

Appendix F

Laws, Policies, and Plans Applicable to the Haile Gold Mine Project

This page is left blank unintentionally.

Table of Contents

	Page
F. Introduction.....	F-1
F.1 Federal Statutes.....	F-1
F.1.1 National Environmental Policy Act (NEPA).....	F-1
F.1.2 Clean Water Act (CWA).....	F-1
F.1.2.1 Section 404 of the Clean Water Act.....	F-1
F.1.2.2 Section 401 Certification of the Clean Water Act.....	F-2
F.1.2.3 Section 402 of the Clean Water Act.....	F-2
F.1.3 River and Harbors Appropriation Act of 1899 (RHA).....	F-3
F.1.4 Executive Order 11990 (Protection of Wetlands).....	F-3
F.1.5 Resource Conservation and Recovery Act (RCRA).....	F-3
F.1.6 Fish and Wildlife Coordination Act (FWCA).....	F-3
F.1.7 Endangered Species Act (ESA).....	F-3
F.1.8 Migratory Bird Treaty Act (MBTA).....	F-4
F.1.9 Bald and Golden Eagle Protection Act.....	F-4
F.1.10 Magnuson-Stevens Fishery Conservation and Management Act (MSA).....	F-4
F.1.11 Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations).....	F-5
F.1.12 Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks).....	F-5
F.1.13 National Historic Preservation Act (NHPA).....	F-5
F.1.14 Clean Air Act (CAA).....	F-6
F.1.15 Mine Safety and Health Act (Mine Act).....	F-6
F.2 State Statutes.....	F-6
F.2.1 South Carolina Mining Act (SCMA).....	F-6
F.2.2 Dams and Reservoirs Safety Act.....	F-7
F.2.3 State Safe Drinking Water Act (SDWA).....	F-7
F.2.4 Surface Water Withdrawal, Permitting, Use and Reporting Act.....	F-7
F.2.5 Groundwater Use and Reporting Act.....	F-7
F.2.6 State Water Well Regulations.....	F-7
F.2.7 South Carolina Pollution Control Act (SCPCA).....	F-8
F.2.8 Bureau of Air Quality Air Regulations and Standards.....	F-8
F.2.9 South Carolina Hazardous Waste Management Regulations.....	F-8
F.2.10 Standard Plan for Erosion, Sediment, and Stormwater Runoff Control.....	F-9

F.2.11	South Carolina Department of Transportation 2007 Standard Specifications for Highway Construction	F-9
F.2.12	South Carolina Nongame and Endangered Species Conservation Act.....	F-9
F.2.13	Comprehensive Wildlife Conservation Strategy.....	F-9
F.2.14	South Carolina Heritage Trust Program	F-10
F.2.15	South Carolina Scenic Rivers Program.....	F-10
F.2.16	Statewide Comprehensive Outdoor Recreation Plan (SCORP).....	F-10
F.2.17	South Carolina State Trails Plan	F-10
F.2.18	South Carolina Building Code	F-10
F.3	Local and Regional Plans.....	F-11
F.3.1	Flood Damage Prevention Ordinance of Lancaster County	F-11
F.3.2	Lancaster County Comprehensive Plan	F-11
F.3.3	Lancaster County Unified Development Ordinance (UDO).....	F-11
F.3.4	The Carolina Thread Trail Master Plan	F-11
F.3.5	Lancaster County Building Permit.....	F-12
F.3.6	Kershaw County Comprehensive Plan	F-12
F.3.7	Kershaw County Unified Code of Zoning and Land Development Regulations (ZLDR)	F-12
F.4	Literature Cited	F-12

List of Acronyms

ACHP	Advisory Council on Historic Preservation
CAA	Clean Air Act
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CWA	Clean Water Act
EFH	essential fish habitat
EIS	Environmental Impact Statement
ESA	Endangered Species
FWCA	Fish and Wildlife Coordination Act
MBTA	Migratory Bird Treaty Act
mgm	million gallons per month
MSA	Magnuson-Stevens Fishery Conservation and Management Act
MSHA	Mine Safety and Health Administration
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NPDES	National Pollutant Discharge Elimination System
RCRA	Resource Conservation and Recovery Act
RHA	Rivers and Harbors Act
SCDHEC	South Carolina Department of Health and Environmental Control
SCDNR	South Carolina Department of Natural Resources
SCDOT	South Carolina Department of Transportation
SCMA	South Carolina Mining Act
SCORP	<i>Statewide Comprehensive Outdoor Recreation Plan</i>
SCPCA	South Carolina Pollution Control Act
SDWA	Safe Drinking Water Act
SHPO	State Historic Preservation Officer
UDO	Unified Development Ordinance
USC	U.S. Code
USACE	U.S. Army Corps of Engineers
USEPA	U.S. Environmental Protection Agency

