



Public Notice

13 February 2004

US Army Corps of Engineers, Charleston District

Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Marine Container Terminal at the Charleston Naval Complex and Notice of Scoping Meeting, P/N 2003-1T-016-PC (revised)

In a letter dated February 13, 2003, the South Carolina State Ports Authority (SCSPA) was advised that based on the significant social, economic and environmental effects associated with the proposed construction of the marine container terminal at the Charleston Naval Complex (CNC), an Environmental Impact Statement (EIS) would be prepared by the United States Army Corps of Engineers (Corps), Charleston District.

In accordance with the National Environmental Policy Act (NEPA), the Corps has sent a Notice of Intent to be published in the Federal Register. This Notice of Intent informs the public of the location and time of the *Public Scoping Meeting*. However, in order to insure that all concerned individuals are notified, this local public notice is being issued to announce the *Public Scoping Meeting* and Information Workshop on March 16, 2004.

WHAT	<i>Public Scoping Meeting</i> and Information Workshop
WHEN	Tuesday March 16, 2004: - Information Workshop opens at 5 p.m. - <i>Public Scoping Meeting</i> starts at 6 p.m.
WHERE:	Sterett Hall Building #180 Charleston Naval Complex North Charleston, South Carolina (Located at the corner of Hobson Avenue and Calumet Street) (Directions are included in Attachment A)
WHY:	The Corps requests input and comments from the public in order to evaluate the SCSPA proposed marine container terminal at the CNC in an EIS.
Comment Deadline:	April 15, 2004 (30 days after the <i>Public Scoping Meeting</i>)

Background. When any applicant, in this case the SCSPA, applies to the Corps for a Department of the Army permit, the Corps evaluates the application in accordance with the policies and procedures that are established in the National Environmental Policy Act, which is commonly referred to as NEPA. This law is the “basic national charter for protection of the environment” and it contains provisions to insure that federal agencies (the Corps in this case) carry out the policies of the Act (NEPA) in accordance with its letter and spirit. NEPA also required the establishment of the Council on Environmental Quality (CEQ), which issued regulations that federal agencies must use to implement the Act. These regulations instruct federal agencies on what they must do to comply with the process and procedures outlined in the NEPA. One of the basic tenets of these regulations is that comprehensive information is made available to public officials and citizens before decisions are made and before actions are taken. This comprehensive information must be of high quality and contain accurate scientific analysis. There are two forms in which this information can be documented: an Environmental Assessment (EA) or a more in-depth document entitled an Environmental Impact Statement (EIS). Both of these documents must identify and evaluate the issues that are truly significant to the action in question. The process that leads to the preparation of these documents is called the *NEPA process*. Essential to the *NEPA process* is expert agency comments and public input. The *NEPA process* is intended to help public officials (in this case the Corps) make decisions that are based on an understanding of the environmental consequences, and take actions that protect, restore and enhance the environment.

As indicated above, the Corps has determined that it will prepare an EIS. The EIS will be prepared in two stages, a Draft EIS (DEIS) and a Final EIS (FEIS). Both of these documents will be circulated for public comment and a public hearing will be held after the circulation of the DEIS. Ultimately, when the Corps is prepared to make a final decision on the application we will prepare a Record of Decision (ROD).

Scoping. One of the first ways that the public can participate in the *NEPA process* is called “scoping”. “Scoping” is an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. In order to insure that everyone is heard and that there is open communication, the Corps will hold a formal “*Public Scoping Meeting*”. The purpose of the *Public Scoping Meeting* is for the public to provide input to the Corps on the *scope* (see paragraph #4 under **Existing Information** for a clarification of this term) of the issues to be addressed in the EIS, to identify the potential social, economic, and environmental impacts related to the proposed project, and identify potential alternatives to the proposed project. This meeting is not a public hearing nor is it the proper forum to express broad-ranging opinions, either pro or con, about the proposed project. The sole purpose is to identify specific issues on which to focus during the development of the EIS.

