



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT
100 W. OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31401-3604

February 25, 2025

PUBLIC NOTICE
Savannah District, U.S. Army Corps of Engineers

TO WHOM IT MAY CONCERN:

SUBJECT: Notice of Availability of a draft Supplemental Environmental Assessment (SEA) and draft Finding of No Significant Impact (FONSI) in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, to evaluate omitting the sediment basin weir and fill flow rerouting measure from flow rerouting mitigation plan (Plan 6a) outlined in the Savannah Harbor Expansion Project (SHEP) Appendix C: Mitigation Planning (Mitigation Plan). This SEA supplements the July 2012 Final Environmental Impact Statement (FEIS) for the SHEP. The U.S. Army Corps of Engineers, Savannah District (USACE) evaluated two alternatives, including the No Action Alternative (NAA) and the proposed action to modify Plan 6a to omit the sediment basin weir and fill feature.

Public Comment Period: The USACE is pleased to provide the draft SEA and draft FONSI for public comment. The public comment period closes at midnight March 27, 2025. Those interested in or affected by this action are invited to share their concerns or comments.

Public comments may be submitted via email at CESAS-planning@usace.army.mil or mailed to the address below. Please include Sediment Basin SEA in the subject line.

U.S. Army Corps of Engineers, Savannah District
Attn: Planning Branch, CESAS-PMP
Subject: Sediment Basin SEA
100 West Oglethorpe Ave
Savannah, GA 31401

All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act.

The draft SEA and draft FONSI are available for public review and comment. The documents can be downloaded from the USACE website at <https://www.sas.usace.army.mil/About/Divisions-and-Offices/Planning-Division/Plans-and-Reports/>. Copies may also be obtained through email request to the following address: CESAS-planning@usace.army.mil.

The Public Comment Period Closes March 27, 2025.

DESCRIPTION OF THE PROPOSED ACTION: The proposed action consists of modifying Plan 6a as described in the 2012 SHEP FEIS to omit the sediment basin weir and fill flow rerouting measure. USACE is considering the omission of the sediment basin weir and fill from the flow rerouting plan for several reasons, which include: the considerable cost and constructability risks identified with the construction and installation of the weir and fill and the designation of critical habitat for the endangered Atlantic sturgeon. Moreover, additional data and updated models indicate that the flow rerouting measures already constructed from Plan 6a are currently meeting the mitigation requirements outlined in the 2012 SHEP FEIS for the conversion of freshwater wetlands without implementing the sediment basin weir and fill mitigation measure. The benefits from construction of the sediment basin weir and fill are predicted to be less than what was determined in the 2012 SHEP FEIS, while additional adverse effects have been identified (**Figure 1**).



Figure 1. Overview of the location of the sediment basin weir and fill

DEPARTMENT OF THE ARMY EVALUATION:

Environmental Assessment: The USACE has prepared a draft SEA for the proposed action in accordance with the Council on Environmental Quality's NEPA regulations found at 40 CFR § 1500-1508 and the USACE Procedures for Implementing NEPA found at 33 CFR § 230. USACE has made a preliminary determination that the effects of the proposed action would not be significant, and that an Environmental Impact Statement would not be prepared.

Threatened, Endangered and other Protected Species: Formal consultation was completed by USACE with the United States Fish and Wildlife Service (USFWS) on April 28, 2011 for the SHEP. USACE has determined that the proposed action would have no effects on USFWS threatened or endangered species or their critical habitat. USACE is coordinating the no effects finding with USFWS, and the responses will be included in the final SEA, if appropriate. Formal consultation was completed by USACE with the National Marine Fisheries Service (NMFS) Protected Resources Division (PRD) on November 4, 2011, and amendments in September 23, 2013 and October 13, 2017 for the SHEP. USACE has determined that the proposed action would have no effects on NMFS threatened or endangered species. In a letter dated February 19, 2025, NMFS-PRD stated, "NMFS-PRD supports the District's proposal to forgo constructing the sediment basin weir and upriver fill. Forgoing constructing it will still achieve the results of the planned flow rerouting mitigation while avoiding unnecessary construction and maintenance expenses and repeated benthic impacts from maintaining the fill. SHEP's flow rerouting mitigation features and their effects were considered in previous Section 7 consultations on SHEP. Because the effects of the action are not changing, the removal of this feature from the proposed action does not trigger the reinitiation of consultation requirements described in 50 CFR 402.16(a); thus, further coordination with NMFS-PRD is not required for this action."

