

**National Park Service
U.S. Department of the Interior**

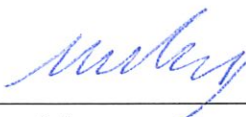


Fort Pulaski National Monument – Cockspur Island

**Finding of No Significant Impact for USCG Station Tybee Rebuild Project
Cockspur Island, Chatham County, Georgia**

April 2021

Recommended:



Melissa Memory
Superintendent,
Fort Pulaski National Monument

4/27/2021

Date

Approved:



For Stan Austin
Regional Director, South Atlantic-Gulf Region
National Park Service

5/12/21

Date

INTRODUCTION

In compliance with the National Environmental Policy Act of 1969 (NEPA), the United States Coast Guard (USCG), with the assistance of the National Park Service (NPS) as a formal cooperating agency, has prepared an Environmental Assessment (EA) to examine alternative actions and environmental impacts associated with the USCG's proposal to rebuild hurricane-damaged facilities at USCG Station Tybee, located within the boundaries of the Fort Pulaski National Monument (Fort Pulaski), Cockspur Island, Chatham County, Georgia. Please see Figure 1.1 – Site Location Map. The EA, USCG Finding of No Significant Impact (FONSI), and this FONSI constitute the record of the environmental impact analysis and decision-making process for the NPS to grant a Special Use Permit for temporary construction access to Fort Pulaski to permit the USCG to rebuild Station Tybee. The NPS has approved the selection of the Preferred Alternative 2 identified in the April 2021 EA.

The selected alternative will construct new facilities that will replace multiple onshore buildings that are aging and have been substantially damaged by hurricanes and storms at Station Tybee and Areas A, B, and C. Please see Figure 1.2 – Project Location Map. The selected alternative will demolish Station Building 101, which consists of 15,857 gross square feet (GSF) and support buildings, including Building 102, Building 109, the Aids to Navigation Team (ANT Tybee) Building 115, and other ancillary buildings (total 23,096 GSF), and construct a new 26,000 GSF Multi-Mission Building (MMB) to satisfy all the space needs for Station Tybee, ANT Tybee, and Coast Guard Cutter (CGC) POMPANO. The new MMB will be an elevated three-story building, which will include a boat bay, which is a water-dependent structure, with high bays at the ground level and a mix of administrative and dormitory spaces on the second and third floors. The new Station Building will have a finished floor elevation of 16.2 feet, which is higher than the existing Station Building and 4 feet above the coastal high hazard area (VE zone) elevation of 12 feet. The selected alternative will construct and operate a new MMB, repair stone riprap along the Station Tybee shoreline, and complete site work to include reconfiguring parking areas and internal Tybee Station roads. Additionally, the existing wastewater treatment system, located in Area A, will be upgraded. To accommodate USCG boats, the existing 8-foot wide National Park Service (NPS) concrete boat ramp located in Area B will be replaced with a new 15-foot-wide concrete boat ramp that would extend approximately 50 feet beyond the edge of the existing ramp. Additionally, two 4-foot-wide floating docks will be installed on each side of the concrete ramp. The existing potable water supply groundwater well system located in Area C will be upgraded to include construction of a new pump house.

The statements and conclusions reached in this FONSI are based on documentation and analysis provided in the EA. To the extent necessary, relevant sections of the EA are incorporated by reference below.

OTHER ALTERNATIVES CONSIDERED

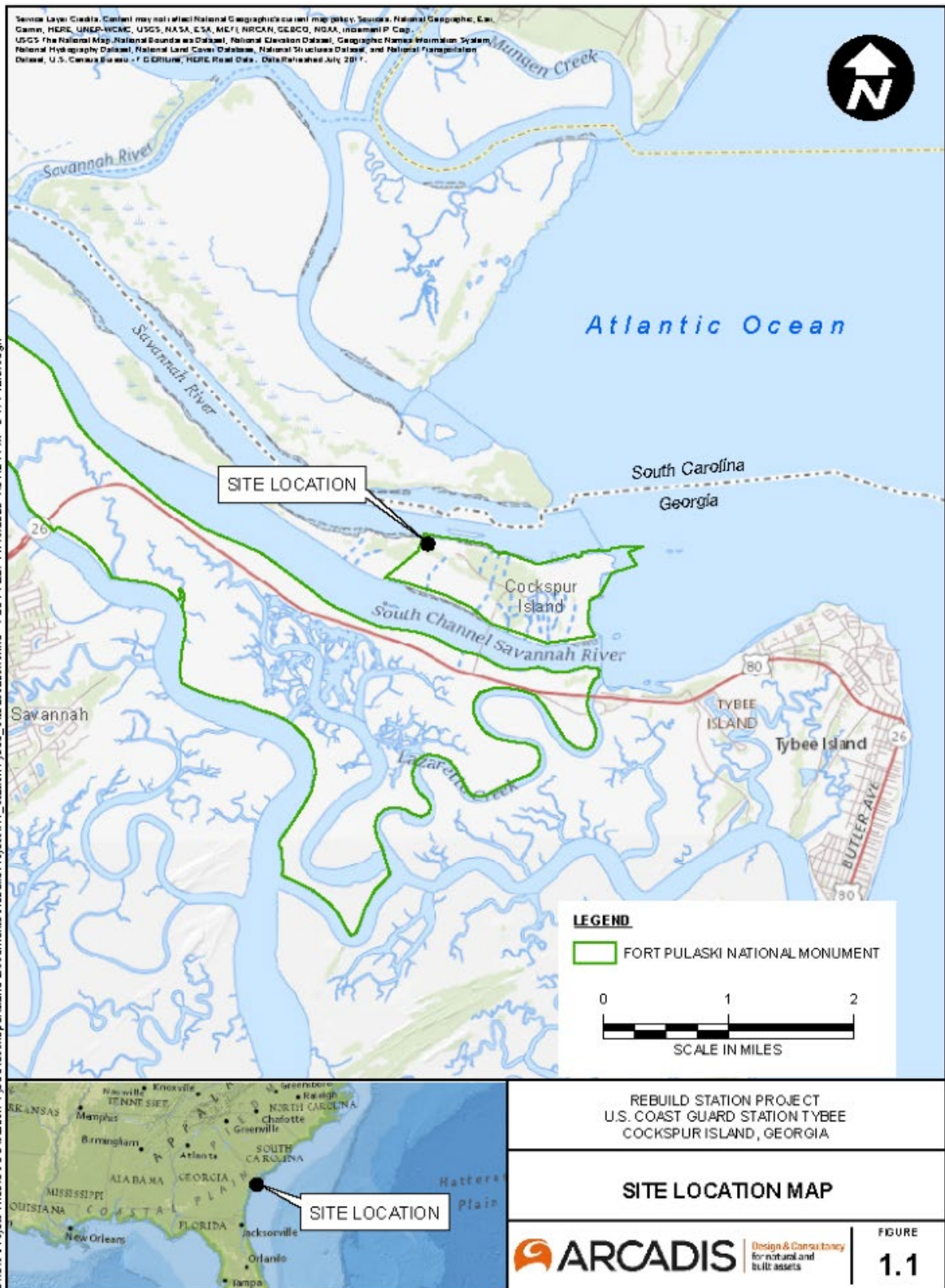
The alternatives analysis focused on two build alternatives.

