RECORD OF DECISION
SAVANNAH HARBOR EXPANSION PROJECT
Georgia and South Carolina

The Final General Re-Evaluation Report (GRR) and the Final Environmental Impact Statement (FEIS) for the Savannah Harbor Expansion Project, both of which are dated January 2012 and were revised in July 2012, address the need for navigation improvements to the existing Savannah Harbor Navigation Project, Georgia and South Carolina. The final recommendation is contained in the report of the Chief of Engineers, dated August 17, 2012. Based on these reports, the reviews of State and local agencies, the approval of other Federal agencies, input from the public, and the review by my staff, I find the plan recommended by the Chief of Engineers to be technically feasible, economically justified, cost effective, in accordance with applicable environmental statutes, and in the public interest. Thus, I approve the Savannah Harbor Expansion Project for construction.

The selected plan is the National Economic Development plan, which consists of deepening the harbor to an authorized depth of -47 feet Mean Lower Low Water (MLLW) in the inner harbor and to -49 feet MLLW in a portion of the ocean channel.

Specific General Navigation Features include:

a. Extending the existing entrance channel 7.1 miles from Station -60+000B to Station -97+680B and deepening to -49 feet MLLW from the new ocean terminus to Station -14+000B, then deepening to -47 feet MLLW from Station –14+000B to Station 0+000, and deepening the inner harbor to -47 feet MLLW from Station 0+000 to Station 103+000;
b. Widening bends on the entrance channel at one location (Stations -23+000B to -14+000B) and in the inner harbor channel at two locations: (Stations 27+700 to 31+500, and Stations 52+250 to 55+000);
c. Construction of two meeting areas (Stations 14+000 to 22+000 and Stations 55+000 to 59+000);
d. Deepening and enlarging the Kings Island Turning Basin to a width of 1,600 feet; and
e. Replacing dredged material storage capacity in existing dredged material containment areas.

Compensatory mitigation features include:

a. Construction of a fish bypass around the New Savannah Bluff Lock and Dam in Augusta, Georgia;
b. Construction of a series of flow re-routing features in the estuary to include a diversion structure, cut closures, removal of a tidegate structure, and construction of a rock berm and submerged sill;

c. Acquisition and preservation of 2,245 acres of freshwater wetlands (bottomland hardwoods;
d. Restoration of 28.75 acres of tidal brackish marsh;
e. Installation of an oxygen injection system;
f. Construction of a raw water storage pond for the City of Savannah's industrial and domestic water treatment facility;
g. Construction of a boat ramp;
h. One-time payment to the Georgia Department of Natural Resources Striped Bass Stocking Program;
i. Recovery, documentation and curation of items of historic significance of a Civil War ironclad;
j. Monitoring to ensure that (1) the impacts described in the FEIS are not exceeded, and (2) the mitigation features function as intended; and
k. Adaptive management to modify mitigation features, if necessary.

Operation and maintenance of these mitigation features will continue to be a project responsibility except for the following: the preserved lands will be transferred to the U.S. Fish and Wildlife Service and become part of the Savannah National Wildlife Refuge; the raw water storage pond will be transferred to the City of Savannah; and the boat ramp will be transferred to Chatham County, Georgia. The payment to the Striped Bass Stocking Program is a one-time payment and does not involve any operation or maintenance.

The GRR and the FEIS incrementally evaluated various structural and non-structural alternatives, including alternative terminal locations, to address navigational problems and inefficiencies in Savannah Harbor due to the existing -42-foot MLLW channel depth. All of the alternatives from the GRR and the FEIS are hereby incorporated by reference in this Record of Decision (ROD). Only structural methods within the existing harbor were carried into the detailed planning phase. In addition to the "No Action" plan, the environmental effects of 5 depth alternatives were examined in detail: -44, -45, -46, -47, and -48 feet MLLW. The FEIS assessed the impacts expected to wetlands, fisheries, benthic communities, birds, marine mammals, endangered species, water quality, cultural resources, historic properties, and other environmental factors for each depth alternative. Based upon the findings of the FEIS, the No Action plan is considered to be the environmentally preferable alternative, but it does not address the project purpose and need. After full consideration of the environmental, engineering, and economic analyses, the U.S. Army Corps of Engineers (Corps) identified the -47-foot MLLW depth alternative as the plan that maximizes net economic benefits to the Nation and fully complies with Army policy.

