

Chapter 8

Consultation and Coordination

This chapter summarizes agency and public consultation and coordination conducted by the U.S. Army Corps of Engineers (USACE) during preparation of the Haile Gold Mine Supplemental Environmental Impact Statement (SEIS).

8.1 Public and Agency Participation

The process of participation by the public, governmental agencies, tribes, and nongovernmental organizations (NGOs) is integral to the National Environmental Policy Act (NEPA) process. During preparation of the SEIS, the USACE provided the following avenues for public and agency participation.

- Public outreach activities
- Scoping process
- Technical briefings to cooperating agencies

Two agencies, the U.S. Environmental Protection Agency (USEPA) and South Carolina Department of Health and Environmental Control (SCDHEC) have elected to formally serve as cooperating agencies under NEPA. A *cooperating agency* refers to any agency or Indian tribe with jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative.

The opportunity for public review of the Draft SEIS is only one element of USACE's overall public participation program for the SEIS. The program includes a framework for 1) broadly distributing and providing public access to information regarding development of the Draft SEIS; 2) promoting an understanding of the NEPA process, studies, alternatives evaluation, and environmental analyses; and 3) providing numerous opportunities for public input. Public involvement includes coordinating with agencies and tribes, disseminating information, coordinating with the media, and offering opportunities to participate in the EIS process. Key elements of USACE public outreach activities conducted to date have included the following.

- Sending mailings to all interested parties previously identified in the 2014 FEIS.
- Developing and maintaining a public website about the proposed project (<http://www.hailegoldmineseis.com>).
- Hosting one public scoping meeting.
- Conducting ongoing meetings and consultation with cooperating agencies: USEPA and SCDHEC.

Table 8-1 summarizes the details and chronology of these activities.

Table 8-1. Chronological Summary of Public and Agency Involvement Activities (2018–2020)

Activity	Dates
USACE published a Notice of Intent to prepare a Draft SEIS) for the proposed project in the Federal Register.	December 4, 2018
USACE provided a public scoping comment period.	December 4, 2018–May 31, 2019
USACE and SCDHEC published a JPN to inform the public about the application for a modification to a DA permit from Haile and to request comments.	TBD
USACE and SCDHEC provided a JPN comment period (including a 30- day extension at the request of the USEPA for public comments on the DA permit application.	TBD
USACE distributed information on the proposed project, scoping, and environmental review process through the project website (www.hailegoldmineseis.com).	March 2019
USACE distributed invitations to all interested parties previously identified in the 2014 FEIS, state and federal agencies, and federally recognized Indian tribes for the public and agency scoping meetings.	April 3–8, 2019
USACE issued a public notice to the media with information on the proposed project, SEIS process, and scoping meeting details.	April 7–12, 2019
USACE held public and agency scoping meetings.	April 18, 2019
USACE held meetings with Haile and cooperating agencies to kick off the NEPA process for the SEIS	October 22 and 23, 2018
USACE published the Draft SEIS.	TBD

USACE = U.S. Army Corps of Engineers; SCDHEC = South Carolina Department of Health and Environmental Control; JPN = Joint Public Notice; DA = Department of the Army; USEPA = U.S. Environmental Protection Agency; SEIS = Supplemental Environmental Impact Statement; TBD = to be determined

Coordination with cooperating agencies will continue to occur following the release of the Draft SEIS. Agency expertise will remain important for informing the analysis and addressing critical comments from the public to develop the Final SEIS.

USACE will remain available for government-to-government consultation with federally recognized tribes. Government-to-government consultation is an ongoing effort by USACE to share information, listen to concerns, and answer questions.

Consultation with consulting parties to resolve adverse effects on historic properties in accordance with Section 106 of the National Historic Preservation Act (NHPA) will continue. Efforts at identifying potentially eligible historic properties and determining eligibility of potential historic properties as well as appropriately managing known sites will continue throughout the life of the mine. Appendix C, *Cultural Resources Management Plan*, contains the existing Memorandum of Agreement between USACE, the South Carolina State Historic Preservation Officer, the Catawba Indian Nation and Haile Gold Mine, Inc. that define the procedures that will be implemented to manage historic properties that will be affected by completion of Haile’s undertaking.

A Notice of Availability of this Draft SEIS will be published in the *Federal Register* informing stakeholders and other members of the public that the Draft SEIS is available for comment for 90 days. It is the intent of USACE to host a virtual public hearing instead of an in-person public hearing during the Draft SEIS comment period due the COVID-19 pandemic. A mailing is planned to

announce the release of the Draft SEIS, providing information for attending the virtual public hearing, and instructions on how to comment.

The project website, www.hailegoldmineseis.com, will continue to be updated throughout the SEIS process.

