

Georgia Coastal Nonpoint Pollution Control Program Analysis of Full Approval Decision

I. INTRODUCTION –

In 1990, Congress enacted Section 6217 of the Coastal Zone Act Reauthorization Amendments (CZARA), entitled "Protecting Coastal Waters", to help address the problem of nonpoint source pollution and its effect on coastal waters. Section 6217, jointly administered by the National Oceanic and Atmospheric Administration (NOAA) and the Environmental Protection Agency (USEPA), was designed to strengthen the links between federal and state coastal zone management and water quality programs, as well as to enhance state and local efforts to manage land use activities that degrade coastal waters and habitats. Only coastal states that choose to participate in the voluntary National Coastal Zone Management Program pursuant to Section 306 of the Coastal Zone Management Act (CZMA) are required to develop coastal nonpoint pollution control programs (or coastal nonpoint programs) under section 6217 of the CZARA.¹

On March 8, 1996, NOAA published a programmatic environmental impact statement (PEIS) that assessed the environmental impacts associated with the approval and implementation of state and territory (state) coastal nonpoint programs developed in accordance with Section 6217 of CZARA. These coastal nonpoint programs implement management measures identified by the USEPA and referred to as 6217 (g) management measures, to protect coastal waters from nonpoint source pollution. The PEIS analyzed three alternatives: program disapproval, approval, and approval with conditions, and concluded that neither of the approval options (with or without conditions) would result in any significant adverse environmental impacts. The PEIS concluded that both approval alternatives would have an overall beneficial effect on the environment by facilitating, in each state, a program designed to reduce adverse impacts of coastal nonpoint pollution. The PEIS indicated that NOAA would prepare EA's to assess any specific impacts of approval of individual state programs.

On September 26, 2001, NOAA issued an Environmental Assessment (EA) for the approval of the coastal nonpoint program submitted to NOAA and the USEPA by the State of Georgia on December 1, 1999. NOAA also issued a Finding of No Significant Impact (FONSI), were made available for public comments. On June 4, 2002, NOAA and the USEPA approved the Georgia coastal nonpoint program, with conditions. For the conditional approval findings, see https://coast.noaa.gov/czm/pollutioncontrol/media/6217ga_fnl.pdf.

Since that time, Georgia has undertaken a number of actions to satisfy the conditions of approval on its coastal nonpoint program and submitted associated information to

¹ If NOAA and USEPA find that a state fails to submit an approvable coastal nonpoint program, the agencies must withhold a portion of funds the state receives for its coastal nonpoint program under section 306 of the CZMA and its nonpoint source management program under section 319 of the Clean Water Act.

NOAA and the USEPA in support of its program. Most recently, on September 23, 2016, Georgia provided NOAA and USEPA with the last submittals describing how the State has met the conditions placed on its program. Based on NOAA and the USEPA's review of all information Georgia has submitted, the agencies propose to find that the State has now satisfied all conditions of approval on its coastal nonpoint program. The federal agencies have prepared a findings document (findings) that outlines the basis for their proposed findings that Georgia has now satisfied all conditions of approval on its coastal nonpoint program. The final findings will be issued after a public comment period ends and NOAA finalizes its National Environmental Policy Act (NEPA) documents for the proposed action.

This document analyzes the PEIS and Georgia specific EA to determine whether any additional NEPA analysis is necessary based on new information or a change in the proposed action.

II. BACKGROUND –

Pursuant to CZARA, state coastal nonpoint programs must contain the following components:

- Coordination with existing state programs
- Determination of the state's coastal nonpoint management area
- Determination of critical coastal areas
- Implementation of 6217 (g) management measures
- Identification and implementation of additional management measures
- Technical assistance
- Public participation
- Administrative coordination
- Identification of enforceable policies and mechanisms

Of these requirements, the development and implementation of 6217(g) measures is the most detailed and complex component. Management measures are defined as "economically achievable measures for the control of the addition of pollutants from existing and new categories and classes of nonpoint sources of pollution, which reflect the greatest degree of pollutant reduction achievable through the application of best available nonpoint pollution control practices, technologies, processes, siting criteria, operating methods, or other alternatives" 6217(g)(5). States are required to demonstrate establishment of 56 management measures for six source categories: Agriculture, Forestry, Urban Areas, Marinas and Boating, Hydromodification, Wetlands/Riparian Areas/Vegetated Treatment Systems. State programs must also provide for the implementation of "additional management measures . . . that are necessary to achieve and maintain applicable water quality standards and protect designated uses" 6217(b)(3).

Should a state fail to submit an approvable program, NOAA and USEPA are both required, by statute, to withhold 30% of a state's CZMA 306 funds and Clean Water Act

(CWA) 319 funds. In recognition of challenges states faced in developing programs, NOAA and USEPA developed a policy for conditional approvals, whereby the penalty provision of section 6217 will be suspended during the conditional approval period if the state continues to make progress on the workplan and to meet milestones agreed to with NOAA and USEPA as part of the conditional approval.

In March 1996, NOAA published a PEIS that outlined and assessed the environmental impacts associated with the approval and implementation of state coastal nonpoint programs. The PEIS analyzed three alternatives: approval, approval with conditions, and program disapproval. Under program disapproval, the state would be subject to the penalty provisions.

In the PEIS, NOAA concluded that both the full approval and the conditional approval of coastal nonpoint programs in general would have beneficial effects on the physical and biological environment associated with reduced nonpoint sources of pollution, improved water quality, and enhanced recreational opportunities. The PEIS noted that there might be some slight and localized positive and negative socioeconomic effects associated with management measure implementation and behavior changes to reduce nonpoint sources of water pollution, but adverse environmental impacts would not be significant (NOAA 1996). After preparing a programmatic NEPA document, such as a PEIS, federal agencies may “tier” from the programmatic analysis to a narrower analysis of a specific project, policy, or program (pursuant to 40 C.F.R. §§ 1502.20 and 1508.28). The PEIS stated that approval of each state coastal nonpoint program submitted to NOAA and the USEPA would be analyzed in an EA that would be tiered from the PEIS. The tiered EAs refer back to the PEIS, and they focus on the characteristics and issues ripe for discussion when agencies consider a related action.

NOAA completed a tiered Environmental Assessment (EA) for the Georgia Coastal Nonpoint Pollution Control Program in September 2001. Following the analysis framework established in the PEIS, the EA analyzed the alternatives of approving the program fully, approving the program with conditions, and denying approval of (i.e., disapproving) the program.² At that time, NOAA and the USEPA found that the proposed Georgia coastal nonpoint program qualified for approval with conditions. Thus, the preferred alternative was approving the program with conditions. The EA concluded that the conditional approval of the Georgia coastal nonpoint program would not result in any significant environmental impacts in Georgia different from those analyzed in the PEIS and would have primarily beneficial effects on the environment. Further, the EA indicated that conditional approval would have the same or greater benefits as full approval, by encouraging Georgia to satisfy the conditions to develop a more comprehensive coastal nonpoint pollution program while maintaining full CZMA funding, provided that Georgia later satisfied the conditions. Based on the results of the analysis, NOAA issued a Finding of No Significant Impact (FONSI). No public comments were received when the EA, FONSI and proposed findings were made

² The EA also equated the “no action” alternative to the disapproval alternative.

available for public comment on September 28, 2001. In June 2002, NOAA and the USEPA approved Georgia's coastal nonpoint program with the conditions identified in the EA.

