

APPENDIX B: DRAFT FEDERAL CONSISTENCY DETERMINATION

**Federal Consistency Determination
United States National Park Service – Fort Pulaski National Monument
Federal Highway Administration – Eastern Federal Lands Highway Division**

**Fort Pulaski Bridge
Fort Pulaski National Monument
Chatham County, Georgia**

Draft - September 26, 2012

The Coastal Zone Management Act of 1972 requires that a Federal agency provide the State of Georgia with a Consistency Determination when a Federal agency proposes any activity inside or outside of the coastal zone that will have any reasonably foreseeable effect on any coastal resource or uses within the coastal zone.

The National Park Service (NPS), in cooperation with the Federal Highway Administration (FHWA), proposes to make improvements to the Fort Pulaski Bridge. The proposed improvements to the Fort Pulaski Bridge would have reasonable foreseeable effects on coastal resources and uses within the project area.

The NPS and FHWA seek concurrence with the determination that the proposed project (as described below) is consistent to the maximum extent practicable with the enforceable policies of Georgia's approved coastal management program.

Project Description

Under Alternative D, the Preferred Alternative, fiber-reinforced polymer (FRP) jackets would be installed on the most deteriorated timber piles as identified by previous bridge inspections. The jacket would be filled with epoxy grout to encapsulate the timber and protect it from further deterioration. The wrapping would extend from the mud line (but not below) to above the high water level. It is estimated that 20 piles would have new FRP jackets installed, 30 piles would have their existing FRP jackets replaced, and that five piles would have sections replaced and FRP jackets installed. Additional substructure repairs would include replacing timber cross bracing and bent caps, installing timber corbels, and repairing concrete bent caps. Superstructure repairs would also be completed, and would likely consist of cleaning and painting all of the structural steel in the main span, cleaning exposed rebar in the bridge deck and diaphragms in the main span and coating them with protective sealant, and replacing timber deck shims. Riprap would also be replaced around the bridge abutments. It is estimated that 18,500 cubic feet of riprap would be placed at the north abutment and 29,000 cubic feet would be placed at the south abutment. Dewatering would be necessary in order to install the riprap. It is anticipated that the access for the repairs would be from a barge located alongside the pile bents. The barge would likely be moored through the use of spuds (steel vertical shafts).

NEPA Compliance

An Environmental Assessment (EA) for the proposed project has been prepared in accordance with the National Environmental Policy Act of 1969, as amended; regulations of the Council on Environmental Quality (40CFR 1508.9); and NPS Director's Order #12: Conservation Planning, Environmental Impact Analysis, and Decision-Making. This EA also complies with Section 106 of the National Historic Preservation Act of 1966, as amended. The EA presents alternatives for the proposed bridge improvements and analyzes the potential impacts that these alternatives would have on the natural, cultural, and human environment.

The EA has been published on the NPS's website, Planning, Environment and Public Comment (<http://parkplanning.nps.gov/fopu>) for a 30-day public review and comment period.

Relevant Enforceable Policies:

Coastal Marshlands Protection Act– O.C.G.A. 12-5-280

“The Coastal Marshlands Protection Act provides the Coastal Resources Division with the authority to protect tidal wetlands. . . Erecting structures, dredging, or filling marsh areas requires a Marsh Permit administered through the Coastal Management Program.” The proposed project would place riprap at the abutments of the existing bridge in order to protect the bridge from scour. The placement of riprap would fill approximately 0.05 acres of tidal marsh. The amount of riprap has been minimized to the extent possible. The values and functions of coastal waters and natural habitats would not be impaired. A Marsh permit would be obtained prior to starting construction of the proposed action.

Endangered Wildlife Act – O.C.G.A. 27-3-130

“Endangered Wildlife Act provides for identification, inventory, and protection of animal species that are rare, unusual, or in danger of extinction.” A list of species of concern was provided by the Georgia Department of Natural Resources. These species included the sweet acacia, Florida wild privet, American oystercatcher, bald eagle, northern yellow bat, diamondback terrapin, false killer whale, and West Indian manatee. The proposed action would have no to negligible impacts to these species. Consultation with the U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration has been completed.