USFWS

U.S. Fish and Wildlife Service

ZLDR

Unified Code of Zoning and Land Development Regulations

F. INTRODUCTION

This appendix provides a description of major federal, state, and local laws, regulations, policies, plans, and determinations that appear to be applicable to the Haile Gold Mine Project. This list is not necessarily exhaustive as other laws not listed may be applicable. Certain regulations may require permit issuance and agency consultation prior to Project implementation; others may simply provide context for examining impacts of the Project.

F.1 Federal Statutes

F.1.1 National Environmental Policy Act (NEPA)

Responsible Agency: Lead Federal Agency – U.S. Army Corps of Engineers (USACE)

NEPA is the nation's broadest environmental law, applying to all federal agencies and most of the activities they authorize or fund with the potential to affect the environment. It establishes the procedures that federal agencies follow to make major decisions in a public forum while disclosing the environmental implications of the potential decision.

Individual federal agencies have issued NEPA implementation regulations, while the President's Council on Environmental Quality (CEQ) has issued NEPA guidance for all agencies. NEPA requires implementation of the appropriate level of NEPA process (public involvement and document preparation) to be conducted on a project with a major federal action. The appropriate level is defined in each federal agency's implementation regulations.

This EIS was prepared according to regulations implementing NEPA (42 U.S. Code [USC] 4321 et seq.), which state that an EIS must provide detailed information regarding the proposed action and alternatives, the environmental impacts of the alternatives, potential mitigation measures, and any adverse environmental impacts that cannot be avoided if the proposal is implemented. Agencies are required to demonstrate that these factors have been considered by decision makers prior to undertaking actions such as issuing a permit.

F.1.2 Clean Water Act (CWA)

F.1.2.1 Section 404 of the Clean Water Act

Responsible Agency: USACE

Section 404 of the CWA requires that a permit be obtained from the USACE for the discharge of dredge or fill into waters of the United States, which include wetlands and navigable waterways.

Waters of the United States include wetlands and lakes, rivers, streams, and their tributaries. Wetlands are defined for regulatory purposes, in 33 Code of Federal Regulations (CFR) 328.3 as:

(1) All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; (2) All interstate waters, including interstate wetlands; (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce... ; (4) All impoundments of waters otherwise defined as waters of the

United States under the definition; (5) Tributaries of waters identified in paragraphs (a)(1) through (4) of this section... ; (6) The territorial seas; [and] (7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) (1) through (6) of this section.

CWA Section 404(b) requires that the USACE comply with the 404(b)(1) guidelines in processing permits under Section 404 of the CWA. These guidelines require an analysis of the alternatives available to meet the Project's purpose and need, including those alternatives that avoid and minimize discharges of dredged or fill materials into waters of the United States. Once this analysis is completed, the USACE may issue a permit for the proposed activity, provided the permitted activity is the least environmentally damaging practicable alternative. The guidelines require evaluation of "practicable alternatives" and define an alternative as practicable "if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes" (40 CFR 230.10 [a][2]).

Consultation with the U.S. Environmental Protection Agency (USEPA) may be required when applying for a Section 404 permit. Haile Gold Mine currently operates under permit 2004-1G-157, which authorizes placement of fill in a section of the North Fork of Haile Gold Mine Creek.

F.1.2.2 Section 401 Certification of the Clean Water Act

Responsible Agency: USEPA and South Carolina Department of Health and Environmental Control (SCDHEC)

Under Section 401 of the CWA, applicants for a federal license or permit to conduct activities that may result in the discharge of a pollutant into waters of the United States must obtain certification from the state in which the discharge would originate or, if appropriate, from the interstate water pollution control agency with jurisdiction over affected waters at the point where the discharge would originate. Therefore, all projects with a federal component that may affect state water quality (including projects that require federal agency approval [such as issuance of a Section 404 permit]) must also comply with Section 401 of the CWA.

In South Carolina, the SCDHEC administers the Water Quality Certification program pursuant to Section 401 of the CWA. Water quality certification requires evaluation of potential impacts in light of water quality standards and CWA Section 404 criteria governing discharge and dredge or fill materials into waters of the United States. Section 401 compliance is coordinated by the USACE and the SCDHEC via the Section 404 permit process.