III. ANALYSIS

Under NEPA, an EIS or EA must be supplemented and re-circulated for public comment if, in pertinent part, "[t]he agency makes substantial changes in the proposed action that are relevant to environmental concerns" or "there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts." 40 CFR 1502.9(c). The courts have further interpreted this threshold for supplementation as fairly high and subject to a rule of reason, such as where "new information must provide a seriously different picture of the environmental landscape such that another hard look is necessary." *Wisconsin v. Weinberger*, 745 F.2d 412, 418 (7th Cir. 1984), or if the new information is sufficient to show that the remaining action will affect the environment "in a significant manner or to a significant extent not already considered." *Marsh v. Or. Natural Res. Council*, 490 U.S. 360, 373-74 (1989). In this analysis, we compare the proposed action to the alternatives analyzed in the PEIS and EA, and examine the new information, to determine if additional analysis under NEPA is required prior to full approval of the Georgia Coastal Nonpoint Program.

Changes to the proposed action

The proposed action at this time is full approval of Georgia's Coastal Nonpoint Pollution Control program. Full approval was analyzed in both the PEIS and the Georgia EA. Since the publication of the Georgia EA, Georgia's program has been fully developed and the agency proposes to find that the conditions are satisfied. While the program designed to meet the management measures is more fully developed, the approval decision simply confirms that the Georgia program has developed a program containing measures necessary to achieve and maintain applicable water quality standards and protect designated uses. As such, the proposed action has not changed in a way that affects the environmental impacts analysis or conclusions contained in the EIS or EA. Some particular management measures are discussed below for illustration purposes.

The preferred alternative from the EA completed in 2001 was a conditional approval of the Georgia coastal nonpoint program. The conditional approval was approved and granted in 2002. In summary, the conditions NOAA and the USEPA placed on Georgia's program as part of that 2002 approval related to:

- establishing a boundary for the coastal nonpoint management area that addresses land and water uses that reasonably can be expected to have a significant impact on coastal waters;
- demonstrating the management program contains enforceable policies and mechanisms to ensure implementation of management measures and other

- coastal nonpoint program requirements³;
- including management measures that are in conformity with the 6217 (g) guidance for Agriculture (e.g., large and small confined animal feeding operations and nutrient management plans), Urban Development (e.g., new and existing development, watershed protection, construction site chemical control, new and operating onsite disposal systems, and roads, highways and bridges), and Hydromodification (e.g., channelization and channel modification, dams, and streambank and shoreline erosion);
- including strategies to implement some of these management measures, in conformity with the 6217(g) guidance, that were not included originally; and
- developing a monitoring plan that enables Georgia to assess over time the extent to which implementation of the management measures reduces pollution loads and improves water quality.

(https://coast.noaa.gov/czm/pollutioncontrol/media/6217ga_fnl.pdf).

After NOAA and the USEPA approved Georgia's program, with conditions, in December 2002, the federal agencies issued a memo exempting state coastal nonpoint programs from certain management measures across the coastal nonpoint management area or in specific areas (i.e., designated municipal separate storm sewer systems (MS4s) because the activities are covered by the Nonpoint Pollutant Discharge and Elimination System (NPDES) Stormwater Phase I or II permit program.⁴ This memo did not change the overall goals for and design of coastal nonpoint programs; it just acknowledged that some sources of polluted runoff are now being addresses as point sources through the NPDES program so no longer need to be addresses as nonpoint sources through CZARA. Following this memo, Georgia was no longer subject to the CZARA requirements for some of the management measures it was conditioned on, including construction site chemical control, new development (limited to MS4 areas), existing development (limited to MS4 areas), roads, highways and bridges construction projects and construction site chemical control, and roads, highways and bridges operation and maintenance (limited to MS4 areas) and roads, highways and bridges runoff systems (limited to MS4 areas). Five of the eleven counties in Georgia's coastal nonpoint management area are subject to Phase I or II MS4 permits.

Since 2001, Georgia has made improvements to its program to address the conditions NOAA and the USEPA originally placed on it and provided additional information about existing programs that the State relies on to meet the 6217(g) management measures and address nonpoint source pollution. For example, to fully address the Existing

³ States can use a variety of effective regulatory and/or non-regulatory approaches to meet the requirement for enforceable policies and mechanisms. Non-regulatory approaches must be backed by enforceable state authorities ensuring that the management measures will be implemented. States must demonstrate that they have the authority to take enforcement actions where incentive or other programs do not result in implementation of management measures, or where significant harm to coastal waters is found or threatened.

⁴ NOAA and USEPA, 2002. Policy Clarification on Overlap of 6217 Coastal Nonpoint Programs with Phase I and II Storm Water Regulations.

Development management measure outside of Phase I or II MS4 areas which were exempted, as noted above, Georgia provided additional information to show how the state is meeting the management measure through: riparian buffer protections through the Coastal Marshland Protection Act, Georgia Erosion and Sedimentation Act, and Georgia's Land Conservation Program; its community watershed planning program; and targeted Clean Water Act section 319 and Clean Water State Revolving Fund funding to address nonpoint source issues from existing development.

As another example, Georgia developed a Coastal Stormwater Supplement to the Georgia Stormwater Management Manual in 2009, which outlines runoff-reduction design criteria consistent with the CZARA management measure for new development. Many coastal localities have either adopted a coastal stormwater ordinance that makes the Supplement enforceable or have other ordinances in place that are in conformity with the 6217 (g) guidance. Georgia also has an ordinance implementation team that provides associated technical assistance.

From 2001 to present, the changes to the Georgia program reflect the development and/or further explanation of specific programs and policies to meet the CZARA management measure requirements. Despite the further development of specific aspects of its program, Georgia's coastal nonpoint program meets the same requirements that apply to all coastal nonpoint programs. And the proposed agency action, full approval, is simply a finding that a program satisfies the program requirements and full approval may be granted. The action does not vary from that analyzed in the PEIS or EA.

Comparison of the range of alternatives analyzed and evaluated in the prior two NEPA analysis documents and the proposed action for full approval:

The alternatives presented in this sufficiency analysis are generally the only ones available to both NOAA and the USEPA: full approval, conditional approval, or disapproval. It is possible for OCM to decide to maintain the existing conditions or amend the conditions, but this alternative would still be an approval, with conditions, that has the same potential environmental impacts as was analyzed in the PEIS and EA.

