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Thursday, Apr 22, 2010

Posted on Thu, Apr. 22, 2010

DHEC proposal stirs controversy

Plan would reduce scrutiny of small projects on S.C. rivers and lakes

By SAMMY FRETWELL
sfretwell@thestate.com

Two summers ago, Greg Mixon read about plans to dig up a small, muddy bank along the Little Pee Dee River.

It didn't seem like a big deal at first, but Mixon quickly learned the work would help create a lengthy canal for new development. That, he figured, could pollute the popular river, west of Myrtle Beach.

So the S.C. Department of Natural Resources, where Mixon works, fought successfully to stop a state permit for the dredging.

Today, the program that notified Mixon about plans for the canal is on the chopping block.

South Carolina's other major natural resources agency - the Department of Health and Environmental Control - is considering scaling back the program to limit government services it doesn't think are needed.

No longer would the public be notified of small projects on rivers and lakes, such as the one on the Little Pee Dee, that DHEC considers of minor environmental impact, according to plans.

"We're looking at where we can streamline any of our processes," agency spokesman Thom Berry said, explaining his agency wants to focus on bigger issues that need staff attention.

Berry said the plan won't hurt the environment because his agency has not found that small projects cause much environmental damage.

But the proposal ran into a roadblock two weeks ago.

Natural Resources and environmentalists persuaded DHEC's board to put the plan on hold for more discussion. Natural Resources and DHEC officials hope an agreement can be worked out-- but that won't be known until after the talks.

They are scheduled to meet April 29.

Mixon said while many small projects cause little harm to the environment, others "can be a big deal," such as planned dredging on the Little Pee Dee River.

"We are worried about letting these things get lost in the shuffle," said Mixon, a Natural Resources environmental coordinator who testified April 8 against DHEC's proposal.

Lawyer Amy Armstrong, who represented the S.C. Wildlife Federation and Upstate Forever at the April 8 hearing, characterized DHEC's staff proposal as "kind of scary."

She said people might never know about projects that could hurt the environment if the DHEC proposal is approved.

Through DHEC's public notice process, Natural Resources runs across about a dozen small projects every year that spark concerns. In some cases, Natural Resources has persuaded DHEC to issue permits with tougher environmental rules.

At issue is giving blanket state approval to build small projects in "navigable waters," which includes most major rivers and lakes. DHEC would give its blessing to a range of these projects that already have blanket federal approval.

Currently, even if someone has blanket federal authorization - known as a nationwide permit - the person many times still needs a state navigable waters permit.

DHEC typically decides such permits after a public notice and comment period.

The DHEC plan does not extend to major projects or construction in salt marshes.

But it would give blanket authorization for minor dredging, limited work on marinas and an array of other small projects on rivers and lakes.

It also would grant general approval to build private docks on state-designated scenic rivers like the Little Pee Dee or lower Saluda, as well as on Lake Jocassee, a nearly pristine mountain lake near Walhalla, according to Natural Resources. Most other major lakes in South Carolina already have that approval, but Jocassee has not been included in the past because of its environmental significance.

The Little Pee Dee River dredging is a prime example of why the navigable waters permitting program is important for small projects, say officials with the DNR.

Well-known by generations of travelers to Myrtle Beach, the river is characterized by its dark, tea-colored waters and lush swamps. The state has even classified parts of the Little Pee Dee as a scenic river and as an "outstanding resource water," a river considered of exceptional quality for aquatic life and recreation.

The dredging was to have occurred near Brittons Neck on the Marion-Horry county line, between Florence and Myrtle Beach.

In that case, the dredging project would have affected only about 25 cubic yards of stream bank that fell within state jurisdiction. But the digging would have connected an existing dead-end canal with a new canal, records show.

DNR officials say the new canal was for a new residential development that would threaten the Little Pee Dee with pollutants associated with subdivisions. The new canal would have extended from the river for more than a quarter-mile inland, before ending, records show.

"Construction of a dead-end canal could adversely impact the water quality of the river," the DNR's Mixon said in a Sept. 15, 2008, letter to DHEC. "Dead-end canals frequently have poor circulation and flushing, excessive nutrients, low dissolved oxygen levels, invasive plant species, fish kills ... stagnant water and harmful algal blooms."

Berry, the spokesman for DHEC, noted that his agency's proposal to limit public notice and extensive review would only apply to smaller projects.

Berry said the plan would allow DHEC staff members to concentrate on bigger issues "that are going to require a lot of review, a lot of intense scrutiny" at a time of dwindling resources.

And projects that require major work would still require a full series of federal and state permits, including one for navigable waters. He said his agency realized after the Little Pee Dee dredging project was classified by the federal government for a nationwide permit that it actually did not qualify. The project has since been withdrawn.

"If a permit application comes in that we immediately recognize as something that could have ... more than just an insignificant impact, we would put it through the full process," he said.

Reach Fretwell at (803) 771-8537.

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