F.1.2.3 Section 402 of the Clean Water Act

Responsible Agency: USEPA and SCDHEC

Under Section 402 of the CWA (the National Pollution Discharge Elimination System [NPDES]), after notice and hearing, the USEPA issues permits to individual point sources to allow the discharge of pollutants in compliance with effluent and other standards. The NPDES permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. *Point sources* are discrete conveyances such as pipes or man-made ditches. NPDES permits are administered by the State of South Carolina and are subject to the additional state regulations described in Section F.2, "State Statutes."

F.1.3 River and Harbors Appropriation Act of 1899 (RHA)

Responsible Agency: USACE

Section 10 of the RHA (33 USC 401–418) regulates structures or work, including discharges of dredged or fill material, in or affecting navigable waters of the United States. A Section 10 permit is not required for the Haile Gold Mine Project, as no work would be performed in navigable waters.

F.1.4 Executive Order 11990 (Protection of Wetlands)

Responsible Agency: USACE

Executive Order 11990 (May 24, 1977) requires federal agencies to prepare wetland assessments for proposed actions located in or affecting wetlands. Agencies must avoid undertaking new construction in wetlands unless no practicable alternative is available and the proposed action includes all practicable measures to minimize harm to wetlands. Potential impacts on wetlands in the Project area are discussed in Section 4.6 of this EIS.

F.1.5 Resource Conservation and Recovery Act (RCRA)

Responsible Agency: USEPA and SCDHEC

The RCRA (42 USC 6901 et seq.) of 1976 enables the USEPA to administer a regulatory program that extends from the creation of hazardous materials to their disposal (cradle to grave), thus regulating the generation, transportation, treatment, storage, and disposal of hazardous waste at all facilities and sites in the nation. Potential impacts related to spills containing substances regulated under RCRA are discussed in this EIS. RCRA also establishes a framework for management of non-hazardous solid wastes. Although RCRA is a federal statute, the SCDHEC has been authorized by the USEPA to implement the RCRA program. State RCRA programs must be at least as stringent as the federal requirements.

F.1.6 Fish and Wildlife Coordination Act (FWCA)

Responsible Agency: U.S. Fish and Wildlife Service (USFWS)

The FWCA of 1980 (16 USC 661 et seq.) requires consultation with the USFWS when any waterbody is impounded, diverted, controlled, or modified for any purpose. The USFWS and state agencies charged with administering wildlife resources are to conduct surveys and investigations to determine the potential damage to wildlife and the mitigation measures that should be taken. The USFWS incorporates the concerns and findings of state and other federal agencies into a report that addresses fish and wildlife factors and provides recommendations for mitigating or enhancing impacts on fish and wildlife affected by a federal project.

F.1.7 Endangered Species Act (ESA)

Responsible Agency: USFWS and National Marine Fisheries Service (NMFS)

The ESA (16 USC 1531–1544), amended in 1988, established a national program for conservation of threatened and endangered species of fish, wildlife, and plants and the habitats on which they depend. Section 7(a) of the ESA requires federal agencies to consult with the USFWS and NMFS, as appropriate, to ensure that the consulting agencies' actions are not likely to jeopardize the continued existence of species federally listed as endangered or threatened, or adversely modify or destroy their critical habitats.

Section 7(c) of the ESA and the federal regulations on endangered species coordination (50 CFR 402.12) require that federal agencies prepare baseline information of the potential effects of major actions on listed species and critical habitat. No threatened, endangered, or candidate species or their critical habitat occurs in the Haile Gold Mine Project area. Therefore the proposed Project is not likely to adversely affect listed species or critical habitat, and Section 7 consultation with USFWS and NMFS is not required.

F.1.8 Migratory Bird Treaty Act (MBTA)

Responsible Agency: USFWS

The MBTA (16 USC 703 et seq.) involves conservation and protection of migratory birds in accordance with treaties between the United States and Mexico, Canada, Japan, and the former Union of Soviet Socialist Republics. The migratory birds protected under the MBTA are specified in the respective treaties. The MBTA prohibits any take of migratory birds and their nests. The MBTA also protects other wildlife, including threatened and endangered species, and restores or develops adequate wildlife habitat. Lands, waters, or interests acquired or reserved for purposes established under the MBTA are administered under regulations promulgated by the Secretary of the Interior. In regulating these areas, the Secretary of the Interior is authorized to manage timber, range, agricultural crops, and other species of animals, and to enter into agreements with public and private entities.

