



## Supplemental Information

### 1.0 Introduction

On behalf of CSX Transportation, Inc. (CSXT), WSP USA Inc. (WSP) is submitting this Pre-Construction Notification (PCN) to the U.S. Army Corps of Engineers (USACE) for authorization under a Nationwide Permit No. 3 (NWP 3), for a bridge replacement project over the Ogeechee River located near Burroughs, Bryan County, Georgia (**Figure 1**).

CSXT proposes to replace a portion of an existing timber trestle bridge along their tracks that serve interstate commerce. The existing timber sections of this bridge are reaching the end of their lifespan and require replacement to ensure safe operation of this section of railroad. Sixteen timber trestles will be replaced with four concrete and steel trestles.

#### Note to Reviewers

Some of the attachments herein were formerly produced by Wood Environment & Infrastructure Solutions, Inc. (Wood), which was subsequently acquired by WSP.

### 2.0 Prospective Permittee

CSX Transportation, Inc.  
Attention: Mr. Matthew L. Adkins, Sr. Manager Environmental Remediation  
1590 Marietta Blvd. NW  
Atlanta, Georgia 30318  
Phone: (404) 350-5135  
Matt\_Adkins@csx.com

#### Legal Instrument

The CSXT right-of-way (ROW) map is provided in **Attachment 5**. Per a phone conversation on December 20, 2021, with Mr. Buck Bennett, Compliance and Enforcement Manager with Georgia Department of Natural Resources' (GADNR) Coastal Resources Division (CRD), CRD has sufficient documentation from CSXT for legal conveyance.

### 3.0 Project Location

The existing bridge is located at CSXT railroad milepost (MP) A 505.5. Approximate latitude and longitude coordinates for this bridge are 31.953893, -81.288381 within existing CSXT ROW (**Figure 1**). The project's receiving stream is the Ogeechee River (8-digit Hydrologic Unit Code [HUC] = 03060204, Ogeechee Coastal). The project area includes the existing CSXT ROW, with the Ogeechee River and associated wetland areas surrounding the filled railroad corridor. The project will be constructed within the existing CSXT ROW. Figures are included in **Attachment 3** and representative site photographs are included as **Attachment 4**.

In addition to main line rail access, the project will be accessed from an existing gravel road along the north side of the railroad tracks and from a rail spur that splits from the main line just west of the project area and continues southwest. Each route will be accessed from their respective Ford Avenue crossings in Richmond Hill, Georgia, approximately 1.3 miles to the west and southwest of the bridge. The rail spur access will potentially utilize a small existing gravel laydown area within CSXT ROW next to Plantation



Lumber & Hardware to shuttle materials from Ford Avenue to the bridge via railcar along the spur (i.e., to minimize the rail traffic along the main line and river traffic on the Ogeechee River).

#### Landfill and Hazardous Waste Statement

The proposed project is not located within or adjacent to a known landfill or hazardous waste site. The existing ROW is suitable for the proposed project, which is the replacement of an existing railroad bridge section.

The mean high water (MHW) elevation in the action area is 2.82 ft North American Vertical Datum of 1988 (NAVD 88), and the mean low water (MLW) elevation is -2.40 ft NAVD 88. The project extends approximately 227 ft into the Ogeechee River from MLW and includes work within the edge of the navigable channel under the bridge. The total width of the Ogeechee River from MLW to MLW in the project area is approximately 750 ft, with project area depths ranging from approximately 2.5 ft at MLW to approximately 20 ft in channel. The distance between the project and the next structures in the Ogeechee River is approximately 1.75 miles upstream to the US Highway17 Bridge, and approximately 200 ft downstream to the old railroad grade (i.e., remnant bridge piles).

## 4.0 Project Description

The existing bridge, located at CSXT railroad milepost (MP) A 505.5, is an 865-ft double track bridge consisting of both timber and concrete ballast deck trestles and an open deck center lift span. The section to be replaced includes the timber trestle section, which is approximately 149 ft long by approximately 31 ft wide and consists of 16 approximately equal spans supported by timber bents. The existing timber trestle bridge will be removed, and approximately 204 treated timber bridge piles will be cut off at the river bottom or removed with vibratory hammer. This section of bridge will be replaced with 4 approximately equal concrete spans supported by 24 new concrete piles. The open deck center lift span will be permanently fixed and will be converted to a ballast deck. Proposed construction plans, a ROW map, and a zoning map are included in **Attachment 5**.

As part of the replacement activities, bedding stone overlain by rip rap would be placed along approximately 45 linear ft (lf) of the shoreline of the Ogeechee River below MHW, extending at a width of approximately 10.5 ft waterward (i.e., perpendicular from the MHW shoreline at its widest point). See **Table 1** below for more details on the approximate cubic yards (CY) of stone placement:

**Table 1. Proposed Fill**

| Fill Placement               | Ogeechee River       |                                      | Wetland A                              |
|------------------------------|----------------------|--------------------------------------|----------------------------------------|
|                              | Below Mean Low Water | Below Mean High Water                |                                        |
| Clean Fill                   | 0 CY                 | 0 CY                                 | 340 CY                                 |
| Bedding Stone                | 0 CY                 | 10 CY                                | 5 CY                                   |
| Riprap                       | 0 CY                 | 24 CY                                | 20 CY                                  |
| Total Stone                  | 0 CY                 | 34 CY                                | 365 CY                                 |
| Total Stone per Running Foot | NA                   | 0.77 CY                              | NA                                     |
| Total Fill Area              | NA                   | 223 ft <sup>2</sup><br>(0.0051 acre) | 2,910 ft <sup>2</sup><br>(0.0668 acre) |



To complete the bridge repairs, a temporary work platform will be constructed on the south side of the bridge, parallel to the existing bridge, approximately 6.84 ft above MHW. This platform will consist of timber decking on top of steel beams with steel piles. The temporary work platform is anticipated to be 120 ft in length by 30 ft wide and would extend from the existing rail embankment to the beginning of the approximate middle of the existing section to be replaced, see **Attachment 5**. This includes approximately 92.5 ft from MLW into the main stem of the Ogeechee River. The platform will consist of three 40-ft sections, supported by four bents with two steel piles, for a total of 8 steel piles, see **Table 2**. The temporary work platform will be removed after completion of construction.

To support the project, a portion of the gravel road that provides access for vehicle maintenance needs repair and to provide safe access to the bridge project. The existing access road at the bridge will be rehabilitated to provide a turnaround and track crossing to meet current safety standards that are necessary to complete the bridge repair safely.

