eligible for the National Register of Historic Places.

No submerged cultural resources surveys have been performed within the project area, but one remote sensing survey was performed within the APE in the 1980s. No anomalies of concern were documented. Furthermore, the National Oceanic and Atmospheric Administration, Office of Coast Survey, Wrecks and Obstructions Database, reveals that no wrecks or obstructions are known within this area.

Based on the site research, the Corps has determined that there is no effect to historic properties. The two terrestrial archaeological sites will not be impacted, and there are no documented submerged cultural resources within or near the project area. The placement will likely aid in the preservation of the terrestrial archaeological sites by minimizing erosional hazards along the peninsula.

The Corps politely requests your Tribe's concurrence on the no effect determination and welcomes any comments or concerns that you may have regarding this undertaking. Please provide concurrence or any questions or concerns to Ms. Andrea Farmer, Archaeologist, Planning Branch, at Andrea.A.Farmer@usace.army.mil or by phone at (912) 412-3363.

Sincerely,

GARVEY.KIMBERLY.L.1289729174
LY.L.1289729174

Digitally signed by
GARVEY.KIMBERLY.L.1289729174
74
Date: 2023.09.19 09:27:02 -0400

Kimberly L. Garvey
Chief, Planning Branch



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

September 18, 2023

SUBJECT: Brunswick Harbor Modifications Project (BHMP), Jekyll Island Beneficial Use Material Placement, Glynn County, Georgia

Mr. Ben Yahola
Seminole Nation of Oklahoma
Tribal Historic Preservation Officer
Post Office Box 1499
Wewoka, Oklahoma 74884

Dear Mr. Yahola:

The U.S. Army Corps of Engineers, Savannah District (Corps), in collaboration with the Jekyll Island Authority, proposes the use of beneficial dredge material south of the Jekyll Island fishing pier to stabilize rapid salt marsh erosion, as part of the Brunswick Harbor Navigation Project (Figure 1). This undertaking will stabilize the peninsula and the surrounding area from erosional hazards.

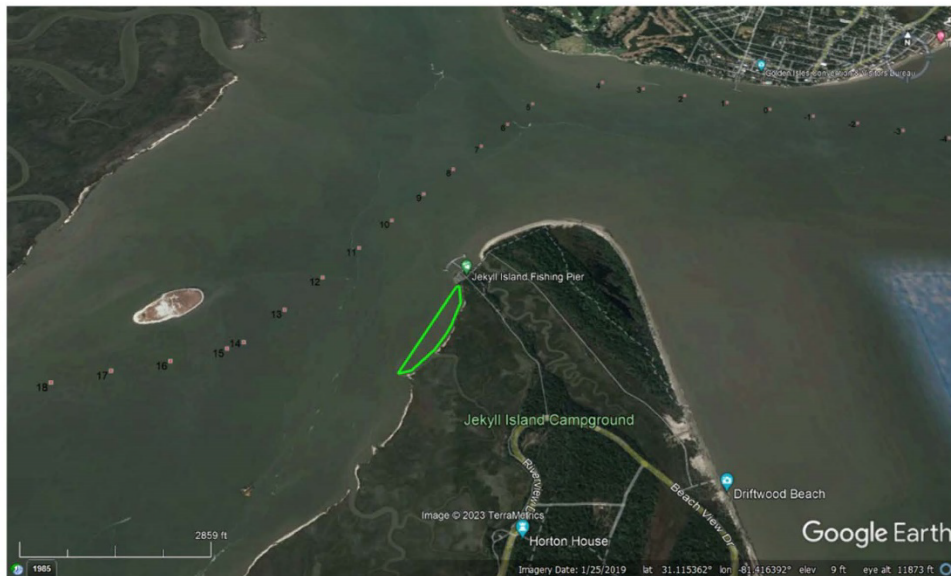


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LY.L.1289729174

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Date: 2023.09.19 09:27:15 -0400

Kimberly L. Garvey
Chief, Planning Branch



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

September 18, 2023

SUBJECT: Brunswick Harbor Modifications Project (BHMP), Jekyll Island Beneficial Use Material Placement, Glynn County, Georgia

Dr. Paul Backhouse
Seminole Tribe of Florida
Tribal Historic Preservation Officer
30290 Josie Billie Highway
PMB 1004
Clewiston, FL 33440

Dear Dr. Backhouse:

The U.S. Army Corps of Engineers, Savannah District (Corps), in collaboration with the Jekyll Island Authority, proposes the use of beneficial dredge material south of the Jekyll Island fishing pier to stabilize rapid salt marsh erosion, as part of the Brunswick Harbor Navigation Project (Figure 1). This undertaking will stabilize the peninsula and the surrounding area from erosional hazards.