As previously indicated, the public’s input is essential to the *NEPA process* in identifying significant issues, offering relevant information based on personal experience or knowledge, and providing assistance in defining the scope of the EIS. Upon arrival at the *Public Scoping Meeting*, each attendee will be asked to complete an attendance card and will indicate on that card whether they would like to make comments at the meeting. In addition to, or in lieu of, oral comments, you are welcome to bring written comments. Written comments will be accepted at the meeting or up to 30 days after the date of the meeting, or April 15, 2004. Information on how to submit written comments will be provided at the

meeting and below in this public notice. Once again, this formal *Public Scoping Meeting* will be held on March 16, 2004 in the Sterett Hall Auditorium, starting at 6 PM. The address is shown below. Location maps and directions to Sterett Hall are provided in Attachment A.

**Sterett Hall
Building #180
Charleston Naval Complex
(Located at the corner of Hobson Avenue and Calumet Street)
North Charleston, South Carolina**

Additional information, such as background information, a copy of the application, site maps, proposed project plans, and the estimated EIS process schedule will be available at this meeting.

The Corps will also hold an informal public “Information Workshop” before and during the *Public Scoping Meeting* so that we can share the information that we currently have and answer questions on the *NEPA process*. This “Information Workshop” will start at 5:00 p.m. also at Sterett Hall, and will continue during the formal *Public Scoping Meeting*.

Court reporters will be available in the Information Workshop starting at 5 p.m. and in the formal *Public Scoping Meeting* to record public comments regarding the proposed project and scope of the EIS. A sign language interpreter for the hearing impaired and a Spanish translator will be provided at the formal *Public Scoping Meeting*.

How can YOU assist the Corps in complying with the letter and spirit of NEPA and be an active participant in the *NEPA process*?

At the meeting, you are encouraged to offer **YOUR** input on the issues you think should be evaluated in the EIS. The following topics may help you identify the issues important to you.

- What are the potential impacts of the proposed project?
- What is the “scope” of the EIS?
- Are there potential alternative locations, layouts, and construction methods available that may have fewer impacts to the natural and human environment?
- In what ways do you foresee the proposed project affecting YOU, YOUR community, and/or the environment?
- Are there methods of communication, which the Corps has not considered, that could keep you better informed on the permit application and EIS process?
- In what ways do you foresee transportation to and from the proposed marine container terminal having potential impacts on the surrounding areas?
- What criteria should the Corps utilize to choose which alternatives should be fully assessed in the EIS?

NOTE: So that the Corps can hear everyone who wants to provide their input at the *Public Scoping Meeting*, a time limit will be placed on each speaker. Therefore, it is essential that you prepare your oral comments so that you can provide the input that you deem important. Written comments will also be accepted by the Corps through April 15, 2004.

Existing Information. In order to assist you in providing us with your comments and input during the scoping process, we have listed some of the information that we currently know.

1. The Applicant's Proposed Project. The project proposed by the South Carolina State Ports Authority (SCSPA) is to develop a marine container terminal at the south end of the CNC, on the Cooper River, in Charleston Harbor, the City of North Charleston, Charleston County, SC. The proposed terminal is designed to handle primarily containerized cargo and this Notice of Intent will refer to the proposed project as a marine container terminal. The marine container terminal development is approximately 288.1 acres and will support cargo marshalling areas, cargo processing areas, cargo-handling facilities, and related terminal operating facilities. Development of the site includes filling 13.9 acres of freshwater wetlands, and dredging and filling 53.5 acres of waters of the US, to include 7.2 acres of tidal marsh. Adjacent to the dredge and fill area, a 10.3-acre wharf structure measuring 3,000 feet long and 150 feet wide will be constructed. In addition to the container terminal development, the project includes dredging an 86.7-acre berthing area and turning basin adjacent to the wharf. Upland disposal of dredged material is proposed in existing dredged disposal sites located on the south end of Daniel Island, located in the City of Charleston, Charleston County, South Carolina. The original Public Notice, P/N 2003-1T-016-PC, dated March 7, 2003, advertising the permit application has been amended with a submittal of plans dated January 29, 2004. Revised plans of the proposed container terminal are located in Attachment B. The revisions incorporated additional upland acreage, the correct location of the federal channel after the Charleston Harbor Deepening Project, and some additional information that this office deemed pertinent. The original drawings are available on Charleston District's public website at http://www.sac.usace.army.mil/permits/pn/PNs20030307/20031T016PC_SCSPA_NewContainerTerminal.pdf.