8.2 Scoping Process

8.2.1 Joint Public Notice Process

Haile plans to submit an application for a modification to a Department of Army (DA) permit for placement of dredge and fill material in waters of the United States for expansion of the Haile Gold Mine. Haile intends to submit a Joint Federal and State Application Form for Activities Affecting Waters of the United States or Critical Areas of the State of South Carolina.¹

USACE regulations at 33 Code of Federal Regulation (CFR) Part 320.1(a)(5) and SCDHEC regulations at R. 61-101 Section C.1 allow submittal of a single permit application for certification under Section 404 (USACE) and Section 401 (SCDHEC) of the CWA for consideration by both agencies. This is referred to as a joint application and the advertisement posted to notify the public of the application is called a joint public notice.

The SEIS scoping process provided opportunity for the general public, NGOs, government agencies, and other stakeholders to learn about the proposed project, to comment on the issues that should be evaluated in the environmental analysis, and to comment on the alternatives to the proposed project that should be considered during preparation of the Draft SEIS.

A Notice of Intent (NOI) was published in Vol. 83, No. 233 of the *Federal Register* (83 FR 233, P. 62562) on December 4, 2018. The NOI announced USACE's intention to prepare a Draft SEIS to assess the likely social, economic, and environmental effects of the proposed expansion of an existing gold mine with the potential to affect waters of the United States near Kershaw in Lancaster County, South Carolina. The NOI advised the public of the project background and the project purpose and explained the alternatives, major issues associated with the process, and scoping and public involvement. USACE also distributed postcards to all interested parties previously identified in the 2014 FEIS (sent April 5, 2019), state and federal agencies (sent April 3, 2019), and federally recognized Indian tribes to attend the public and agency scoping meetings (April 8, 2019). A public notice was published in *The Lancaster News* on April 7 and 12; published in *The Kershaw News Era* on April 10 and 17, 2019; published in *The Camden Chronical Independent* on April 9 and 12, 2019; and in *The State* on April 7 and 12, 2019, and online for 7 days before the meeting. The scoping period occurred from December 4, 2018 to May 31, 2019, which exceeded the minimum 30-day NEPA requirement.

¹ Authorities: 33 USC 401, 33 USC 403, 33 USC 407, 33 USC 408, 33 USC 1341, 33 USC 1344, 33 USC 1413 and Section 48-39-10 et seq. of the South Carolina Code of Laws. These laws require permits for activities in, or affecting, navigable Waters of the U.S., the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. USACE and the State of South Carolina have established a joint application process for activities requiring both federal and state review or approval.

A public scoping meeting was held on April 18, 2019, at the Andrew Jackson High School in Kershaw, South Carolina. Prior to the formal start of the meeting, an open-house event was held during which the public could visit information stations with displays and handouts. The stations presented information on the proposed project, potential environmental issues, and the NEPA process. A sign-in table was provided where attendees could receive printed project materials such as trifold handouts and USACE contact information and sign up to receive future USACE mailings by joining the SEIS mailing list. During the scoping meeting open house, a court reporter station was available to accept oral comments. Additionally, comment cards were available at several locations for attendees to fill out and place in the comment form repository.

Comments received during the scoping period included formal verbal comments given at the public scoping meeting and transcribed by a court reporter, comments submitted through the Haile Gold Mine SEIS website or emailed directly to USACE, and comments mailed directly to USACE. In total, USACE received 23 comments during the scoping period, including comments from individuals, including current and former Oceana Gold employees and a Kershaw Town Council member. The complete scoping effort and summary of issues are described in Appendix D, *Scoping Report*.

8.3 Distribution and Comment Period for Draft SEIS

The Draft SEIS will be available for a 90-day public review and comment period from the date the NOA is published in the *Federal Register*. Due to the current conditions related to the national COVID-19 pandemic outbreak, a public hearing on the SEIS that would normally be held in Kershaw, South Carolina, during the 45-day comment period will be modified and held in a virtual online format.

The Draft SEIS will be made available to the general public, interested parties, agencies, tribes, and NGOs for review. Hard copies and/or DVDs/flash drives will be mailed to the cooperating agencies, and those on the SEIS mailing list will receive a DVD/flash drive containing the Draft SEIS and appendices in electronic format. Hard copies of the Draft SEIS will be provided at locations in Kershaw, including the local library and Kershaw Depot.

USACE will provide the public with the following methods by which to comment on the Draft SEIS.

- By email to Shawn.Boone@usace.army.mil
- Via the project website at www.hailegoldminseeis.com
- Via mail to Shawn Boone, U.S. Army Corps of Engineers, Regulatory Division, 69-A Hagood Avenue, Charleston, SC 29403

8.4 Final SEIS and Record of Decision

Following the close of the comment period for the Draft SEIS, comments will be reviewed and cataloged, and responses will be prepared. A comment-response table will be prepared for the Final SEIS to describe the response to each comment or groups of similar comments, and copies of all comments submitted will be available. The Draft SEIS will be revised as necessary according to public and agency input to create the Final SEIS.

Following publication of the Final SEIS, USACE will prepare a Record of Decision (ROD) for the action. A public notice will be published following completion of the ROD.