Alternative 1: Rebuild Option 1

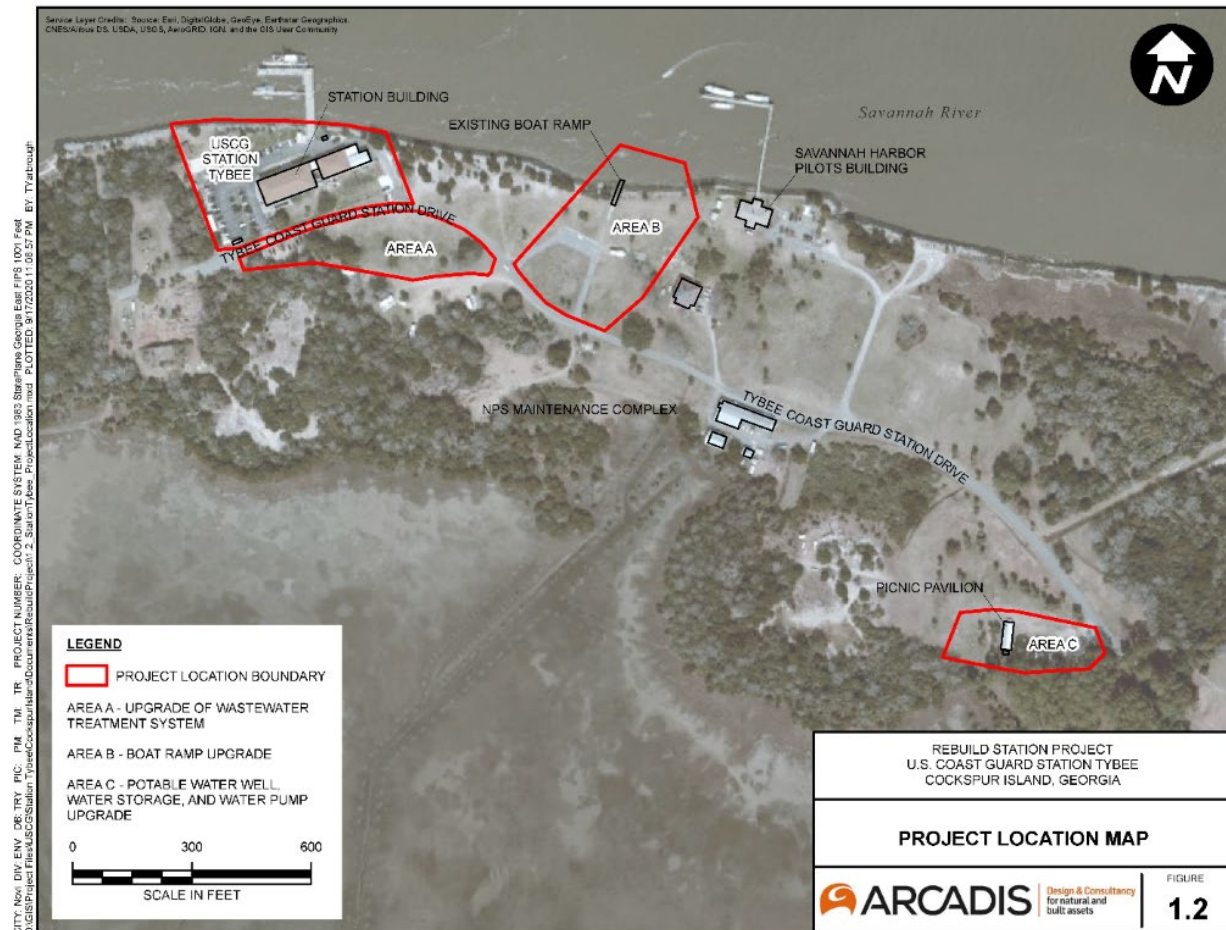
Alternative 1 would demolish Station Building 101, which consists of 15,857 GSF and support buildings, including Building 102, Building 109, the ANT Tybee Building 115, and other ancillary buildings (total 23,096 GSF), and construct a new 26,000 GSF MMB to satisfy all the space needs for Station Tybee, ANT Tybee, and CGC POMPANO. The existing riprap shoreline at Station Tybee has been eroded and would

be repaired by placing additional stone on both sides of the existing Station pier. A new boat ramp would be constructed adjacent to the existing USCG Station Tybee pier.

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While Alternative 1 would construct a new MMB and support buildings at Station Tybee, it would not enlarge the NPS boat ramp. Alternative 1 would also not minimize the impacts from flood waters with elevated salinity levels entering the potable water well and groundwater. In addition, Alternative 1 would not allow for an increase in the wastewater treatment system capacity; therefore, it would not meet the maximum daily demands and would impede Station Tybee's ability to meet operational requirements for wastewater treatment into the future.



SELECTED ALTERNATIVE AND RATIONALE FOR THE DECISION

The selected alternative, Alternative 2: Rebuild Option 2, will demolish buildings, including Building 101, which consists of 15,857 GSF, Building 102, Building 109, the ANT Tybee Building 115, and other ancillary buildings (a total of 23,096 GSF), and construct a new 26,000 GSF MMB. The selected alternative was determined to best meet the purpose and need for the proposed action by providing onshore assets that meet the USCG's mission requirements. Implementation of the selected alternative will reduce the USCG's vulnerability to adverse weather events and similar types of natural disasters and will improve operational readiness and response at Station Tybee, and satisfy all the space needs for Station Tybee, ANT Tybee, and CGC POMPAÑO. The new MMB will be an elevated three-story building, which will include a boat bay and a mix of administrative and dormitory spaces on the second and third floors. The new Station Building

will have a finished floor elevation of 16.2 feet, which is higher than the existing Station Building and 4 feet above the coastal high hazard area (VE zone) elevation of 12 feet.

In contrast to Alternative 1, Alternative 2 will:

- Reconstruct the new MMB building to the west of the current location of Building 101 and shift the main entrance gate to the west to provide space for circulation and parking for trailered boats and shop operations. This will also include some associated pavement expansion and utilities extension.
- Upgrade/replace the existing wastewater treatment system currently operated by the NPS in an area (Area A) located to the southeast of the Station Tybee compound; and
- Upgrade an existing NPS boat ramp to accommodate USCG boats in an area (Area B) to the east of Station Tybee; and
- Upgrade the existing potable water supply groundwater well system, including constructing a new pump house (Area C) and upgrading the existing gravel parking lot at the NPS picnic pavilion and the access drive thereto (Area C).

In accordance with the NPS/USCG Inter-Agency Agreement (IAA), March, 12, 2020, the USCG will upgrade, use, and maintain the wastewater treatment system, and will upgrade and use the NPS boat ramp. Additionally, the USCG will complete the improvements to the existing water supply system in Area C and the NPS will operate and maintain the system.

RATIONALE

Alternative 2: Rebuild Option 2 is the selected alternative for implementation because it best meets the purpose and need for the project, which is to rebuild multiple hurricane-damaged and aging facilities at Station Tybee and maximizes the benefit to Fort Pulaski while minimizing impacts to park resources. This alternative will allow Station Tybee to better accomplish its various missions by equipping the Station with modern facilities that comply with today's standards and harden its infrastructure for future resiliency while consistent with the Fort Pulaski General Management Plan (GMP) and applicable laws. By upgrading the water supply system in Area C and protecting the existing well from saltwater intrusion during flood events, the alternative will provide a safe and reliable source of potable water supply for park use. Additionally, by upgrading the existing NPS boat ramp in Area B and relocating the launching and retrieval of USCG boats from the Lazaretto Creek Boat Ramp to the boat ramp on the south shore of the Savannah River, the alternative will decrease the travel distance and traffic on park roads beyond Area B associated with USCG boat launching, thereby reducing emissions of air pollutants and increasing the useable lifespan of park roads. The preferred alternative also incorporates interpretive wayside markers at the former USCG lighthouse that is consistent with the GMP.

MITIGATION MEASURES

NPS places strong emphasis on avoiding, minimizing, and mitigating potentially adverse environmental impacts. The proposed alternative incorporates the mitigation measures below.

Cultural Resources

Measures to minimize the adverse effect on Fort Pulaski are specified in the final Memorandum of Agreement (MOA) that was signed by the USCG, NPS, and the State Historic Preservation Office (SHPO) and include the following mitigation measures:

- The USCG will provide for the research of USCG history on Cockspur Island and development and installation of three interpretative wayside markers on Fort Pulaski's public Lighthouse Overlook Trail, which provides views of the National Register Listed Cockspur Island Lighthouse, now managed by the NPS but formerly managed by the USCG and its predecessors. The interpretive waysides will provide a historical perspective of the USCG's rich history on Cockspur Island for the purpose of providing information and education of the general public visiting Fort Pulaski. The waysides will meet NPS graphic identity standards.
- Prior to commencing any earth moving activities, the USCG will develop an Unanticipated Discovery Plan to cover all disturbed areas, written by a qualified archeologist. The Unanticipated Discovery Plan will be activated should a potential cultural resource be encountered.
- The State Historic Preservation Office and NPS will be provided the opportunity to review and comment on the design of the new MMB and associated infrastructure. Review and comment will occur at the 35% Structural and Site Design and 65% Structural and Site Design phases. SHPO and the NPS will have 30 days to provide comments on the 35% design and 65% design, respectively. The USCG will review all comments and provide written responses to the SHPO and the NPS detailing how each comment is being incorporated or, in the event the comment cannot be incorporated, the budget and mission constraints that drove that decision.
- For Area A, an archeologist will be on-site during all ground disturbing activities and will monitor for the discovery of any potential cultural resources. To minimize potential effects, the USCG will also provide gravel for all equipment staging areas located in this area.
- For Area B, an archeologist will be on-site during all ground disturbing activities associated with the boat ramp upgrade portion of the undertaking and will monitor for the discovery of any potential cultural resources. The USCG will also ensure that any construction equipment, heavy equipment, and staging equipment identified by the MOA avoids the probable tennis court identified in the 2011 Southeast Archeological Center (SEAC) report. If usage of that area becomes necessary, the USCG will provide matting to minimize impacts.
- For Area C, an archeologist will be on-site during all ground disturbing activities and will monitor for the discovery of any potential cultural resources. The USCG will also provide for remote sensing in the area associated with the existing well and distribution system. Should intact subsurface features be present, the USCG will reroute any planned ground disturbance that would otherwise disturb them. Additionally, if ground disturbance below 5 feet is found necessary, the USCG will consult further with the NPS and the GA SHPO regarding effects to potential cultural resources prior to commencing activity below 5 feet in depth.