Comparison of Affected Environment

The affected environment is geographically the same as the area analyzed in the EA. The geographic area across which the Georgia coastal nonpoint program extends – the Georgia coastal zone – is the same today as it was when the program was originally proposed, and this geography was addressed in the EA, as well as in the 1997 Final Environmental Impact Statement for the Georgia coastal zone management program, which the EA incorporated by reference. Georgia's coastal zone and coastal nonpoint management area include eleven counties, which contain all tidally-influenced water bodies in the state: Brantley, Bryan, Camden, Charlton, Chatham, Effingham, Glynn, Liberty, Long, McIntosh, and Wayne. These counties include Georgia's oceanfront

counties and the counties immediately inland (west) of and adjacent to the oceanfront counties. Although some of the characteristics of the affected environment have changed over time, such as increased development and climate change, Staff does not believe that the affected environment has been significantly altered from the 2001 EA and therefore the affected environment sections discussed in that EA are sufficient for this sufficiency analysis. Climate change, sea level rise, and changes in land use from forest to urban development are some of the differences between 2002 and 2017 looked at for purposes of this analysis. After an in-depth assessment of these changes, Staff concludes that these changes do not present a seriously different picture of the environmental landscape which would make another hard look under NEPA necessary.

Coastal development and the coastal population have increased in Georgia since 2002. The U.S. Census Bureau reports the total population in the eleven counties, which include the coastal nonpoint program boundary was 515,100 in 2000 and 600,400 in 2010.⁵ Population growth often leads to increased pressure to add development to the region, and increased development increases nonpoint pollution, unless properly managed. Since the 2001 EA was published, and approved in 2002, there has been significant growth in coastal Georgia, converting land from uses such as agriculture and forestry to uses such as residential and commercial development and tourism.

There are approximately 6,390 square miles in Georgia's coastal zone. A few statistics related to land cover change in Georgia's coastal zone between 2001 and 2010, the most recent year for which data are available, are summarized below. Appendix A includes a discussion on the different types of land cover along the Georgia coastline, as part of NOAA's Coastal Change Analysis Program (C-CAP) Land Cover Atlas (see <https://coast.noaa.gov/ccapatlas>) program. The data reported only indicates the gain or loss within a single land cover category. The summary in this sufficiency analysis does not indicate when a certain type of land cover declines in a given area or what types of land cover have replaced it. A detailed analysis of that information is available, by county, within the C-CAP Land Cover Atlas.

- In both 2001 and 2010, the coastal counties in Georgia with the largest percent of their land being used for agriculture were Wayne County and Effingham County (both approximately 10% agricultural). By contrast, six coastal counties had agricultural lands representing 1% or less of their land cover in both 2001 and 2010. Overall, agricultural land cover is declining in coastal Georgia. In 2010, the percentage of land across the coastal counties used for agriculture was 3% lower than it had been in 2001, a net loss of approximately 5.5 square miles (less than 0.1% of the total size of these counties). Total losses of agricultural land between 2001 and 2010 were greatest in Effingham County (which lost a total of 5 square miles) and Wayne County (which lost 0.6 square miles). Almost all the other coastal counties lost some agricultural land. The exception was Brantley County, where there was a 0.15-square-mile increase (representing 1% more

⁵ U.S. Census Bureau. 2011. 2010 Census Summary File 1 – Georgia; U.S. Census Bureau. 2001. 2000 Census Summary File 1 – Georgia.

agricultural land than in 2001). The management measures for agriculture under Georgia's coastal nonpoint program help reduce nonpoint pollution from agriculture, including from such potential stressors as erosion, confined animal facilities, nutrients and pesticides applied to crops, and irrigation systems, and grazing.

- In 2001, with the exception of Chatham County which was only 13% forested, every coastal county in Georgia had more than 20% forested lands. In 2010, there were 11% fewer acres in the coastal counties covered by forested land than there had been in 2001, a net loss of approximately 186 square miles (equivalent to 2.9% of the coastal zone). Every coastal county lost some of its forested land cover between 2001 and 2010. The counties that experienced the greatest loss were Brantley County (36.4 square miles), Wayne County (29 square miles) and Effingham County (20.7 square miles). Forested areas help intercept, absorb, and reduce pollutants from rainfall and nonpoint source pollution. Forestry, on the other hand, can contribute to nonpoint pollution, which is why coastal nonpoint programs are required to include management measures for forestry.
- The wetlands land cover data set includes unconsolidated shore and several types of wetland, but not open water or submerged lands. These data indicate that in 2010, wetlands represented between 35% and 51% of the land cover in all 11 coastal counties. The net loss of wetlands land cover from 2001 to 2010 totaled approximately 24.8 square miles (equivalent to 0.4% of the coastal zone). The largest loss in area was in the largest coastal county, Chatham County, which lost 6.5 square miles of wetlands land cover between 2001 and 2010 (a 3% loss). It was also the county that lost the largest percentage of its wetlands. Every county lost at least 1 square mile of wetlands. Wetlands can protect and improve water quality, provide fish and wildlife habitat, store floodwaters, and provide a variety of other ecosystem services, such as maintaining surface water flow during dry periods.⁶
- Every coastal county experienced an increase in urban development between 2001 and 2010. The total amount of land used for urban development across these 11 counties grew by approximately 56.6 square miles (representing approximately 9% of the land area in the coastal zone). By 2010, the amount of land occupied by urban development grew by more than one-third in Bryan (35%), Effingham (40%), and McIntosh Counties (47%). The greatest total increase in land converted from other uses to urban development was in Chatham County (21.1 square miles), the coastal county with the most urban development, as a percentage of the entire county. In 2010, almost 13% of the

⁶ For more information about recent changes to coastal wetlands and approaches to managing wetlands in Georgia, see the portion of Georgia's "[Section 309 Assessment and Strategy: 2016 to 2020](#)" devoted to wetlands; see also the portion of that report devoted to cumulative and secondary impacts, which identifies sources of information related to shoreline and vegetative community inventories, among other information (p. 25).

county land cover was urban development; by 2010, it had grown to 16%. Urbanization can have adverse effects on water quality that are summarized in a variety of documents, including the 6217 (g) guidance. It should be noted that the urban development category includes urban development of low-, medium-, and high-density development, as well as developed open areas, like parks and lawns. Parks and lawns can exhibit high concentrations of pesticides, nutrients, and other pollutants. These types of areas help account for the fact that each county has a smaller area covered by impervious surfaces than it has covered by urban development.

- The amount of impervious surface increased in every county between 2001 and 2010.⁷ The total amount of impervious surface in all the coastal counties other than Chatham County increased by between 0.24 square miles and 2.2 square miles of land. The increased impervious surfaces in these 10 counties translated to increases of 4% (in Wayne County) to 49% (in Effingham County) compared to the amount of land covered by impervious surface in 2001. Chatham County had a net increase of 7.1 square miles of impervious surface which was a 27% increase compared to the amount of impervious surface in 2001. In 2010, land cover data indicated that impervious surface represented less than 1% of the land in six coastal counties, between 1% and 1.5% in three others, 2.14% in Glynn County, and 5.32% in Chatham County. In 2010, across the 11 coastal counties, the average percentage of land covered in impervious surface (as a percentage of the total land area in the county) was 1.43%. The percentage of land covered in impervious surface is often much higher in cities, and it should be noted that these figures represent county averages. Impervious surfaces reduce infiltration potential and can increase storm water runoff, sediment yields, and pollutant loads, leading to degraded water quality. An USEPA summary report of existing literature found that water quality degradation can begin when impervious surfaces cover from 4-12% of the watershed.⁸

For more information about the relationship between land cover type and water quality, see <https://coast.noaa.gov/howto/water-quality.html> and such publications as "How to Use Land Cover Data as an Indicator of Water Quality: Description of Data and Derivatives Used."