Georgia Environmental Policy Act – O.C.G.A. 12-16-1

“The Georgia Environmental Policy Act (GEPA) requires that all State agencies and activities prepare an Environmental Impact Report as part of the decision-making process.” An EA for the proposed project has been prepared in accordance with the National Environmental Policy Act of 1969, as amended.

Georgia Erosion and Sedimentation Act – O.C.G.A. 12-7-1

“One provision of the Erosion and Sedimentation Act requires that land-disturbing activities shall not be conducted within 25 feet of the banks of any State waters unless a variance is granted (O.C.G.A 12-7-6-(15)).” Excavation in order to place riprap at the bridge abutments would disturb land within 25 feet of the banks of the South Channel of the Savannah River; however, this activity must be conducted along the River bank. A variance for this activity would be obtained prior to the construction of the proposed action.

Historic Areas – O.C.G.A. 12-3-50

The Department of Natural Resources has the authority to promote and increase knowledge and understanding of the history of this State by adopting and executing general plans, methods, and policies for permanently preserving historic structures. Although the Fort Pulaski Bridge was built by the Civilian Conservation Corps in 1938, it has undergone considerable rehabilitation and repair such that it no longer possesses historic integrity. Repairs proposed under this action are similar in nature to repairs that have been previously made to the structure. Consultation with the Georgia State Historic Preservation Office has been completed.

Mountain and River Corridor Protection Act – O.C.G.A. 12-2-1

Provisions of the Act include a requirement for a 100-foot vegetative buffer on both sides of rivers and consistency with the Georgia Erosion and Sedimentation Act. Chatham County has adopted a Regional River Corridor Protection Plan for the Savannah River. The proposed action requires construction within the 100-foot buffer due to the nature of the action. An erosion and sediment control plan would be developed and implemented during construction. The proposed action is consistent with the Georgia Erosion and Sedimentation Act.

Georgia Water Quality Control Act – O.C.G.A. 12-5-20

“This Act makes it unlawful for any person to dispose of sewage, industrial wastes, or other wastes, or to withdraw, divert, or impound any surface waters of the State without a permit.” A Spill Pollution Prevention Plan would be developed and implemented prior to the start of any construction activities.

Required State, Federal, and Local Permits

Permits are anticipated to be required from the U.S. Army Corps of Engineers (Clean Water Act Section 494 Permit – Nationwide), DNR-Coastal Resources Division (Coastal Marshlands Protection Permit, 25 Foot Vegetative Buffer Encroachment Variance, and Clean Water Act Section 401 Water Quality Certification).

Conclusion

The proposed improvements to the Fort Pulaski Bridge would have reasonable foreseeable impacts on coastal resources and uses within the project area. The proposed project will have localized, minor adverse impacts on coastal resources within the existing previously disturbed project area. The proposed project will have localized, beneficial impacts to coastal uses by improving the public’s safe access to historic and recreational resources within the coastal zone. In accordance with Section 307©(1) of the Federal Coastal Zone Management Act of 1972, as amended, the NPS and FHWA have determined that the proposed action is consistent to the maximum extent practicable with the enforceable policies of Georgia’s approved coastal management program. This determination is based on the review of the proposed project’s conformance with the enforceable policies of the State’s coastal program.

Conformity

This application is submitted to ensure conformity with NOAA’s Federal Consistency provisions (15 CFR 930), under which Federal agencies must determine if their proposed project directly affects Georgia’s coastal zone. Georgia’s coastal zone includes Chatham County.

The NPS and FHWA believe that the proposed project is consistent to the maximum extent practicable with the relevant enforceable policies of the GCMP document.

The proposed activity complies with the enforceable policies of Georgia's approved management program and will be conducted in a manner consistent with such program.

Name

Date