Cultural Resources: USACE has determined that there is no effect to historic properties posed by this undertaking, pursuant to Section 106 of the National Historic Preservation Act of 1966. Georgia and South Carolina State Historic Preservation Offices (SHPO) and 11 Tribes that consider the waterway within their areas of interest were consulted on this project. On December 9, 2024, USACE consulted with all parties (State Historic Preservation Offices/Tribal Historic Preservation Offices) regarding the preliminary decision to not construct the sediment basin weir and fill as a mitigation measure of the 2012 SHEP FEIS. Per the SHEP Programmatic Agreement executed in February 2012, cultural resources investigations were necessary in this area if the weir was to be constructed. Georgia SHPO expressed concurrence with USACE not constructing the weir and that a modification to the PA is not required. Consultation with South Carolina SHPO is ongoing, and their response will be included in the final SEA, if appropriate. One tribal response was received. The Catawba Nation had no immediate concerns with the proposed action.

Essential Fish Habitat: For the SHEP, the consultation for essential fish habitat (EFH) was conducted jointly with Endangered Species Act (ESA) consultation, as indicated in the letter dated January 25, 2011, from the NMFS Habitat Conservation Division.

Because this action alters what was agreed upon in the 2011 consultation, USACE submitted an EFH evaluation to NMFS on December 11, 2024. USACE has determined that there would be no substantial, adverse impacts to resources managed under the Magnuson-Stevens Fisheries Conservation Act (MSA). NMFS reviewed the EFH assessment and offered no EFH Conservation Recommendations pursuant to Section 305(b)(2) of the MSA. NMFS responses are included in Appendix B.

Clean Water Act (CWA) 401 Water Quality Certification: The Georgia Department of Natural Resources (GADNR) Environmental Protection Division (EPD) issued Georgia's 401 Water Quality Certification (WQC) for the SHEP on February 16, 2011. The South Carolina Department of Health and Environmental Control (SCDHEC) Board issued the 401 WQC on November 15, 2011. As noted in the November 15, 2011, 401 WQC, adoption of the November 10, 2011, settlement agreement by the SCDHEC Board, authorized issuance of the 401 WQC. USACE determined that the project would not require an updated or modified Section 401 certification from the GADNR EPD or the South Carolina Department of Environmental Services (SCDES), previously known as SCDHEC. The proposed project will be conducted in accordance with these certifications. Therefore, the proposed project would not require a new Section 404(b)(1) evaluation or Section 401 Water Quality Certification. In an email dated February 17, 2024, the GADNR EPD stated, "EPD would not object to the Savannah District's proposal to not construct the weir in the Back River. The 401 WQC would not require any modifications." The response from SCDES will be included in the final SEA, if appropriate.

Coastal Zone Consistency: Federal Consistency Determinations under the CZMA for the SHEP were provided on January 25, 2011, by GADNR Coastal Resources Division (CRD), and on November 15, 2011, by SCDES-Office of Ocean and Coastal Resource Management (OCRM). USACE consulted with the Georgia Coastal Management Program (GCMP) and South Carolina Coastal Zone Management Program (SCCZMP) to determine if additional compliance was needed regarding CZMA. In accordance with CZMA, USACE has determined that the proposed action would be carried out in a manner which is fully consistent with the enforceable policies of the GCMP and SCCZMP. In an email dated November 4, 2024, Georgia Department of Natural Resources – Coastal Resources Division (GADNR-CRD) stated "no additional CZMA federal consistency documentation will be required for not building the sediment basin weir and fill since any impacts to coastal resources and uses arising from that mitigation measure will be mitigated by alternative measures, so there is no reasonably foreseeable net increase to effects above what was originally concurred with." The response from SCCZMP will be included in the final SEA, if appropriate.

Consideration of Public Comments: USACE is soliciting comments from the public; Federal, State, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed action. Any comments received will be considered by USACE in its deliberations on this action.

Comment Period: Please submit written comments to the U.S. Army Corps of Engineers, Savannah District by midnight **March 27, 2025**. Written comments may be sent via email to CESAS-planning@usace.army.mil, or to the mailing address below.

Questions may be directed to Mr. Alex Metz, Biologist at CESAS-Planning@usace.army.mil or by phone at 912-602-1827.

**U.S. Army Corps of Engineers, Savannah District
Attn: Planning Branch, CESAS-PMP
Subject: Sediment Basin SEA
100 West Oglethorpe Ave
Savannah, GA 31401**

Mailed comments on this notice must be postmarked by the above expiration date. In your response, please refer to Sediment Basin SEA. Should no response be received by the above expiration date, a “no comment” response will be assumed.

Kimberly L. Garvey
Chief, Planning Branch