In addition to the approximately 204 treated timber bridge piles that will be removed, the project would require the removal of remnant timber guide piles and abandoned utility poles to the south of the moveable section of the bridge. This is necessary for safe boat and barge access. Approximately 32 piles ranging in size from 12 to 16 inches (in) would be removed with vibratory hammer or cut off at the river bottom using a chain cutter. The guide piles are primarily broken off just above the water line while the utility poles are abandoned in place with both representing a navigational safety risk. Removal of these piles is necessary to complete the bridge repair safely.

**Table 2. Pile Installation for CSXT Burroughs MP A 505.5 Bridge**

| Location                      | <i>Ogeechee River,<br/>Open Water</i>           | <i>Rail Embankment,<br/>Land-Based</i>          | <i>Ogeechee River,<br/>Open Water</i>           | <i>Rail Embankment,<br/>Land-Based</i>          |
|-------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|
| Pile Type and Material        | <i>Steel, Round</i>                             | <i>Steel, Round</i>                             | <i>Concrete, Square</i>                         | <i>Concrete, Square</i>                         |
| Pile Diameter (in)            | <i>36-in</i>                                    | <i>36-in</i>                                    | <i>20-in</i>                                    | <i>20-in</i>                                    |
| Number of Piles Total         | <i>6</i>                                        | <i>2</i>                                        | <i>18</i>                                       | <i>6</i>                                        |
| Installation Method           | <i>Impact</i>                                   | <i>Impact</i>                                   | <i>Impact</i>                                   | <i>Impact</i>                                   |
| Strikes per Pile              | <i>~50</i>                                      | <i>~50</i>                                      | <i>~50</i>                                      | <i>~50</i>                                      |
| Piles Installed per Day       | <i>No more than 5</i>                           | <i>No more than 5</i>                           | <i>No more than 5</i>                           | <i>No more than 5</i>                           |
| Duration (Days)               | <i>90</i>                                       | <i>90</i>                                       | <i>90</i>                                       | <i>90</i>                                       |
| Substrate, Water Depth        | <i>Sand/Silt, 10 ft</i>                         | <i>Sand/Silt, NA</i>                            | <i>Sand/Silt, 10 ft</i>                         | <i>Sand/Silt, NA</i>                            |
| Confined Space or Open Water? | <i>Open Water</i>                               | <i>NA<br/>(Land-Based)</i>                      | <i>Open Water</i>                               | <i>NA<br/>(Land-Based)</i>                      |
| Noise Abatement               | <i>Nylon cushion<br/>block,<br/>Soft starts</i> | <i>Nylon cushion<br/>block,<br/>Soft starts</i> | <i>Nylon cushion<br/>block,<br/>Soft starts</i> | <i>Nylon cushion<br/>block,<br/>Soft starts</i> |

#### Erosion and Sedimentation Statement

The area of disturbance will be limited to only the area in the immediate vicinity of the bridge. The total disturbed area is expected to be less than 1.0 acre. An Erosion, Sedimentation, and Pollution Control Plan (ES&PCP) will be prepared and implemented for the proposed project. BMPs such as silt fences will be installed around all laydown areas and uplands that are disturbed during construction to ensure sediment



is not discharged into open waters. No discharges of untreated stormwater are proposed. The project will be conducted in compliance with applicable erosion and sediment control responsibilities.

#### Impervious Cover

Note that no changes to impervious surfaces are anticipated from this repair and replacement project. The bridge replacement would be in-kind within the existing ROW, and no increases in impervious surfaces are proposed.

No substrate from the river bottom would be excavated as part of this project. The work would occur from land and/or from the Temporary Work Platform. Equipment to be used includes, but is not limited to, barges, cranes, excavators, mini-excavators, dump trucks, welders, and various hand-held equipment.

The proposed work would commence upon authorization from regulatory agencies and stakeholders and would require 12 to 16 months to complete. The work would be confined to daylight hours with limited exceptions. Limited work at night may be necessary on occasion but is anticipated to occur less than 5 times over the course of the project construction and would not include in-water work. In-water work would be confined to daylight hours (i.e., from dawn to dusk between November 1st to May 31st). The permittee is committed to pile driving activities being limited to 12 hours per day with a 12-hour rest period between pile driving activities to avoid potential cumulative noise impacts.

#### Water Quality Certification

Per GADNR CRD's e-mail of December 20, 2021, an individual Section 401 Water Quality Certification will not be required for this project. This PCN for the project has been submitted to the USACE under NWP 3, which has been granted blanket water quality certification approval on December 15, 2020; therefore, an individual water quality certification is not required.

#### Marshlands Buffer

The proposed project is exempt from the *Coastal Marshlands Buffer Variance Procedures and Criteria* as maintenance of a serviceable bridge (GA Comp. R&R, Rule 391-3-7-.11; O.C.G.A. §§ 12-7-1 et seq.). The project area is maintained CSXT ROW consisting of a railroad embankment covered with stone ballast. No natural buffer areas are present. Wetlands and/or open waters associated with the Ogeechee River extend to the base of the existing railroad embankment. See **Attachment 4** for photographs.

### **Purpose and Need**

The project is necessary to maintain safe operations of rail infrastructure and to continue accommodations of freight rail demand in interstate commerce. The freight railroad network is a vital part of the national economy, playing a key role in the global supply chain for both raw and finished goods. Rail efficiency is in the national interest as a component of interstate commerce. The proposed replacement of an existing bridge is necessary to maintain railway operations. It should be noted that freight rail demand has increased nationally due to fuel efficiency and greenhouse gas emission reduction policies.

#### Alternative Analysis

As a repair to an existing rail bridge, alternative sites are not feasible and/or reasonable. Without replacement, the bridge would not remain safe for rail traffic. The alternatives other than the proposed replacement would be to either close the bridge or construct a new bridge east or west of the current alignment. Closing the bridge would create significant inefficiencies for CSXT by having to reroute rail traffic using a 300-mile detour for all rail traffic between Florida and Savannah and points north.



Constructing a new bridge would likely require additional right-of-way acquisition as well as significant wetland and Ogeechee River impacts to currently unimpacted areas.

#### Public Interest Statement

The project is not contrary to the public interest. The project will not result in unreasonably harmful obstruction to or alteration of the natural flow of navigational water, or increased erosion, shoaling of channels, or stagnant areas of waters, or will unreasonably interfere with the conservation of fish, shrimp, oysters, crabs, clams, or other marine life, wildlife, or other resources, including but not limited to water and oxygen supply.

