



U.S. Army Corps of Engineers, Charleston District

*Public Information Workshop
August 25, 2004*

*PROJECT: Environmental Impact Statement (EIS)
for the proposed marine container terminal
at the Charleston Naval Complex*





“Keeping the Public Involved”

TO: General Public

FROM: U.S. Army Corps of Engineers, Charleston District

PROJECT: Environmental Impact Statement (EIS) for the South Carolina State Ports Authority’s (SCSPA) proposed marine container terminal at the Charleston Naval Complex (CNC)

SUBJECT: August 25, 2004, Public Information Workshop from 4 p.m. until 8 p.m. at the Citadel Alumni Center, 69 Hagood Avenue, Charleston

The U.S. Army Corps of Engineers, Charleston District is hosting this Public Information Workshop to share information with the public related to the progress of the draft Environmental Impact Statement (EIS) for the South Carolina State Ports Authority’s (SPA) proposed marine container terminal at the Charleston Naval Complex.

On March 16, 2004, the Corps hosted a Public Scoping Meeting during which the members of the public were given an opportunity to learn about and provide comments on issues and concerns associated with the proposed marine container terminal. These “scoping comments” were reviewed and considered by the Corps while developing the scope (or range) of issues to be addressed in the draft EIS.

As part of their continued effort to inform and involve the public, the Corps has invited the general public to this Public Information Workshop. Topics of the workshop will include the alternatives to be considered in detail in the draft EIS, the scope of the draft EIS, and issues of concern identified in the scoping comments.

During the Public Information Workshop, members of the public will have the opportunity to learn about the status of the EIS while discussing issues and concerns with the Corps Team assembled for this project. This workshop will be an informal meeting for the public; however, written public feedback is encouraged and will be collected throughout the evening.

Other means of learning about the development of the draft EIS can be made via the project website at www.PortEIS.com or the project hotline (843-971-7970). Updates and announcements concerning the scope of the draft EIS and the alternatives analysis will be made as the information becomes available. The Corps also encourages the public to look forward to a series of PortEIS Newsletters made available throughout the EIS process. ***If you are not already on the Corps’ mailing list, you can register tonight at the Information/Registration Desk or at the project website.***



“Keeping the Public Involved”

The purpose of the following pages is to describe how the Corps will proceed in the development of the draft EIS. Contents of the following pages are listed below:

- NEPA requirements to evaluate reasonable alternatives (page 2)
- What alternatives will be considered in the draft EIS (page 3)
- Major areas of concern identified in the scoping process (page 7)
- Development of the “scope” of the draft EIS (page 7)
- Major areas of study for the draft EIS (page 8)
- Frequently Asked Questions (FAQ) (page 12)

NEPA REQUIREMENTS TO EVALUATE REASONABLE ALTERNATIVES

The National Environmental Policy Act (commonly referred to as “NEPA”) requires the U.S. Army Corps of Engineers, Charleston District (Corps) to identify and evaluate reasonable alternatives to the SC State Ports Authority’s (SPA) proposed plans for the construction and operation of a marine container terminal at the Charleston Naval Complex. Section 404 of the Clean Water Act states that “no discharged of dredged or fill material shall be permitted if there is “practicable” alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem.

When selecting these alternatives, the Corps is required to look at “reasonable” and “practicable” alternatives to the proposed project that may avoid or minimize adverse effects on the quality of the human environment. According to NEPA, “reasonable” alternatives are those that are practical or feasible from a technical and economic standpoint using common sense, rather than simply desirable from the standpoint of the applicant. The 404(b)(1) Environmental Guidelines for permitting dredge and fill activities define a “practicable” alternative as an alternative that is available and capable of being done after taking into consideration cost, logistics, and existing technology in light of the overall project purpose.

The Corps developed a statement that established the purpose for the project and set the focus for the selection of reasonable alternatives. The project’s purpose is as follows,

“To provide state-owned port facilities that meet the reasonably projected throughput capacity for containerized cargo in the state of South Carolina for the next twenty years.”

