

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 this SEIS, 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 this 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 post cards to all interested parties previously identified in the 2014 FEIS, letters to adjacent property owners, and emails to those signed up to receive USACE public notices.
- Developing and maintaining a public website about the proposed project (<http://www.hailegoldmineseis.com>).
- Hosting one public scoping meeting.
- Hosting a joint virtual public hearing on the Draft SEIS and the proposed mine modifications for the SCDHEC Mining permit and the Department of the Army (DA) permit, which was announced in newspaper ads and various print and electronic mailings.
- Accepting public comments on the Draft SEIS.
- 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 (2018–2021)

Activity	Dates
USACE held meetings with Haile and cooperating agencies to kick off the NEPA process for this SEIS.	October 22 and 23, 2018
USACE published a Notice of Intent to prepare a Draft SEIS for the proposed project in the <i>Federal Register</i> .	December 4, 2018
USACE provided a public scoping comment period.	December 4, 2018–May 31, 2019
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 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.	March 3, 2021
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.	March 3–April 23, 2021
USACE published the Draft SEIS.	March 4, 2021
USACE and SCDHEC accepted public comments on the Draft SEIS and the application to modify Haile Gold Mine, Inc.’s Mine Operating Permit.	March 4–April 23, 2021
USACE and SCDHEC held a joint public hearing to accept comments on the Draft EIS and proposed Mine Operating Permit modification.	April 1, 2021

JPN = Joint Public Notice; TBD = to be determined

A Notice of Availability for the Draft SEIS was published in the *Federal Register* informing stakeholders and other members of the public that the Draft SEIS was available for comment from March 4 through April 23, 2021. USACE and SCDHEC hosted a joint virtual public hearing on April 1, 2021 (instead of an in-person public hearing) during the Draft SEIS comment period due the COVID-19 pandemic. A post card was also distributed to announce the release of the Draft SEIS, providing information for attending the virtual public hearing, and instructions on how to comment.

Coordination with cooperating agencies continued following the release of the Draft SEIS to further allow the cooperating agencies to provide their expertise to USACE regarding development of this SEIS.

Consultation with consulting parties to resolve adverse effects on historic properties in accordance with Section 106 of the National Historic Preservation Act is complete. A Memorandum of Agreement (MOA) between USACE, the South Carolina State Historic Preservation Officer, the Catawba Indian Nation and Haile Gold Mine, Inc. that was originally signed on October 27, 2014, was further amended for the Proposed Project on June 9, 2022. Appendix C, *Amendment to Memorandum of Understanding*, contains the amendment to the MOA that defines the procedures that would be

implemented to manage historic properties that would be affected by completion of Haile's undertaking. The revised Cultural Resources Management Plan in Appendix C was updated between release of the Draft SEIS and this SEIS through coordination between the parties.

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

8.2 Scoping Process

8.2.1 SEIS Scoping Process

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 *Federal Register* 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.

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*.

8.2.2 Joint Public Notice Process

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 USACE review under Section 404 and SCDHEC review under Section 401 of the Clean Water Act. 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. Haile submitted a Joint Federal and State Application Form for Activities Affecting Waters of the United States or Critical Areas of the State of South Carolina on February 26, 2021.¹ The modifications and mine expansion of Haile Gold Mine requested in Haile's joint application would revise the 2014 DA permit for placement of dredged or fill material into waters of the United States, which Haile previously updated on May 13, 2020.

USACE and SCDHEC published a joint public notice (SAC-1992-24122) on March 3, 2021, to inform the public about the permit modification application from Haile and to request comments. The joint public notice comment period extended from March 3 to April 23, 2021. The joint public notice also announced the initiation of the concurrent public comment period on a Draft SEIS, which is further described in the following section.

8.3 Distribution and Comment Period for Draft SEIS

The Draft SEIS was made available to the general public, interested parties, agencies, tribes, and NGOs for review. Hard copies were mailed to the cooperating agencies. Electronic versions of the Draft SEIS and appendices were publicized and made available on the Proposed Project website. Additionally, hard copies of the Draft SEIS were made available at locations in Kershaw, South Carolina, including the local library and Kershaw Depot.

The Draft SEIS was available for public review and comment beginning with publication of the Notice of Availability in the *Federal Register* on March 3, 2021, and extending through April 23, 2021. Due to conditions related to the national COVID-19 pandemic outbreak, a joint public hearing on the Draft SEIS that would have normally been held in Kershaw, was modified and held in a virtual online format on April 1, 2021.

USACE and SCDHEC accepted public comments on the Draft SEIS via email, mail, written comments submitted during online registration for the April 1, 2021 joint public hearing, and oral comments made during the hearing and transcribed by a court reporter.

8.4 SEIS and Record of Decision

Following the close of the comment period for the Draft SEIS, USACE and cooperating agencies reviewed, cataloged, and responded to comments. This SEIS incorporates changes made in response to public and agency comments received on the Draft SEIS. An additional chapter in this SEIS (Chapter 10, *Responses to Comments Received on the Draft SEIS*) describes the process for obtaining

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 SCDHEC have established a joint application process for activities requiring both federal and state review or approval.

public input in the form of comments, reviewing and preparing responses to the comments, and making changes or additions to the text of the Draft SEIS, as appropriate, based on the comments received. Copies of all comment submittals received on the Draft SEIS are included in Appendix P, *Comments Received on the Draft SEIS*.

USACE provided public notice announcing the availability of this SEIS in the *Federal Register* and notified other interested parties and subscribers to the Haile Gold Mine SEIS mailing list. Following publication of this SEIS, USACE will prepare a Record of Decision (ROD) for the action. Comments on this SEIS will be considered and answered by USACE, as appropriate. After review of this SEIS and letters, the approving official will sign the ROD. A public notice will be published following completion of the ROD.