#### **Project Impacts**

Temporary project impacts include 6 steel piles installed within the Ogeechee River for the temporary crane work platforms (2 additional steel piles are located within the upland rail embankment). The work platforms (including the piles) would be removed after completion of the bridge replacement.

Permanent project impacts include 18 concrete piles within the Ogeechee River for the replacement section of bridge (6 additional concrete piles are located within the upland rail embankment). Riprap protection of 323 square ft (ft<sup>2</sup>) (0.0074 acre) would be placed below the ordinary high-water line to protect the bridge abutments at the Ogeechee River shoreline and within Wetland A. Additionally, 2,657 ft<sup>2</sup> (0.061 acre) of fill in Wetland A would be required to provide for safety improvements on the existing access road. Conversion of the lift span to a ballast deck is not expected to impact jurisdictional waters. Proposed construction plans, including a proposed impacts overview, are included as **Attachment 5**, while **Table 3** summarizes the impacts associated with the proposed railway project.

The proposed project will require impacts to areas identified as potential "Waters of the U.S." This report identifies "Waters of the U.S." as identified during a wetland investigation for the study area, which took place on May 21, 2020, with field conditions reevaluated on September 3, 2025. The report from the investigation is included as **Attachment 6**.

As per the Corps' regulation and guidance, all feasible efforts were taken to avoid or minimize the impacts to these "Waters of the U.S.". The project requires in-water work. Avoidance of more significant impacts was accomplished by constructing only a temporary access road and working/crane pads in the vicinity of "Waters of the U.S.".

CSXT plans to rehabilitate the access road and turnaround using the minimum width possible to allow for safe passage of vehicles and construction equipment located adjacent to an active railroad track.

The following briefly describes the wetland and waterways in the project area and their impacts:

#### Ogeechee River

The Ogeechee flows beneath the existing and proposed bridge approximately perpendicular to the existing tracks (**Figure 6** in **Attachment 3**). The river is tidally influenced and is approximately 750 feet wide at the bridge location. Temporary impacts proposed are 0.0010 acre (30 lf) for 6 steel piles associated with the temporary crane work platforms. Permanent impacts proposed along 45 lf include 0.0013 acre for 18 concrete piles to support the bridge replacement and 0.0051 acre for approximately 223 square feet of riprap for additional scour protection required at the proposed bank bridge abutment.

#### Wetland A

As shown in **Figure 6** of the Jurisdictional Waters Delineation (**Attachment 3**), Wetland A is located on the northwest and southeast sides of the bridge approach. No temporary impacts to this wetland are proposed. The permanent impacts to this wetland are 0.0041 acre for riprap for additional scour



protection required at the proposed bank bridge abutment, and 0.0627 acre for fill associated with the access road rehabilitation.



**Table 3. Proposed Impacts to Waters of the U.S.**

| Impact Site    | Temporary Impacts |               | Permanent Impacts |                                 |
|----------------|-------------------|---------------|-------------------|---------------------------------|
| Ogeechee River | 30 lf             |               | 45 lf             |                                 |
|                | 0.0010 acre       | 6 Steel Piles | 0.0013 acre       | 18 Concrete Piles               |
|                |                   |               | 0.0051 acre       | Riprap Protection               |
| Wetland A      | NA                | NA            | 0.0627 acre       | Access Road Safety Improvements |
|                |                   |               | 0.0041 acre       | Riprap Protection               |
| Total          | 0.0010 acre       |               | 0.0732 acre       |                                 |

#### **Avoidance and/or Minimization**

Following avoidance and minimization of impacts in accordance with USACE regulations and guidance, the proposed project will only result in 0.0010 acre of temporary wetland/open water impacts and 0.0732 acre of permanent wetland/open water impacts. Temporary impacts were incorporated into the project's design to the maximum extent practicable.

#### **5.0 Nationwide Permit General Conditions**

This section demonstrates the project's compliance with the *2021 Nationwide Permit General Conditions*.

1. **Navigation.** The Ogeechee River is navigable by small watercraft (i.e., less than 21 feet). The existing bridge span clearances will be maintained. CSXT is coordinating with the U.S. Coast Guard (USCG) related to changing the bridge from a lift span to a fixed span ballast deck by eliminating the removable section. The proposed project will not result in an adverse effect on navigation.
2. **Aquatic Life Movements.** The impacts to the Ogeechee River and adjacent wetlands have been minimized to the maximum extent practicable. Except for the area immediately beneath the existing bridge, the impacts are located at the fringes of the adjacent wetlands within the existing CSXT ROW and immediately adjacent to the existing CSXT railroad embankment. Access to the Ogeechee River as well as unimpacted, adjacent wetlands will remain; therefore, no significant effects to aquatic life movements are anticipated.
3. **Spawning Areas.** In-water project construction will be planned to avoid work within the spawning season for the Atlantic and shortnose sturgeon. Additionally, Best Management Practices (BMPs) will be implemented to control erosion and sedimentation. CSXT is also coordinating with the National Marine Fisheries Service (NMFS) (see **Attachment 7, Appendix C**).
4. **Migratory Bird Breeding Areas.** A preliminary screening was conducted through the U.S. Fish and Wildlife Service (USFWS) website (<http://ecos.fws.gov/ipac>). The USFWS Information for Planning and Consultation (IPaC) Migratory Bird list includes 20 birds of concern, including Birds of Conservation Concern (BCC), with the potential to occur in the project vicinity (see **Attachment 7, Appendix A**). However, the project consists of bridge repairs within an existing maintained ROW footprint. Impacts to migratory bird breeding areas are not expected to occur within the project area. In addition, CSXT

proposes to implement the migratory bird *Nationwide Standard Conservation Measures*, to the maximum extent practicable (See **Attachment 7, Appendix E**). There is a relict and/or inactive osprey (*Pandion haliaetus*) nest located on an abandoned utility pole adjacent to the project area. Should nest(s) need to be removed, they would be removed during the inactive season (i.e., September through February) and in accordance with USFWS guidance and adherence to the *Nationwide Standard Conservation Measures*.