The project’s purpose statement, along with the Need Statement from the applicant (SPA), were used to develop an alternatives screening process to identify potential alternatives and screen for the reasonable alternatives, including the No-action and Proposed Alternative.

PROJECT ALTERNATIVES TO BE INCLUDED IN THE DRAFT EIS

The *Alternatives Screening Process* was conducted to identify alternatives which would reasonably be expected to meet the project's purpose and need. A description of the Alternative Screening Process is available at the Project Alternatives information table. The Alternatives Screening Process resulted in the following list of alternative terminal locations to be considered in detail in the draft EIS:

- No-Action
- Charleston Naval Complex, South-end (Proposed Alternative)
- Daniel Island, Cooper River
- Clouter Island, South-end
- Drum Island (2 berths)
- Charleston Naval Complex, North-end (2 berths)
- Expansion at North Charleston Terminal (1 berth)

DESCRIPTIONS OF THE PROJECT ALTERNATIVES TO BE INCLUDED IN THE DRAFT EIS:

1. NO-ACTION

The No-Action alternative describes anticipated future conditions in the event the proposed project is not permitted. Conditions of the No-Action alternative, if considered to be significant to the evaluation, may include reasonably foreseeable future projections. The purpose statement determined by the U.S. Army Corps of Engineers, Charleston District (Corps) includes a planning horizon for this project of 20 years (i.e., conditions in 2025). The resulting environmental (natural and human) conditions from taking no action are compared with the effects of each project alternative, including permitting the proposed project.

2. CHARLESTON NAVAL COMPLEX SOUTH, PROPOSED ALTERNATIVE

The Proposed Alternative is situated at the extreme southern end of the former Naval Station-Charleston (now Charleston Naval Complex). The Naval Shipyard-Charleston and Naval Station-Charleston, collectively referred to as the "Navy Base," began operations during the early 1900s. As the Charleston Navy Base grew, large areas of tidal marsh were filled as "made land." The majority of the CNC, South site is comprised of undeveloped land, much of which consists of filled tidal marsh.

A significant portion of the proposed alternative is occupied by an inactive confined disposal facility (CDF) for dredged material. Additionally, several buildings and facilities are located within the proposed alternative boundaries. The Cooper River Marina, operated by Charleston County Parks and Recreation Department, is located immediately south of the site, at the confluence of the Cooper River and Shipyard Creek. Shipyard Creek and adjacent tidal marshes border the site to the southwest. The Federal Law Enforcement Training Center (FLETC) and other federal tenants are located immediately north of the proposed alternative. FLETC maintains a physical training course within much of the former CDF located onsite.

The community proximal to the CNC South alternative consists of a combination of residential, commercial, and industrial land uses, including some minority and low-income residents. The community has undergone change associated with the closure of the Naval Shipyard and Naval Station Charleston.

Since the closure of Naval Station-Charleston, a comprehensive base-wide contamination investigation was conducted under authority of the Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA). CNC is regulated, in part, through its RCRA Part B permit (SCO 1700225650) issued by the South Carolina Department of Health and Environmental Control (SCDHEC), effective May 4, 1990.

Truck traffic from the operation of the proposed marine container terminal will access I-26 either using existing roads or a constructed access roadway. Evaluation of the increase in truck traffic on I-26, existing roads or from any constructed access roadway will be included in the evaluation of potential impacts for the proposed alternative.

3. DANIEL ISLAND, COOPER RIVER

The Daniel Island-Cooper River alternative site consists entirely of a CDF. Prior to its development as a CDF, the site consisted of tidal marsh. The SPA owns several hundred acres of land that comprise a series of CDF cells along both sides of Daniel Island, fronting on both the Cooper and Wando Rivers. Adjacent upland parts of Daniel Island were formerly agricultural lands, owned by the Guggenheim Foundation from 1949 until circa 1992. Daniel Island is a planned community and is currently undergoing rapid residential and commercial development.

A draft EIS for a larger marine container terminal proposed for Daniel Island was published in September, 1999. The Cooper River portion of the larger container terminal described in the 1999 Daniel Island draft EIS is the same location as the Daniel Island alternative for this draft EIS. The Daniel Island draft EIS evaluated 12,000 linear feet of container terminal berth whereas this draft EIS will evaluate 3,000 linear feet of container terminal berth. The permit application for the Daniel Island was withdrawn by the applicant (SPA) April, 2000.

