



SOUTH CAROLINA

Original Wetland Acreage	Remaining Wetland Acreage	Acreage Lost	% Lost
6,414,000	4,659,000	1,755,000	-27%

South Carolina Wetlands: Ninety percent of South Carolina's wetlands are freshwater (palustrine, lacustrine, and riverine) wetlands. Palustrine wetlands include areas commonly referred to as wet pine flatwoods, pocosins, Carolina bays, beaver ponds, bottom-land hardwood forests, swamps, and tidal-freshwater marshes. Lacustrine wetlands include the shallows of permanently flooded lakes and reservoirs and intermittent lakes. The Riverine and Marine Systems contain mostly deepwater habitat. Riverine wetlands are limited to shallow freshwater river and stream channels or, in the case of deep rivers, to shallow areas near the bank. Estuarine wetlands include intertidal flats and irregularly and regularly flooded salt marshes dominated by emergent vegetation such as saltmeadow cordgrass, black needlerush, and smooth cordgrass.

Summary	Individual Features	Regulation	Water Quality Standards	Mitigation	Monitoring and Assessment	Restoration	Public/Private Partnerships
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SUMMARY

Overall Program:

In South Carolina coastal wetland policies have been adopted as part of a broader coastal zone management program. Wetlands are also regulated pursuant to a Section 401 Water Quality Certification Program however, there is no separate wetlands permitting program.

Innovative Features and New Programs/Initiatives:

South Carolina Department of Health and Environmental Control (SCDHEC) has begun developing a hydrogeomorphic methodology (HGM) for the Atlantic Coastal plain flatwoods region first and second order (headwater) streams.

State Wetland Conservation Plan

None.

No Net Loss/Net Gain Goal

The state has a no net loss goal that applies to both functions and acreage. This goal was adopted as part of a report by the Governor's Freshwater Wetlands Task Force in 1990. It is applied under the state's coastal and 401 Water Quality Certification programs.

INDIVIDUAL FEATURES:

Regulation

Wetland Regulatory Statutes and Administrative Rules

Coastal Tidelands and Wetlands. S.C. Code Ann. 48-39-10 to 48-39-220. SCDHEC Regulations. S.C. Code Ann. 30-1 (www.scdhec.net/ocrm/PUBS/CARegs_032604.pdf). Permits are required from SCDHEC for a broad range of activities in coastal tidelands and wetlands. Freshwater wetlands in the coastal zone are protected through a consistency determination for state and Federal permits.

Wetland Definition and/or Delineation; Comparability With Federal

Coastal waters include navigable, saline waters shoreward to the high water mark, which are subject to the ebb and flow of the tide. Coastal wetlands include marshes, mudflats, and shallows periodically inundated by saline waters and characterized by wetland vegetation. These are in critical areas and subject to state permits.

For Section 401 purposes, and non-critical areas of the coastal zone, the federal definition of wetlands is utilized and the current methodology of the U.S. Army Corps of Engineers (Corps) is used. The South Carolina Pollution Control Act (www.scstatehouse.net/code/t48c001.htm) broadly defines waters and wetlands are considered "waters of the State."

Evaluation Methodology

The state has not adopted a standard evaluation methodology. HGM is applied in the Atlantic Coastal plain flatwoods region first and second order (headwater) streams.

Regulated and Exempted Activities

Regulated activities in Coastal Tidelands and Wetlands include; filling, removing, dredging, draining, or erection of any structure in or in any way altering any critical area (defined to include tidal wetlands). Exempted activities include hunting, fishing, and normal repair of piers.

Freshwater wetlands in the coastal zone are protected through a consistency determination for state and Federal permits.

401 Water Quality Certification is applied where a 404 permit is required and follow the same exemptions as those applied under the Section 404 programs by the Corps.

Special Provisions for Agriculture and Forestry

401 Water Quality Certification applies only when a federal permit is required so it follows the exemptions in the Section 404 program.

Penalties and Enforcement

SCDHEC's Bureau of Water Compliance and Enforcement Division is responsible for enforcement of violations of the South Carolina Pollution Control Act. SCDHEC's Office of Ocean and Coastal Resource Management is responsible for enforcement of violations of the Coastal Zone Management Program and the Critical Areas Permitting regulations.

Permit Tracking

The SCDHEC has an extensive database for 401 Water Quality Certification and for coastal permits including project information, detailed mitigation information and a GIS layer to provide spatial data on where wetlands are lost and mitigated.

State General Permit (PGP or SPGP) for 404

SCDHEC has tried unsuccessfully to develop a programmatic general permit with the Corps over the years.

Assumption of Section 404 Powers

South Carolina conducted a feasibility study in 1986 and decided not to pursue assumption.

Joint Permitting

South Carolina has joint permitting process with the Charleston District of the Corps. SCDHEC serves on an interagency team with the Corps and several Natural Resource agencies that meet once a month to review proposed activities. These same agencies also serve on the Mitigation Banking Review Team (MBRT).

Special Area Management Plans and Advanced Identification Plans

SCDHEC has developed special area management plans for several areas within the coastal zone.

U.S. Environmental Protection Agency and South Carolina Department of Natural Resources (SCDNR) completed an Advanced Identification (ADID) for Carolina Bays.

Role of Local Governments

A few counties have wetland protection in sediment control and stormwater ordinances; there may also be some subdivision ordinances.

Staffing

There are seven full time staff in Water Quality Certification Program (primarily devoted to wetlands). There are two full time and two half time staff in coastal zone program.

Water Quality Standards

Wetlands and Water Quality Standards

The state has established a 401 Water Quality Certification program that regulates discharges into wetlands. See Regulation 61-101, *Water Quality Certification* (R. 61-101, Water Quality Certification) which applies an antidegradation policy to all waters of the state, including wetlands.