5. Shellfish Beds. No shellfish beds were observed in the project area during the field surveys. In Georgia, recreational shellfish harvest is only permissible in designated public harvest areas. Based on review of the GADNR CRD-approved recreational harvest areas for shellfish, there are no approved shellfish areas in Bryan County.
6. Suitable Material. The proposed project will not use any unsuitable material (e.g. trash, debris, car bodies, asphalt, etc.). All materials will be free from toxic pollutants in toxic amounts. Materials and supplies will be purchased from reliable commercial vendors.
7. Water Supply Intakes. The project area is not located within the proximity of a public water supply intake, nor is a new water supply intake included as part of this project.
8. Adverse Effects from Impoundments. The project does not propose any impounding of water.
9. Management of Water Flows. The proposed activity would not adversely affect water flows in the vicinity of the project. The proposed bridge will be sized appropriately to accommodate existing flows. Please see the attached Hydrology and Hydraulics Report included as **Attachment 8**.
10. Fills Within 100-Year Floodplains. The site is located within the FEMA Zone AE 100-year floodplain for the Ogeechee River as shown on Flood Insurance Rate Map (FIRM) panel 13029C0283D Panel 283 of 425 with revised date of August 2, 2018. The existing railroad bridge runs perpendicular to the flow of the Ogeechee River. A figure illustrating this FEMA FIRM is included in **Attachment 3**. The project will require filling within the 100-year floodplain. The attached Hydrology and Hydraulics Report is included as **Attachment 8**.
11. Equipment. Construction equipment that will be utilized for the project includes, but is not limited to bulldozers, backhoes, cranes, dump trucks, tractor trailers, and light duty pickup trucks. Equipment will be maintained on a regular basis
12. Soil Erosion and Sediment Controls. Appropriate erosion and sediment control BMPs will be utilized during construction of the project. It is anticipated that the total disturbed area will be less than one (1) acre.
13. Removal of Temporary Fills. Temporary steel pilings used to construct the crane work platforms will be removed after construction.
14. Proper Maintenance. As with all railroad projects, the completed project will be inspected and maintained regularly to ensure public safety and compliance with the NWP, as well as compliance with the requirements and standards set forth by the Federal Railroad Administration (FRA) and CSXT.
15. Single and Complete Project. The requested NWP 3 is for a single and complete project.
16. Wild and Scenic Rivers. The project is not proposed within or near a component of the National Wild and Scenic River System.
17. Tribal Rights. The project would not affect Tribal fishing, hunting, or water rights.



18. **Endangered Species.** The proposed project would not adversely affect protected species. Refer to **Attachment 7** for a detailed protected species review.
19. **Migratory Bird and Bald and Golden Eagle Permits.** A preliminary screening was conducted through the USFWS website (<http://ecos.fws.gov/ipac>). The results indicated that migratory bird information is not available for this project location. There have been bald eagle sightings within one mile of the study area. No nests are known to be adjacent to the study area. The Ogeechee River provides suitable foraging habitats within the study area, but no suitable roosting or nesting sites are located within the project limits. The proposed project would not result in a take of Bald Eagle. The project does not include any construction of towers or any other vertical obstructions that would disturb a migratory bird flyway. In addition, CSXT proposes to implement the migratory bird *Nationwide Standard Conservation Measures*, to the maximum extent practicable (See **Attachment 7, Appendix E**). There is a relict and/or inactive osprey (*Pandion haliaetus*) nest located on an abandoned utility pole adjacent to the project area. Should nest(s) need to be removed, they would be removed during the inactive season (i.e., September through February) and in accordance with USFWS guidance and adherence to the *Nationwide Standard Conservation Measures*.
20. **Historic Properties.** WSP conducted a Cultural Resource Literature and Records Review for the proposed project. Based on the results of the cultural resources literature and records review, the proposed bridge replacement project is not expected to impact any known archaeological sites or present any adverse effects to any historic structures. Refer to **Attachment 9** for additional information.
21. **Discovery of Previously Unknown Remains and Artifacts.** CSXT understands and agrees that if any previously unknown historic, cultural, or archaeological remains and artifacts are discovered, that the District Engineer must be notified immediately and that any construction activities that may affect the remains and artifacts must be avoided to the maximum extent practicable until the required coordination has been completed.
22. **Designated Critical Resource Waters.** Critical resource waters include NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. None of these critical resource waters are in the project vicinity. Per review of electronic information on the Georgia Wildlife Resources Division (GA WRD) website, the Ogeechee River in the project vicinity is considered a "High Priority Watershed".
23. **Mitigation.** Because proposed permanent impacts to jurisdictional waters are less than 0.10 acre, compensatory mitigation is not required.
24. **Safety of Impoundment Structures.** There are no impoundment structures designed or proposed for construction in association with this project. Please see the attached Hydrology and Hydraulics Report included as **Attachment 8**.
25. **Water Quality.** This PCN is for NWP 3 for maintenance projects. The Georgia Department of Natural Resources issued water quality certification for NWP 3 on December 15, 2020; therefore, an individual water quality certification is not required.
26. **Coastal Zone Management.** According to the GADNR, the project area is located within Georgia's 24-County Coastal District and within Georgia's 11-County Coastal Area. Copies of this PCN have been submitted to GADNR and CRD along with the Federal Consistency Certification form included in **Attachment 1**.



27. Regional and Case-by-Case Conditions. Applicable Regional Conditions for NWP 3 in Georgia have been addressed in this PCN in the following section. However, the permittee understands that case-by-case conditions may be added by the District Engineer.
28. Use of Multiple Nationwide Permits. No other NWP(s) or individual permit(s) are anticipated.
29. Transfer of Nationwide Permit Verifications. CSXT understands that if the property associated with a NWP verification is sold, that the NWP verification can be transferred to the new owner under the conditions specified in the NWP General Condition No. 29 ("Transfer of Nationwide Permit Verifications").
30. Compliance Certification. CSXT understands that upon completion of the work authorized under this NWP, CSXT needs to submit the appropriate documentation of project completion to the Corps as stated in the NWP General Condition No. 30 ("Compliance Certification").
31. Activities Affecting Structures or Works Built by the United States. There are no known USACE Civil Works projects in the project vicinity. The proposed project is also not located in or adjacent to an authorized Federal Navigation project or the National Channel Framework (NCF) per USACE's Navigation Public Data (<https://navigation.usace.army.mil/>).
32. Pre-Construction Notification. This document is submitted as the PCN for the proposed work. The document contains the required information necessary for the District's review.

## 6.0 Regional Conditions

The proposed project will comply with the USACE, Savannah District Regional conditions for 2021 NWPs (as applicable), based on the following information:

### A. Background/Applicability

The following regional conditions are applicable to this PCN and NWP per the *Final Regional Conditions for the 2021 Nationwide Permits in Savannah District (SAS)*.