Truck traffic from the operation of the container terminal on Daniel Island will access I-526 using either existing roads or a constructed access roadway. Evaluation of the increase in truck traffic on I-526, I-26, existing roads and from any constructed access roadway will be included in the evaluation of potential impacts for the Daniel Island alternative.

4. CLOUTER ISLAND, SOUTH

The Clouter Island-South alternative site is an active CDF. Prior to construction and development of the CDF, the site consisted of tidal marsh associated with Cooper River and Clouter Creek. At least a part, if not the entire south cell of the Clouter Island CDF is regulated under RCRA as a Solid Waste Management Unit/Area of Concern (SWMU/AOC) because of concerns regarding the potential presence of UXO (unexploded ordnance). Since the Base Realignment and Closure (BRAC), the U.S. Navy has transferred the land to the Corps.

There are no permanent road access or utilities on Clouter Island. Either a bridge over Clouter Creek would have to be constructed or an access point to I-526 on Clouter Island would have to be added in order for trucks to access a container terminal on Clouter Island. Truck traffic could access a bridge over Clouter Creek using Clements Ferry Road. Evaluation of the increase in truck traffic on Clements Ferry Road, I-526 and I-26 will be included in the evaluation of potential impacts for the Clouter Island alternative.

5. CHARLESTON NAVAL COMPLEX, NORTH AND EXPANSION AT NORTH CHARLESTON TERMINAL

Two potential berths at CNC, North and one potential berth for the Expansion at North Charleston Terminal are combined because the two alternative locations independently cannot meet the Need Statement provided by SCSPA.

5A. CHARLESTON NAVAL COMPLEX, NORTH

The CNC, North alternative site is also located within the confines of the former Naval Station-Charleston, but is situated further up-river than the CNC, South Alternative and is considerably more developed. The surrounding community is the same as that described for the Proposed Alternative at the CNC, South. The CNC-North site is currently occupied, in part, by SCSPA Veterans Terminal, a break-bulk and special projects marine cargo terminal. This part of the former Naval Station-Charleston provided berthing and refueling for naval vessels. The backland areas of CNC-North have approximately 90 buildings and 10 large fuel tanks remaining in place, as well as numerous roadways and other paved areas. A significant part of the backland area is designated as SWMU 9, which has land use controls (LUC) in place. The SWMU 9 LUC will need to be considered for future re-development plans of this area.

A number of other SWMU/AOCs are located within the CNC, North area; however the regulatory status of these has not been researched at this time. The land use within the CNC, North site has been that of naval support infrastructure for at least the past 50 years.

As the location of the CNC, North alternative is proximal to the Proposed Alternative, the evaluation of potential impacts from truck traffic will be similar. Evaluation of the increase in truck traffic on existing roads and any constructed access roadway will be included in the evaluation of potential impacts for the CNC North alternative.

5B. EXPANSION OF NORTH CHARLESTON CONTAINER TERMINAL

The North Charleston Container Terminal is bounded by Westvaco-Mead Paper Company and Westvaco-Mead Chemical to the southwest, the T/C Dock at the Naval Weapons Station Annex to the northeast, Virginia Avenue to the west and Remount Road to the north. T/C Dock at the Naval Weapons Station Annex is presently being utilized by the Department of Defense for a variety of shipping and staging missions. The North Charleston Terminal has served as a marine cargo terminal since at least 1958, and has expanded the containerized cargo throughput capacity overtime. Expansion of the North Charleston Terminal would occur at the Grain Elevator Terminal located along the waterfront at the North Charleston Terminal.

Adjacent land uses are primarily military/industrial/commercial; however residential areas are located along Remount Road to the west of the site. Present truck traffic to the North Charleston Terminal from I-526 and I-26 use Virginia Avenue and Remount Road respectively. An evaluation of increased truck traffic on Virginia Avenue and Remount Road is included in the studies to determine potential impacts.