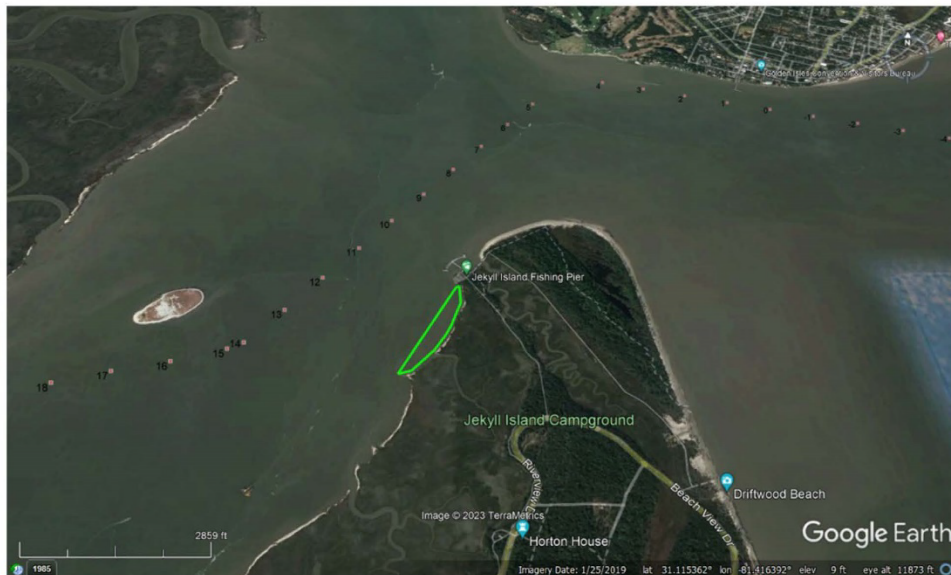


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Sincerely,

GARVEY.KIMBERLY.L.1289729174
LY.L.1289729174

Digitally signed by
GARVEY.KIMBERLY.L.12897291
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Date: 2023.08.19 09:27:29 -0400

Kimberly L. Garvey
Chief, Planning Branch



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

September 18, 2023

SUBJECT: Brunswick Harbor Modifications Project (BHMP), Jekyll Island Beneficial Use Material Placement, Glynn County, Georgia

Mr. David Frank
Thlopthlocco Tribal Town
Tribal Historic Preservation Officer
Post Office Box 188
Okemah, Oklahoma 74859

Dear Mr. Frank:

The U.S. Army Corps of Engineers, Savannah District (Corps), in collaboration with the Jekyll Island Authority, proposes the use of beneficial dredge material south of the Jekyll Island fishing pier to stabilize rapid salt marsh erosion, as part of the Brunswick Harbor Navigation Project (Figure 1). This undertaking will stabilize the peninsula and the surrounding area from erosional hazards.

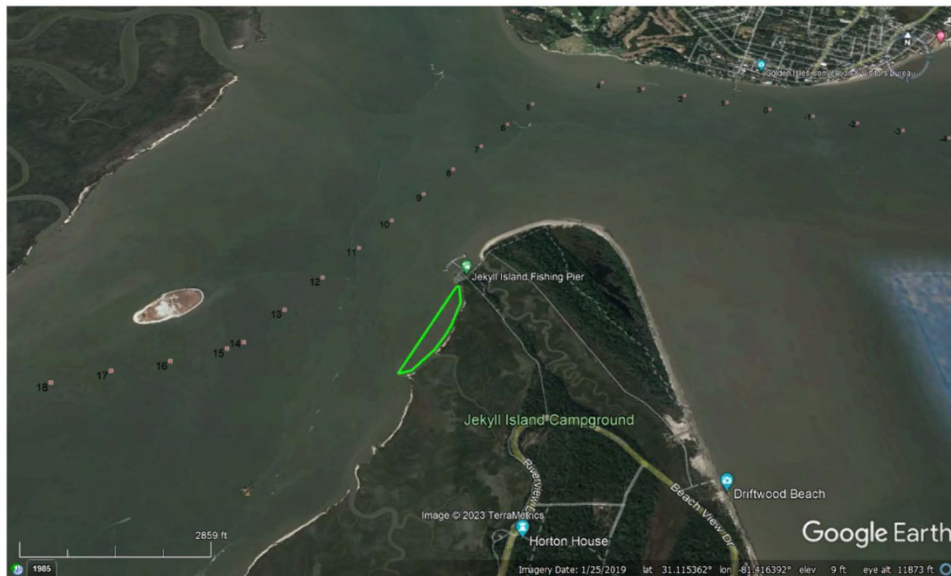


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Sincerely,

GARVEY.KIMBERLY.L.1289729174 Digitally signed by
GARVEY.KIMBERLY.L.1289729174
Date: 2023.08.19 09:27:45 -0400