### B. Excluded Waters and/or Areas

Not Applicable. NWPs 12, 14, 23, 33, 43, 44, 57, or 58 are not proposed for this project

### C. Regional Conditions Applicable to All Nationwide Permits:

1. A PCN is required for all uses of NWPs within 2,000 feet of an approved mitigation bank. The Ogeechee River Mitigation Bank is located adjacent to the CSXT ROW on the northwest side of the project area.
2. Not Applicable. The proposed project would not result in adverse effects to 0.1 acre or more of wetlands or 0.01 acre of stream.
3. Not Applicable. Compensatory mitigation is not required.
4. Not Applicable. Compensatory mitigation is not required.
5. Not Applicable. Compensatory mitigation is not required.
6. Proposed project impacts are limited to 0.0668 acre of permanent wetland impacts, 30 lf (0.0010 acre) of temporary stream impacts, and 45 lf (0.0064 acre) of permanent stream impacts. See **Table 3** above.



7. Not applicable. The proposed project would not exceed 0.05 acre of permanent stream loss.
8. This project will not result in impacts to the Ogeechee River Mitigation Bank.
9. Not applicable. This project does not propose new stormwater treatment facilities in a perennial stream.
10. Not applicable. Temporary diversion in a perennial stream is not proposed for this project.
11. Not applicable. The proposed project is not located in or adjacent to an authorized Federal Navigation project or the NCF.

**D. Regional Conditions Applicable to Specific Nationwide Permits:**

1. Not applicable. NWPs 11, 15, 16, 23, 27, 32, 35, 36, 48, or 53 are not proposed for this project.
2. Not applicable. NWPs 3(b), 16, 19, or 35 are not proposed for this project.
3. NWP 3. Riprap material will consist of clean rock or masonry material such as, but not limited to, granite, marl, or broken concrete.
4. Not applicable. NWP 4 is not proposed for this project.
5. Not applicable. NWP 7 is not proposed for this project.
6. Not applicable. NWP 12 is not proposed for this project.
7. Not applicable. NWP 12 is not proposed for this project.
8. Not applicable. NWP 13 is not proposed for this project.
9. Not applicable. NWP 13 is not proposed for this project.
10. Not applicable. NWP 37 is not proposed for this project.
11. Not applicable. NWP 41 is not proposed for this project.
12. Not applicable. NWP 41 is not proposed for this project.
13. Not applicable. NWP 41 is not proposed for this project.
14. Not applicable. NWP 57 is not proposed for this project.
15. Not applicable. NWP 57 is not proposed for this project.
16. Not applicable. NWP 58 is not proposed for this project.
17. Not applicable. NWP 58 is not proposed for this project.

**E. Activity Specific Regional Conditions:**

1. Not applicable. The proposed project does not include a stormwater treatment facility.
2. Not applicable. The proposed project will be constructed in accordance with the applicable Regional Conditions.
3. Not applicable. The proposed project does not include a new culvert in a perennial stream.
4. Not applicable. The proposed project does not include culvert extension in a perennial stream.
5. Not applicable. The proposed project does not include the construction of utility lines.
6. Not applicable. The proposed project does not include the construction of a road crossing.



#### **F. Section 401 Water Quality Certification (WQC) and/or Coastal Zone Management Act (CZMA)**

##### **Consistency Determination Summary and Applicable Conditions:**

This PCN is for NWP 3 for maintenance. Georgia Department of Natural Resources (GADNR) issued water quality certification for NWP 3 on December 15, 2020. The project will conduct activities in a manner that will ensure water quality adequate or necessary to protect and maintain designated uses to ensure compliance with State water quality standards.

This project is located within Georgia's coastal counties; therefore, the CZMA conditions are applicable for this project. Consequently, a Federal Consistency Certification Statement is included in **Attachment 1** and is being concurrently submitted to CRD for review and approval. CSXT will obtain an individual CZM consistency concurrence prior to commencement of the activity authorized by the NWP.

#### **7.0 Conclusions**

This document is submitted as the PCN to the USACE requesting coverage under NWP 3(a) and (c) for Maintenance Activities. It is our understanding that this document provides all the required information for the District Engineer's review.

The proposed project will result in the permanent loss of 0.0668 acre of wetlands and 0.0064 acres of open waters, and temporary impacts 0.0010 acres of open waters. Avoidance and minimization efforts to "Waters of the U.S." have been implemented to the maximum extent practicable. Based on the submittal of this PCN Form and the enclosed information, CSXT respectfully requests that the proposed impacts to "Waters of the U.S." be authorized by USACE personnel pursuant to NWP 3. If you have any questions concerning this request or the enclosed information, please contact our office at your earliest convenience.



ONE CONSERVATION WAY • BRUNSWICK, GA 31520 • 912/264-7218

WALTER RABON  
COMMISSIONER

DOUG HAYMANS  
DIRECTOR

March 4, 2026

Paul Haywood  
WSP  
1075 Big Shanty Road NW  
Kennesaw, Georgia, 30144

**RE: Coastal Marshlands Protection Act (CMPA) Permit Application, CSXT, Replacement of an Existing Rail Bridge, Ogeechee River at Milepost A 505.5, Richmond Hill, Bryan County, Georgia (SAS-2021-00774)**

Dear Mr. Haywood:

The department has reviewed your application dated October 30, 2025, for the proposed rail bridge replacement project over the Ogeechee River, at Milepost A 505.5, Richmond Hill, Bryan County, Georgia on behalf of the CSXT.

The proposed project includes permanent impacts of 0.0732 acre associated with bridge piles, bridge structure, access road improvements, and a temporary work bridge for the project (0.0010 acre).

To date, our files contain the following items:

1. A properly executed CMPA Application;
2. A properly executed Federal Consistency Certification Statement;
3. A copy of the deeds and plats;
4. Discussion on why the permit should be granted;
5. Alternative site discussion;
6. Project Plans;
7. Property boundary plat showing all existing infrastructure;
8. A list of all current adjoining landowners together with such owners' addresses;
9. A statement certifying that the project is not over a hazardous waste site or landfill;
10. A copy of the PCN;
11. A verified CMPA jurisdictional determination;

Staff has identified additional information that is needed before the application can be placed on public notice. Note that much of the information requested is taken directly from the Instructions for Completing CMPA Permit Application (pages 1-7). Keep in mind that an application needs to be "substantially complete" before it can be presented to the Coastal Marshlands Protection Committee (CMPC). The following items are requested before the application can be placed on Public Notice:

1. A letter from the local governing authority of the political subdivision in which the property is located stating that the applicant's proposal is not violative of any zoning law;
2. Project plans signed by the local zoning authority;

3. How will the US Army Corps of Engineers be permitting the project?
4. Please provide the USACE Project Manager contact info and a copy of their permit if it has been issued;
5. Will existing utilities in the project area be relocated as a result of the project;
6. A non-refundable application fee of \$500.00 (or a copy of the check submitted);
7. Exhibit(s) of impacts to CMPA jurisdiction specific to the development;
8. Details for all temporary impacts in CMPA jurisdiction from construction of the project. All impacts must be quantified;

Staff also requests that the following information be provided prior to the permit application being presented to the CMPC:

1. Provide a copy of the water quality certification issued by the Department, if required, for the proposed project, or a written statement that water quality certification is not required.