Georgia's Clean Water Act Section 305(b)/303(d) Integrated Reports (published every two years) summarize water quality data. In recent years, these reports have grouped information separately for several different types of water bodies, such as beaches, sounds and harbors, and coastal streams. In some earlier years, water quality data was

⁷ The estimated for impervious surfaces were derived based on modeling, using an average impervious surface value for each developed class, based on the national average impervious values for high intensity, medium intensity, low-intensity development, as well as developed open space. For more information, see the Help for the C-CAP Land Cover Atlas and such products as "How to Use Land Cover Data as an Indicator of Water Quality: Description of Data and Derivatives Used" (<https://coast.noaa.gov/data/digitalcoast/pdf/water-quality-indicator.pdf>).

⁸ Environmental Protection Agency. 2011. "Recovery Potential Metrics Summary Form, Indicator Name: Watershed Percent Impervious Cover." <https://www.epa.gov/sites/production/files/2015-11/documents/rp2wshedimperv1109.pdf>

grouped differently (e.g., data on impairments to harbors were reported in the same category as other impaired streams; a much larger area was listed as “estuaries” than was listed as “sounds and harbors” in later years). In order to compare conditions in approximately 2000-2001 to those in 2012-2013 (the most recent years for which final data are available), the 2002 and 2014 Section 305(b)/303(d) Integrated Reports (also known by their titles, “Water Quality in Georgia”) are incorporated by reference.

In 2002, a total of 854 square miles of estuaries were assessed. Of these, 751 square miles (88%) supported designated uses, four square miles (0.4%) partially supported designated uses, and 99 square miles (12%) were rated as not supporting designated uses. As of 2002, there were seven estuarine systems that did not support designated uses: the Brunswick River, Dupree Creek, Gibson Creek, Purvis Creek, St. Simons Sound, Terry Creek, and the Turtle River System. Also, the Savannah Harbor partially supported designated uses. The causes of impairments within the impaired estuaries were primarily dissolved oxygen (affecting 81 square miles) and applicable fish consumption guidance (affecting 22 square miles). Additional sources of impairments affecting fewer than five square miles of estuaries each were priority organic compounds, metals, and pathogens.

NOAA used the data from the 2002 report that is stored in geodatabases on the Georgia Department of Natural Resources’ website and calculated the extent of stream miles in the coastal zone that fully or partially met water quality standards, as well as water bodies not supporting their designated uses. (See Table 6 in Appendix A.) Only 10% of coastal water bodies assessed supported their designated uses, based on the water quality standards that were then in effect. Table 7 presents the pollutants that led to water bodies being categorized as not supporting designated uses (i.e., the causes of impairment).

In 2014, Georgia did not use the same categorization of waterbodies as it did in 2002 so direct comparisons are not possible. In 2014, rather than assessing “estuaries,” Georgia assessed 85 square miles of sounds and harbors, of which 62 square miles (73%) supported designated uses, 14 square miles (16%) did not support designated uses, and assessments were pending for nine square miles (11%).⁹ One sound and one harbor did not support their designated uses—Savannah Harbor (due to dissolved oxygen) and St. Simons Sound (due to fish consumption guidance for arsenic); an assessment was pending for Cumberland Sound. The 2014 report also included data for 34 miles of coastal beaches that were not called out in the 2002 report. Thirty-one miles (91%) of beaches supported designated uses, and three miles (9%) did not support designated uses. More than twice the number of stream miles in the coastal zone were assessed in 2014 compared to 2002.¹⁰ Of those assessed, more than one-

⁹ In most cases, the assessment pending category was used at monitoring sites at which the natural level of dissolved oxygen was not determined. Georgia intends to determine these levels before determining whether water bodies support their designated uses. In a few cases, water bodies where arsenic was detected fall into the assessment pending category because Georgia does not know what percentage of the total arsenic found is in the form of inorganic arsenic, which is more toxic.

¹⁰ Similar to its analysis of the 2002 data, NOAA used the data for the 2014 report stored in geodatabases on the Georgia Department of Natural Resources’ website to calculate the extent to which streams in the coastal zone supported or did not

third were rated as supporting designated uses while almost half did not support designated uses. In addition, an assessment was pending for the remaining 14% of stream miles in coastal Georgia (See Table 8). Table 9 in Appendix A presents the pollutants, identified as causes of impairments, leading to water bodies being categorized as not supporting designated uses.¹¹

While 10% of the water bodies assessed supported designated uses in 2002 and more than 35% of water bodies assessed supported designated uses in 2014 (with 14% not assessed because of uncertainties such as what the natural levels of dissolved oxygen are in coastal water bodies), indicating that water quality may appear to be improving in coastal Georgia as a result of many efforts, including the coastal nonpoint program, as noted above, trends in water quality cannot be made between the two reports. First, more water bodies were assessed in 2014 than 2002. In addition, changes in monitoring protocols, water quality standards, and how the water bodies were categorized prevent direct comparison between the two reports.¹²

Recent information about water quality in Georgia is reported in other sources, as well. For example, NOAA and the Georgia Coastal Management Program have funded analyses of changes in water quality over time, using data collected by the Coastal Resources Division of the Georgia Department of Natural Resources. These data have been collected under the monitoring programs for shellfish sanitation, sounds, rivers, and beaches. Parameters measured over time have sometimes changed, but include temperature, salinity, dissolved oxygen, pH, turbidity, nutrients, and fecal bacteria. Researchers from the University of Georgia analyzed available data for 2000-2010, appropriate indicators, and conclusions that could be drawn about spatial and temporal trends across these data. See *Development and Analysis of Coastal Water Quality Indicators* and *Georgia Coastal Water Quality 2000–2010*, incorporated by reference. The lowest levels of dissolved oxygen were observed during a high flow year (2003), which followed a drought period (2000-2002). Since 2003, there have been overall, coast-wide improvements in dissolved oxygen levels and in pH conditions. Other variations in the data could be attributable, at least in part, to year-to-year climatic differences that drive the amount of freshwater that reaches streams and other water bodies (from rainfall and runoff). See the reports cited for more detailed discussions of available datasets, including discussions specific to nine different regions along the coast.

support designated uses. Note that NOAA calculated 456 miles of coastal streams, 11 miles higher than Georgia's figures for coastal streams and rivers.

¹¹ See Table 3-16 in the 2014 Section 305(b)/303(d) Integrated Report to learn about potential sources of impairments.

¹² Staff at the Georgia Department of Natural Resources that focus on water quality assessments cautioned against assuming that absolute water quality has improved throughout the coastal zone. She noted that some water quality standards have changed (some have been relaxed, while others have become more stringent, based on the best available science and background conditions in Georgia waterways) and sampling protocols have changed. For example, fewer water bodies are currently listed as impaired for dissolved oxygen than were impaired due to dissolved oxygen in 2002, but some of those water bodies were moved from the not supporting group to the assessment pending group (because of refinements to scientific knowledge about natural dissolved oxygen levels). (S. Salter, Georgia Department of Natural Resources, Environmental Protection Division, Watershed Protection Branch, personal communication, May 8, 2016).

