

# CHAPTER V - ENVIRONMENTAL STUDIES

## 5.0 Additional Natural Resources

---

### 5.1 Wild and Scenic Rivers

In accordance with the [Wild and Scenic Rivers Act](#) (16 USC 1278), if the proposed action could have foreseeable adverse effects on a river on the National Wild and Scenic River System or a river under study for designation to the National Wild and Scenic River System, the draft National Environmental Policy Act (NEPA) document should identify early coordination undertaken with the agency responsible for managing the listed or study river (i.e., National Park Service [NPS], Fish and Wildlife Service [USFWS], or Forest Service [USFS]). For each alternative under consideration, the document will identify the potential adverse effects on the natural, cultural, and recreational values of the listed or study river. Adverse effects include alteration of the free-flowing nature of the river, alteration of the setting or deterioration of water quality. If it is determined that any of the alternatives could foreclose options to designate a study river under the Act, or adversely affect those qualities of a listed river for which it was designated, to the fullest extent possible, the draft document will reflect consultation with the managing agency on avoiding or mitigating the impacts (23 CFR 771.123(c)). The final document will identify measures that will be included in the preferred alternative to avoid or mitigate such impacts.

Publicly owned waters of designated wild and scenic rivers are protected by Section 4(f) of the US Department of Transportation (USDOT) Act (see [Chapter VI](#)). Additionally, public lands adjacent to a Wild and Scenic River may be subject to Section 4(f) protection. An examination of any adopted or proposed management plan for a listed river will be helpful in making the determination on applicability of Section 4(f). For each alternative that takes such land, coordination with the agency responsible for managing the river (e.g., NPS, USFWS, or USFS) will provide information on the management plan, specific affected land uses and any necessary Section 4(f) coordination.

There is only one "Wild and Scenic River" in Georgia, the Chattooga River in Rabun County. The St. Mary's River in South Georgia is a Wild and Scenic study river. A study river has the same protections as a Congressionally declared Wild and Scenic River. The study has been completed but has not been formally accepted.

#### 5.1.1 Consultant deliverables

A separate report is not required; analysis and findings will be submitted as part of the NEPA document.

## 5.2 Floodplain impacts/FEMA coordination

Projects involving federal funding require the consideration of impacts to floodplains (if any) under the NEPA. If a floodplain impact may occur under a build alternative, the Georgia Department of Transportation (GDOT) must submit project proposals to the Federal Emergency Management Agency (FEMA) for comment.

To initiate this action, it should be determined if the community participates in the National Flood Insurance Program (NFIP). This is accomplished by reviewing the [Federal Insurance Rate Maps](#) (FIRMs) listed by county. The NEPA analyst must compare a project's design and location with the location of floodplains within the community. If no floodplains are located in the project area, then no further action is required. However, if a project will encroach on the 100-year floodplain or impact the regulatory floodway, coordination with FEMA must be initiated.

Coordination with FEMA will include a letter describing the project and the proposed impacts to the floodplain or floodway as well as the FIRM panel with the project located on the panel (this is part of project Early Coordination as discussed in [Chapter II](#)).

The Categorical Exclusion (CE), Draft Environmental Assessment (EA), or Environmental Impact Statement (EIS) should indicate the NFIP status of the affected community, the encroachments anticipated, and the need for the floodway or floodplain ordinance amendments.

Coordination means furnishing a Draft EA or EIS to FEMA and, upon selection of an alternative, provide a preliminary site plan and water surface elevation and technical data in support of a floodway revision request. If determination by FEMA would influence the selection of an alternative, a commitment from FEMA should be obtained prior to the Finding of No Significant Impact (FONSI) or Final EIS.

For projects that will be processed with a CE, coordination may be carried out during design if minimal impacts are anticipated; however, if impacts are substantial, the outcome of the coordination may change the classification of environmental documentation (see [Chapter III](#)).

In many situations it is possible to design and construct highways in a manner that is reasonable and no construction would occur within the floodway. This is the simplest way to be consistent with limiting floodway impacts and should always be a studied alternative. If a project element encroaches on the floodway but has minor effect on the floodway water surface elevation (such as piers in the floodway), the project may be considered consistent with the standards if hydraulic conditions can be improved so that no water surface elevation increase is reflected in the computer model for the new condition.

Where there is not a feasible alternate to design a highway crossing to avoid encroachment on an established floodway, a second alternative would be a modification of the floodway itself. A community may be willing to accept an alternative floodway configuration to accommodate a proposed crossing provided NFIP limitations or increases in the base flood elevation are not exceeded.