Kimberly L. Garvey
Chief, Planning Branch

**Brunswick Harbor Modification Project
Jekyll Island Fishing Pier Shoreline Nourishment
Glynn County, Georgia
Draft Supplemental Environmental Assessment and Finding of No Significant
Impact**

Appendix F

F.2 BHMS Programmatic Agreement

**U.S. ARMY CORPS OF ENGINEERS
SAVANNAH DISTRICT
100 WEST OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31401
January 2024**



October 14, 2020

Kimberly L. Garvey
Chief, Planning Branch
United States Army Corps of Engineers, Savannah District
100 West Oglethorpe Avenue
Savannah, Georgia 31401

**Re: Final Programmatic Agreement
Brunswick Harbor Modification
Glynn County, Georgia
HP-191113-003**

Dear Ms. Garvey:

The Historic Preservation Division (HPD) has received the final Programmatic Agreement (PA) for the above-referenced project. Our comments are offered to assist the U.S. Army Corps of Engineers (USACE) in complying with the provisions of Section 106 of the National Historic Preservation Act, as amended.

HPD has reviewed the final PA for the above-referenced project, which our office received September 21, 2020. HPD agrees that the stipulations proposed in the PA are appropriate to address undertakings carried out in association with the modification of the Brunswick Harbor and has therefore signed the PA. HPD is forwarding the signed agreement to your office for review and further processing.

Please refer to project number **HP-191113-003** in any future correspondence regarding this project. If we may be of further assistance, please contact Stacy Rieke, Environmental Review Historian by phone at (770) 389-7854 or by email at Stacy.Rieke@dca.ga.gov.

V/r,



Dr. David Crass
Division Director
Deputy State Historic Preservation Officer

DCC/smr

cc: Rodney Parker, USACE
Eric Landon, Coastal Georgia Regional Commission

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

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

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

WHEREAS, the Corps has prepared an integrated feasibility report and environmental assessment for the Brunswick Harbor Modification Study to analyze impacts to cultural resources in accordance with requirements of the National Environmental Policy Act for the alternatives under consideration for this study; and

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

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

WHEREAS, pursuant to the consultation conducted under 36 CFR 800, the signatories have agreed that no historic resources listed or eligible for listing in the NRHP were identified within the APE of the Project, therefore, this programmatic agreement only covers archaeological resources.

WHEREAS, previous archaeological investigations have been conducted in the existing channel, turning basin, bend widener and existing upland dredged material disposal areas, and previously used staging areas and two magnetic anomalies were located near the existing turning basin that have signatures indicative of significant cultural resources; and

WHEREAS, the two previously identified magnetic anomalies near the turning basin will be located and, if they are determined to fall within the APE, will be

investigated; and

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

WHEREAS the Corps, in consultation with the SHPO, has determined that the Undertaking has the potential to cause effects to historic properties which may be eligible for listing in the NRHP; and

WHEREAS, 36 CFR § 800.14(b)(1)[ii] allows federal agencies to fulfill their obligations under Section 106 through the development and implementation of programmatic agreements when effects on historic properties cannot be determined prior to approval of a project; and

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

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

WHEREAS, in accordance with 36 CFR § 800.2(d) the Corps has solicited public comment on the Project through the public notice and notification of release of the draft feasibility study and environmental assessment on June 9, 2020, no significant public comments received; public comments included supportive comments, questions about the potential for beneficial use, and comments about process to ensure no negative impacts to water quality; and

