

# OVERVIEW

## **SUMMARY.**

This feasibility report and its accompanying Tier I Environmental impact Statement describe the engineering, economic, cultural, and environmental effects of deepening the Savannah Harbor Channel to a maximum depth of 50 feet. It provides the basis for a recommendation to the President and Congress that a channel improvement project up to a depth of 48 feet be authorized.

This report is the result of an unusual process and approach to a channel deepening study, but one which Georgia Ports Authority (GPA) believes serves the interests of the project proponents while retaining full protection for the interests of other resource uses for the Savannah River estuary. In understanding the status of the project and the process to be followed subsequent to authorization, it is important to understand the history including the process followed to date.

## **1. BACKGROUND.**

The channel in Savannah Harbor was dredged to a depth of 42 feet in 1994 in anticipation of larger container vessels calling at the port. In early 1997, GPA officials recognized the need for an even deeper channel. Container ships are getting larger than expected and the volume of containerized shipments has been increasing at an increasing rate, even greater than had been predicted just a few years ago.

GPA determined that it was critical to the future of the port to obtain a greater channel depth as soon as possible and to seek authorization for a deeper channel in the Water Resources Development Act of 1998 (WRDA 98). Toward that end and because there was insufficient time to seek and complete a traditional Army Corps of Engineers study in time for authorization in the WRDA 98, GPA assembled a team to conduct an expedited feasibility study under authority of Section 203 of the Water Resources Development Act of 1986 (WRDA 86).

## **2. SECTION 203 PROCESS.**

Section 203 of WRDA 86 provides that a non-federal project sponsor may conduct its own feasibility study in lieu of the Corps and submit it to the Secretary of the Army for review and recommendation to Congress for authorization. In early 1997, GPA officials met with the Assistant Secretary of the Army and the Director of Civil Works of the Army Corps of Engineers to outline the process it proposed to follow. Subsequently GPA signed a Memorandum of Agreement with the Army Corps of Engineers outlining their mutual and separate responsibilities to address the Congressional objectives of Section 203. The goal for this effort was to complete a feasibility study for deepening the Savannah River channel in time for project authorization in the WRDA 98.

The GPA team, in consultation with the Army Corps of Engineers determined that in order for the feasibility report and EIS to be completed in time to be considered for authorization in the WRDA 98, two strategic decisions were necessary.

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First, GPA would have to approach the analysis on the basis of what the maximum possible project might be rather than complete a detailed analysis of each increment of channel depth. GPA determined that a channel 50 feet deep would in all likelihood be the maximum project depth. Thus, the detailed analysis was focused on the economics, engineering, cultural, and environmental effects of a 50 foot channel with the intent of identifying the optimum channel depth based on a proportionate assessment of the intermediate depths.

Second, an assessment had to be made about how much information is truly necessary to determine whether there is a feasible project and how much analysis and design could be deferred until later in the design phase of the project. The outcome of that assessment was an amount of information less than what is typically seen in Corps of Engineers studies, but sufficient to determine whether there is a feasible project.

### 3. DRAFT REPORT AND DRAFT EIS.

Based on the strategic approach described above, GPA prepared a draft feasibility report and draft EIS. The report and EIS indicated to GPA that the optimum channel depth was 46 feet and that the environmental effects were acceptable. A mitigation plan was described which, in GPA's view, avoided impacts to the maximum extent, minimized impacts which could not be avoided, and compensated for the remaining impacts. GPA furnished the draft EIS to the Corps of Engineers and the Corps published the draft EIS for public comment on May 10, 1998,

### 4. COMMENTS.

The public and governmental agency responses to the request for comments was overwhelmingly negative with respect to the evaluation of the environmental effects at alternative depths and the development of the mitigation plan. While there was broad recognition for the need to deepen the harbor, there was also strong opposition to selection of a specific deepening plan without further extensive environmental investigation in a number of areas. Issues addressed in the Tier I DEIS, which will be addressed further in the Tier II EIS, include salinity intrusion into the fresh water wetlands at the Savannah National Wildlife Refuge, effects on efforts for recovery of striped bass and their habitat, effects on salt marsh from channel widening, potential increases in chloride levels at the City of Savannah water intake, effects of changes in dissolved oxygen content on shortnose sturgeon and on existing industrial discharge permits and industrial processes, effects of dredging on the CSS Georgia, an historic artifact on the edge of the channel, effects on the stability of Old Fort Jackson, an historic landmark, effects on sand nourishment at Tybee Beach, and compliance with the Endangered Species Act, Clean Water Act, and the Coastal Zone Management Act.