Waters of the U.S. and NPS Wetlands

- The construction contractor will be required to develop and implement a storm water pollution prevention plan (SWPPP) that will include Best Management Practices (BMPs) for minimizing and containing dust and debris. The SWPPP will be adhered to in the event of any contaminant release.
- The construction contractor will be required to prepare and implement a Construction Demolition Plan that will cover all phases of the work to be done and to specify materials, equipment, and procedures to be used to contain construction and demolition waste and debris, including dust.
- The construction contractor will be responsible for preparing and submitting an application for a Section 401 Water Quality Certification and for a Section 404 Nationwide Permit from the United States Army Corps of Engineers (USACE); the construction contractor will comply with all permit conditions during construction and demolition activities.
- Construction and demolition debris will not be allowed to enter the water.
- The construction contractor will use only clean construction materials suitable for use in the oceanic environment. The contractor will ensure that no debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, chemicals, or oil or petroleum products from construction are allowed to enter into or be placed where they may be washed by rainfall or runoff into waters of the U.S. Surface booms, oil-absorbent pads, and similar materials will be maintained onsite to contain any sheen that may occur on the surface of the water during construction. Upon completion of construction activities, all excess material or debris will be completely removed from the work area and disposed of in an appropriate upland site.
- Any equipment proposed for use will be kept in good repair without leaks of fluids. If such leaks or drips occur, they will be cleaned up immediately. Equipment maintenance and/or repair will be confined to one location. Runoff from this area will be controlled to prevent contamination of water. Fueling of land-based vehicles and equipment will take place at least 50 feet away from the water (and away from drains) over an impervious surface. Fueling of vessels will be done at approved fueling facilities.
- During the design phase of the project, the USCG will integrate stormwater low-impact development mechanisms to lessen impacts to surrounding surface waters from stormwater runoff.
- Any work below mean high-water will require coordination with Georgia Department of Natural Resources (GADNR) Coastal Resources Division for authorization.

Wildlife and Wildlife Habitat, including Protected Species

- West Indian manatee
 - GADNR recommends that any in-water construction work be conducted during December through February to eliminate the risk to manatees. If construction must occur during March through November, the USACE includes in issued permits Standard Manatee Conditions for In-Water Work.
- Sea Turtles and Loggerhead Nearshore Reproductive Critical Habitat
 - Where possible, demolition of the existing NPS boat ramp will be conducted at low tide to reduce the extent and duration of sediment suspension.

- A vibratory hammer will be used to reduce the potential for pile driving noise impacts on sea turtles.
- BMPs will be employed during all demolition and construction work that are effective, practical, structural, or nonstructural methods that prevent or reduce the movement of sediment, nutrients, pesticides, and other pollutants from upland into surface waters, or which otherwise protect water quality from potential adverse impacts.
- BMPs will be coordinated with the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS), as necessary.
- Shortnose Sturgeon, Atlantic Sturgeon, and Atlantic Sturgeon Critical Habitat
 - Where possible, demolition of the existing NPS boat ramp will be conducted at low tide to reduce the extent and duration of sediment suspension.
 - A vibratory hammer will be used to reduce the potential for pile driving noise impacts on sturgeon.
 - BMPs will be employed during all demolition and construction work that are effective, practical, structural, or nonstructural methods that prevent or reduce the movement of sediment, nutrients, pesticides, and other pollutants from upland into surface waters, or which otherwise protect water quality from potential adverse impacts.
 - BMPs will be coordinated with NOAA NMFS as necessary.
 - In-water construction activities and associated noise impacts will be confined to relatively shallow waters within ~285 ft of shore, whereas the North Channel is >2,000 ft wide.
 - Additional information regarding construction techniques/methods, planned start and end times, and specific work locations will be provided to federal permitting agencies during the environmental permitting process for in-water work. All BMPs and seasonal work restrictions required by permitting agencies will be strictly followed.
 - The in-water work will be prohibited during the Atlantic sturgeon spawning migration between April 15 and May 31 and between September 1 and November 30.
- Essential Fish Habitat
 - Demolition work will be conducted at low tide where possible.
 - BMPs will be employed during all demolition and construction work that are effective, practical, structural, or nonstructural methods that prevent or reduce the movement of sediment, nutrients, pesticides, and other pollutants from upland into surface waters, or which otherwise protect water quality from potential adverse impacts.
 - BMPs will be coordinated with NOAA NMFS as necessary.

Vegetation and Soils

- BMPs will be implemented to minimize soil erosion and sedimentation to the Savannah River.
- If construction results in disturbance of one or more acres of soil, a National Pollution Discharge Elimination System Construction General Permit will be obtained.

Visitor Use and Experience

- Although the Station Tybee Rebuild project is near visitor attractions and recreational areas of Fort Pulaski. Demolition and construction will not require temporary or permanent closures of the NPS recreational amenities, such as hiking/walking trails or camp sites near Area A. However, a Picnic

Pavilion is in Area C and access by visitors may be restricted during construction to protect the health and safety of visitors. However, following construction, use of the Picnic Pavilion will continue as it did prior to construction. The camp sites and hiking/walking trails are outside the anticipated work boundary but may be indirectly affected during construction of the proposed project (due to noise, traffic, etc.).

- Noise abatement procedures will be applied, and specific mitigation measures will be developed in coordination with the NPS. Noise abatement procedures include scheduling construction, demolition, and renovation to intentionally minimize impacts to visitors, as well as the use of best available noise control techniques and the location of stationary noise sources as far from sensitive receptors as possible.
- The interpretive waysides on Fort Pulaski's public Lighthouse Overlook Trail will be installed and will provide a historical perspective of the USCG's rich history on Cockspur Island for the purpose of providing information and education of the public visiting Fort Pulaski.

PUBLIC INVOLVMENT/AGENCY CONSULTATION

Comments on the Environmental Assessment:

The EA was made available for public review during a 30-day comment period ending February 6, 2021. The EA was posted on the USCG Deputy Commandant for Mission Support website on January 6, 2021, and was made available for public review at the Tybee Library, 405 Butler Ave, Tybee Island, GA 31328, the Islands Library, 50 Johnny Mercer Blvd, Savannah, GA 31410, and the Fort Pulaski National Monument Visitor Contact Station at Visitor's Center, Pulaski Rd, Cockspur Island, GA. No comments were received from the general public. The EA was also provided to agencies and tribes that submitted comments to the USCG during scoping of the EA and consultations during preparation of the EA. One comment from the U.S. Fish and Wildlife Service (USFWS), referenced below, was received.

Agency Consultation:

Section 7 of the Endangered Species Act (ESA) Compliance

On October 22, 2020, the USCG initiated consultation with the USFWS. The USFWS concurred with the USCG determination on October 27, 2020 of No Effect for the following: piping plover, red knot, wood stork, hawksbill sea turtle (nesting), loggerhead sea turtle (nesting), green sea turtle (nesting), Kemps ridley sea turtle (nesting), and leatherback sea turtle (nesting). USFWS also concurred with the determination of Not Likely to Adversely Affect for West Indian Manatee. Additional correspondence was provided from the USFWS on February 3, 2021 to notify the USCG of a newly listed species under the ESA, the federally threatened eastern black rail. The USCG determined that the Selected Alternative would have no effect on this species based on the absence of significant suitable habitat within the project area.

The October 22, 2020 request for consultation was also provided to NOAA NMFS for species and habitat resources under their jurisdiction, including the loggerhead sea turtle (open water), green sea turtle (open water), Kemps ridley sea turtle (open water), Shortnose sturgeon, Atlantic sturgeon, and critical habitat for the Atlantic sturgeon South Atlantic distinct population segments (DPS). The USCG determined under Section 7 of the ESA that the project may affect, but is not likely to adversely impact, these identified

resources. NOAA NMFS deferred making a determination of effect on protected species/habitat until a detailed design is available.

Section 106 National Historic Preservation Act (NHPA) Compliance

The USCG initiated consultation with SHPO under Section 106 of the NHPA regarding this project on November 5, 2020. Cultural Resource documents prepared as part of the Tybee Station Rebuild accompanied the consultation request letter. On November 17, 2020, the USCG initiated consultation with the Advisory Council on Historic Preservation to participate in the development of an MOA to address the “adverse effect” from the Tybee Station Rebuild. The SHPO, in a letter dated December 11, 2020, concurred with USCG’s and NPS’s determination that the proposed alternative will have an Adverse Effect on the NRHP listed Fort Pulaski National Monument. NPS, USCG, and SHPO drafted an MOA outlining stipulations to minimize or mitigate the adverse effect. A final MOA was signed on March 23, 2021, and is included in this document in **Attachment B**.