Another recent publication that provides an assessment of the current status and health of coastal ecosystems in Georgia is the "Coastal Georgia Ecosystem Report Card." The most recent Report Card, published in 2015, is incorporated by reference. It presents grades for various categories (produced by comparing and contrasting data with known standards and reference points). For 2015, this process resulted in coastal Georgia receiving an overall grade of B+ (79%), based on twelve indicators across three indices – human health, fisheries, and wildlife. The human health indicators, the extent of enterococcus and fecal coliform bacteria in coastal waters, reflect the quality of coastal waters. While not used as an indicator for the report card score, a preliminary analysis of dissolved oxygen data from 2015 was also conducted as part of the report card because it is an important indicator of a water body's health. Using thresholds established by the USEPA's National Coastal Condition Assessment, dissolved oxygen levels received a grade of 85%, which translates to an A.

Direct and Indirect effects comparison between the full approval analysis in this sufficiency analysis and the existing NEPA documents:

The direct and indirect effects of full approval of the Georgia program are similar qualitatively and quantitatively to the effects of full approval discussed in section 2.A of the 1996 PEIS and Section 4 of the 2001 EA. At this time, almost all the programs, initiatives and other components proposed for inclusion in the Georgia coastal nonpoint program already are operating, independent of the NOAA-USEPA approval decision. The elements of the coastal nonpoint program are supported by enforceable policies and mechanisms that will remain in effect regardless of the federal approval decision. Thus, there are limited direct impacts of the federal approval action itself, particularly now that there is no longer a dedicated funding source for coastal nonpoint programs. The Georgia Coastal Management Program (CMP) is, however, supported in part by federal funds under the CZMA, and the Georgia Nonpoint Source Management Program (NSMP) is supported by CWA funding. Among other objectives, the Georgia CMP advances coastal nonpoint pollution reduction. For more information, see the <http://coastalgadnr.org/cm> in particular, the Water Quality page includes information about several monitoring programs that help meet the coastal nonpoint program monitoring requirements, e.g., water quality at beaches, water quality that affects shellfish harvesting, and nutrient levels in coastal water bodies. The *Accomplishments of the Georgia Coastal Management Program (2008-2011)* report includes a section on nonpoint pollution that highlight many achievements related to 6217 (g) management measures. See also the recent assessments of Wetlands, Marine Debris, and Cumulative and Secondary Impacts in the Georgia CZMA *Section 309 Assessment and Strategy for 2016-2020*, incorporated by reference. See also the 1997 *Final Environmental Impact Statement* associated with approval of the CMP. For more information about the NSMP, see *Georgia's Statewide Nonpoint Source Management Plan*, incorporated by reference. The Plan has a section on coastal nonpoint pollution, and some portions of the NSMP specifically address 6217 (g) management measures.

The Georgia Department of Natural Resources' Environmental Protection Division (GA

EPD) coordinates the NSMP. Other relevant resources for information relevant to coastal nonpoint management from EPD include <http://epd.georgia.gov/georgia-305b303d-list-documents> and <https://epd.georgia.gov/georgia-water-quality-standards>. In addition, many state and local programs, commissions, authorities, etc. contribute to Georgia's coastal nonpoint program. For an extensive discussion of other programs aimed at protecting water quality and watersheds, see Chapter 7 of *Water Quality in Georgia*, incorporated by reference. Also, certain license and permit programs operating under state and/or federal law that affect coastal waters, such as under Sections 401 and 404 of the Clean Water Act, are used to meet some coastal nonpoint program requirements.

The indirect effects of activities falling under the umbrella of the coastal nonpoint program have beneficial effects to the natural and socioeconomic environment, as well as a few minor indirect adverse effects (costs) to the socioeconomic environment. For more information about these benefits and costs, see Section 4 of both the PEIS and the Georgia EA. A few other actions related to coastal nonpoint management measures are planned and would have similar effects. The funding levels available to Georgia for coastal management and water quality initiatives will not change as a result of full program approval. Rather, if NOAA and the USEPA were to find that Georgia had failed to submit an approvable program, reduced funding for coastal zone management and nonpoint source management (under the program disapproval option) would have indirect adverse effects on the physical, biological, and socioeconomic environments because it would reduce investments in efforts to manage coastal uses and improve water quality. For example, some of the state's CWA section 319 funding is used to fund eligible projects that reduce pollutant loads and improve water quality, including installation of best management practices that reduce the transport of pollutants to water bodies.

Full program approval by NOAA and the USEPA signifies that Georgia has demonstrated that it has met all 6217(g) management measure requirements, that it has in place programs and processes to implement the management measures, and that it has met other coastal nonpoint program requirements. This translates to beneficial effects to water quality. As noted in the EA, both conditional and full approval of the Georgia coastal nonpoint program help make existing programs more effective by strengthening the link between federal and state coastal zone management and water quality programs in Georgia. Full approval of Georgia's program signifies the state has demonstrated it has in place mechanisms to improve coordination between federal, state, local and other entities with responsibilities related to improving coastal water quality. Thus, the various direct, indirect, and cumulative effects resulting from implementation of the new proposed action are similar to those analyzed in prior NEPA documents, including the 2001 EA.

Analysis of Cumulative Impacts:

Cumulative impacts, as defined in NEPA, are the impacts from the proposed action, when added to other past, present, and reasonably foreseeable future actions affecting

the same geographic range or area of potential effect. In addition to the discussion on environmental impacts from the proposed action, cumulative impacts in particular assist stakeholders to understand the complete picture of what is taking place in the project area because it looks at not just the impacts from the proposed action, but also impacts from all other actions, including non-governmental projects. For this purposes of this sufficiency analysis, this assessment of cumulative effects uses current conditions as the baseline.

The Georgia Department of Natural Resources' Coastal Resources Division has identified three stressors that lead to potential adverse cumulative impacts within the coastal nonpoint program boundary; polluted runoff, coastal development, and shoreline modification.

Polluted runoff is considered one of the main threats and stressors throughout coastal Georgia causing adverse effects. The most common source of polluted runoff is from nonpoint source pollution and primarily stormwater runoff. The coastal nonpoint program boundary by many developments which have the potential for stormwater runoff. (Section 309 Assessment and Strategy)

As coastal development increases in the vicinity of the project site, stormwater management has become an increasing concern. Local governments are encouraged to adopt the Coastal Stormwater Supplement (CSS) which:

"Provides comprehensive guidance on an integrated, green infrastructure-based approach to natural resource protection, stormwater management and site design that can be used to better protect coastal Georgia's unique and vital natural resources from the negative impacts of land development and nonpoint source pollution".

