



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT  
69A HAGOOD AVENUE  
CHARLESTON SOUTH CAROLINA 29403

April 6, 2022

Regulatory Division

Greetings! We are writing to inform you in advance of a Charleston District Corps of Engineers (Corps) programmatic shift that may affect your citizens and constituents. The Department of the Army (DA) Regulatory Program is one of the oldest in the Federal Government. Initially it served a fairly simple, straightforward purpose: to protect and maintain the navigable capacity of the nation's waters. Time, changing public needs, evolving policy, case law, and statutory mandates have changed the complexion of the program, adding to its breadth, complexity, and authority.

The Regulatory Program is committed to protecting the Nation's aquatic resources and navigation capacity, while allowing reasonable development through fair and balanced decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. As such, a delineation of wetlands and other waters is required for permitting purposes. In the past, our office has reviewed wetland delineation requests not associated with an active DA permit application to assist the public with project planning prior to submission of an application to impact regulated waters and wetlands.

It has come to the attention of the Corps in recent years that local government entities, and other enforcement bodies, have added a Corps' approved wetland delineation or Jurisdictional Determination (JD) as a requirement for citizens to perform functions not associated with an active Corps permit, including division of properties, submitting building permits and obtaining construction permits. These delineations are not required by the Corps to submit a Corps permit application. These requests have substantially increased the Regulatory Division's workload, impacting the agency's ability to effectively review permit applications and effectively regulate activity in the nation's waters and wetlands. To enable the Regulatory Division to deliver its primary purpose of preserving the nation's aquatic resources, and in accordance with agency mandates, **the Charleston District Regulatory Division will no longer prioritize wetland delineation requests that are not associated with a permit application.**

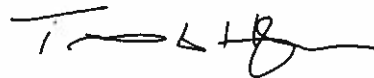
This letter is in advance of a Special Public Notice that will be issued the week of April 18, 2022. **South Carolina has a substantial community of environmental consultants who can prepare accurate and complete wetland delineations. The Corps utilizes the 1987 Army Corps of Engineers Wetland Delineation Manual and the appropriate Regional Supplements(s) for Wetland Delineation to perform and review delineations. Consultants who properly use this manual and associated supplements should be equipped to accurately delineate wetlands and aquatic resources. The Corps utilizes wetland delineations prepared and appropriately documented as the basis for**

planning developments, residential home sites, and other general purposes to avoid impacts to wetlands and regulated waters, as well as the basis for submitting a DA permit application.

We are sending this letter to inform you of our new priorities and ask that you take this programmatic shift into consideration, as this will likely result in citizens and businesses not receiving timely responses on wetland delineation and JD requests not associated with DA applications. We encourage any entities requiring a Corps-approved delineation for activities that do not require a Corps permit to review internal programs and policies. If your local requirements are dependent on Corps' verified wetland delineations and JDs, we ask that you reconsider this requirement.

We understand that this is a shift and will require all of us work together as public servants to provide the best service possible to the citizens of South Carolina. If you have any questions about our new priorities, please don't hesitate to reach out to me at 843-329-8035 or via email at [Travis.G.Hughes@usace.army.mil](mailto:Travis.G.Hughes@usace.army.mil).

Sincerely,

A handwritten signature in black ink, appearing to read 'Travis G. Hughes', with a stylized flourish at the end.

Travis G. Hughes  
Chief, Regulatory Division