Native American Tribes Consultation:

On November 4, 2020, government-to-government consultation letters and a copy of the Cultural Resources Overview were sent to all Tribes affiliated with Cockspur Island and Fort Pulaski, including Muscogee (Creek) Nation, Poarch Band of Creek Indians, Alabama-Quassarte Tribal Town, Seminole Nation of Oklahoma, Seminole Tribe of Florida, Alabama-Coushatta Tribe of Texas, Catawba Indian Nation, Coushatta Tribe of Louisiana, Miccosukee Tribe of Indians, and the Thlopthlocco Tribal Town. On December 7, 2020, the Catawba Indian Nation replied via letter that they were unaware of any religious or culturally significant sites within the project area. No responses from other tribes were received.

Coastal Zone Management Act Compliance

The USCG completed a Federal Consistency Determination in accordance with Section 307(d) of the Coastal Zone Management Act of 1972 and 15 CFR Part 930, Subpart F. The USCG determined that the proposed alternative will be consistent to the maximum extent practicable with the Georgia Coastal Management Program (CMP) enforceable policies, administered by the GADNR Coastal Resources Division. The Georgia CMP staff reviewed the USCG Federal Consistency Determination and concurred on December 7, 2020 that the planning and design of the activities included under the proposed alternative are consistent to the maximum extent practicable with Georgia CMP’s enforceable policies. Additionally, the Georgia CMP advised that additional state or federal permits/permissions for actual construction may be required if impacts to tidally influenced areas and/or water bottoms occur.

FINDING OF NO SIGNIFICANT IMPACT

As described in the EA, the selected alternative has the potential for minor adverse impacts to cultural resources, water resources, wildlife, soil and vegetation, and visitor use and experience; however, no potential for significant adverse impacts was identified.

Implementing the selected alternative will result in an adverse effect, but less than significant impact, on cultural resources from the construction of the Station Tybee Rebuild and its presence as a new, non-historic visual element. Based on the current design of the Station Tybee Rebuild, the USCG, in consultation with the NPS, determined under Section 106 that due to the increased height and scale of the new Station, the

undertaking will have an adverse effect on the Fort Pulaski National Monument. However, measures to minimize the adverse effect, as specified in the final MOA, will be implemented such that the impact will be less than significant.

No NPS or USACE-defined wetlands exist within the project area or immediate vicinity of the project area. However, the construction of the new boat ramp will result in minor adverse, long-term impacts to tidal bottom within the Savannah River. The selected alternative will also result in long-term beneficial impacts on Savannah River water quality from restoration of the eroded shoreline and future protection from erosion of the shoreline and deposition of sediment into surface waters. Additionally, upgrades to the NPS wastewater treatment system in Area A will occur, which will increase the capacity of the system and allow the system to adequately filter pollutants that may currently be entering the groundwater and eventually the Savannah River. These upgrades will result in long-term, beneficial, indirect impacts to surface water quality.

Construction activities will result in minor, short-term adverse impacts to wildlife and wildlife habitat. The USCG initiated consultation with USFWS under Section 7 of the ESA. The USCG determined (and the USFWS concurred) under Section 7 of the ESA that the Station Tybee Rebuild will have no effect on piping plover, red knot, wood stork green sea turtle (nesting), hawksbill sea turtle (nesting), leatherback sea turtle (nesting), loggerhead sea turtle (nesting), and Kemp's ridley sea turtle (nesting) and may affect, but is not likely to adversely impact, West Indian manatee – species/resources under the jurisdiction of the USFWS. The USCG also determined under Section 7 of the ESA that the Station Tybee Rebuild will have no effect on eastern black rail and, as such, no further consultation with USFWS was required. Additionally, the USCG determined under Section 7 of the ESA that the Tybee Station Rebuild may affect, but is not likely to adversely impact, loggerhead sea turtle (open water), green sea turtle (open water), Kemp's ridley sea turtle (open water), Shortnose sturgeon, Atlantic sturgeon, and critical habitat for the Atlantic sturgeon South Atlantic DPS – species/resources under the jurisdiction of NOAA NMFS. The NOAA NMFS deferred making a determination of effect on species under its jurisdiction until a detailed design is available. Impacts are minor because the implementation of BMPs and/or potential seasonal in-water work restrictions will result in a less than significant impact to threatened and endangered species. Therefore, impacts to wildlife and wildlife habitat will not be significant.

Soils may be adversely affected during construction activities from compaction and disturbance from heavy construction equipment in the project area; however, adherence to applicable regulations; implementation of sediment and erosion control plans and stormwater pollution prevention plans; and permitting requirements will minimize such impacts. Overall soil disturbance from construction will be minimal and not significant.

Park visitors may be temporarily impacted during construction due to demolition and construction activities. The selected alternative will increase noise in the short term due to construction related activities which could affect the camp sites located near Area A. These effects will be short-term and minor. Additionally, construction activities may affect the use of the Picnic Pavilion at Area C, as public access to the Picnic Pavilion may be restricted during construction to protect the health and safety of visitors. However, following construction, use of the Picnic Pavilion will not be affected, and it is not anticipated that any other recreational facilities (e.g., the camp sites near Area A) will be impacted in the long term. Construction of the Station Tybee Rebuild will not prevent the future establishment of recreational uses in

an area that supports or is designated for recreation. Overall disturbance to recreational facilities will be limited to the duration of construction and will be minimal and not significant.

The project will not result in the loss or destruction of cultural or historical resources, nor will there be significant impacts on public health, safety, or unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, or elements of precedence were identified. Implementation of the selected alternative will not violate any federal, state, or local environmental protection law.

CONCLUSION

As described above, the selected alternative does not constitute an action meeting the criteria that normally requires preparation of an Environmental Impact Statement (EIS). The selected alternative will not have a significant effect on the human environment in accordance with Section 102(2)(c) of NEPA.

Based on the foregoing, it has been determined that an EIS is not required for this project and, thus, will not be prepared.

Attachment A – Non-Impairment Determination

Attachment B – Memorandum of Agreement

ATTACHMENT A: NON-IMPAIRMENT DETERMINATION

Why is a Non-Impairment Determination Required?

Section 1.4.7 of *NPS Management Policies 2006* states that:

[b]efore approving a proposed action that could lead to an impairment of park resources and values, an NPS decision-maker must consider the impacts of the proposed action and determine, in writing, that the activity will not lead to an impairment of park resources and values.

Actions that require preparation of Environmental Assessments (EAs) and Environmental Impact Statements (EISs) constitute actions that may have the potential to impair park resources or values. Therefore, a non-impairment determination must be made for any action selected in a Finding of No Significant Impact (FONSI) or Record of Decision (ROD) that could affect park resources and values and to which the NPS is a signatory. The non-impairment determination is completed only for the selected action.

What is Impairment?

Sections 1.4.5 and 1.4.6 of *NPS Management Policies 2006* provides an explanation of impairment. Section 1.4.5 defines impairment as:

an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values.

Section 1.4.5 goes on to state that:

[a]n impact to any park resource or value may, but does not necessarily, constitute impairment. An impact would be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is:

- Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park
- Key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- Identified as a goal in the park's general management plan or other relevant NPS planning documents as being of significance.

An impact would be less likely to constitute an impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values and it cannot be further mitigated.

Section 1.4.6 of *NPS Management Policies 2006* identifies the park resources and values that are subject to the no-impairment standard:

The ‘park resources and values’ that are subject to the no-impairment standard include:

- the park's scenery, natural and historic objects, and wildlife, and the processes and condition that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structure, and objects; museum collections; and native plants and animals;
- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;
- the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and
- any additional attributes encompassed by the specific values and purposes for which the park was established.

How is a Non-Impairment Determination Made?

Section 1.4.7 of *NPS Management Policies 2006* states that

[i]n making a determination of whether there would be an impairment, an NPS decision maker must use his or her professional judgment. This means that the decision-maker must consider any environmental assessments or environmental impact statements required by the National Environmental Policy Act of 1969 (NEPA); consultations required under Section 106 of the National Historic Preservation Act (NHPA); relevant scientific and scholarly studies; advice or insights offered by subject matter experts and others who have relevant knowledge or experience; and the results of civic engagement and public involvement activities relating to the decision.

Management Policies 2006 further define "professional judgment" as

a decision or opinion that is shaped by study and analysis and full consideration of all the relevant facts, and that takes into account the decision-maker's education, training, and experience; advice or insights offered by subject matter experts and others who have relevant knowledge and

experience; good science and scholarship; and, whenever appropriate, the results of civic engagement and public involvement activities in relation to the decision.

Non-Impairment Determination for the Selected Alternative

This determination on impairment has been prepared for the Selected Alternative described in the FONSI -Alternative 2: Rebuild Option 2. An impairment determination is made for all resource impact topics analyzed for the selected alternative. An impairment determination is not made for environmental justice, park operations, public health and safety, recreation, and visitor use and experience, because impairment findings relate back to park resources and values, and these impact areas are not generally considered to be park resources or values according to the Organic Act and cannot be impaired in the same way that an action can impair park resources and values.