F.1.9 Bald and Golden Eagle Protection Act

Responsible Agency: USFWS

The Bald and Golden Eagle Protection Act (16 USC 668 et seq.) provides for protection of the bald eagle and golden eagle by prohibiting, except under certain specified conditions, take, possession, and commerce of such birds. No bald or golden eagles, or their habitat, were observed at the Haile Gold Mine site during surveys (ARCADIS 2010).

F.1.10 Magnuson-Stevens Fishery Conservation and Management Act (MSA)

Responsible Agency: National Marine Fisheries Service (NMFS)

The MSA (16 USC 1801, et seq.) establishes a management system for national marine and estuarine fishery resources. This legislation requires that all federal agencies consult with NMFS regarding all actions or proposed actions permitted, funded, or undertaken that may adversely affect essential fish habitat (EFH). *EFH* is defined as “waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.” For the region of South Carolina where the Haile Gold Mine Project is located, EFH is considered estuarine habitats and emergent wetland habitats used by various life stages of red drum, shrimp, and grouper/snapper. The phrase *adversely affect* refers to the creation of any effect that reduces the quality of EFH. Federal activities that occur outside of EFH that may affect EFH waters and substrate also must be considered in the consultation process.

Under the MSA, effects on habitat managed under the South Atlantic Fishery Management Council also must be considered. The MSA states that consultation regarding EFH should be consolidated, where appropriate, with the interagency consultation, coordination, and environmental review procedures required by other federal statutes, such as NEPA, the FWCA, the CWA, and ESA. EFH consultation requirements can be satisfied through concurrent environmental compliance if the lead agency provides NMFS with timely notification of actions that may adversely affect EFH and if the notification meets requirements for EFH assessments.

The Haile Gold Mine Project is considered “non-fishing-related activities that may adversely affect EFH” under the MSA provisions. After their initial review of the Haile’s application for a Department of the Army permit, NMFS offered “no conservation recommendations to protect EFH” (Haile 2011b). Based on this response from NMFS, EFH is not discussed further in the EIS.

F.1.11 Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations)

Responsible Agency: USACE

Executive Order 12898, directs federal agencies to focus federal attention on the environmental and human health conditions in minority communities and low-income communities, with the goal of achieving environmental justice. The order is intended to promote nondiscrimination in federal programs substantially affecting human health and the environment, and to provide minority communities and low-income communities access to public information on, and an opportunity for public participation in, matters related to human health or the environment. Under this order, each federal agency must analyze the environmental effects of federal actions, including human health, economic, and social effects on minority communities and low-income communities, when such analysis is required by NEPA. Mitigation measures outlined or analyzed in an environmental assessment, environmental impact statement, or record of decision, whenever feasible, should address significant and adverse environmental effects of proposed federal actions on minority communities and low-income communities.

F.1.12 Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks)

Responsible Agency: USEPA and SCDHEC

Executive Order 13045 specifically protects children from environmental health risks and safety risks. It encourages federal agencies to prioritize identification and assessment of environmental health risks and safety risks that may disproportionately affect children and ensure that agency policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks (see Sections 3.18 and 4.18 of the EIS for additional discussion).

F.1.13 National Historic Preservation Act (NHPA)

Responsible Agency: Advisory Council on Historic Preservation (ACHP) and South Carolina State Historic Preservation Office

Section 106 of the NHPA (16 USC 470 et seq.) requires that federal agencies, in consultation with the State Historic Preservation Officer (SHPO), evaluate the effects of federal undertakings on historical, archeological, and cultural resources and afford the ACHP opportunities to comment on the proposed undertaking. The first step in the process is to identify cultural resources located in the project area that are included or eligible for inclusion in the National Register of Historic Places. The second step is to identify the possible effects of the proposed action on these resources. The lead agency must examine whether feasible alternatives exist to minimize or mitigate potential adverse effects. If the proposed action is determined to adversely affect historic properties, the lead federal agency is required to consult further with the SHPO and ACHP to develop methods to resolve the adverse effects. The Haile Gold Mine Project could affect historical properties protected under the NHPA.