In addition, during the public comment period, the GPA report was reviewed thoroughly by Corps of Engineers staff. That review led to revisions to the economic analysis which now indicate that the NED Plan is a channel 48 feet deep and that the benefit-to-cost ratio is a very strong 3.0 to 1.

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## 5. RESPONSE TO COMMENTS.

With such a compelling economic need and justification for the project, it was imperative for GPA to proceed with its report on schedule, resolve the environmental concerns, and continue to seek authorization in WRDA 98.

Because of the serious concerns raised about the extent or uncertainty of environmental impacts and what the optimum depth and appropriate mitigation plan might be, GPA reconsidered its approach to project authorization. Recognizing that extensive additional environmental work would be required before a final optimum channel depth could be identified, GPA proposed to prepare Supplemental Environmental Statement during the design phase of the project which would address all the environmental concerns raised, evaluate each channel increment of depth more precisely, and develop a new mitigation plan by consensus.

GPA developed language to be part of the final EIS which would require mutually agreed upon further impact analysis and interpretation of data to be done and full coordination with all resource agencies before any actual deepening takes place. In addition, the final mitigation plan would be subject to further compliance with the National Environmental Policy Act and all other Federal environmental laws. The proposed language would retain all the authority and responsibility each agency and the general public currently has in the standard project development process. The proposal would allow for exercise of that authority to its fullest extent prior to any construction of the project, including an opportunity to oppose construction if a satisfactory mitigation plan is not achieved during the design phase of the project. This process was derived from the Council on Environmental Quality Regulations for implementing requirements of the National Environmental Policy Act (40 CFR 1500-1508.) Following are a few excerpts from those regulations pertinent to this process.

### **CEQ/NEPA Provision 1502.5(a).**

"For projects directly undertaken by Federal agencies the environmental impact statement shall be prepared at the feasibility analysis (go-no go) stage and may be supplemented at a later stage if necessary."

#### **5.1.1. Applicability to This Study:**

A worst case analysis was prepared regarding the environmental effects and the costs associated with the worst case scenario and the project is still justified. Further, there is general agreement that some project deeper than the existing 42 feet is justified. Thus, the feasibility of a project has been justified. It remains to be seen what the optimum depth is.

### **CEQ/NEPA Provision 1502.9(a).**

"Draft environmental impact statements shall be prepared in accordance with the scope decided upon in the scoping process."

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## 5.1.2. Applicability to This Study:

The proposed scope of the draft EIS was clearly stated as a worst case scenario “ addressing the potential for a channel 50 feet deep, but noting that the ultimate project may be less than 50 feet deep.

## CEQ/NEPA Provision 1502.20. Tiering.

"Agencies are encouraged to tier their environmental impact statements ... to focus on the issues ripe for decision at each level of environmental review."

## 5.1.3. Applicability to This Study:

The decision to be made at this point in time is whether the project is feasible, even given the uncertainty of the specifics of a final mitigation plan. The report and EIS show the project is feasible, describes a worst case mitigation plan, and includes costs and contingencies to account for an extremely costly mitigation plan. Thus, a economic and engineering feasibility of the project would not be affected by even a very costly mitigation plan.

## CEQ/NEPA Provision 1502.9(c)(2).

"Agencies may also prepare supplements when the agency determines that the purposes of the act will be furthered by doing so."

## 5.1.4. Applicability to This Study:

GPA believed the draft EIS was adequate for feasibility decision purposes, principally because it addressed all the environmental issues and include a proposed mitigation plan which is based on a worst case scenario. The mitigation plan covered all the types and costs of potential mitigation and the project remained economically and technically justified.