After reviewing the requested items above, I will make myself available to discuss the RFI and answer any questions you have in advance of submitting the additional information. My goal is to facilitate your submission of the requested information.

Once your application is substantially complete, CRD will begin the 30-day public notice process. During the public comment period, the committee will be reviewing the project. I will notify you of any additional information requested by them as provided in the Official Code of Georgia Annotated (O.C.G.A.) 12-5-286. Public comments and questions about your project will be forwarded to you for a written response. As I stated, I will assist you throughout the process.

I look forward to working with you towards providing a substantially complete permit application to the Coastal Marshlands Protection Committee for their consideration. Please feel free to contact me at 912266.3695 with any questions or comments.

Sincerely,

Deb Barreiro  
Coastal Permit Coordinator  
DNR Coastal Resources Division

CMP20250046



Matthew L. Adkins, CHMM  
Sr. Manager Environmental Remediation

1590 Marietta Blvd NW  
Atlanta, GA 30318  
(404) 350-5135  
[Matt\\_Adkins@csx.com](mailto:Matt_Adkins@csx.com)

May 12, 2026

Georgia Department of Natural Resources- Coastal Resources Division  
ATTN: Deb Barreiro, Coastal Permit Coordinator  
One Conservation Way, Suite 300  
Brunswick, Georgia 31523

Subject: **Response to Request for Information**  
**CMPA No. CMP20250046; USACE No. SAS-2021-00774**  
**Proposed Bridge Replacement Project**  
**Burroughs, Bryan County, GA**

To Whom it May Concern:

CSX Transportation, Inc. (CSXT) is submitting the enclosed information in response to Georgia Department of Natural Resources (GADNR) Coastal Resources Division's (CRD) March 4, 2026 Request for Additional Information (RAI) regarding our Coastal Marshlands Protection Act (CMPA) Permit Application (CMP20250046). This is in support of Nationwide Permit (NWP) No. 3 from the U.S. Army Corps of Engineers (USACE) for a proposed rail bridge replacement project (SAS-2021-00774). CRD requested the following items:

1. *A letter from the local governing authority of the political subdivision in which the property is located stating that the applicant's proposal is not in violation of any zoning law.*
2. *Project plans signed by the local zoning authority.*
3. *How the USACE will be permitting the project.*
4. *The USACE project manager contact information and a copy of the USACE permit if it has been issued.*
5. *If existing utilities in the project area will be relocated as a result of the project.*
6. *A non-refundable application fee of \$500.00 (or a copy of the check submitted).*
7. *An exhibit of impacts to CMPA jurisdiction specific to the development.*
8. *Details for all temporary impacts in CMPA jurisdiction from construction of the project. All impacts must be quantified.*
9. *A copy of the water quality certification, if required, for the proposed project, or a written statement that water quality certification is not required.*

Items 1 and 2:

The proposed project is located within CSXT property and does not have a listed State Tax Parcel ID by Bryan County or a zoning designation. The parcel has been a dedicated railroad transportation corridor for over 170 years, with a deed map date of November 1, 1855 from the State of Georgia. CSXT contacted Mrs. Sara Farr-Newman, a Senior Planner and the County Zoning Official with Bryan County to confirm that CSXT was compliant with zoning designations. Mrs. Farr-Newman responded on May 4, 2026, via email confirming that CSXT is in compliance with local zoning laws and that Bryan County does not

CSX Transportation, Inc.  
Proposed Bridge Replacement Project  
Milepost A 505.5  
Burroughs, Bryan County, GA

review railroad line projects, as railroad lines are exempt. A copy of the email is included as **Attachment 1** for your records.

Items 3 and 4:

CSXT received provisional verification for NWP No. 3 from the USACE on April 2, 2026. To fulfill the prerequisite for permit use, CSXT must submit a copy of the Georgia Coastal Management Program (GCMP) certification. A copy of the provisional verification letter is included as **Attachment 2**. The USACE project manager's contact information for SAS-2021-00774 is provided below:

Kaylan Metz, Project Manager  
USACE, Savannah District  
Regulatory Division, Coastal Branch  
100 W. Oglethorpe Avenue  
Savannah, Georgia 31401  
912-414-2582  
[Kaylan.M.Metz@usace.army.mil](mailto:Kaylan.M.Metz@usace.army.mil)

Item 5:

CSXT understands that no utilities will be relocated for the proposed project.

Item 6:

CSXT understands a non-refundable application fee of \$500.00 must be submitted to CRD made payable to the Georgia Department of Natural Resources. CSXT will provide a copy of the check to Deb Barreiro via email upon issuance. The remittance addressee and address for the fee submittal are not specifically identified on the CMPA application. Please confirm the appropriate addressee and address; CSXT tentatively has the following address for submitting the application fee:

Georgia Department of Natural Resources- Coastal Resources Division  
ATTN: Deb Barreiro, Coastal Permit Coordinator  
One Conservation Way, Suite 300  
Brunswick, Georgia 31523

Items 7 and 8:

An exhibit of the potential impacts to CMPA jurisdiction resources was presented to CRD within **Attachment 5** of the USACE Pre-Construction Notification package (submitted hardcopy via mail). Drawing No. A 505.50-11 provides illustrated and quantified impacts to CMPA jurisdiction resources. To clarify drawing interpretation, a highlighted version of the drawing is included as **Attachment 3**.

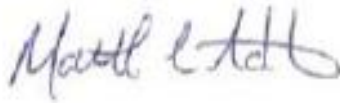
Item 9:

The GADNR Environmental Protection Division (EPD) issued a Water Quality Certification for use of all NWPs in Georgia, pursuant to Section 401 of the Clean Water Act, by letter to the USACE on December 11, 2025. A copy of the EPD letter is included as **Attachment 4**.