F.1.14 Clean Air Act (CAA)

Responsible Agency: USEPA and SCDHEC

The federal CAA (42 USC 7401 et seq.), amended in 1977 and 1990, was established “to protect and enhance the quality of the nation’s air resources so as to promote public health and welfare and the productive capacity of its population.” The CAA authorizes the USEPA to establish National Ambient Air Quality Standards (NAAQS) to protect public health and the environment. The CAA establishes emissions standards for stationary sources, volatile organic compound emissions, hazardous air pollutants, and vehicles and other mobile sources. The CAA requires the USEPA to set outdoor air quality standards for the nation and allows states to adopt additional or more stringent air quality standards as needed. Under the CAA, states cannot adopt standards less stringent than the federal standards. For all pollutants, the SCDHEC has adopted or proposed ambient air quality standards that are the same as the NAAQS. Potential emissions from the Haile Gold Mine Project that would be regulated under the CAA are discussed in Section 3.16 of this EIS.

F.1.15 Mine Safety and Health Act (Mine Act)

Responsible Agency: U.S. Department of Labor Mine Safety and Health Administration (MSHA)

The Mine Act of 1977 covers all mine operators and miners throughout the United States and requires the MSHA to inspect all mines each year. The Mine Act enforces compliance with mandatory safety and health standards to eliminate fatal accidents, reduce the frequency and severity of nonfatal accidents, minimize health hazards, and promote improved safety and health conditions in U.S. mines.

F.2 State Statutes

F.2.1 South Carolina Mining Act (SCMA)

Responsible Agency: SCDHEC

The SCMA was passed in 1974 to ensure that all mined lands would be returned to some useful purpose and for the protection of people and the environment (SCDHEC 2013). All permitted mining operations must comply with the SCMA, which is administered by the South Carolina Mining and Reclamation Section of the SCDHEC. Activities in the Mining and Reclamation Section include issuing permits, reviewing and approving reclamation plans, collecting reclamation performance bonds, conducting environmental appraisals, providing technical assistance to mine operators and the public, implementing research and demonstration projects, and inspecting all mining operations and reclamation. The Mining Council is the advisory body that considers issues related to mining, including mining-related appeals and enforcement of the SCMA.

The SCDHEC issues two types of mining permits and one type of mineral exploration certificate (SCDHEC 2012). Individual mine operating permits are issued for operations of any size or type of mineral resource. General mine operating permits are issued for operations that are smaller than 5 acres and that involve only the removal of sand/clay or topsoil with no material processing. Exploration certificates are granted for exploration activities to determine the location and quality or quantity of existing mineral deposits.

Haile Gold Mine previously has been mined under Permit No. I-601, Permit No. I-214 (Hilltop Pits), and Permit No. I-440 (Parker Pit). These permits were issued by the SCDHEC, as required by the SCMA (SCDHEC 2012).

F.2.2 Dams and Reservoirs Safety Act

Responsible Agency: SCDHEC

The Dams and Reservoirs Safety Program was established by the SCDHEC in 1977 under the South Carolina Dams and Reservoirs Safety Act. State law and regulation require submission of plans and specifications and a written permit before a dam regulated under this program may be built, altered, or removed. Dams that are 25 feet or more in height or that impound (hold back) 50 acre-feet or more are regulated by the SCDHEC unless exempted by state law.

F.2.3 State Safe Drinking Water Act (SDWA)

Responsible Agency: SCDHEC

The SDWA, as amended in August 2009, provides additional regulations of groundwater and tap water quality. Under this statute, the SCDHEC has the authority to enforce state and national primary drinking water regulations. Regulations under the SDWA require issuance of permits for construction of water treatment or distribution systems. Haile Gold Mine currently operates under Public Water Permit 2930013 for an on-site well that provides drinking water for employees and visitors to Haile Gold Mine.

F.2.4 Surface Water Withdrawal, Permitting, Use and Reporting Act

Responsible Agency: SCDHEC

The 2010 Surface Water Withdrawal, Permitting, Use, and Reporting Act (49-4-10) gives the SCDHEC the authority to permit and regulate surface water withdrawals and to protect minimum flows in state waters (SCDHEC 2011). In South Carolina, anyone withdrawing more than 3 million gallons per month (mgm) from surface waters must obtain a surface water withdrawal permit. Water users regulated by the Act must obtain a surface water use permit and periodically report water use to the SCDHEC (SCDHEC 2012a).

F.2.5 Groundwater Use and Reporting Act

Responsible Agency: SCDHEC

The Groundwater Use and Reporting Act of 1976 was promulgated to maintain, conserve, and protect groundwater resources of the state. Pursuant to the Act and associated SCDHEC regulations, groundwater users in Kershaw and Lancaster Counties who withdraw 3 mgm or more in any month must register their wells and report their use to the SCDHEC.