The focus of the CSS, in line with similar organizations across the country, shifts post-construction stormwater management toward the prevention of stormwater runoff. Polluted runoff negatively affects water quality and has the potential to impact coastal habitats including: freshwater wetlands, salt marshes, and estuaries, all of which are found at the proximity of the project site. Polluted runoff also has the potential to affect the organisms these habitats support. Additionally, polluted runoff has been known to impact water temperature, turbidity, salinity, dissolved oxygen levels, and bacteria levels which then lead to an impact on the associated habitats. (Section 309 Assessment and Strategy)

Shoreline modification also has the potential for a cumulative impact. Highly active shorelines, such as the ones along the Georgia coastline, have high erosion probabilities, and the common action for these areas are to armor these shores in response to the encroachment of erosion. The Georgia Government has begun to research the applicability of a "Living Shorelines" approach as a viable alternative to "Armored Shorelines" in coastal Georgia, as well as supported several demonstration sites along the coast. "Living Shorelines" have the potential to provide a natural habitat

resource, compared to the armoring techniques such as bulkheads commonly seen in coastal Georgia. Bulkheads and similar techniques remove that important habitat to limit erosion. Georgia has funded several Coastal Incentive Grant projects identifying these issues through research and analysis along the Georgia coast. (Section 309 Assessment and Strategy)

Other actions can sometimes have both a beneficial and adverse effect on cumulative impacts. These actions will be considered in this cumulative impact analysis. Although there are likely many other projects in the surrounding area, for this project, staff has identified the Savannah Harbor Expansion project is the largest and most representative and that falls into this category of actions.

The Savannah Harbor Expansion Project is designed to deepen the Savannah Harbor shipping channel from a depth between 42 and 47 feet to enable larger (and more heavily-loaded) vessels to reach the Savannah harbor. Work on the project began in 2015 and is still ongoing. In light of potential impacts to sensitive estuarine resources, the U.S. Army Corps of Engineers (Corps) conducted extensive engineering and environmental studies to identify potential impacts and to build mitigation strategies into the project. Mitigation measures identified include preserving more than 2,200 acres of freshwater wetlands, installing a dissolved oxygen (DO) injection system to mitigate for dissolved oxygen impacts, and re-routing freshwater flow in the upper harbor to mitigate some of the potential impacts to salinity. The Corps consulted with multiple federal and state agencies as part of project planning, e.g., regarding potential impacts to protected species, such as the Atlantic sturgeon, and historic resources. The Georgia Coastal Management Program, in its 2015 Assessment and Strategy study, section 309 states:

“Though extensive mitigation measures are in place, dredging yet may pose a threat to water quality (DO, salinity) and have negative impacts on estuary inhabitants and salt marsh platforms. Increased traffic and larger ships pose strike risks to endangered species such as the Right whale and sea turtles. Release of ballast water increases the threat of invasive species.”

Cumulative impacts also look at the potential for other projects to have a beneficial cumulative impact. In the area of the project site, current undertakings with a potential to benefit overall coastal water quality include coastal restoration projects, cleanups, stormwater management projects, private and government education efforts, upgrades to wastewater treatment plants, and water resource management planning activities.

Georgia’s coastal nonpoint program goes into great detail about these types of projects. For an extensive list of the projects and associated discussion of how these programs are aimed at protecting water quality and watersheds, see Chapter 7 of *Water Quality in Georgia*, incorporated by reference. In summary, these programs and initiatives are designed to reduce the amount of pollutants reaching water bodies, protect or improve human health, improve aquatic habitat, grant public access, assist in navigation, and aid in fish passage. These projects are coordinated by both governmental and non-governmental entities, including non-profit organizations and academic institutions.

In addition to the potential cumulative impacts identified by Georgia DNR, changes to land and water use from the increases in development, commerce, and tourism have the potential for an adverse cumulative impact. Staff analyzed other actions in the surrounding area and found that there was potential for an adverse cumulative impact to the project site. Staff also identified that these other actions have the potential to simultaneously have a beneficial impact. These benefits range from diversifying water quality, aiding habitat restoration, and increasing environmental management programs.

First, there are a significant amount of growth and development projects (construction of real estate, commercial property, etc.) in the vicinity of the project site. All of these activities can adversely impact the project area which include converting land from natural cover types to impervious surface, increasing pollution associated with the increased numbers of users drawn to a given area. However, growth and development projects are also subject to numerous controls attempting to reduce their adverse environmental impacts. Control measures include; the coastal nonpoint program, which has developed regulatory and voluntary programs, to prevent and minimize polluted runoff; and outreach efforts which promote sustainable growth tools aimed at reducing levels of pollutants reaching coastal water bodies and protecting coastal habitat, among other purposes.

Second, with an increase to development on the Georgia coast, there is a potential for an increase from pollution, both point and nonpoint source causing an adverse cumulative impact. One approach to managing sources of pollution that help reduce cumulative water quality impacts are Total Maximum Daily Loads (TMDL) assessments. TMDLs, a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, are established for water bodies that do not meet designated uses.¹³ TMDL implementation plans are then developed to identify and implement management practices and activities to address the nonpoint sources to meet the TMDL. Since 2001, Georgia has adopted additional TMDLs for coastal Georgia waters and has developed (or developing) implementation plans. (Chapter 7 of *Water Quality in Georgia*, also known as Georgia's 305(b)/303(d) Integrated Report).

Coastal nonpoint pollution monitoring and control efforts are intended to prevent aquatic systems from reaching a tipping point and serve as an early warning system as conditions change. This, combined with the many components of the program designed to help reduce and manage nonpoint pollution, should help ensure resources will be able to sustain themselves in the future. Also, coastal nonpoint pollution control efforts would not interfere with the ability of associated resources or human communities to withstand stress. In fact, the 6217(g) management measures are designed to reduce and/or prevent polluted runoff, thus limiting stress caused by poor water quality. While the programs that comprise Georgia's coastal nonpoint program may cause limited

¹³ A TMDL is the sum of the allowable loads of a single pollutant from all contributing point sources and nonpoint sources. TMDLs are implemented through changes in NPDES permits to address needed point source improvements and implementation of best management practices to address nonpoint sources of pollution.

cumulative effects on coastal communities and individuals that need to modify certain behaviors, such as those related to stormwater management and waste disposal, these programs exist and are being implemented at the federal, state or local level independent of NOAA and the USEPA's approval of Georgia's coastal nonpoint program so the approval action would not create any additional cumulative effects. Government agencies and human communities have been subject to economic costs related to administering water quality and environmental management programs (including the coastal nonpoint program) for years.

Staff concludes that the proposed approval decision and the effects of implementing Georgia's coastal nonpoint program will improve water quality and increase the potential for resources to sustain themselves. Further, Staff concludes that when this action, when added to the other past and present actions in the project vicinity will not significantly alter the ecosystem and have an adverse effect. For the reasonably foreseeable future actions in the project vicinity, most natural resources and human communities in development will be designed to withstand stressful environmental conditions. Additionally, the proposed action, when combined with other actions will not affect the potential for any resources in the coastal nonpoint management area to sustain themselves in the future.

Therefore, Staff concludes that cumulative impacts to the proposed action, as defined under NEPA are not significant.