Cultural Resources (Historic and Archaeological):

The significance of the park is that it preserves areas associated with Fort Pulaski, which is a 19th century fort constructed as part of a protective chain of forts to protect the eastern seaboard cities from attack by the British, French, and Spanish.

The Station Tybee Rebuild will not demolish or damage Fort Pulaski or any NRHP-listed or eligible buildings or structures; however, construction will impact the cultural resource, Fort Pulaski National Monument. Based on the current design of the Station Tybee Rebuild, the USCG, in consultation with the NPS, determined under Section 106 that due to the increased height and scale of the new Station (albeit minimal), the undertaking will have an adverse effect on the Fort Pulaski National Monument. Concurrence from SHPO was received on December 11, 2020. The potential for the Station Tybee Rebuild to affect archaeological resources exists, but ground disturbance will be minimal, and a construction monitoring program will ensure protection of any cultural resources identified in the disturbed area. SHPO determined that adequate measures have been taken to attempt to minimize or avoid the adverse effect, including exploring alternate locations, rehabilitation, and revised designs. The SHPO concluded that it appears that the adverse effect resulting from the undertaking is unavoidable. To resolve the adverse effect, an MOA was developed with the NPS, USCG, and SHPO and agreed upon during the Section 106 consultation process. The Station Tybee Rebuild will not result in the introduction of audible, atmospheric, or visual elements that diminish the integrity of the property's significant historic characteristics or features, nor will it diminish the depositional integrity of archaeological deposits; therefore, there will be no impairment to park resources from implementation of the selected alternative.

Water Resources:

Implementation of the selected alternative will result in minor impacts to tidal bottom within the Savannah River for the construction of the NPS boat ramp; however, BMPs will be in place to minimize impacts. Additionally, long-term beneficial impacts on Savannah River water quality will occur from restoration of the eroded shoreline and improvements to the NPS wastewater treatment system. There will be no impairment to park resources from implementation of the selected alternative.

Wildlife and Wildlife Habitat:

The selected alternative will have negligible, short-term impacts to wildlife and wildlife habitat. Resulting impacts to wildlife and their habitat will be minimal, as construction will occur mostly within the footprint of existing buildings/structures and in shallow, nearshore waters. In compliance with Section 7 of the ESA, the USCG requested to initiate consultation with the USFWS and NOAA NMFS.

The USCG determined under Section 7 of the ESA that the Tybee Station Rebuild will have no effect on the following species/habitat resources under USFWS jurisdiction: piping plover, red knot, wood stork, eastern black rail, green sea turtle (nesting), hawksbill sea turtle (nesting), leatherback sea turtle (nesting), loggerhead sea turtle (nesting), and Kemp's ridley sea turtle species (nesting). The USCG also determined that the project may affect, but is not likely to adversely impact, West Indian manatee – an additional species under the jurisdiction of the USFWS. The USFWS issued its concurrence with these determinations on October 17, 2020.

In addition to the above, the USCG determined under Section 7 of the ESA that the selected alternative may affect, but is not likely to adversely impact, the following species/habitat resources under NOAA NMFS jurisdiction: loggerhead sea turtle (open water), green sea turtle (open water), Kemp's ridley sea turtle (open water), Shortnose sturgeon, Atlantic sturgeon, and critical habitat for the Atlantic sturgeon South Atlantic DPS. The NOAA NMFS deferred making a determination of effect on resources under its jurisdiction until a detailed design is available.

Additional information regarding construction techniques/methods, planned start and end times, and specific work locations will be provided to permitting agencies during the environmental permitting process for in-water work.

Given the above information, no impairment to park wildlife/wildlife habitat resources is anticipated from implementation of the selected alternative.

Vegetation and Soils:

As a result of construction, the selected alternative will have minor effects on vegetation and soil but will not cause substantial loss of soils or compaction preventing native vegetation growth. The Tybee Station Rebuild will not result in topography that conflicts with the overall topography of land and will not cause soil erosion or sedimentation offsite violating Georgia water quality standards. The implementation of BMPs and restoration of the eroded shoreline will result in long-term beneficial impacts to soils. There will be no impairment to park resources from implementation of the selected alternative.

ATTACHMENT B: MEMORANDUM OF AGREEMENT

MEMORANDUM OF AGREEMENT
AMONG THE UNITED STATES COAST GUARD (USCG),
THE FORT PULASKI NATIONAL MONUMENT OF THE NATIONAL PARK
SERVICE (NPS),
AND
THE GEORGIA STATE HISTORIC PRESERVATION OFFICER (SHPO)
REGARDING THE REPLACEMENT OF STATION TYBEE AT
U.S. COAST GUARD STATION TYBEE, COCKSPUR ISLAND,
CHATHAM COUNTY, GEORGIA
HP-200827-033

WHEREAS, the USCG plans to rebuild USCG Station Tybee located on the west end of Cockspur Island (undertaking) on lands owned by the NPS that are located within the boundaries of the National Register of Historic Places (NRHP)-listed Fort Pulaski National Monument (PARK); and

WHEREAS, the USCG will act as lead agency for this undertaking for the purposes of Section 106 compliance pursuant to 36 C.F.R. § 800.2(a)(2); and

WHEREAS, the undertaking will include the replacement of the Station Building and other supporting facilities and infrastructure with a new multi-mission facility, a new wastewater treatment system, upgrades to the potable water system, an upgraded boat ramp, and other associated infrastructure, including upgrades and modifications to the shared well and distribution system within the PARK which was originally installed in 1943, to support and enhance the various USCG missions assigned to this Station; and

WHEREAS, the USCG plans to carry out the undertaking utilizing federal FY2017, FY2018, and FY2021 appropriated funds. The undertaking, therefore, is subject to review under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. 306 § 108 et seq., and its implementing regulations, see 36 C.F.R. Part 800; and

WHEREAS, the USCG in consultation with the NPS and the SHPO has defined the undertaking's area of potential effect (APE) as the area identified in Appendix (1); and

WHEREAS, the USCG initiated consultation with the Alabama-Coushatta Tribe of Texas, Alabama-Quassarte Tribal Town, Poarch Band of Creeks, Catawba Indian Nation, Coushatta Tribe of Louisiana, Kialegee tribal Town, Miccosukee Tribe of Indians, Muscogee (Creek) Nation, Seminole Nation of Oklahoma, Seminole Tribe of Florida, and Thlopthlocco Tribal Town, and none of these eleven Tribes has indicated an intention or need to continue consultation under 36 C.F.R. §§ 800.2 (c)(i)(A) and (B); and

WHEREAS, in accordance with 36 C.F.R. Part 800.6(a)(4), the USCG invited the public to participate in a thirty-day project review and comment between January 6, 2021 and February 6, 2021. This invitation was published in both the Savannah Morning News and the Savannah Tribune on January 6, 2021, and included a project overview and information on how to access

both electronic and written copies of the draft Environmental Assessment Report that contained a project specific Cultural Resources Evaluation. The electronic version was available on a USCG website, and the written versions were available at the Tybee Library, the Islands Library, and the Fort Pulaski National Monument Visitor Contact Station. No public comments for consideration were received; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), the USCG has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination providing the specified documentation, and the ACHP has chosen not to participate in the consultation as stated in their letter dated January 28, 2021, pursuant to 36 C.F.R. § 800.6(a)(1)(iii);

NOW, THEREFORE, the USCG, the NPS, and the SHPO enter into this Memorandum of Agreement (Agreement) to ensure that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

The USCG shall ensure that the following measures are carried out by a professional meeting the applicable Secretary of the Interior's Professional Qualifications Standards:

A. Interpretation

The USCG will provide for the research, development, and installation of three appropriate interpretative wayside markers on the PARK's public Lighthouse Overlook Trail, which provides views of the NRHP-listed Cockspur Island Lighthouse, now managed by the NPS, but formerly managed by the USCG and its predecessors. A site map of the trail is provided by Appendix (2). The interpretive waysides will provide a historical perspective of the USCG's rich history on Cockspur Island for the purpose of providing information and education of the general public visiting the PARK. The waysides shall meet NPS graphic identity standards. An example is provided by Appendix (3).

Draft wayside text and graphics will be submitted to the SHPO and the NPS for review and comment. Accepted wayside markers will be installed by the USCG within one (1) year of the final construction of the new USCG Station building and associated infrastructure. Photographs of the installed waysides will be submitted to the SHPO for the project file.

B. Archeological Monitoring and Remote Sensing

Prior to commencing any earth moving activities, the USCG will develop an Unanticipated Discovery Plan to cover all areas disturbed. The plan will be written by a qualified archeologist. Should a potential resource be encountered, Administration Condition III (Post Review Discoveries) of this agreement will be followed.

