

Memorandum

CDBG Policy Guidance

Date: May 3, 2017

Policy: 17-01

SC Department of Commerce, Grants Administration, 1201 Main Street, Suite 1600, Columbia, SC 29201
www.cdbgSC.com

Subject: Environmental Reviews - Wetlands Compliance
Resource: *SC CDBG Implementation Manual*

Documenting the presence/absence of jurisdictional and non-jurisdictional wetlands is required as part of a CDBG environmental review per Executive Order 11990. In addition, documenting whether a wetlands permit is needed is required by the Clean Water Act.

The SC Department of Commerce has received clarification from HUD about determining the presence/absence of jurisdictional and non-jurisdictional wetlands for compliance with EO 11990 as well as required contact with the US Army Corps of Engineers.

If the project involves construction or improvements on developed or disturbed areas (i.e paved, filled, graveled areas) and the NWI maps indicate no wetlands in the project area; soil maps indicate no hydric soils are present in the project area; and photos are taken that document the project area contains no wetlands, no wetland delineation is necessary. All documentation must be referenced in the Wetlands Protection/EO 11990 compliance factor of the Environmental Review and all supporting documentation must be included in the Environmental Review submission to the SC Department of Commerce.

If the site is undeveloped, or wetlands are indicated via review or the NWI map or soil survey, an onsite determination or delineation by a qualified wetland professional must be completed in accordance with CDBG memo 15-02. The US Army Corps of Engineers must be consulted regarding permitting if wetlands are present, but a response is not required for submission of the environmental to the SC Department of Commerce. The Environmental Review when submitted must address the Grantee's commitment to comply with all applicable wetlands permitting requirements in the Mitigation Measures and Conditions section of the Environmental Review.

Grantees are reminded the most definitive way to determine the presence/absence of jurisdictional and non-jurisdictional wetlands is to conduct a wetland delineation. The Grantee is ultimately responsible for compliance with all environmental regulations and permitting requirements. This information is provided for guidance only and is not a substitute for a thorough knowledge of State and Federal laws and regulations.

If you have any questions, please contact Barry Butler or Keely McMahan at 803-734-0429. Environmental forms and documents are available at www.cdbgSC.com.

This policy memorandum updates the Community Development Block Grant Program and becomes effective immediately unless otherwise stated. The program documents located on the SC Department of Commerce website have the most up to date policies of the CDBG program.
