

5 December 2003

M. Rheta Geddings
Bureau of Water
SC Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

Dear Ms. Geddings,

Following are comments of South Carolina Native Plants Society (SCNPS) Concerning "Proposed Amendments to S.C. Code Regulations 61-101".

First, we approve and support the comments submitted by Southern Environmental Law Center on this matter. Any new regulation must improve upon, not weaken, existing law.

Second, we would like to make clear that the primary interest of SCNPS with regard to this regulation is the protection of high quality examples of existing wetlands plant communities including isolated wetlands no longer regulated by the federal government. Any regulation that fails to accomplish this objective will not meet with our approval. It is clear that the regulation as proposed will fail to accomplish this objective. Indeed those activities specifically exempted in Section H, i.e. silviculture, seeding, drainage, ditching, farming, and the like, are precisely the ones that we would like to regulate since any one of these actions are sufficient to permanently alter the character and quality of any wetlands plant community.

Our position therefore is to remove section H entirely, or to make clear that it applies only to minor discharges from nearby activities in uplands. Once section H is removed, the specific protections proposed in section 9c for state or federal rare, threatened or endangered species will provide at least the minimal objectives that we seek. Thus, we strongly support the language in 9c and oppose any effort to delete or remove that language.

Finally, we would like to alter section 9d to read as follows. "A permit or certification will be denied if the proposed activity adversely impacts special or unique habitats, such as National Wild and Scenic Rivers, National Estuarine Research Reserves, National Ecological Preserves, designated State Scenic Rivers, or any wetlands site or plant community deemed by South Carolina Department of Natural Resources Natural Heritage Program to be worthy of protection and conservation." To guide Heritage Program personnel in reaching objective and consistent determinations of wetland plant community quality we would like to see adoption of some scientifically based system of wetlands evaluation, e.g. the HGM models now being developed and implemented by Army Corp of Engineers. Alternatively, SCNPS would be pleased to help in the development of a system tailored specifically to SC wetlands.

As a practical matter our suggested changes will have only a minor impact on land uses or decisions by SC landowners. The vast majority of isolated wetlands in the

state have already been degraded to the point where the above protections would not be called for. Our goal is merely to save the very few remaining high quality examples.

Sincerely,

Jeff S. Glitzenstein, Ph.D.
Issues Committee Chair
SCNPS
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