IV. PUBLIC REVIEW –

In September of 2001, NOAA and the USEPA announced a 31-day public comment period on the proposed conditional approval findings, EA, and FONSI for the Georgia coastal nonpoint program. No public comments were received on any of those documents in 2001. As noted above, full approval was one of the alternatives presented in the EA. Thus, the public has already been given one opportunity to comment on the environmental consequences of the action that is currently being proposed. On June 26, 2018, NOAA and the USEPA announced in the Federal Register their proposed decision to fully approve the Georgia coastal nonpoint program for a 30-day public comment period. No comments were received on this proposed decision. Thus, NOAA and the USEPA have provided multiple opportunities for public engagement, and the public has received sufficient notice and opportunity to comment on the proposed full approval of the Georgia coastal nonpoint program. Little to no controversy is anticipated to be associated with the effects of the proposed action, which supports the conclusion that supplementing the EA is not necessary.

V. CONCLUSION –

After considering all available new information and circumstances, and the changes to the proposed action, NOAA has determined that there is not a need to supplement the existing Georgia coastal nonpoint program EA in order to fully approve the program because: (1) the changes to the proposed action that are relevant to environmental

concerns are not substantial; and (2) any new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts are not significant under NEPA. The changes to the proposed action and the new information and circumstances do not suggest the proposed action will result in significant or uncertain impacts, and the expected impacts of the action currently proposed were considered in the Georgia EA. Supplementation of the EA is not necessary, but it would be appropriate to prepare a new FONSI that addresses the currently-proposed action, as full approval of the GA CNP is a new federal agency decision.

VI. FINDING OF NO SIGNIFICANT IMPACT

Pursuant to section 6217 of Coastal Zone Act Reauthorization Amendments, the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (USEPA) propose to fully approve the Georgia Coastal Nonpoint Pollution Control Program (Coastal Nonpoint Program). In addition to the preferred alternative (i.e., full approval), NOAA and the USEPA considered conditional approval, disapproval, and a “no action” baseline. An Environmental Assessment (EA) was prepared to evaluate potential consequences associated with approving and implementing the Georgia Coastal Nonpoint Program. The EA was tiered off the 1996 PEIS and focused on information specific to Georgia. The EA concluded that the full approval of the Georgia coastal nonpoint program will not result in any significant environmental impacts different from those analyzed in the 1996 PEIS for the Coastal Nonpoint Pollution Control Program. It also determined that the potential environmental consequences from full approval and implementation of the proposed Georgia program would not be significant individually or cumulatively. In light of changes to circumstances since 2001 related to coastal nonpoint pollution in Georgia, this conclusion still applies. A new Finding of No Significant Impact (FONSI) is warranted because full approval of the program was an alternative analyzed, but not selected, pursuant to the existing NOAA NEPA documents. (The FONSI that was signed in 2001 addressed the action of conditionally approving the Georgia program.)

NOAA uses eleven criteria for determining the significance of the impacts of a proposed action. These criteria are discussed below as they relate to the proposed project. Each criterion is discussed below with respect to the proposed action and considered individually, as well as in combination with the others.

a. Has the agency considered both beneficial and adverse effects? (A significant effect may exist even if the Federal agency believes on balance the effect will be beneficial.)

Both beneficial and adverse effects have been considered, and no significant effects are anticipated. The primary beneficial effects of the Georgia Coastal Nonpoint Program relate to improving water quality, through the application and administration of an established set of coastal nonpoint program management measures that have been determined by the USEPA and NOAA to reduce nonpoint sources of pollution. Other beneficial effects include improved coastal habitat, and a variety of positive

socioeconomic benefits associated with controlling nonpoint source pollution such as improved public health, increased aesthetic value of coastal areas, and enhanced recreational opportunities due to cleaner water and healthier coastal habitats. The suite of programs and policies that the state uses to meet the coastal nonpoint program management measure requirements are, for the most part, already in existence. The proposed action will also have the effect of preserving full funding to Georgia through Section 306 of the Coastal Zone Management Act (CZMA) and Section 319 of the Clean Water Act. CZMA funds support the implementation of Georgia's coastal management program that carries out the goals of the CZMA, which include protecting coastal water quality, among other issues. Clean Water Act Section 319 funds support efforts to reduce nonpoint source pollution throughout the state (e.g., by supporting the development and implementation of watershed plans and Total Maximum Daily Loads).

The proposed action to approve Georgia's Coastal Nonpoint Program would have no significant adverse effects. At the time they were analyzed in the PEIS for the Coastal Nonpoint Pollution Control Program and the 2001 EA addressing Georgia's program, all types of adverse effects associated with both conditional and full approval were judged to be minor, not significant. The new information that has become available more recently supports the same conclusion. Some of the efforts Georgia is undertaking do have administrative or economic costs (e.g., for implementation or technical assistance), and coastal nonpoint program initiatives could also involve modifications to some short-term uses of the environment (e.g., behavior change in connection with implementing management measures). These minor adverse effects associated with coastal nonpoint program implementation will help bring about the long-term benefits noted above.

b. To what degree would the proposed action affect public health and safety?

The proposed approval decision would not be anticipated to have significant impacts on public health or safety because it would not change programs that are already operating in Georgia. The implementation of management measures reduces the generation of nonpoint source pollutants from a variety of sources and minimizes the delivery of pollutants into Georgia's land, surface water, and groundwater, which could result in minor improvements to public health and safety due to cleaner coastal waters.

c. To what degree would the proposed action affect unique characteristics of the geographic area in which the proposed action is to take place?

None. While there are unique places within the Georgia coastal nonpoint management area, the proposed action (full approval) will not affect its unique characteristics because it does not create any new programs or initiatives on the ground; the components of the coastal nonpoint program NOAA and the USEPA would be fully approving already exist (or, in a few cases, are planned) by state, local and other entities. The proposed action is administrative and therefore could have no effects to unique characteristics of any geographic area. However, implementation of the Georgia coastal nonpoint program could have beneficial effects in unique coastal areas (e.g.,

wetlands), as discussed in prior analyses, including the 1996 PEIS and 2001 EA. Specific coastal nonpoint pollution projects and initiatives would be subject to all applicable mandates, including those designed to protect the integrity and unique attributes of historic properties and other unique places, such as the National Historic Preservation Act. For example, to the extent NOAA's Office for Coastal Management funds projects under the Coastal Zone Management Act, OCM ensures it complies with this Act and other mandates related to unique geographic areas.

d. To what degree would the proposed action have effects on the human environment that are likely to be highly controversial?

None. The effects of the proposed action would not be anticipated to be highly controversial. No public comments were received during the public comment period for Georgia's proposed conditional approval findings and draft EA 17 years ago. Additionally, no public comments were received in response to NOAA and the USEPA's publication by their proposed decision to fully approve Georgia's coastal nonpoint program in 2018. In addition, there is not a high degree of scientific uncertainty related to the ways Georgia plans to manage coastal nonpoint pollution. In short, little to no controversy is anticipated to be associated with the effects of the proposed action.

e. What is the degree to which effects are highly uncertain or involve unique or unknown risks?