Floodway revisions must be based on the hydraulic model that was used to develop the currently effective floodway, but updated to reflect existing encroachment conditions. This will

determine the amount of increase in the base flood elevation that has been caused by encroachment since the original floodway was established.

Computer modeling of rise/no-rise impacts to the floodway are generated by hydraulic engineers in the GDOT Office of Bridge Design. The hydraulic engineer must coordinate with the local authority and obtain a no-rise certificate. For guidance on the model and coordination with FEMA, refer to Federal Aid Highway Program Manual (FHPM) 6-7-3-2 "Location and Hydraulic Design of Encroachments on Floodplains" (23 CFR 650, Subpart A).

The NEPA document will reflect the coordination efforts and FEMA concurrence for a proposed encroachment on the 100-year floodplain or floodway. Impacts and mitigative efforts will be discussed in the NEPA document.

#### *5.2.1 Consultant deliverables*

A separate report is not required; analysis and findings will be submitted as part of the NEPA document.

#### *5.3 Farmland/Forestland involvement*

Farmland includes 1) prime, 2) unique, 3) other than prime or unique that is of statewide importance, and 4) other than prime or unique that is of local importance.

Early coordination will be completed with the Natural Resources Conservation Service (NRCS). The NEPA analyst will review aerial photography for potential farmland involvement in accordance with the Farmland Protection Policy Act. If there is involvement, the NEPA analyst will complete Sections I, III and VI of the [Form AD. 1006](#) (Farmland Conversion Impact Rating). If Section VI is less than 60 points, no further analysis is required; document project files. If Section VI is greater than 60 points, the NEPA analyst will send the rating form and a copy of Soil Conservation Map or topographical map showing the project alignment to the NRCS for coordination. If total project score is greater than 160 points, additional alternatives will be considered to reduce impacts. If avoidance is not possible, measures to minimize or reduce the impacts will be evaluated and, where appropriate, included in the proposed action.

The CE, Draft EA or EIS will summarize the results of early consultation with the NRCS and, as appropriate, state and local agriculture agencies where any of the four specified types of farmland could be directly or indirectly impacted by any alternative under consideration. Where farmland will be impacted, the NEPA document will contain a map showing the location of all farmlands in the project impact area, discuss the impacts of the various alternatives and identify measures to avoid or reduce the impacts. Form AD. 1006 will be processed, as appropriate, and a copy included in the draft NEPA document. Where the Land Evaluation and Site Assessment score (from Form AD. 1006) is 160 points or greater, the NEPA document will discuss alternatives to avoid farmland impacts.

#### *5.3.1 Consultant deliverables*

A separate report is not required; analysis and findings will be submitted as part of the NEPA document.

Items that must be submitted for GDOT review and approval prior to the NRCS include, as appropriate:

- Sections I, II and VI of the Form AD. 1006, transmittal letter & accompanying map;
- Farmland Impact Rating Form and transmittal letter

## 5.4 Coastal Barrier/Coastal Zone impacts

### 5.4.1 Coastal Barrier impacts

#### A. Overview

The Coastal Barrier Resources Act (CBRA) provides protection for coastal barriers often referred to as Coastal Barrier Resource Systems (CBRS). The statute identifies coastal areas that will be protected by placing restrictions on the use of federal funds for developmental activities within these units.

There are 186 individual areas in 15 states along the Atlantic and Gulf coasts. Individual areas are underdeveloped coastal features such as barrier islands, tombolos, bay barriers, and barrier spits. These units may contain a few man-made structures and show no significant alteration of the geomorphic and ecological processes common to barrier systems.

Verification that a proposed project falls within a unit restricted by the CBRA may be referenced with the Department of the Interior (DOI) maps depicting the boundaries of each CBRS unit. These maps are made available through affected counties as well as each state coastal zone agency. The USFWS Regional and Ecological Services field offices will have current maps available.

If a proposed project is not located within the coastal zone of Georgia, the following conditions and guidelines are not applicable. It should be noted in the environmental document that the project is not located within a coastal zone; therefore there is no involvement with coastal zone areas or management zones and not subject to restrictions of the CBRA.

However, should a project be proposed in an area within the boundaries of the CBRS, federal funds may be restricted. Section 5 of the CBRA prohibits new expenditures for highway projects occurring within the boundaries of a designated unit or for bridges and causeways leading directly to and extending into such units. A new federal expenditure is one in which a legally binding commitment for payment was made after October 18, 1982. Any project with committed federal funding prior to October 18, 1982 is exempted from Section 5 of the CBRA.