All practicable means to avoid and/or minimize adverse impacts to environmental resources were analyzed and incorporated into the selected plan. After avoiding and minimizing impacts where possible, mitigation of significant adverse impacts to natural resources that could not be avoided was included in the mitigation plan. The mitigation plan included in the FEIS was designed in part to address direct impacts to tidal brackish marshes that would occur as a result of dredging. Also, mitigation is included

for unavoidable indirect impacts such as loss of shortnose and Atlantic sturgeon habitats, loss of striped bass habitats, conversion of tidal freshwater and salt marsh, reduction in dissolved oxygen levels in the inner harbor, and increased chloride levels at the City of Savannah's industrial and domestic water supply intake. The impact analyses, alternatives considered, and mitigation planning procedures are addressed in detail in the FEIS. All mitigation features will be implemented in accordance with the mitigation plan described in the FEIS. The Corps will install, operate and maintain the dissolved oxygen system in accordance with the project mitigation plan, subject to Congressional appropriation of funds for the project.

A cultural resource mitigation plan is included for the *CSS Georgia* that is listed on the National Register of Historic Places. The *CSS Georgia* is a Confederate ironclad resting on the bottom of the Savannah River inside the navigation channel dredging prism. In recognition of the project's impacts on the vessel, the project would recover and document the site's items of historic significance. A Programmatic Agreement is included in the FEIS that describes how cultural and historic resources will be addressed during implementation of the project. Execution and implementation of the Agreement is a feature of the project and will ensure compliance with the Federal laws protecting these resources.

The Draft GRR and EIS were circulated for public review for 45 days starting November 15, 2010. The comment period was extended for 15 days and officially closed on January 25, 2011. In addition to comments from the Federal and State natural resource agencies, over 1,100 respondents submitted comments on the draft reports. Some Federal agencies expressed several environmental concerns, including the length of the post-construction monitoring period, the proposed mitigation for impacts to wetlands and shortnose sturgeon habitat, and funding assurance for the mitigation monitoring and adaptive management. Numerous coordination meetings were held to address agency and public comments, the detailed responses to which are included in the FEIS.

The Final GRR and FEIS were circulated for public review starting April 20, 2012. After receiving extension requests, the comment period was extended for 15 days and officially closed on June 5, 2012. Approximately 45 respondents submitted National Environmental Policy Act (NEPA) review comments. Minor revisions were made to the reports to correct errors or omissions identified by the respondents.

The FEIS contains a Clean Water Act (CWA) subsection 404(b)(1) evaluation and documents that the recommended plan is in compliance with the CWA requirement for a CWA section 401 water quality certificate from any State whose waters would be affected by the discharge of dredged or fill material. The Corps obtained water quality certificates from the States of Georgia and South Carolina on February 16, 2011 and November 15, 2011, respectively. The Corps will comply with all of the applicable conditions outlined in each of these certificates. However, one of the certificates has become the subject of litigation within the state of issuance. Consequently, I am seeking a CWA subsection 404(r) exemption in order to prevent inappropriate delays to

this project due to pending litigation. Therefore, when the Congress authorizes this project or next appropriates funds for construction after receipt of this FEIS, it would be providing an exemption from section 401 of the CWA.

Congress conditionally authorized deepening Savannah Harbor up to an additional 6 feet in section 101(b)(9) of Water Resources Development Act (WRDA) of 1999 if a favorable Chief's report was completed no later than December 31, 1999. The Chief's report was completed on October 21, 1999. Section 101(b)(9) also mandated that the project could only be carried out after: (1) completion of an environmental impact statement, including an analysis of impacts of project depth alternatives and a recommended plan for navigation and associated mitigation; (2) approval of the selected plan by the Secretary of the Interior, the Secretary of Commerce, the Secretary of the Army, and the Administrator of the Environmental Protection Agency; and (3) a determination by those Secretaries and the Administrator that the associated mitigation plan adequately addressed the potential environmental impacts of the project. In addition to these statutory requirements, the Chief's report imposed further study requirements. The GRR and the FEIS satisfy all of the WRDA 1999 statutory provisions, NEPA, and the direction in the 1999 Chief's report.

Technical and economic criteria specified in the Water Resource Council's Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies were used in the formulation of alternative plans. All applicable laws, executive orders, regulations, and local government plans as detailed in the FEIS were considered in the evaluation of alternatives. This ROD completes the NEPA compliance process for the project.

October 26, 2012
Date

Jo-Ellen Darcy
Assistant Secretary of the Army
(Civil Works)