None. There are no uncertain, unique, or unknown risks associated with the proposed approval action. The Georgia Coastal Nonpoint Program consists entirely of existing state and local requirements, as well as voluntary educational and participatory activities, which do not have uncertain, unique, or unknown risks. The coastal nonpoint program is intended to help reduce the risk of coastal water quality problems resulting from pollutant releases. There are fully approved coastal nonpoint programs in other states and territories, and the effects of such programs are not highly uncertain and do not involve unique or unknown risks. Georgia implements coordinated, multi-faceted monitoring efforts to assess over time the success of the management measures in reducing pollution loads and improving water quality. Regular monitoring will reduce potential uncertainties regarding and reveal evidence of changes to coastal water quality in Georgia over time.

f. What is the degree to which the action establishes a precedent for future actions with significant effects or represents a decision in principle about a future consideration?

None. NOAA and the USEPA evaluate each coastal nonpoint program individually. Some of these programs have been conditionally approved, others are fully approved, and one is disapproved. NOAA and the USEPA carefully review all materials submitted by any conditionally approved state or territory to evaluate whether the information provided addresses applicable conditions for full approval. The full approval of Georgia's Coastal Nonpoint Program does not have any bearing on whether NOAA and

the USEPA will grant programs in other jurisdictions full approval. There is not currently any dedicated funding source for coastal nonpoint programs. However, every project funded by NOAA under the Coastal Zone Management Act, including projects indirectly addressing coastal nonpoint pollution, is reviewed individually by the Georgia Department of Natural Resources and NOAA. Thus, this action does not establish a precedent for future actions or represent a decision in principle about a future consideration.

g. Does the proposed action have individually insignificant but cumulatively significant impacts?

No, this action would not have any individually insignificant but cumulatively significant impacts. A full approval decision would facilitate continued investments in addressing coastal nonpoint pollution in Georgia. These investments and other endeavors identified as components of the Georgia Coastal Nonpoint Program would be expected to give Georgia improved control of sources of nonpoint pollution and result in reduced pollutant levels entering coastal waters, improved water quality, and enhanced coastal habitat. The Georgia Coastal Nonpoint Program, the Georgia Nonpoint Source Management Program, Georgia Coastal Management Program, and other initiatives aimed at protecting water resources do cumulatively have beneficial impacts on the physical, biological, and socioeconomic environment in Georgia. For example, these management efforts reduce the extent to which nonpoint pollutants enter water bodies and adversely affect water quality; increase public awareness through outreach and technical assistance about water quality and other coastal issues; improve coastal and nonpoint source planning; restore habitat; facilitate water resource management planning; promote implementation of best management practices; and provide funding for local projects. There could also be some minor, short-term adverse socioeconomic effects resulting from behavioral restrictions or implementation costs of some of the elements of these programs, but they would not rise to the level of significant. Potential adverse effects would not exceed the ability of human or natural communities to withstand stress. Thus, neither the incremental effects of a full approval decision nor program implementation will have individually or cumulatively significant effects.

h. What is the degree to which the action adversely affects entities listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historic resources?

None. Issuing a full approval decision related to the Georgia Coastal Nonpoint Program is a federal action that would have no potential to affect historic properties or significant scientific, cultural, or historic resources in Georgia because it is an administrative action. Prior to approving or providing funding (typically under the Coastal Zone Management Act) for other types of specific activities in Georgia that address coastal nonpoint pollution, NOAA's Office for Coastal Management evaluates environmental compliance needs and ensures compliance with NHPA and all other applicable requirements. For example, targeted consultations under NHPA are conducted for those activities that have the potential to cause an adverse effect on historic properties. At that time, NOAA

can provide to the Georgia DNR Historic Preservation Division the site-specific details necessary to fully analyze the effects of specific actions to historic properties.

i. What is the degree to which endangered or threatened species, or their critical habitat, as defined under the Endangered Species Act of 1973, are adversely affected?

None. The approval decision itself would have no effect on threatened and endangered species or their critical habitat. Projects aimed at managing, quantifying, and controlling coastal nonpoint pollution funded by NOAA under the Coastal Zone Management Act are evaluated individually with respect to their potential to affect resources protected pursuant to the Endangered Species Act; appropriate procedures are followed if there is a need to consult with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

j. Does the proposed action have a potential to violate federal, state, or local law for environmental protection?

No. The Georgia Coastal Nonpoint Program relies in large part on implementation of laws and other requirements at the state and local levels. The full approval of the Georgia program, comprised of the elements identified in the Findings that are already in effect or planned, does not have the potential to violate federal, state, or local law. All federally-supported projects intended to reduce coastal nonpoint pollution must comply with all applicable federal, state, and local laws, including those for environmental protection. Given project review at the state and federal level, no violation of environmental protection laws is threatened.

k. Will the proposed action result in the introduction or spread of a non-indigenous species?

No. Full approval of a program with components already in effect under state and local law will not result in the introduction or spread of any non-indigenous species (sometimes referred to as invasive species). Neither the components identified as planned parts of the Georgia Coastal Nonpoint Program nor federally-supported nonpoint pollution reduction projects would be expected to introduce any invasive species because they would be subject to federal and state requirements and best management practices intended to reduce the spread of non-indigenous species, including the "Georgia Invasive Species Strategy." Federal laws and other requirements related to invasive species are listed in Appendix C of this strategy, and relevant state laws are listed in Appendix D. The Georgia Department of Natural Resources, other state agencies, and other entities are involved in invasive species management. For more information, see the website of the Georgia Invasive Species Task Force. For example, the Georgia Department of Natural Resources' Coastal Resources Division funds activities to prevent the spread of invasive species and to control and manage certain these species.

**Findings of No Significant Impact
Georgia Coastal Nonpoint Pollution Control Program
Analysis of Full Approval Decision**

NOAA prepared the attached analysis evaluating consequences related to the proposal to grant full approval of the Georgia Coastal Nonpoint Pollution Control Program pursuant to Section 6217 of the Coastal Zone Act Reauthorization Amendments (CZARA), entitled "Protecting Coastal Waters", to help address the problem of nonpoint source pollution and its effect on coastal waters. Section 6217, jointly administered by the National Oceanic and Atmospheric Administration (NOAA) and the Environmental Protection Agency (USEPA), was designed to strengthen the links between federal and state coastal zone management and water quality programs, as well as to enhance state and local efforts to manage land use activities that degrade coastal waters and habitats. After considering all available new information and circumstances, and the changes to the proposed action, NOAA has determined that there is not a need to supplement the existing Georgia coastal nonpoint program EA in order to fully approve the program because: (1) the changes to the proposed action that are relevant to environmental considerations are not substantial; and (2) any new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts are not significant under NEPA. The changes to the proposed action and the new information and circumstances do not suggest the proposed action will result in significant or uncertain impacts, and the expected impacts of the action currently proposed were considered in the Georgia EA. Accordingly, preparation of an Environmental Impact Statement for this action is not necessary.



Nicole R. LeBoeuf
Acting Assistant Administrator
for Ocean Services and Coastal Zone Management

OCT 04 2018

Date

OCT 04 2018

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.