6. DRUM ISLAND AND EXPANSION AT NORTH CHARLESTON TERMINAL

Two potential berths at Drum Island and the one potential berth for the Expansion at North Charleston Terminal are combined because the two alternative locations independently cannot meet the Need Statement provided by SCSPA.

6A. DRUM ISLAND

The Drum Island Alternative site is an active CDF bounded by the Cooper River to the north (Drum Island Cut), east, and south and by Town Creek to the west. Drum Island has been used as a CDF for the past 50 years. Prior to its use as a CDF, the island consisted primarily of tidal marsh. The South Carolina Department of Transportation (SCDOT) maintains right-of-way easements for the Grace, Pearman, and Ravenel Bridges that bisect the island. The SCDOT has plans to demolish the older Grace and Pearman Bridges. An active CDF is located to the north of the bridges and an inactive CDF is located to the south of the bridges. Both the northern and southern portions of Drum Island have historically been used by wading birds (egrets, ibis, and herons) as rookeries; however, it has been reported that the rookeries have been inactive for almost two decades.

There are no permanent structures or utilities on Drum Island. A bridge over Town Creek would have to be constructed from the east bank of the Town Creek to Drum Island in order for trucks to access a container terminal on Drum Island. Truck traffic could access a bridge over Town Creek using Morrison Drive. Present truck traffic from the Columbus Street Terminal to I-26 primarily uses Morrison Drive. Evaluation of the increase in truck traffic on Morrison Drive will be included in the evaluation of potential impacts for the Drum Island alternative.

6B. EXPANSION OF NORTH CHARLESTON TERMINAL (PLEASE SEE SECTION 5B)



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MAJOR ISSUES OF CONCERN IDENTIFIED IN THE SCOPING PROCESS

The first opportunity for the public to participate in the development of the EIS was at the Public Scoping Meeting held on March 16, 2004. During this meeting and the commenting period that followed, members of the public assisted the Corps in a process known as “scoping”. Scoping is an early and open process for determining the range of issues to be addressed in the EIS and for identifying the significant issues related to a proposed project. In their “scoping comments”, members of the public identified the significant issues related to the construction and operation of the SPA’s proposed marine container terminal at the CNC and offered relevant information based on personal experience or knowledge. Comments were documented by statements at the public scoping meeting, statements made to court reporters at the public scoping meeting, comment cards at the public scoping meeting, correspondence received via the U.S. Postal Service, comments recorded on the public hotline and comments received through the website feedback form.

Following the public scoping comment period, the Corps reviewed each comment. Individual comments were given a unique identification number, sorted by issue of concern, summarized and archived as a project document.

The category that received the largest number of comments (42 percent) was transportation issues. These comments talked about increases in traffic (cars, trucks, and trains), travel delays, traffic noise, movement of trucks through neighborhoods, wear and tear of roads, and the need for additional roads.

Twenty-three percent of the comments talked about the quality of life for residents living near the proposed project location. Quality of life issues related to noise and light pollution, damages to house foundations, effects on property values, relocation of properties, and any negative impacts to the redevelopment efforts of the City of North Charleston.

Sixteen percent of the comments talked about economics, air quality, and public health. Other issues of concern include water quality (10 percent), wetlands (9 percent), fish and wildlife values (9 percent), environmental justice (8 percent), navigation (6 percent), and soil and sediment quality (6 percent).

“SCOPE” OF THE DRAFT EIS

The Corps considered the scoping comments to develop the “Scope” of the draft EIS. “Scope” is the term used to define the range of actions, alternatives, and impacts to be considered in a draft EIS. The range of alternatives have been previously discussed in this document. The range of actions and impacts resulting from each alternative will be addressed by the following studies.

Specific information such as the study area and studies to be performed to evaluate potential impacts are described in the scope document.

Air Quality scoping comments are an example of how the scoping comments were used in the development of the scope. At least one scoping comment stated that increased truck traffic near residential areas around the proposed project could affect the health of elderly residents in the neighborhoods around the proposed project. The Corps recognized that there was a potential impact on air quality in the neighborhoods from the proposed project and developed a plan to study the potential impact. The scope document now describes how emissions from port operations, including trucks and other vehicles, will be assessed and how air quality dispersion modeling will be performed to quantify the impacts to residential areas around the proposed project.