F.2.6 State Water Well Regulations

Responsible Agency: SCDHEC

The State Water Well Regulations, enacted in 2002, establishes minimum standards for construction, maintenance, and operation of individual residential, irrigation, monitoring (including non-standard installations), and boreholes to ensure that underground sources of drinking water are not contaminated and public health is protected. These regulations do not apply to public water wells. Under these regulations, water well users are required to obtain a well construction permit and provide notice to the SCDHEC prior to installation, abandonment, or modification of any water well (SCDHEC 2012c). Water

well construction and notification requirements are outlined in South Carolina Code of Regulations R.61-44 and R.61-71 (SCDHEC 2012c).

F.2.7 South Carolina Pollution Control Act (SCPCA)

Responsible Agency: SCDHEC

The SCPCA was enacted in 1972, 2 years before the federal CWA, and establishes the rules set forth to protect the state's surface water and groundwater (SCDHEC 2012a). The SCPCA is the basis for state water pollution control and water quality protection programs, covering permitting, inspection, compliance, monitoring, and enforcement. The SCDHEC is the primary regulatory agency responsible for administering requirements of the SCPCA, however, the South Carolina Department of Natural Resources (SCDNR) also deals with water quality issues as it relates to the protection of wildlife.

The SCPCA applies to perennial, intermittent, and ephemeral streams. If streams are not classified directly by the State, their classification is based on the downstream waters to which they are tributary. The SCPCA requires that the quality of water in tributaries be maintained to protect both the classification of the tributary and its downstream waters.

The SCDHEC, Bureau of Water administers construction permits through the Water Facilities Permitting Division. A permit, including plans and specifications, is required prior to construction or modification of a wastewater system. The regulations are authorized by the SCPCA and guided by the Standards for Wastewater Facility Construction (Regulation 61-67) provided in May 2002.

F.2.8 Bureau of Air Quality Air Regulations and Standards

Responsible Agency: SCDHEC

The Bureau of Air Quality develops and implements regulations and State Implementation Plan revisions based primarily on federal mandates. Many regulations enacted under the federal CAA are adopted by reference, while other state regulations are broader than the federal requirements or are developed because of a more local air quality issue. These regulations are under the authority of the SCPCA. The Bureau of Air Quality issues construction and operating permits to industrial sources that use or store a material with a potential to emit air pollutants. These permits are required by federal and state laws and regulations, and contain emissions limits and the methods required to show compliance with the limits of air pollutants.

F.2.9 South Carolina Hazardous Waste Management Regulations

Responsible Agency: SCDHEC

Solid and hazardous wastes in South Carolina are regulated by SCDHEC's Bureau of Land and Waste Management and the USEPA. The South Carolina Hazardous Waste Management Regulations closely follow the federal standards established under RCRA and require permits for transportation, storage, treatment, and disposal of hazardous wastes. In addition, facilities must demonstrate compliance with the South Carolina Hazardous Waste Management Location Standards.

F.2.10 Standard Plan for Erosion, Sediment, and Stormwater Runoff Control

Responsible Agency: South Carolina Department of Transportation (SCDOT)

The South Carolina Standard Plan for Erosion, Sediment, and Stormwater Runoff Control (Code of Regulations 63-380) was authorized in 1976 to ensure that all land-disturbing activities under the jurisdiction of the SCDOT are performed in a manner to ensure that erosion is controlled and sediment is retained at the site, and that stormwater is managed so that no significant on-site or off-site damage occurs or is increased. All construction designs must be submitted to the SCDOT Resident Maintenance Engineer for approval. During construction, work is inspected and additional measures are implemented in the event that measures included in the plan are not sufficient to adequately control erosion and sedimentation and manage stormwater runoff.

F.2.11 South Carolina Department of Transportation 2007 Standard Specifications for Highway Construction

Responsible Agency: SCDOT

The SCDOT 2007 Standard Specifications for Highway Construction provides specifications that are to be followed during highway construction. The specifications address the following types of work: earthwork, bases and subbases, asphalt pavements, concrete pavement, maintenance and control of traffic, structures (e.g., concrete structures and reinforcing steel), and incidental construction. Any construction performed under these specifications would conform to the American Association of State Highway and Transportation Office design methodology.

