



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

FEBRUARY 23, 2024

PUBLIC NOTICE

**REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS
PROJECT PURSUANT TO 33 U.S.C. SECTION 408**

TITLE: Bridge replacement and widening at Interstate 95 over the Savannah River, Georgia/South Carolina border

PUBLIC NOTICE COMMENT PERIOD:

Begins: February 23, 2024

Ends: March 10, 2024

Interested parties are hereby notified that a request for permission to alter a U.S. Army Corps of Engineers (USACE) project pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 408) has been received and will be evaluated by the Savannah District. Written comments, including any objections to the proposed alteration, stating reasons therefor, are being solicited from anyone having an interest in the requested alteration. Comments will become part of the USACE administrative record and will be considered in the decision on the request. Comments must be mailed or emailed by or before the last day of the comment period and must reference the file number of this public notice. See below for contact information and address.

Regulatory Identification Number: 408-SAS-2022-0022

Requester: South Carolina Department of Transportation (SC DOT or "the requester").

Agent: Kristin Knight-Meng
KCI Technologies Inc.
122 Smith Hines Road
Greenville, SC 29631

PROJECT PURPOSE AS PROPOSED BY REQUESTER: The purpose of the proposed project is to improve capacity, mobility, and operations along Interstate 95 (I-95) near the Georgia/South Carolina border and to address operational deficiencies for interchanges and bridges within the study corridor.

LOCATION OF PROPOSED ACTION: As depicted in Figure 1, the requester proposes to replace and widen the existing I-95 bridge at Savannah River in Effingham County, Georgia. The limits of the proposed action that impact a USACE Civil Works Project are within 0.01 square miles area, spanning 2,845-ft over the Savannah River at river mile marker (RM) 27.7. Coordinates to the approximate location are 32.2357, -81.1511 as shown in Figure 1.

Charleston District Regulatory Division issued a public notice on October 4, 2023 describing the project and requesting public comment for stakeholders in South Carolina. This public notice is available at: [\(https://www.sac.usace.army.mil/Missions/Regulatory/Public-Notices/Article-View/Article/3547824/sac-2023-00107/\)](https://www.sac.usace.army.mil/Missions/Regulatory/Public-Notices/Article-View/Article/3547824/sac-2023-00107/).

PROPOSED ACTION: The SC DOT has requested permission to alter their existing occupation of the Savannah River Below Augusta (SRBA) federal channel at RM 27.7 to improve the I-95 corridor by replacing and widening the bridge. All infrastructure would occupy the federal project in a similar orientation as the present structure (pilings, abutments, vertical clearance, and adjoining drainage features). However, the horizontal clearance for the navigation channel will be reduced from 150-ft to 100-ft. The U.S. Coast Guard issued a preliminary clearance determination requiring, at minimum, 100-ft horizontal clearance to reasonably accommodate navigation at this location, consistent with the horizontal clearances for both the upstream and downstream.

In addition to the occupation of SRBA federal channel, there is a structure (fender system/training dike) at this location. As proposed, the requester does not intend on altering the structure, but planned construction activity would be within 4-5ft for removal of existing bridge piles. Due to proximity of, and the nature of construction activities, the proposed project has potential to alter the structural integrity and function of the fender system.

PERMISSION AUTHORITY: The authority to grant permission for temporary or permanent use, occupation, or alteration of any USACE Civil Works Project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 USC 408 ("Section 408"). Section 408 authorizes the Secretary of the Army to grant permission for the alteration or occupation or use of a USACE project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project.

LIMITS OF SECTION 408 AUTHORITY: A requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. Section 1344). In addition, an approval under Section 408 does not grant any property rights or exclusive privileges, nor does it authorize any injury to the property or rights of others.

ADDITIONAL INFORMATION: The requester has occupied RM 27.7, spanning 2845ft across and 61ft above the Savannah River, since the construction of I-95 in 1965. SCDOT assessed the proposed project for possible effects on the human and natural environment with a determination that no significant environmental impacts will occur.

There are two fender systems in the vicinity of the project area, extending diagonal from the riverbank as shown in Figure 2. The fenders serve to direct current flow in a desired path to minimize channel shoaling and bank erosion. These structures are authorized to support and maintain navigability from the Savannah Harbor to Augusta, Georgia. The fenders downstream of the I-95 bridge will not be impacted

by the proposed project. As the upstream fender crosses underneath I-95, it is within 4-5ft of a bridge piling to be removed and replaced.

EVALUATION: This request will be reviewed pursuant to Section 408 and USACE Engineering Circular (EC) 1165-2-220, which provides policy and procedural guidance for processing requests to alter USACE Civil Works Projects.

The decision whether to grant permission for the requested alteration will be based on several factors. The benefits that reasonably may be expected to accrue from the proposal will be balanced against its reasonably foreseeable detriments. Review of the requests for modification will be reviewed by a USACE technical review team considering the following factors:

- 1) Potential to Impair the Usefulness of the Project. Proposed alterations will be reviewed to determine whether the alteration would limit the ability of the USACE project to function as authorized, or would compromise or change any authorized project conditions, purposes or outputs. If USACE determines that the usefulness of the authorized project would be impaired, the request will be denied.
- 2) Potential to be Injurious to the Public Interest. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. This evaluation will consider information received from the interested parties, including tribes, agencies, and the public. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest.
- 3) Environmental Compliance. A decision on a Section 408 request is a Federal action and is subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. USACE is preparing an Environmental Assessment to evaluate the potential impacts of the proposed alteration on important resources. Comments received on this public notice will be used in the evaluation. The EA will not be published for public comment as this notice fulfills NEPA requirements for public participation. Any comments regarding the proposed alteration should be submitted during the current public comment period.