For the purposes of demonstration in this information package, the major study areas of the scope of the draft EIS are summarized in the following section. The major study areas are separated into six categories; transportation, air quality, water quality, site contamination, natural resources, and the human environment.

Each of the project alternatives identified by the alternatives screening process will be evaluated using the methodology described in the scope. For example, if air quality modeling around the proposed alternative is to be evaluated, each of the other alternatives will receive a similar evaluation. Therefore, air dispersion modeling will be performed to evaluate potential impacts to air quality in neighborhoods near Morrison Drive for the Drum Island alternative.

Presently the Corps and FHWA are reviewing a draft scope document with other commenting agencies, including the South Carolina Department of Health and Environmental Control (SCHEC), South Carolina Department of Natural Resources (SCDNR), South Carolina Department of Transportation (SCDOT), and the United States Environmental Protection Agency (EPA).

MAJOR AREAS OF STUDY

For the purposes on discussion, the scope of the draft EIS is summarized in the six major study areas:

- Transportation
- Human Environment (including community and cultural resources)
- Air Quality
- Water Quality (including the effects of dredging),
- Site Contamination,
- Natural Resources

1. TRANSPORTATION

A study has already been initiated to collect data on the use (by cars and trucks), dimensions, and conditions of existing roads around the project alternatives. Results of the studies will be summarized and used to forecast future conditions for each alternative in the draft EIS.

Auto and Truck Traffic Forecasts will be prepared in five-year increments to 2025 for each of the project alternatives including the No-action, the Proposed Alternative and project alternatives. Planned development such as the Noisette Project in North Charleston, roadway improvements projects which are reasonably foreseeable and projected population growth, will be considered as part of future conditions. The forecasts will include studies to determine the impacts on traffic, including factors such as total vehicle count, increased frequency and duration of trains, and increases in commute times, resulting from the construction and operation of a marine container terminal.

Once the forecasts have identified where increases in traffic are anticipated, studies on the impacts to communities from increased traffic will be completed. The studies will identify impacts to residents of the neighborhoods surrounding each of the marine container terminal alternatives. Potential impacts include, but are not limited to, decrease in property value, public health, noise pollution and light pollution.

Where potential access roads may be required or proposed by a transportation planning agency, the Corps will consider alternative access roadway corridors in an “access roadway study area” for each project alternative. The access roadway study area will include the evaluation of potential improvements to existing roads and construction of a potential access corridor between the project alternative and a major interstate. Impacts to communities resulting from the construction of any potential access corridor would also be evaluated in the Human Environment, Air Quality and Natural Resources Areas of Study.

2. HUMAN ENVIRONMENT

Existing conditions for neighborhoods near the project alternatives will be studied. The studies will develop at least the following information for each of the project alternative locations:

- locations of schools, hospitals, libraries, playgrounds, community centers, and other recreational facilities.
- current zoning, planning, businesses, and property values
- socio-economic information about the communities including environmental justice considerations (see Frequently Asked Questions, for this term’s definition), race, income, and poverty statistics
- current levels of light and noise, as well as any other conditions that presently affect general human health and aesthetics

The presence of significant historical and cultural resources in the study area will be documented for each project alternative. The Corps will coordinate with the State Historic Preservation Office (SHPO) to identify known resources which are included in the study area.

3. AIR QUALITY

The most current air quality data will be reviewed to characterize the existing conditions of significant air pollutants. Sensitive receptors (for example, schools, retirement communities, dormitories, etc.) will be identified in the areas surrounding each of the project alternatives.

Future changes will be considered using information collected about regional growth projections, air emissions, and regulatory programs through the year 2025.

Air emission estimates will be calculated for both the construction and operation phases to understand the potential impacts from increased air emissions. Sources of emissions include construction equipment, docked ships, off-site mobile sources (trucks, trains, and ships underway), and off site secondary sources. An air dispersion model will help to identify potential effects of any increases in air emissions on nearby sensitive receptors.