CSX Transportation, Inc.  
Proposed Bridge Replacement Project  
Milepost A 505.5  
Burroughs, Bryan County, GA

If you have any questions, or would like more information, please contact Paul Haywood (WSP USA Inc.) at (770) 789-6036 or [Paul.Haywood2@wsp.com](mailto:Paul.Haywood2@wsp.com).

Sincerely,  
CSX Transportation, Inc.

A handwritten signature in dark ink, appearing to read "Matt L Adkins". The signature is fluid and cursive, with the first name "Matt" and last name "Adkins" clearly distinguishable.

Matthew L. Adkins  
Sr. Manager Environmental Remediation

Attachments:

1. Bryan County Zoning Email Response (05/04/26)
2. USACE NWP No. 3 Provisional Verification (04/02/2026)
3. Exhibit of Impacts to CMPA Jurisdiction (Drawing No. A 505.50-11)
4. EPD Water Quality Certification (12/11/2026)

**From:** [Parker, Joseph](#)  
**To:** [Haywood, Kenneth](#)  
**Cc:** [Bourdeau, Jonathan](#); [Neisz, Troy](#)  
**Subject:** FW: \*EXTERNAL\*A 505.5 Richmond Hill, GA - CSX Transportation Bridge repair  
**Date:** Monday, May 4, 2026 12:59:32 PM  
**Attachments:** [image001.png](#)  
[Outlook-mord92w1.png](#)

---

Paul,

See below from the County Zoning official. She confirmed CSX is exempt from the zoning laws. Can you pdf this email and use it as the response back to DNR?

Thanks

---

**From:** Sara Farr-Newman <[snewman@bryancountyga.gov](mailto:snewman@bryancountyga.gov)>  
**Sent:** Monday, May 4, 2026 12:33 PM  
**To:** Parker, Joseph <[joseph.parker@wsp.com](mailto:joseph.parker@wsp.com)>  
**Cc:** Neisz, Troy <[troy.neisz@wsp.com](mailto:troy.neisz@wsp.com)>  
**Subject:** Re: \*EXTERNAL\*A 505.5 Richmond Hill, GA - CSX Transportation Bridge repair

Hello,

After review we determined CSX is in compliance with local zoning laws as we do not review railroad lines, which are exempt. Let us know if you need anything additional. Thank you,

## SARA FARR-NEWMAN

AICP, CNU-A  
Senior Planner



912-459-6518

[bryancountyga.gov](http://bryancountyga.gov)

[snewman@bryancountyga.gov](mailto:snewman@bryancountyga.gov)

---

**From:** Parker, Joseph <[joseph.parker@wsp.com](mailto:joseph.parker@wsp.com)>  
**Sent:** Monday, May 4, 2026 8:17 AM  
**To:** Sara Farr-Newman <[snewman@bryancountyga.gov](mailto:snewman@bryancountyga.gov)>  
**Cc:** Neisz, Troy <[troy.neisz@wsp.com](mailto:troy.neisz@wsp.com)>  
**Subject:** \*EXTERNAL\*A 505.5 Richmond Hill, GA - CSX Transportation Bridge repair

You don't often get email from [joseph.parker@wsp.com](mailto:joseph.parker@wsp.com). [Learn why this is important](#)

Good morning Sara,

I called you last week about an upcoming CSX Transportation project. Here is a little more information on the project.

The project is located at CSX Transportation, Inc. (CSXT) Milepost A-505.5 near Richmond Hill, Bryan County, Georgia at latitude and longitude coordinates 31.953893, -81.288381. CSXT proposes to replace a portion of the existing bridge that crosses the Ogeechee River. The existing timber sections of this bridge are reaching the end of their useful lifespan and require maintenance and replacement activities to be performed to ensure continued operation of this section of railroad and infrastructure. Attached is the zoning map showing the project location, the CSXT right of way (ROW) limits (Valmap), and a plan sheet showing the proposed bridge repair will be completely on CSX ROW.

We have received the USACE Section 404 permit. We are currently waiting on the State of Georgia to complete Coastal Marshland Protection Act (CMPA) Permit. One of the conditions of the CMPA is to coordinate with the local zoning authority and get a letter stating the project is in compliance with local zoning laws. As we discussed, the planned bridge project will be completely within the CSXT ROW and we understand that because the railroad has been in operation in Georgia for over 150 years and local zoning reviews are not necessary for rail infrastructure projects, this project would not be subject to local zoning requirements. Could you provide confirmation that this project does not require local zoning approval, and we can use this email to satisfy this permit condition?

Please let me know if you have any questions or need additional information.

Thanks  
Joe Parker



Joe Parker, PE  
Water Resources Engineer  
[joseph.parker@wsp.com](mailto:joseph.parker@wsp.com)  
M+ 1 865-250-2886  
[wsp.com](http://wsp.com)

---

NOTICE: This communication and any attachments ("this message") may contain information which is privileged, confidential, proprietary or otherwise subject to restricted disclosure under applicable law. This message is for the sole use of the intended recipient(s). Any unauthorized use, disclosure, viewing, copying, alteration, dissemination or distribution of, or reliance on, this message is strictly prohibited. If you have received this message in error, or you are not an authorized or intended recipient, please notify the sender immediately by replying to this message, delete this message and all copies from your e-mail system and destroy any printed copies.



Jeffrey W. Cown, Director

2 Martin Luther King, Jr. Drive  
Suite 1456, East Tower  
Atlanta, Georgia 30334  
404-656-4713

Colonel Ron Sturgeon  
Commander  
U.S. Army Corps of Engineers  
Savannah District  
100 W. Oglethorpe Avenue  
Savannah, Georgia 31401-3604

12/11/2025

Re: Water Quality Certification  
2026 Reissuance of Nationwide Permits  
Statewide

Dear Colonel Sturgeon:

In accordance with Section 401 of the Federal Clean Water Act, 33 U.S.C. § 1341, the State of Georgia has evaluated the 2026 Nationwide Permits submitted by the U.S. Army Corps of Engineers, an applicant for a federal permit or license related to proposed activity in, on, or adjacent to the waters of the State of Georgia.