Wetland Definition

Wetlands are not explicitly defined in regulation. The federal definition of wetlands is utilized and the current delineation methodology of Corps is used as a matter of procedure. The South Carolina Pollution Control Act broadly defines waters and wetlands are considered “waters of the State.”

Designated Uses

No specific designated uses have been adopted for wetlands. The overall designated uses for waters of the state are applied to wetlands.

Narrative and/or Numeric Criteria

No specific narrative or numeric criteria have been adopted for wetlands. The overall designated uses for waters of the state are applied to wetlands.

Antidegradation Policy

No specific antidegradation policy has been adopted for wetlands. The antidegradation rules and policies within the State’s water quality standards (www.scdhec.net/water/regs/r6168fml.pdf) apply to all waters of the State, including wetlands. The overall designated uses for waters of the state are applied to wetlands.

Other

None.

Staffing

See regulatory staff above.

Mitigation

Mitigation Policy

There is no written mitigation policy for freshwater wetlands. The SCDHEC follows a standard operating procedure developed with the Corps to look at the qualities of the impact site as well as the proposed mitigation site to determine the proper ratio of mitigation.

Mitigation Banks

There are 15 public and private banks in the state and several in various stages of development. Three are operated by the South Carolina Department of Transportation and the remaining banks are privately operated.

In Lieu Fee Program

A pilot program is under development for in lieu fee. It is limited to nonprofit recipients within three defined service areas. There are time constraints and other requirements to ensure mitigation occurs.

Ad Hoc

None.

Mitigation Database

The SCDHEC has an extensive database for 401 Water Quality Certification sites including permit information, mitigation, and a digitized GIS layer to provide spatial data on where wetlands are lost and mitigated.

Staffing

None specific to mitigation. See regulatory staffing above.

Monitoring and Assessment

Mapping /Inventory

The National Wetland Inventory maps are nearly complete in the state and about three quarters have been digitized. Maps are distributed by SCDNR.

Wetland Classification and Assessment

None adopted.

Overall wetland gain and loss tracking system

Restoration, enhancement and preservation activities through the 401 Water Quality Certification process are monitored through an extensive tracking system described above, but information about voluntary restoration is limited.

Staffing

Monitoring is done by water quality staff for all waters of the State.

Restoration

Program Description

None.

Restoration Program Goals

N/A

Eligibility Criteria

N/A

Restoration Database

N/A

Staffing

N/A

Public/Private Partnerships

Acquisition Program

There is not an acquisition program in the state dedicated specifically to wetlands.

Public Outreach/Education

Wetlands outreach and education is handled primarily through the 401 Water Quality Certification staff. They attend meetings, develop and distribute brochures and pamphlets. The Bureau of Water Outreach and Education Section which undertakes educational activities for the overall water program include wetland and 401 Water Quality Certification related outreach when possible.

Tax Incentives

No special tax incentives for wetlands have been adopted.

Technical Assistance

SCDHEC 401 Certification and Coastal Program staff provides information as requested. Additional information is provided through the silviculture program (many of the wetlands in South Carolina are forested wetlands).

Other Nonregulatory Incentives for Private Landowners

None.

Wetland Training and Education

See public outreach above.

Watershed Planning

Wetlands are incorporated into the state's watershed planning effort. South Carolina is divided into five major basins and watershed plans are updated on a rotating basis. The plans cover permitting, monitoring, and assessment and changes in land use.

Special Problems

In South Carolina all regulations and revisions to regulations must be formally approved by the state legislature. Over the past 10-15 years there have been repeated initiatives by the state to improve and expand state regulations covering nontidal wetlands as well as proposals for new legislation. None of these have been approved by the state legislature.

Coordination

An interagency team meets twice a month to deal with various permitting issues. The team addresses mitigation banking and individual permit proposals. Although the team primarily focuses on permitting issues, membership includes non-regulatory agencies. This team consists of the following agencies: U.S. Army Corps of Engineers, South Carolina Department of Health and Environmental Control, U.S. Environmental Protection Agency, U.S. Fish & Wildlife Service, National Marine Fisheries Service, South Carolina Department of Natural Resources, South Carolina Department of Archives & History.

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Contact Points

<http://www.scdhec.net/water/html/401.html#links>
<http://www.scdhec.net/ocrm/index.html>
<http://www.sac.usace.army.mil/newinternet/org/regulatory/index.html>

Guidebooks, Brochures, Websites, Other Educational Materials

Guidebooks and brochures can be found at www.scdhec.net/water/html/401.html#documents.

Developer's Handbook for Freshwater Wetlands. Updated 1992. South Carolina Coastal Council and U.S. Army Corps of Engineers.

Division of Energy, Agriculture and Natural Resources. 1990. *Report of the Governor's Freshwater Wetlands Forum*. 52 pp. Columbia, South Carolina.

Hill, D.H. 1990. *The Development of South Carolina Wetlands Policy*. College of Charleston/University of South Carolina. 152 pp. Charleston, South Carolina.

Rock, M.E. 1986. *The Protection of Freshwater Wetlands in the State of South Carolina: An Examination of the Needs and Policies Supporting Proposed Comprehensive State Legislation*. Savannah River Ecology Laboratory, South Carolina.

South Carolina Department of Health and Environmental Control. 1986. *A Feasibility Study of Assumption of the Section 404 Program by the State of South Carolina*. Charleston, South Carolina.

The Strom Thurmond Institute of Government and Public Affairs. 1991. *Teleconference proceedings, Protection and Management Issues for South Carolina Wetlands*. 180 pp. The Strom Thurmond Institute, Clemson University. Clemson, South Carolina.