While ensuring environmental compliance is the responsibility of USACE, the requester is responsible for providing all information that USACE identifies as necessary. Environmental compliance requirements that will be considered in this evaluation include but are not limited to the following:

- a. Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) directs all

Federal agencies to ensure that any action they authorize, fund, or carry- out does not jeopardize the continued existence of an endangered or threatened species including adverse modification of their critical habitat.

- b. In accordance with Section 106 of the National Historic Preservation Act (NHPA), the USACE is required to take into account the effects of any permitted action to historic properties, which includes both archaeological resources on the surface or below ground, as well as historic buildings and structures that are listed in or are eligible for listing in the National Register of Historic Places. If determined necessary, the USACE will also consult with Indian Tribes in accordance with Section 101(d)(6)(B) of the NHPA, the USACE Tribal Consultation Policy, and Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments."
- c. The Coastal Zone Management Act ("CZMA") requires that "each federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

All factors that may be relevant to the proposal will be considered, including the potential cumulative effects associated with the proposed project. The review will consider the potential impact to the usefulness of the Federal project and whether the proposed alteration would be injurious to the public interest. Policy and legal compliance will also be considered.

USACE is soliciting comments from interested parties to evaluate the potential impacts of the proposed alteration. Comments will be considered to assess impacts on the public interest factors listed above, as well as endangered species, historic properties, water quality, and general environmental effects. Comments will be used for environmental compliance coordination as required by NEPA.

PUBLIC INVOLVEMENT: The purpose of this notice is to solicit comments from the public; federal, state, and local agencies and officials; tribes; and other interested parties regarding the proposed alteration to an existing federally authorized project. Comments received within 15 days of publication of this notice will be used in the evaluation of potential impacts of the proposed action on important resources and in the evaluation of whether the proposed alteration would be injurious to the public interest and/or would impair the usefulness of the authorized project. Only the specific activities that have the potential to occupy, use, or alter the federal project or fender systems will be evaluated. Please limit comments to the area of the alteration and those adjacent areas that would be directly or indirectly affected by the alteration. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act.

SUBMITTING COMMENTS: Written comments, referencing Identification Number 408-SAS-2022-0022, must be submitted to the office listed below on or before March 10, 2024.

WRITTEN COMMENTS MAY BE MAILED TO:

Department of the Army
Corps of Engineers, Savannah District
ATTN: Alexander Gregory
100 West Oglethorpe Avenue
Savannah, Georgia 31401

WRITTEN COMMENTS MAY BE EMAILED TO: cesas-planning@usace.army.mil

ALL comments must contain the full name and address of the individual commenting and must be received by the USACE by the expiration of the public notice period.

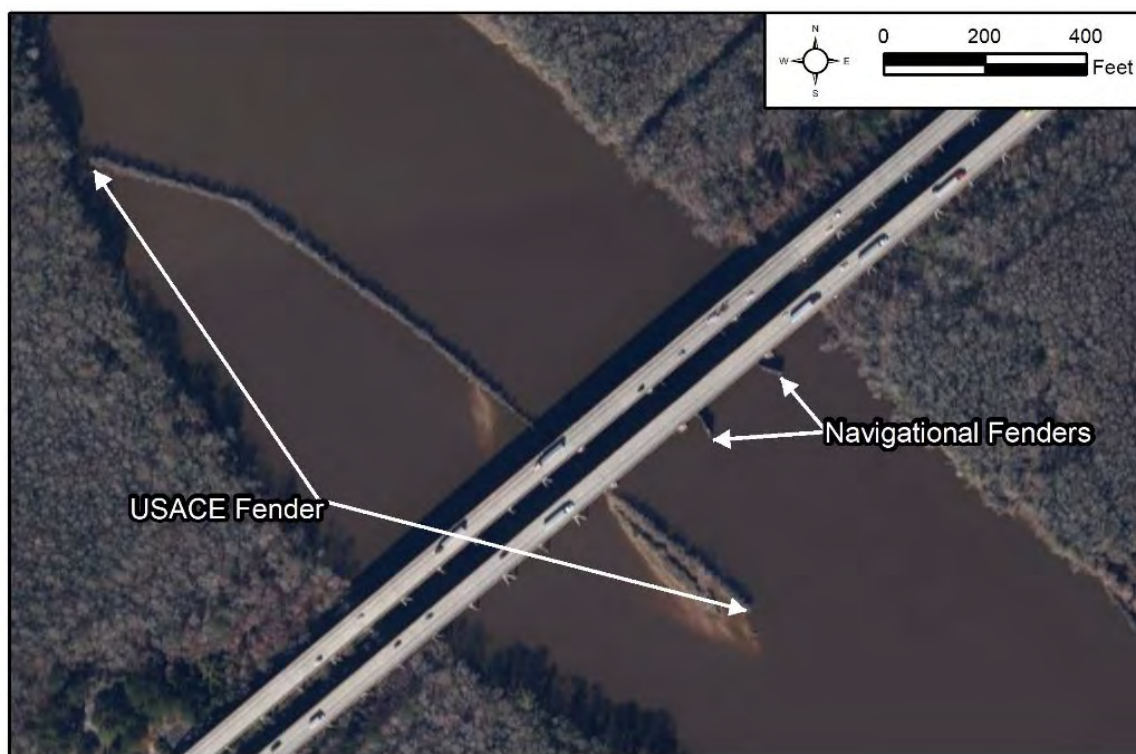


Figure 1: I-95 bridge and fender systems



Figure 2: Upstream fender system in the project area