## CEQ/NEPA Provision 1502.22(b)(2).

"If the information relevant to adverse impacts is important to the decision ... include a worst case analysis and an indication of the probability or improbability of its occurrence."

## 5.1.5. Applicability to This Study:

The analysis was prepared using the “worst case” approach. As noted above, the project is well justified even to the extent of the worst case scenario or a still more costly mitigation plan.

## CEQ/NEPA Provision 1508.28. Tiering.

“Tiering”, is appropriate when the sequence of statements is:

(a).....

(b) From an environmental impact statement on a specific action at an early stage (such as need and site selection) to a supplement (which is preferred) or a subsequent statement or analysis at a later stage (such as environmental mitigation). Tiering in such cases is

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appropriate when it helps the lead agency to focus on the issues ripe for decision and exclude from consideration issues already decided or not yet ripe."

## **5.1.6. Applicability to This Study:**

The focused decision is whether a project is feasible. As noted above, the project is well justified even to the extent of the worst case scenario or a still more costly mitigation plan.

## **6. COORDINATION WITH INTERESTED PARTIES.**

Development of the SEIS proposal led to several rounds of discussions among GPA, the Corps of Engineers (Corps), the U. S. Environmental Protection Agency (EPA), the U. S. Fish and wildlife service (FWS), the U. S. National Marine Fisheries Service (MMFS), the Georgia Department of Natural Resources (GADNR), the Coastal Conservancy, the South Carolina Department of Natural Resources (SCDNR), the South Carolina Department of Health and Environmental Control (SCDHEC), the City of Savannah, and several non-governmental interests affected by the proposal.

## **7. OUTCOME**

The outcome of those discussions was an agreement among all interested parties to consider the current EIS a Tier I EIS based on the CEQ-NEPA tiering process described above and finalize the Tier I EIS to require a Tier II EIS during the project design phase. The agreement for a Tier II EIS process is incorporated in full in the Tier I EIS and follows this Overview Section. The agreement was developed among multiple interests after detailed discussions and negotiations and the characterization of each concept is critical to success of the process involved. Thus, it is included verbatim and not summarized or paraphrased in any way in order to preserve the precise language of the agreement.

## **8. OTHER SPECIFIC ISSUES.**

Beyond the agreement to prepare a Tier II EIS, there are other related issues noted above in Paragraph 4 in response to the draft Feasibility Report and EIS which are also relevant to the Tier II EIS and additional analysis during the design phase. For example, in response to a certification by GPA in the draft documents that the proposed channel deepening is consistent with the South Carolina coastal Management Plan, the State of South Carolina did not concur in the consistency certification. GPA will revise its consistency certification during the Tier II EIS process and resubmit it for South Carolina concurrence at the end of the Tier II EIS process. The State of Georgia has deferred concurrence on consistency with its Coastal Zone Management Plan until the Tier II EIS has been developed and both states have deferred their respective certifications of compliance with state water quality standards under Section 401 of the Clean Water Act.

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Compliance with all other state and federal laws and environmental requirements will take place during the Tier II EIS process through coordination subsequent to publication of the draft Tier II EIS, concerns surrounding the CSS Georgia and Fort Jackson have been resolved and the resolution is included in the final Feasibility Report and Tier I EIS and will be included in the project authorization.

## 9. ACTIONS

GPA has revised the Feasibility Report, and Tier I EIS to be fully consistent with the Tier II EIS agreement. It should be understood that statements regarding the optimum channel depth, determinations of the project's effects or the adequacy of any natural resource mitigation plans are Tier I findings, based on studies performed to date. These Tier I findings have been used in determining the feasibility of the project and will be fully reviewed and reevaluated based on the work involved in the Tier II EIS. If there are any remaining definitive statements inconsistent with this overview, this overview will control.

## 9. ENCLOSURES:

- a. Letter from United States Department of Commerce, National Oceanic And Atmospheric Administration, National Marine Fisheries Service dated July 31, 1998
- b. Letter from Office of Ocean and Coastal Resource Management SC Department of Health and Environmental Control dated July 29, 1998
- c. Letter from South Carolina Department of Health and Environmental Control dated August 4, 1998