4. WATER AND SEDIMENT QUALITY

Existing water quality (or water resource) information will be gathered and reviewed for the lower Cooper River (each of the alternatives is located on this waterway), including data about water quality, storm water runoff, ballast water, ship wastewater, sedimentation rates, shoreline erosion rates, elevations, ship wakes, and hydrodynamics (i.e., water levels, currents, etc.). Models developed to predict project-related changes to hydrodynamics and water quality will be used to determine reasonably foreseeable future conditions and assess project effects.

A 3-D computer model will be used to evaluate hydrodynamic conditions for each project alternative to determine the overall expected changes. Sediment transport and stormwater models will also be used to evaluate the potential impacts of the construction and operation of a marine container terminal. Results of the model studies will be used to describe potential impacts to stormwater, flooding, water quality, shoreline erosion, currents, sedimentation, and sediment transport in the draft EIS.

To assess the potential effects of dredging on water quality, the most recent contamination and sediment quality data will be reviewed for each area where dredging activities will be evaluated. After reviewing the information, an appropriate sampling and analysis plan will be developed to evaluate impacts associated with dredging and disposal activities.

The fate and transport of contaminants of concern in sediment to be dredged, and the potential for exposure of marine resources to those contaminants, will be evaluated. Potential impacts to marine resources from dredging operations will also be evaluated for potential impacts.

5. SITE CONTAMINATION

Using available data, a database characterizing known contamination for each alternative will be developed. Information characterizing the current conditions of buildings within the study area will be reviewed for the presence of building materials that could be harmful to human health. In addition, agencies input regarding land use restrictions and ongoing remediation efforts will be obtained.

To understand the potential impacts of building and operating a marine container terminal at each of the alternatives, screening-level human-health and ecological risk assessments will be conducted for those areas with documented contamination. The potential impacts to ongoing assessment and remediation efforts will be evaluated.

6. NATURAL RESOURCES

To describe the existing conditions of natural resources, information will be collected and reviewed for the lower Cooper River, including data for both marine and terrestrial resources. Resources to be characterized include Biological and Threatened and Endangered Species (BATES), aquatic and benthic resources, plants and wildlife, migrating birds, habitat types, and Essential Fish Habitat (EFH).

During the impacts evaluation, potential effects to natural resources of the lower Cooper River from the construction or operation of a marine container terminal will be assessed. In addition, the potential impact of increased shipping traffic on marine mammals in the vicinity of the Charleston Harbor navigation channel will be assessed.



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FREQUENTLY ASKED QUESTIONS (FAQS):

1. What are SCSPA's Plans for the Proposed Marine Container Terminal?

The project proposed by the SCSPA is to develop a marine container terminal at the south end of the Charleston Naval Complex (CNC), on the Cooper River, in Charleston Harbor, the City of North Charleston, Charleston County, South Carolina. The proposed terminal is designed to handle containerized cargo. The marine container terminal development covers 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, including 7.2 acres of tidal marsh. Adjacent to the dredge and fill area, a 10.3-acre wharf structure (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.

Based on the information provided in the SCSPA permit application, the United States Army Corps of Engineers (Corps) has determined that it will prepare an Environmental Impact Statement (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).

2. What is the NEPA Process?

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 ensure 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 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 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 are 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.

3. Why is the Corps Involved and what is its role in the EIS?

The United States Army Corps of Engineers (Corps) is responsible for regulation of the waters of the United States which include essentially all surface waters such as navigable waters and their tributaries, interstate waters and their tributaries, wetlands adjacent to these waters, and impoundments of these waters. Any person, firm, or agency (including Federal, state, and local government agencies) planning to work in navigable waters of the United States, or dump or place dredged or fill material in waters of the United States, must first obtain a permit from the Corps. The following regulation describes the Corps' responsibilities.

Section 10 of the Rivers and Harbors Act of 1899 requires approval prior to the accomplishment of any work in or over navigable waters of the United States, or which affects the course, location, condition, or capacity of such waters. Typical activities requiring Section 10 permits are:

- Construction of piers, wharves, bulkheads, dolphins, marinas, ramps, floats intake structures, and cable or pipeline crossings.
- Dredging and excavation.