The State has examined the information regarding the 2026 Nationwide Permits provided to it by the Corps Savannah District Regulatory Program. In accordance with that information, the State of Georgia issues this Section 401 water quality certification to the U.S. Army Corps of Engineers. This Section 401 water quality certification is subject to the following terms and conditions:

1. To assure compliance with State water quality standards, the relevant Nationwide Permit applicant shall conduct all activities in a manner that will assure water quality adequate or necessary to protect and maintain designated uses. 33 U.S.C. § 1313(a)-(d); O.C.G.A. § 12-5-23 c)(2), (6), (9), (15); Ga. Comp. R. and Regs. 391-3-6-.03(2) i), (ii).
  - a. To prevent or avoid degradation of water quality downstream, the relevant Nationwide Permit applicant shall implement Best Management Practices (BMPs) that have been approved for in-water use to the extent practical and feasible, to minimize total suspended solids (TSS) and sedimentation for any work conducted within a state water or within the delineated boundaries of wetlands. 33 U.S.C. § 1313(a)-(d); O.C.G.A. § 12-5-23(c) 2), 6, 9), 15); O.C.G.A. § 12-5-29(a); O.C.G.A. §§ 12-7-6 to 7; Ga. Comp. R. and Regs. 391-3-6-.03(5).
  - b. In order to prevent or avoid violations of state water quality standards, the relevant Nationwide Permit applicant must ensure that any fill placed in state waters must be clean fill that is free of solid waste, toxic, or hazardous contaminants. 33 U.S.C. §§ 1311; 1313(a)-d); O.C.G.A. § 12-5-23 c) 2), (6), 9), (15); O.C.G.A. § 12-5-29(a); Ga. Comp. R. and Regs. 391-3-6-.03(5), 6), (11), 14)- 16).

2026 Reissuance of Nationwide Permits  
Statewide

2. To assure compliance with State buffer rules, the relevant Nationwide Permit applicant shall ensure that it abides by the requirements of any buffer variance applicable to the Project, including provisions to ensure protection, restoration, or mitigation of or related to the buffer, which facilitates the protection of water quality. 33 U.S.C. §§ 1311; 1313(a)- d ; O.C.G.A. § 12-7-6; Ga. Comp. R. and Regs. 391-3-7-.05; 391-3-7-.11.

This certification does not waive any other permit or other legal requirement applicable to this project or relieve the applicant of any obligation or responsibility for complying with the provisions of any other federal, state, or local laws, ordinances, or regulations.

It is your responsibility to submit this certification to the appropriate federal agency. If you have any questions regarding this certification, please contact David Hedeem by email at [david.hedeem@dnr.ga.gov](mailto:david.hedeem@dnr.ga.gov) or by phone at 470-427-2730.

Sincerely,

A handwritten signature in black ink that reads "Jeffrey W. Cown". The signature is written in a cursive, flowing style.

Jeffrey W. Cown, Director  
Environmental Protection Division

cc: Ms. Sarah Wise, Corps  
Mr. Eric Somerville, EPA  
Mr. Peter Maholland, FWS  
Ms. Kelie Moore, CRD



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Southeast Regional Office  
263 13<sup>th</sup> Avenue South  
St. Petersburg, Florida 33701-5505  
<https://www.fisheries.noaa.gov/region/southeast>

03/13/2026

F/SER31:DG  
SERO-2025-02810

Kaylan Collins  
Project Manager, Coastal Branch  
Savannah District Corps of Engineers  
Department of the Army  
100 W. Oglethorpe Avenue  
Savannah, Georgia 31401-3604

Ref.: SAS-2021-00774, CSXT Burroughs Bridge Span Replacement, Ogeechee River,  
Burroughs, Bryan County, Georgia – EXPEDITED TRACK

Dear Kaylan Collins,

This letter responds to your December 8, 2025, request and your February 10, 2026, and February 12, 2026, clarifying email responses pursuant to Section 7 of the Endangered Species Act (ESA) for consultation with the National Marine Fisheries Service (NMFS) on the subject action.

We reviewed the action agency's consultation request document and related materials. Based on our knowledge, expertise, and the action agency's materials, we concur with the action agency's conclusions that the proposed action is not likely to adversely affect the NMFS ESA-listed species and/or designated critical habitat.

We would like to offer the following clarifications to complement your incoming request for Consultation. Please include this information as applicable in future consultation requests.

**Conservation Measures and BMPs:**

- Sturgeon encounters (e.g., sightings, sick, injured, entangled, stranded, or dead animal) will be reported to the Sturgeon Reporting Hotline 844-788-7491 (1-844-STURG-911).
- In-water work will be confined to daylight hours from dawn to dusk (*as stated in the "Proposed Action" section, page 3, last paragraph of the December 08, 2025, revised consultation request*).
- The permittee understands the importance of, and agrees, the proposed project is located in an area where sturgeon are known to aggregate and is situated between two juvenile high-use areas (HUA) for sturgeon in the Ogeechee River (one is located 1,500 ft downstream from this project and another further upstream). Therefore, all in-water work will be conducted during the NMFS preferred October 1-April 30 work window to reduce the risk to sturgeon aggregations. (*Note: This follows the NMFS requested work window as agreed to by the applicant in the February 10, 2026, and February 12, 2026, clarifying emails.*)



NMFS updated the Multi-Species Pile Driving Calculator on September 22, 2025. We used the updated calculator to analyze the pile driving effects to the listed species in this consultation and the results were consistent with your effect determinations. Please use the updated calculator for future consultation requests: <https://www.fisheries.noaa.gov/southeast/consultations/section-7-consultation-guidance>.

Updates to the regulations governing interagency consultation (50 CFR part 402) were effective on May 6, 2024 (89 Fed. Reg. 24268). We are applying the updated regulations to this consultation. The 2024 regulatory changes, like those from 2019, were intended to improve and clarify the consultation process, and, with one exception from 2024 (offsetting reasonable and prudent measures), were not intended to result in changes to the Services' existing practice in implementing Section 7(a)(2) of the Act. 84 Fed. Reg. at 45015; 89 Fed. Reg. at 24268. We have considered the prior rules and affirm that the substantive analysis and conclusions articulated in this letter of concurrence would not have been any different under the 2019 regulations or pre-2019 regulations.

This concludes your consultation responsibilities under the ESA for species and/or designated critical habitat under NMFS's purview. Reinitiation of consultation is required and shall be requested by the action agency where discretionary Federal action agency involvement or control over the action has been retained or is authorized by law and: (a) take occurs; (b) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered in this consultation; (c) the action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not previously considered in this consultation; or (d) if a new species is listed or critical habitat designated that may be affected by the action.

We look forward to further cooperation with you on other projects to ensure the conservation of our threatened and endangered marine species and designated critical habitat. If you have any questions on this consultation, please contact Dawn Glasgow, Consultation Biologist, by email at [Dawn.Glasgow@noaa.gov](mailto:Dawn.Glasgow@noaa.gov).

Sincerely,

for Dennis Klemm  
Acting Assistant Regional Administrator  
for Protected Resources

File: 1514-22.f3