2. Issues. At this time, the Corps has made a very preliminary list of issues that may be addressed in the EIS. Issues associated with the proposed project to be given significant analysis in the DEIS are likely to include, but may not be limited to, the potential impacts of the proposed dredging, placement of fill, construction and operation of the proposed terminal and development of associated surface transportation, and related developments on the following: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, air quality, energy needs, public health and safety, hazardous wastes and materials, food and fiber production, mineral needs, considerations of property ownership, environmental justice and, in general, the needs and welfare of the people. This preliminary list of issues is provided in Attachment C for your convenience and assisting you in organizing your comments.

3. Alternatives. The alternatives analysis "is the heart of the EIS". That is a direct quote from NEPA. The Corps must evaluate *reasonable* and *practicable* alternatives to the project as proposed by the SCSPA that will avoid or minimize effects on the quality of the human environment. "*Reasonable*" alternatives are those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant. "*Practicable*" alternatives are those that are available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

When determining which alternatives to the applicant's proposal that should be rigorously explored and objectively evaluated in the EIS, the Corps will assess at least the following:

- The potential for modification of existing SCSPA terminal facilities to meet the purpose and need of and for the proposed project
- Alternative locations within the jurisdictional authority of the SCSPA where the proposed facilities might be developed, including locations within and outside of Charleston Harbor
- Alternative facility layouts for the proposed terminal facilities at the CNC
- Alternative surface transportation access to the proposed terminal facilities.
- Mitigation Measures
- No Action

The "No Action" alternative means that the proposed activity would not take place. This alternative is used to compare the effects of the proposed project to what would occur if the proposed project were not constructed. Keep in mind that the effects from the proposed project will not be compared to conditions that exist today; the effects will be compared to the projected future conditions. For example, if the project was not constructed, the traffic on I-26 would continue to grow in the future; it would not stay the way it is today. Therefore, a specific period of time in the future will be chosen and projections will be made on what the conditions will be at that time and THAT is what we will use to compare the proposed project's effects under the "No Action" alternative.

Of course, every alternative location cannot be rigorously explored in the EIS. Therefore, the Corps will utilize criteria to identify those alternatives that should be rigorously explored. Your input on what those criteria should be is requested as part of the scoping process.

4. Scope. The terms "scoping", "scoping process" or "scoping meeting" should not be confused with the term "scope". "Scope" is the term used to define the range of actions, alternatives, and impacts to be considered in an EIS. There are three types of actions, three types of alternatives and three types of impacts that the Corps must consider in determining the "scope" of a DEIS.

3 types of Actions:

- Connected (closely related)
- Cumulative (viewed with other proposed actions)
- Similar (common timing or geography, etc.)

3 types of Alternatives:

- No Action
- Other Reasonable Courses of Action to achieve the project purpose
- Mitigation Measures (not in the proposed action)

3 types of Impacts:

- Direct
- Indirect
- Cumulative

A description of each one of these "types" is found at Attachment D of this Public Notice.

For your information and comment, the Corps has just recently written the SCSPA a letter and specifically asked them about their future plans for the property previously leased from them by Charleston International Ports (CIP), labeled on Sheet 3 and 5 of 9 as “Existing SCSPA Breakbulk Terminal”, and any other property on the former Navy Base that they may have plans to develop. As of this date, we have not had a reply. If a reply is received before the *Public Scoping Meeting*, we will advise you of their response at the meeting. If a reply has not been received by then, we will advise you via another brief public notice. However, as indicated above, we do want your input and comments on the “scope” of the EIS.