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

STIPULATIONS

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

I. ARCHAEOLOGICAL HISTORIC RESOURCES

A. Identification

1. Prior to initiating construction activities and in an effort to identify archaeological resources within the direct APE, pursuant to 36 CFR § 800.4, the Corps shall complete efforts to identify archaeological sites eligible for listing in the NRHP within the direct APE for the project in accordance with 36 CFR § 800.4(b). The Corps shall conduct these identification efforts pursuant to the requirements of Stipulations VI.A. and VI.B. of this Agreement. Pursuant to Stipulation I.B. of this Agreement, the Corps shall provide the SHPO the opportunity to review and comment on a report of its findings.
2. The Corps shall conduct any further investigations necessary to evaluate the NRHP-eligibility of any archaeological site identified as a result of the activities described in Paragraph A.1 of this Stipulation. These evaluations shall be conducted in accordance with 36 CFR § 800.4(c), and pursuant to the requirements of Stipulations VI and VII.A. of this Agreement. Pursuant to Stipulation III.B., the Corps shall provide the SHPO the opportunity to review and comment on a report of its findings.

B. Assessment of Effects

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

C. Mitigation of Adverse Effects

The mitigation of adverse effects to archaeological sites eligible for listing in the NRHP shall be funded by the Corps and the Non-Federal Sponsor, the Georgia Ports Authority. No construction affecting an archaeological site eligible for listing in the NRHP shall be allowed to commence until the adverse effects to that archaeological site have been resolved. Mitigation may vary according to the type of effect, as follows:

1. If the Corps, in consultation with the SHPO determines that an archaeological site eligible for listing in the NRHP will be

adversely affected by the Project, the Corps shall determine whether avoidance or minimization of the adverse effects is practicable, in consultation with the SHPO. If the adverse effects cannot be practicably avoided, the Corps, in consultation with the SHPO, shall develop a treatment plan for the affected archaeological site. In a manner consistent with Stipulation I.B. of this Agreement, the Corps shall provide the SHPO the opportunity to review and comment on the treatment plan.

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

The Corps shall ensure the treatment plan is implemented and that any agreed-upon data recovery field operations have been completed

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

II. PREPARATION AND REVIEW OF DOCUMENTS

A. Review

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

B. Physical Documents

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

III. CURATION STANDARDS

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

IV. CHANGES IN PROJECT SCOPE

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

V. STANDARDS

A. Research Standards

All work carried out pursuant to this Agreement shall meet or exceed the *Secretary of the Interior's Standards for Archaeology and Historic Preservation* (SOI's Standards); https://www.nps.gov/history/local-law/arch_stnds_0.htm).

B. Professional Standards

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

C. Documentation Standards

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

VI. TREATMENT OF HUMAN REMAINS

A. Coordination

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

B. Procedures

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

C. Additional Procedures

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

VII. POST-REVIEW DISCOVERIES

If properties are discovered that may be eligible for listing in the NRHP or unanticipated effects on historic properties found subsequent to the completion of surveys under Stipulations I-

II, the Corps shall implement the discovery plan included as Attachment B of this Agreement.

VIII. COMMUNICATIONS

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

IX. MONITORING AND REPORTING

Each year on the anniversary of the execution of this Agreement until it expires or is terminated, the Corps shall provide all parties to this Agreement a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems

encountered, and any disputes and objections received in the Corps' efforts to carry out the terms of this Agreement. The reporting period shall be the fiscal year from October 1 to September 30.

X. DISPUTE RESOLUTION

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

A. Documentation

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

B. Resolution

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

C. Continuity

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

XI. ANTI-DEFICIENCY ACT

The Corps' obligations under this Agreement are subject to the availability of appropriated funds, and the stipulations of this Agreement are subject to the provisions of the Anti-Deficiency Act. The Corps shall make

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

XII. AMENDMENTS

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

XIII. TERMINATION

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

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

XIV. DURATION


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

XV. EXECUTION OF THIS AGREEMENT

This Agreement may be executed in counterparts, with a separate signature page for each party. The Corps shall ensure that each party is provided with a copy of the fully executed Agreement. Execution of this Agreement and its submission to the ACHP, and implementation of its terms, evidence that the Corps has afforded the ACHP an opportunity to comment on the Project and its effect on historic properties, and that the Corps has taken into account the effect of the Project on historic properties.

XVI. SIGNATORY:

U.S. Army Corps of Engineers, Savannah District

By:  Digitally signed by
HIBNER.DANIEL.HARRY.1083075526
Date: 2020.10.21 09:18:24 -04'00' DATE: _____

Daniel H. Hibner, PMP
Colonel, US Army
Commanding

XVII. SIGNATORY:

Georgia State Historic Preservation Officer

By:  DATE: October 14, 2020

David Crass, Ph.D.
Division Director and Deputy State Historic Preservation Officer