1. For clarity, the project's site plan has been divided into four distinct areas as follows:

Existing USCG Station Tybee Compound

- a) Area A – Field located just east of the Station Tybee Compound
- b) Area B – Existing Boat Ramp located east of Station Tybee Compound
- c) Area C – Existing Well Area located to the southeast of Area A

2. Appendix (4) of this Agreement provides a general site plan illustrating these four areas. To minimize the potential to impact cultural resources in these areas, the following archeological monitoring and remote sensing will occur:

- a) USCG Station Tybee Compound – This area is heavily developed and disturbed by previous construction of the existing Station. The existing Station is built on dredge spoils and previous archeological investigations indicate no cultural resources are likely. The Unanticipated Discovery Plan will be activated should a potential cultural resource be encountered.

- b) Area A - An archeologist will be on-site during all ground disturbing activities and will monitor for the discovery of any potential cultural resources. To minimize potential effects, the USCG will provide gravel for all equipment staging areas located in this area as shown by Appendix (5).

- c) Area B – An archeologist will be on-site during all ground disturbing activities and will monitor for the discovery of any potential cultural resources. The USCG will ensure that construction, heavy equipment, and staging equipment shown by Appendix (6) avoids the probable tennis court identified in the 2011 NPS Southeast Archeological Center (SEAC) report. If usage of that area becomes necessary, the USCG will provide matting to minimize impacts.

Area C - An archeologist will be on-site during all ground disturbing activities and will monitor for the discovery of any potential cultural resources. Appendix (7) is provided to clarify the expected construction footprint in this area. The Cultural Resources review undertaken by the USCG's Environmental Assessment contractor in 2020 indicated the potential presence of an 1830s ditch and embankment in this area. The NPS has indicated that the ditch is likely further east, but should remain be present, they are likely below many feet of fill in a previously disturbed

area. To fully rule out the possibility of disturbing this feature, the USCG will provide for remote sensing in the area associated with the well and distribution system. Should intact subsurface features be present, the USCG will relocate any planned ground disturbance that would otherwise disturb them. If ground disturbance below 5 feet is anticipated in Area C, the USCG will consult further with the NPS and the SHPO regarding effects to potential cultural resources prior to commencing activity below 5 feet in depth.

C. New Construction

The SHPO and the NPS shall be given the opportunity to review and comment on the design of the new Multi-mission building and associated infrastructure. Review and comment will occur at the 35% Structural and Site Design and 65% Structural and Site Design phases. The SHPO and the NPS will have 30 days to provide comments on the 35% design and 65% design, respectively. The USCG will review all comments and provide written responses to the SHPO and the NPS detailing how each comment is being incorporated or in the event the comment cannot be incorporated, the budget and mission constraints that drove that decision.

ADMINISTRATIVE CONDITIONS

I. AUTHORITY.

The Agreement is generally authorized under the provisions of Section 106 of the NHPA and its implementing regulations. In accordance with 14 U.S.C. § 141(b), the USCG is authorized to enter into this Agreement with the NPS and the SHPO.

II. DURATION

This Agreement will expire with the completion of the undertaking and its stipulations or if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, the USCG may consult with the other signatories to reconsider the terms of the Agreement and amend it in accordance with Administration Condition V (Amendments).

III. POST-REVIEW DISCOVERIES

If during construction previously unknown archeological resources are discovered, all work in the immediate vicinity of the discovery will be halted, signatories to the Agreement will be notified, and procedures of 36 C.F.R. § 800.13(c) followed. In the event that human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during construction, the regulations implementing the Native American Graves Protection and Repatriation Act, 43 C.F.R. Part 10, as well as ACHP's

Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects will be followed.

IV. DISPUTE RESOLUTION

Should any signatory to this Agreement object to any actions proposed or the manner in which the terms of this Agreement are implemented, the USCG shall consult with such party to resolve the objection. If the USCG determines that such objection cannot be resolved, the USCG will:

- a. Forward all documentation relevant to the dispute, including the USCG's proposed resolution, to the ACHP. The ACHP shall provide the USCG 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 USCG shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The USCG will then proceed according to its final decision.
- b. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the USCG may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the USCG shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the Agreement and provide them and the ACHP with a copy of such written response.
- c. The USCG's responsibilities to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute remain unchanged.

V. AMENDMENTS

This Agreement may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

VI. TERMINATION

If any signatory to this Agreement determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Administrative Condition V (Amendments). 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 undertaking, the USCG must either (a) execute an Agreement pursuant to 36 C.F.R. § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. The USCG shall notify the signatories as to the course of action it will pursue.

VII. ANTI-DEFICIENCY

Nothing in this Agreement shall require or authorize any agency or employee of the Federal Government to make or authorize any expenditure or obligation of funds exceeding appropriated funding, to obligate any payment of money before it is appropriated, to indemnify any other party absent specific statutory authorization, or to violate the Anti-Deficiency Act, 31 U.S.C. §§ 1341(a)(1)(A) and 1341 (a)(1)(B).

VIII. OTHER PROVISIONS


Nothing in this Agreement is intended to conflict with current law or regulation or the directives of the Department of Homeland Security, the USCG, or any other party. If a term of this Agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this Agreement shall remain in full force and effect.

EXECUTION of this Agreement by the USCG, the NPS, and the SHPO, and its subsequent acceptance by the ACHP, and implementation of its terms evidence that the USCG has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

Regarding the Rebuilding of USCG Station Tybee
U.S. Coast Guard Station Tybee, Cockspur Island, GA

SIGNATORIES:

United States Coast Guard

 Digitally signed by
BARRESI.JOHN.F.JR||.11870166
29
Date: 2021.03.15 11:47:10 -04'00'

_____ Date

J. F. Barresi
Captain, U.S. Coast Guard
Commanding Officer, Facilities Design and Construction Center

National Park Service

MELISSA
MEMORY  Digitally signed by
MELISSA MEMORY
Date: 2021.03.15
18:43:05 -04'00'

_____ Date

Melissa Memory, Superintendent
Fort Pulaski National Monument

Georgia State Historic Preservation Officer

Users, David  Digitally signed by Users,
David C. Crass
Date: 2021.03.23
10:30:33 -04'00'

_____ Date

Dr. David Crass
Georgia Deputy State Historic Preservation Officer,
Division Director, Historic Preservation Division