5. Cooperating Agency. The Federal Highway Administration (FHWA) has agreed to be a Federal cooperating agency due to the proposed project’s potential impact on the regional highway network including the Interstate system. They are also very interested in your input and comments on the transportation issues that should be evaluated in the EIS.

Current Public Outreach Program. The Corps wants you to be involved throughout the *NEPA process*. At present, we have planning to use the following methods to keep you informed and get your input. Therefore, please remember to let us know at the *Public Scoping Meeting* and/or in your written comments, the method by which you prefer to obtain information and provide input during the process.

A) Project Website: www.porteis.com. Information and updates on the project will be available on the project website. Frequently Asked Questions (FAQ), descriptions of the proposed project, explanation of terminology, project status, project schedule, meeting announcements, directions to meeting locations and overview of the *NEPA process* are examples of the information that will be available at the project website. Visitors to the website will also be able to register for the project mailing list, sign up for an email notification system and submit comments via a standard comment form.

B) Local hotline: (843) 971-7970. The hotline is a local number where the public is encouraged to leave messages which either pose a question or provide a specific comment on the proposed project. Meeting announcements, abbreviated directions and important date reminders will be included in the hotline greeting at different times in the *NEPA process*. All comments received at the hotline will be documented and included as part of the official file. Pertinent questions will be answered on the Project Website addressed above.

C) Public meetings. Public information meetings will be held to provide information to stakeholders about the proposed project. It is our current plan to announce these meetings on the website, hotline and through the mailing list.

D) Workshops. Stakeholder workshops will be held after the *Public Scoping Meeting* and other comments are collected and sorted. Invitations to a stakeholder workshop will be distributed and will be hosted by the Corps in order to determine the best methodology to address comments received during scoping.

E) Newsletters. Newsletters will be distributed throughout the *NEPA process* in order to update the public on the status of the EIS and the Corps decision-making process.

Newsletters will feature a project status update, articles explaining features of NEPA and updates on studies being performed for the EIS evaluation.

Water Quality Certification. The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control (SCDHEC) in accordance with provisions of Section 401 of the Clean Water Act. Due to the revisions to the project, this notice constitutes another request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The Section 401 Water Quality Certification process is re-initiated by this Public Notice for the revised application and is subject to the April 15, 2004 suspense date for comments. Comments on the revised application, P/N 2003-1T-016-PC (revised), will be received by the Corps and the SCDHEC concurrent with the Scoping Process. The SCDHEC addresses to forward written comments on the revised application are listed below.

THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Office of Environmental Quality Control
Water Quality Certification and Wetlands Programs Section
2600 Bull Street
Columbia, South Carolina 29201

THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Office of Ocean and Coastal Resource Management
1362 McMillian Avenue, Suite 400
Charleston, SC 29405

Contact Information. If there are any questions regarding this public notice, please contact me at 843-329-8032 or toll free at 1-866-329-8187, or the mailing address included below. However, the Corps respectfully requests that comments regarding the proposed marine container terminal and the *NEPA* process be submitted in one of the following ways:

1. at the *Public Scoping Meeting*
2. at the Information Workshop
3. written comments submitted by April 15, 2004
4. accessing the website, www.porteis.com,
5. calling the local hotline, (843) 971-7970.

Using these methods will insure that your comments are made a part of the Corps' formal record for the proposed marine container terminal. For inquiries from the media, please contact the Corps, Charleston District Public Affairs Officer (PAO), Ms. Alicia Gregory.

Ms. Tracy Hurst
Project Manager
Regulatory Division
CESAC-RD-P
69A Hagood Avenue
Charleston, South Carolina 29403

Enclosed:

- Attachment A – Location maps and directions to Sterett Hall
- Attachment B – SCSPA permit application drawings
- Attachment C – Preliminary list of issues that may be addressed in the EIS
- Attachment D – Definition of terms