F.2.12 South Carolina Nongame and Endangered Species Conservation Act

Responsible Agency: SCDNR

The South Carolina Nongame and Endangered Species Conservation Act was passed in 1974. The Act authorizes the SCDNR to conduct investigations on nongame wildlife in order to develop information related to population, distribution, habitat, life history requirements, limiting factors, and other data required to determine management measures that allow populations to sustain themselves. In addition, the Act authorizes SCDNR to issue regulations and develop management programs to ensure the continued ability of nongame wildlife to perpetuate. Subsequent sections of the Act set forth administrative procedures for developing regulations and penalties for taking and possession of nongame wildlife considered by SCDNR under this Act to be endangered. The Act also requires the SCDNR to maintain lists of endangered species and amend them periodically. Criteria for listing species as endangered under the state statute closely follow those for the federal ESA. A second category, "Species in Need of Management," is also provided for recognizing and providing less stringent protection for species whose status does not warrant listing as endangered.

F.2.13 Comprehensive Wildlife Conservation Strategy

Responsible Agency: SCDNR

The Comprehensive Wildlife Conservation Strategy was created in 1976, and last updated in 2005, to protect critical natural habitats. The goal of the Strategy is to emphasize a cooperative, proactive approach to conservation while working with federal, state, and local governments; local businesses; and conservation-minded individuals to join in the effort of maintaining the fish and wildlife resources of South Carolina.

F.2.14 South Carolina Heritage Trust Program

Responsible Agency: SCDNR

This South Carolina Heritage Trust Program was created in 1976. The Heritage Trust designates the SCDNR as the lead agency to develop and conduct a program whose purpose is “protecting lands and making them available to state agencies, educational institutions and public and private groups” for a number of conservation purposes. The statute authorizes the SCDNR to conduct inventories of lands with natural significance, acquire fee simple lesser interest in land, and establish strong legal protections for property thus acquired

F.2.15 South Carolina Scenic Rivers Program

Responsible Agency: SCDNR

The South Carolina Scenic Rivers Program is legislated under the 1989 South Carolina Scenic Rivers Act with the purpose of protecting "unique or outstanding scenic, recreational, geologic, botanical, fish, wildlife, historic or cultural values" of selected rivers or river segments in the state. The SCDNR Watersheds and Stewardship Group is responsible for implementation of State Scenic Rivers, River Corridor, and Watershed Planning Projects.

F.2.16 Statewide Comprehensive Outdoor Recreation Plan (SCORP)

Responsible Agency: South Carolina Department of Parks, Recreation and Tourism (SCDPRT)

The 2008 *Statewide Comprehensive Outdoor Recreation Plan* is a document that identifies outdoor recreation issues of statewide significance and evaluates the supply of and the demand for outdoor recreation resources and facilities in South Carolina. The SCORP guides federal, state, and local governmental agencies and entities involved in recreation planning and development. The SCORP states that demand for recreational opportunities continues to grow as the State’s population grows and identifies outdoor recreation as an integral, yet largely untapped, role in South Carolina’s tourist industry—especially for the rural, inland communities.

F.2.17 South Carolina State Trails Plan

Responsible Agency: SCDPRT

The *South Carolina State Trails Plan* is a comprehensive plan for trail development in the state. Its purpose is to create a better trail experience, to establish priorities, and to be used as a marketing tool for the recreation industry (SCDPRT 2002). The Plan provides an inventory of existing and proposed trails in the state.

F.2.18 South Carolina Building Code

Responsible Agency: South Carolina Department of Labor

The 2012 South Carolina Building Code specifies reasonable standards required for construction of buildings and other structures to protect public health, safety, and welfare.

F.3 Local and Regional Plans

F.3.1 Flood Damage Prevention Ordinance of Lancaster County

Responsible Agency: Lancaster County (Lancaster County Flood Plan Administrator)

The County Council of Lancaster County has designated a Lancaster County Flood Plan Administrator to oversee and implement the provisions of the Flood Damage Prevention Ordinance. This ordinance is designed to minimize property damage and protect human health and life in areas vulnerable to flooding. The ordinance complies with the South Carolina Code of Laws, Title 4, Chapters 9 (Article 1), 25, and 27. The Flood Damage Prevention Ordinance reflects the most recent Federal Emergency Management Administration updates to the Flood Insurance Study (June 2011). This local ordinance regulates all development permits where flood hazards exist.

F.3.2 Lancaster County Comprehensive Plan

Responsible Agency: Lancaster County

The New Millennium: A Comprehensive Plan for Lancaster County and Its Municipalities provides strategic planning goals and objectives for Lancaster County resources. Resources addressed in the plan include economic development, natural resources, land use, transportation, cultural and historic resources, county demographics, housing, community facilities and infrastructure, and transportation in the county. The plan provides a summary of current conditions for the above resources and identifies goals and objectives intended to promote growth.