APPENDIX (1) – AREA OF POTENTIAL EFFECT



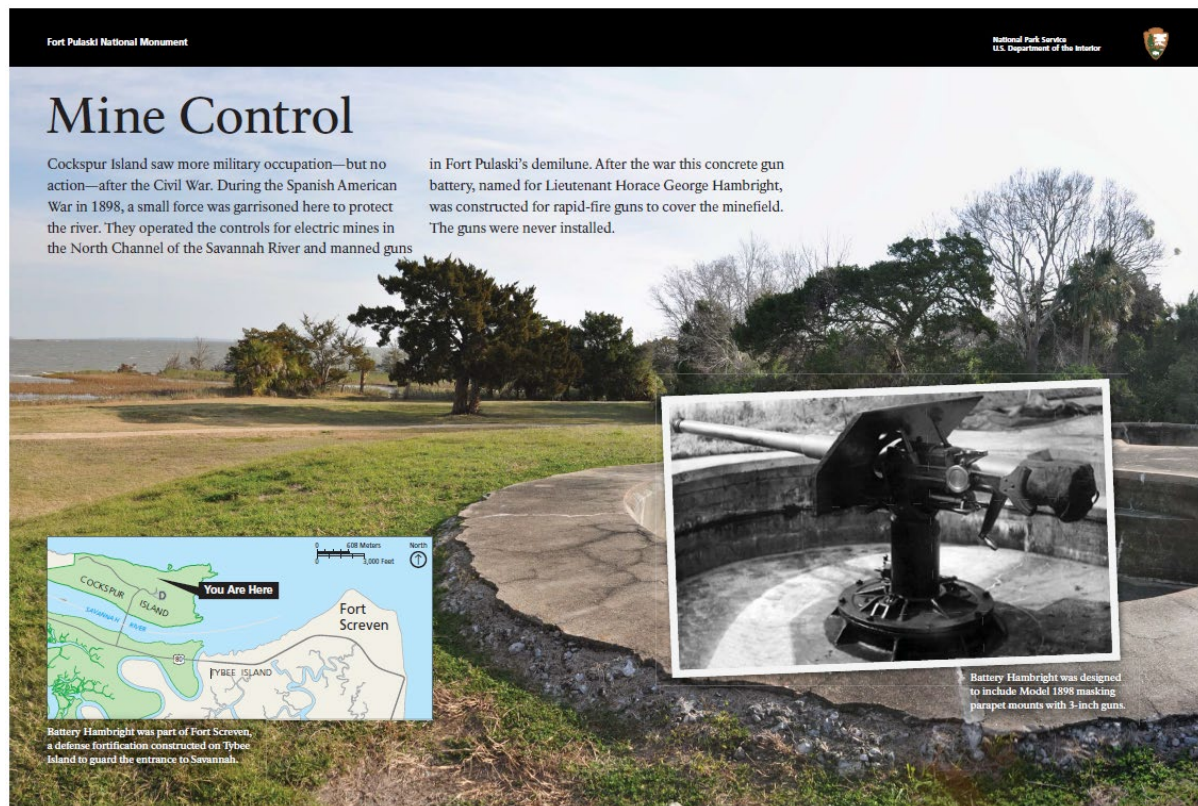
SITE MAP - AREA OF POTENTIAL EFFECT

APPENDIX (2) – LIGHTHOUSE OVERLOOK TRAIL SITE MAP

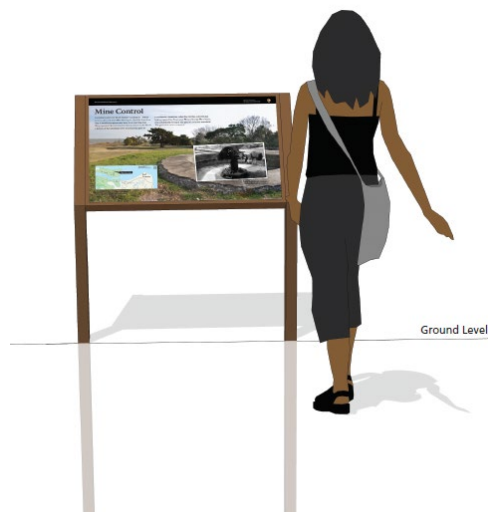


APPENDIX (2)

APPENDIX (3) – EXAMPLE WAYSIDE MARKER



WAYSIDE MARKER EXAMPLE

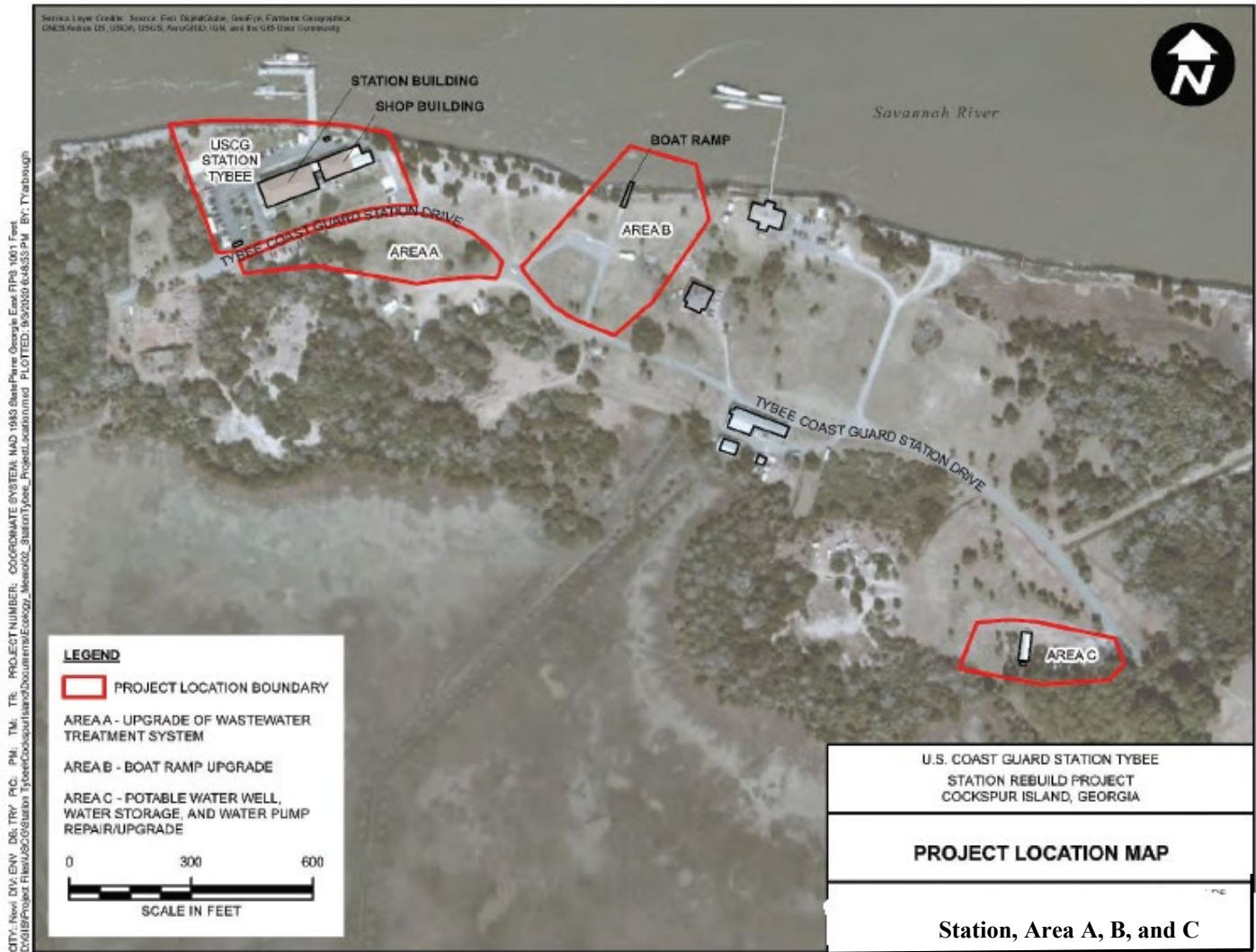


WAYSIDE MARKER CONCEPTUAL SCALE AND DESIGN

APPENDIX (3)

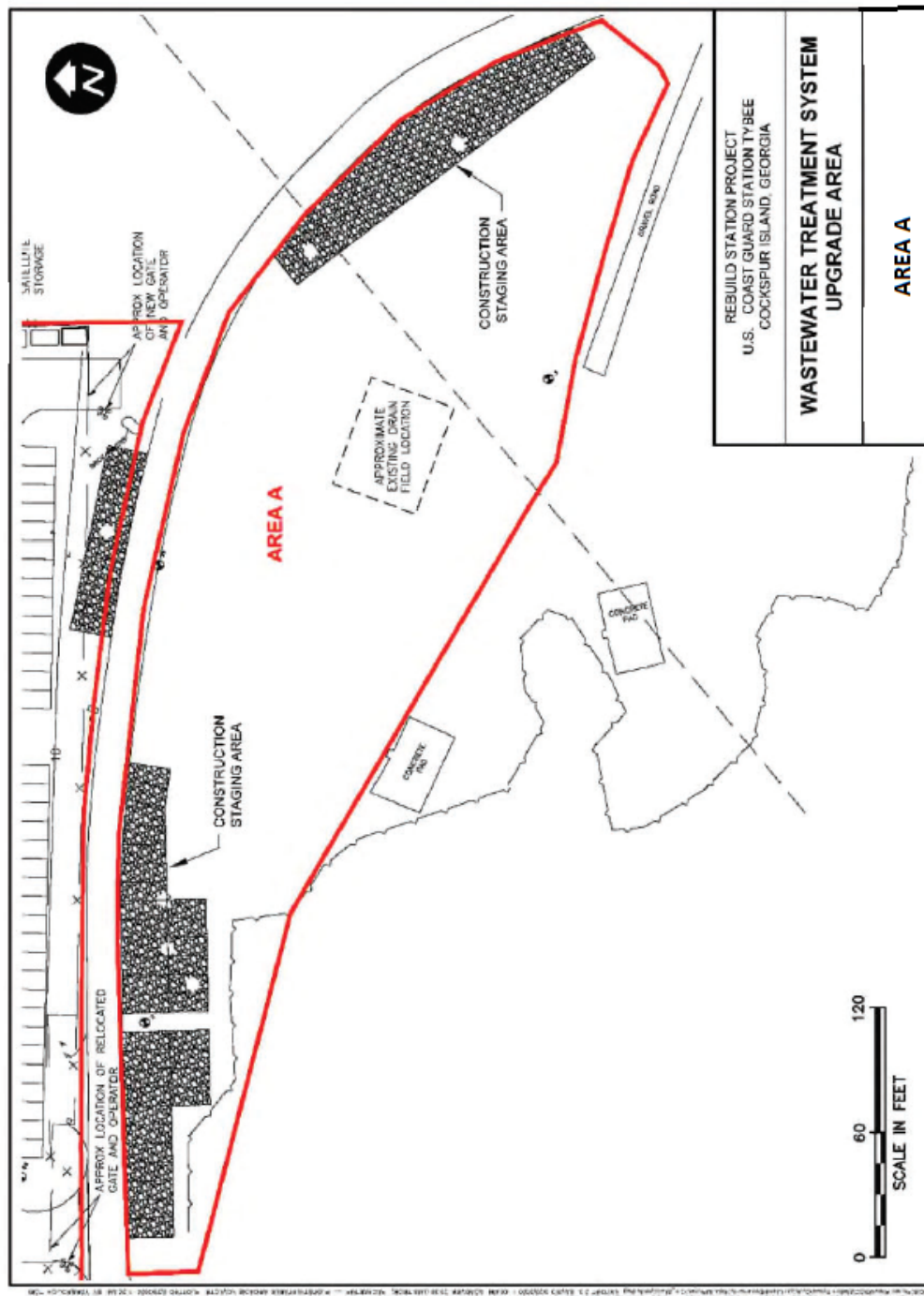
Regarding the Rebuilding of USCG Station Tybee
U.S. Coast Guard Station Tybee, Cockspur Island, GA