Section 404 of the Clean Water Act requires approval prior to discharging dredged or fill material into the waters of the United States. Typical activities requiring Section 404 permits are:

- Depositing of fill or dredged material in waters of the U.S. or adjacent wetlands.
- Site-development fill for residential, commercial, or recreational developments.
- Construction of revetments, groins, breakwaters, levees, dams, dikes, and weirs.
- Placement of riprap and road fills.

Because of the responsibility to issue the dredge and fill permit, the Corps is the lead federal agency.

4. What is a Cooperating Agency?

Cooperating agencies (i.e., agencies with jurisdiction by law or special expertise) and agencies that are authorized to develop or enforce environmental standards, must comment on environmental impact statements within their jurisdiction, expertise, or authority. If a cooperating agency is satisfied that its views are adequately reflected in the environmental impact statement, it should simply comment accordingly. Conversely, if the cooperating agency determines that a draft EIS is incomplete, inadequate or inaccurate, or it has other comments, it should promptly make such comments.

The Federal Highways Administration (FHWA) was invited and accepted to be a Cooperating Federal Agency because of the potential impacts to transportation from the construction of the proposed marine container terminal.

If the lead agency leaves out a significant issue or ignores the advice and expertise of the cooperating agency, the EIS may be found later to be inadequate. Similarly, where cooperating agencies have their own decisions to make and they intend to adopt the environmental impact statement and base their decisions on it, one document should include all of the information necessary for the decisions by the cooperating agencies. Otherwise they may be forced to duplicate the EIS process by issuing a new, more complete EIS or Supplemental EIS, even though the original EIS could have sufficed if it had been properly done at the outset. Thus, both lead and cooperating agencies have a stake in producing a document of good quality. Cooperating agencies also have a duty to participate fully in the scoping process to ensure that the appropriate range of issues is determined early in the EIS process.

5. How will the Corps Evaluate Truck Traffic between the Proposed Facility and I-26?

The South Carolina State Ports Authority (SCSPA) has not submitted to the U.S. Army Corps of Engineers (Corps) a specific plan for access roads. Initially, the Corps must assess the use of existing roads by truck traffic generated by the operation and construction of the proposed marine container terminal. In the February 13, 2003, SCSPA permit application amendment #1, the SCSPA references potential access corridor locations to be planned by the South Carolina Department of Transportation in conjunction with the State Infrastructure Bank, the South Carolina Public Railways Commission, and the Charleston Area Transportation Study (CHATS). Another reference to potential access corridors can be found in the Memorandum of Understanding (MOU) and Agreement between the City of North Charleston and the SCSPA:

"The SCSPA acknowledges the [City of North Charleston] requires that certain minimum infrastructure must be in place before the SCSPA commences container operations. This minimum infrastructure includes a truck access road leading from the Port facility to I-26 and three rail overpasses in the areas of Rivers Avenue and Harley Street, Rivers Avenue and Durant Road, and North Rhett and I-526 streets."

The Corps will continue to assess the use of existing roads for truck traffic between the proposed facility and I-26 and coordinate with the Federal Highways Administration to identify and evaluate potential future access roadways. Furthermore, the Corps will determine the number of trucks that will be generated by the operation of the facility and the associated impacts to roads and neighborhoods in the area.

6. Why isn't there a Citizen's Advisory Committee?

The development of the EIS needs to a full, open process without relying on any single group to speak for the public as a whole. While a Citizens Advisory Committee could work well for a small localized community (like a specific neighborhood), the Corps does not want to be dependent on one group to successfully represent the public and to effectively distribute information evenly to every sector of the public.

7. What is Environmental Justice?

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulation, and policies. Fair treatment means that no group of people, including a racial, ethnic, or a socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. Meaningful involvement means that: (1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environmental and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected.

In conclusion, environmental justice is the goal to be achieved for all communities and persons across this Nation. Environmental justice is achieved when everyone, regardless of race, culture, or income, enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.