F.3.3 Lancaster County Unified Development Ordinance (UDO)

Responsible Agency: Lancaster County

The Lancaster County UDO provides zoning and land use regulations for unincorporated areas of Lancaster County. The UDO is promulgated by the Lancaster County Council with the recommendations of the Lancaster County Planning Board. The UDO was adopted based on the authority granted in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, which gives local planning commissions the ability to oversee local zoning ordinances and implement the land use elements of the comprehensive plan. Because the SCMA does not supersede the local ordinances, mining operations must conform to Lancaster County ordinances (SCDHEC 2012).

F.3.4 The Carolina Thread Trail Master Plan

Responsible Agency: Lancaster County

In October 2011, the Lancaster County Board of Commissioners adopted *The Carolina Thread Trail Master Plan* to guide development of the South Carolina Thread Trail in Lancaster County (Carolina Thread Trail 2011). The Plan provides a means for long-term coordination of greenway and trail development to create a comprehensive multi-use network to connect people, places, and destinations to each other and surrounding communities.

F.3.5 Lancaster County Building Permit

Responsible Agency: Lancaster County

The Building Code Council of the State of South Carolina requires that all buildings comply with the 2006 International Building Code. A building permit is required to construct new buildings or alter existing buildings. These permits are issued by the Lancaster County Building and Zoning Department.

F.3.6 Kershaw County Comprehensive Plan

Responsible Agency: Kershaw County

The 2006–2016 Comprehensive Plan for Kershaw County consists of seven elements: Population, Economic Development, Natural Resources, Cultural Resources, Community Facilities, Housing, and Land Use. Each element contains an inventory of existing conditions, an analysis of existing conditions to anticipate future needs, a statement of goals and policies to meet present and future needs, and implementation strategies and timeframes.

F.3.7 Kershaw County Unified Code of Zoning and Land Development Regulations (ZLDR)

Responsible Agency: Kershaw County

The ZLDR regulates the location and use of buildings, structures, and land in unincorporated areas of Kershaw County. Under the ZLDR, zoning districts have been created to separate incompatible land uses and facilitate development of Kershaw County.

F.4 Literature Cited

ARCADIS U.S., Inc. 2012. Comprehensive Baseline Wildlife and Aquatic Resources Report for the Haile Gold Mine Site in Lancaster County, South Carolina. Lakewood, CO. March 30. 83 pp. + append.

Haile Gold Mine, Inc. 2011b. Response of Haile Gold Mine, Inc. to Request for Supplemental Information (P/N #SAC 1992-24122-4). May 26.

SCDHEC. See South Carolina Department of Health and Environmental Control.

South Carolina Department of Health and Environmental Control. 2011. The Surface Water Withdrawal Act. A memorandum prepared by the South Carolina Department of Health and Environmental Control. Website: http://www.scdhec.gov/environment/water/docs/dw_1qt_2011.pdf. Accessed on December 10, 2012.

South Carolina Department of Health and Environmental Control. 2012a. SCDHEC Surface Water Withdrawal Permitting, Registration and Use Program. SCDHEC Water Program. Website: <http://www.scdhec.gov/environment/water/sfw.htm>. Accessed on December 10, 2012.

South Carolina Department of Health and Environmental Control. 2012c. Residential Well Program. SCDHEC Water Program. Website: <http://www.scdhec.gov/environment/water/dwrw.htm>. Accessed on December 10, 2012.

South Carolina Department of Health and Environmental Control. 2012. South Carolina Department of Health and Environmental Control, Bureau of Land and Waste Management, Mining and Reclamation. Website: <http://www.scdhec.gov/environment/lwm/HTML/mining.htm>. Accessed on August 21, 2012.

South Carolina Department of Health and Environmental Control. 2013. Land and Waste Management. Accessed at: <http://www.scdhec.gov/environment/lwm/html/mining.htm> on December, 24.

South Carolina Department of Parks, Recreation and Tourism. 2002. Expanding the Experience of Trails for South Carolina. Website: <http://www.sctrails.net/trails/TRAILSPROGRAM/About%20Trails%20Program/StateTrailsPlanBook.pdf>. Accessed on October 30, 2012.

USACE and USEPA. See U.S. Army Corps of Engineers and U.S. Environmental Protection Agency.

U.S. Army Corps of Engineers and U.S. Environmental Protection Agency. 2008. Compensatory Mitigation for Losses of Aquatic Resources, Final Rule. April 10.

This page is left blank unintentionally.