APPENDIX (4) – GENERAL SITE MAP

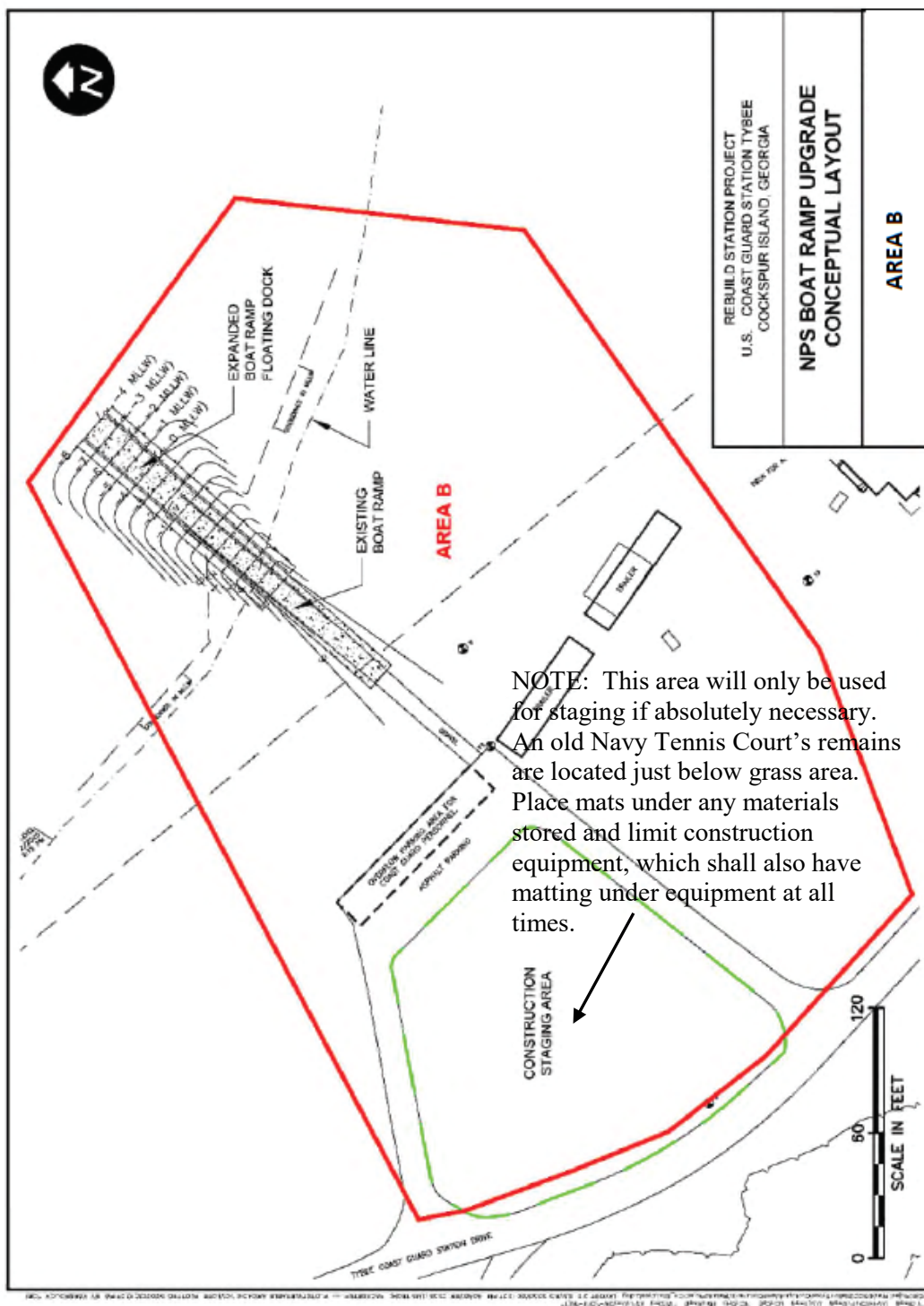


APPENDIX (4)

APPENDIX (5) – SITE MAP AREA A

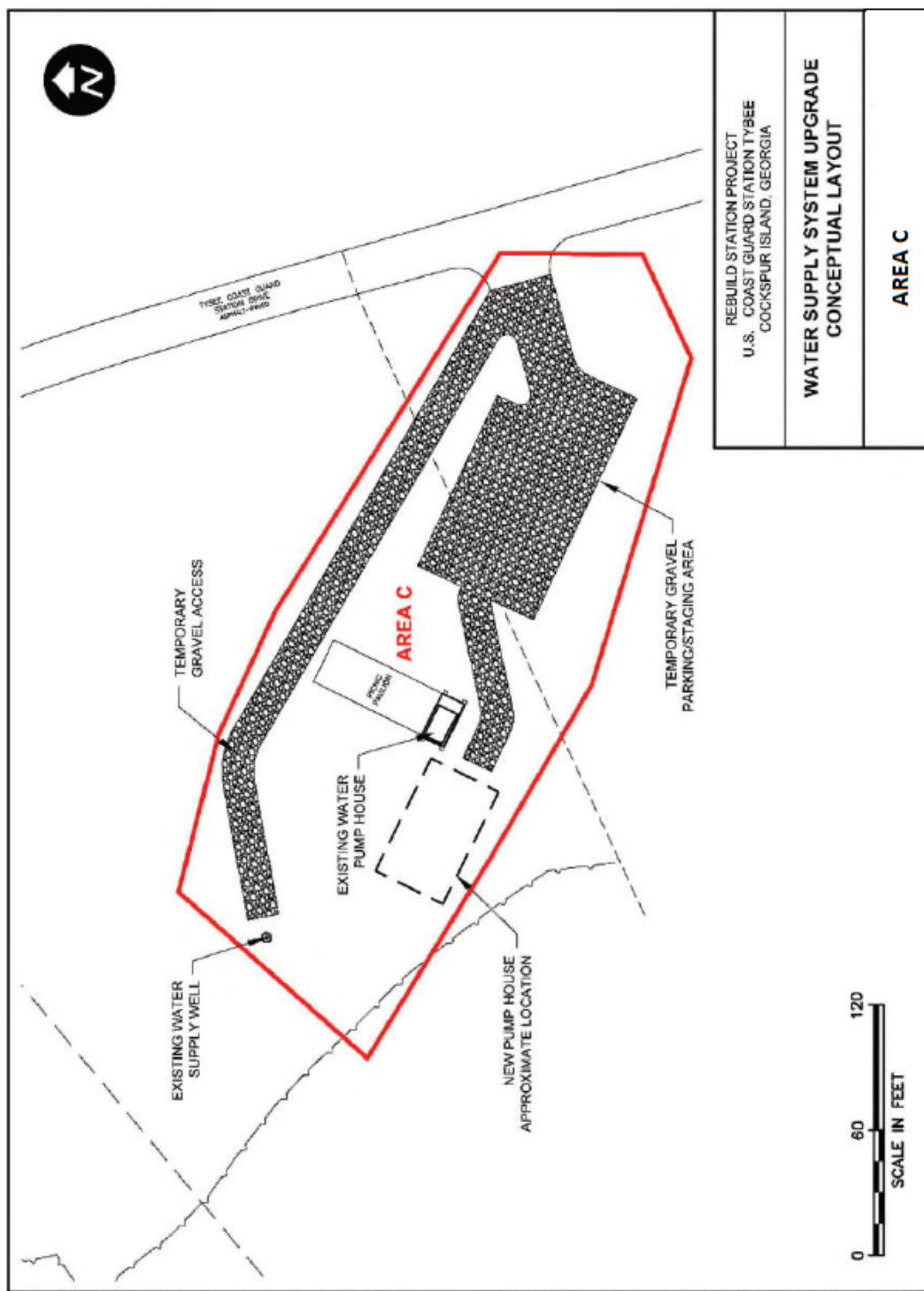


APPENDIX (6) – SITE MAP AREA B



APPENDIX (6)

APPENDIX (7) – SITE MAP AREA C



APPENDIX (7)