#### B. Exceptions to Section 5 of the CBRA

Section 6 of the CBRA allows for exceptions for certain actions after consultation with the USFWS. These actions may include the repair, reconstruction and replacement (but not expansion) of existing publicly owned roads that are essential links in a larger network system. These exceptions fall under two categories:

- Section 6(a)(3); repair, reconstruction, and replacement (excluding expansion) of existing publicly owned roads that are essential links in a larger system or network.
- Section 6(a)(6)(F); roadways that are eligible for exemption from the CBRA, but not deemed “essential” links by the USFWS.

When the GDOT proposes the use of federal funds for the replacement, repair, or reconstruction of an existing highway within a unit of the CBRS, the USFWS must be contacted to initiate the consultation process (this can be started during the Early Coordination process, refer to [Chapter II](#)). The GDOT will coordinate the proposed project directly with the Regional Director of the USFWS. The written request should indicate if the project is exempt under Section 6(a)(3) or Section 6(a)(6)(F).

For all federal-aid projects subject to the CBRA, the GDOT and FHWA will not approve any funds until the USFWS has responded to a consultation request by providing comments on the project’s consistency with the CBRA.

#### C. Project coordination under Section 6 of the CBRA

Coordination steps:

- Coordinate project with USFWS at the earliest stage of project development.
- Provide USFWS with a description of the proposed work identifying the appropriate unit of the CBRS.
- Allow 30 days for the USFWS response unless it is an emergency situation.
- The coordination request and USFWS response letter will be forwarded to the FHWA Division Administrator.

The USFWS letter should provide technical assistance as to whether a project is consistent with Section 6 of the CBRA or if the project falls under Section 6(a)(6)(F). Should the consultation result in the USFWS not agreeing that project is a proper exception to the CBRA, the final determination is made by the FHWA.

#### D. Documentation

- The proposed impacts and consultation will be summarized in the Draft EIS and thoroughly documented in the Final EIS.
- The proposed impacts and consultation will be indicated in an attachment to the CE.
- The proposed impacts and consultation will be indicated within the Draft EA and the FONSI.

### 5.4.2 Coastal Zone impacts

#### A. Overview

The term “coastal zone” means the coastal zone area delineated in a state’s management program. All lands owned, leased, held in trust or whose use is otherwise by law subject solely to the discretion of the federal government are excluded from the coastal zone. The exclusion of federal lands does not remove the application of the federal consistency provisions when federal actions on such lands cause indirect or

cumulative impacts that significantly affect the resources or uses within the coastal zone. Significant actions may include changes in the manner in which the land, water or other coastal zone natural resources are used and changes in the quality of the coastal zone natural resources. Impacts must be considered in terms of primary, secondary, and cumulative effects on the coastal zone.

For projects located in counties subject to the Coastal Zone Management Act, basic coordination is required. The federal agency (for GDOT projects, generally FHWA) funding a project that would construct, modify or remove a public facility or other structure, acquire, utilize, or dispose of land or water resources that might significantly affect the coastal zone must notify the state agency of the proposal. In Georgia, coordination may be initiated with the Georgia Coastal Zone Management of the Department of Natural Resources (DNR) Coastal Resources Division (CRD).

## B. Procedure

### 1. Federal action

The federal agency must provide the state agency with notification at the earliest practicable time in the planning stage (see [Chapter II](#)). The proposed project should be provided to the state agency at least 90 days before final approval of the federal action (NEPA document).

The coordination letter to the state agency will include a brief statement on the project's consistency with the state's coastal management program. Deviations from the management program are acceptable when unforeseen circumstances arise that present the federal agency with a substantial obstacle that prevents complete adherence to the program. In such a case, the federal agency will provide a detailed discussion on the proposed action sufficient to support the federal agency's conclusion.

### 2. State review of action

The state agency will respond to the federal notification at the earliest practicable time. If a final response has not been received within 45 days of receipt, the federal agency can presume the state agency is in agreement. The state agency can request a review extension of no more than 15 days.

Should the state agency disagree with the proposed project and feel the alternative does not meet to the maximum extent practicable for minimizing impacts to the coastal zone, the federal and state agencies should work together to resolve the issue. Should no agreement be made, mediation may be requested from the Secretary of Commerce. Judicial review should be a last resort.

The federal agency will provide the state agency with a copy of the final environmental document. All coordination efforts and the resultant action will be discussed within the environmental document where appropriate and concurrence correspondence attached.

#### *5.4.3 Consultant deliverables*

A separate report is not required; the analysis and findings will be submitted as part of the NEPA document.