

'LOAN COPY ONLY'

AN INTERIM GUIDE TO AQUACULTURE PERMITTING IN SOUTH CAROLINA

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and

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221 Fort Johnson Road
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Foreword

South Carolina has the potential to become a major center for aquacultural activities in the United States. Business and regulatory aspects of the aquaculture industry are being improved in the state as research and development of commercial aquaculture is supported. South Carolina's commitment is evidenced by the development of the James M. Waddell, Jr., Mariculture Research and Development Center, a state facility designed to develop and demonstrate commercial-scale mariculture technologies.

This guide provides the prospective aquaculturist with an overview of information sources and government agencies associated with aquaculture permitting. Information for this guide was derived from numerous public officials and private aquaculturists through an Ad Hoc Committee on Aquaculture Permitting. Members of the Committee included the authors, and:

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Marine Resources Research Institute
Division of Marine Resources
S.C. Wildlife & Marine Resources Department

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S.C. Department of Health & Environmental
Control

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Processing Section
U.S. Army Corps of Engineers

Charles M. Bearden, Director
Office of Conservation, Management and
Marketing
Division of Marine Resources
S.C. Wildlife & Marine Resources Department

John Cook, District Director
Trident District
S.C. Department of Health & Environmental
Control

Steve Moore
Permitting Specialist
S.C. Coastal Council

Since formal aquaculture permitting is not yet in place, this booklet serves as an interim guide to assist prospective aquaculturists through the permitting and licensing process.

Purpose And Scope

Aquaculture is the cultivation of aquatic plants or animals under artificial or natural conditions. In South Carolina, as in the rest of the United States, aquaculture is in its early stages of development. Hard clams, oysters, crawfish, freshwater shrimp, catfish, and baitfish form the basis for a small but diverse industry in the state.

Aquaculture may require the use of natural resources considered part of the public domain. Local, state, and federal regulatory agencies seek to allocate these natural resource needs through a permitting system. By incorporating both agency and public comment in the permitting process, the interests of both the aquaculturist and the general public can be protected.

Aquaculture is a fairly new use of coastal and inland resources in South Carolina. A variety of natural resources may be required for each operation. These factors combine to make the permitting process complex and time-consuming for the prospective aquaculturist. In most cases, several regulatory agencies are involved and a number of permits, licenses, and certifications are required. Therefore, extensive delays may occur between the conception of the project and its realization as a functioning aquaculture operation.

This booklet is intended to provide general guidance through the aquaculture permitting process. It is intended for use by the prospective aquaculturist only until a formal state permitting mechanism is established.

With continuing interest in aquaculture, advancements in technology and changes in operational procedure will occur. Changes in the state permitting structure also will occur. *It is strongly suggested that the prospective aquaculturist contact the relevant permitting agencies for pre-application meetings.* Permitting officials can provide sound advice and assistance about site selection, species selection, and required permits, licenses, and certifications. Pre-application meetings can clarify the permitting process and reduce the amount of time spent in obtaining prerequisite permits.

How To Use This Guide

This guide is organized according to the prospective geographic location of the aquaculture operation. This is for two reasons: first, the permitting process currently focuses on site selection more than on species selection; and second, the process delineates high ground and submerged lands jurisdictions.

Part I contains a section for each geographical area: critical, non-critical, and impoundments. A description of each area's geography is included with a short discussion of the extent of aquacultural activities. A section on post-production activities and permitting is also included in Part I.

Incomplete information can lead to misinformed decisions and may affect success in obtaining permits. The prospective aquaculturist may want to undertake a literature review of the proposed activity. Concurrent with the literature review, contact should be made with the technical agencies listed in Part I for further guidance and information regarding the operation. This will be of help as several permit applications require the submission of an aquaculture operational plan.

The flow charts included in each section outline the steps necessary to obtain the required permits. Numbers in parentheses indicate the section of Part II containing descriptions of the various types of permits.

In Part II, the federal, state, and local agencies associated with aquaculture permitting are listed. Under each agency heading are descriptions of the requirements and stipulations of its permits, licenses, and certifications. Approximate time required for processing applications is given, as are literature references, where appropriate.

It should be noted that although the flow charts show a logical sequence for obtaining the required permits, there is no formal chronological procedure. In most cases, all permit applications can be filed simultaneously. However, there are times when certain permits or certifications must be obtained before other permits will be issued. It is therefore recommended that the prospective aquaculturist contact the designated lead agency to avoid unnecessary time delays.

Part I: Description Of Geographical Areas And Permit Structures For Aquaculture

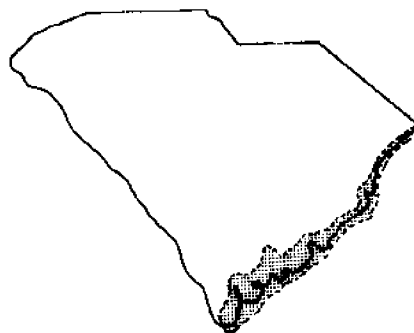
Section I: The "Critical Area"

The "Critical Areas" as defined under the South Carolina Coastal Management Act of 1977 include the coastal waters, tidelands, beaches, and primary oceanfront sand dunes seaward of the Critical Area boundary line as determined by the S.C. Coastal Council. In these areas, a Council permit is required for any activity or alteration proposed. In addition, any activity planned which would possibly impact upon these areas may require a Council permit.

Aquaculture is practiced within the state's highly productive wetland/estuarine areas on a small scale, and there is potential for significant development in the future. Traditionally, leasing shellfish grounds to commercial interests and private individuals for harvesting oysters and replanting shell has occurred and is considered a form of aquaculture. Commercial facilities for hard clam aquaculture recently have been established using upland nursery systems and intertidal growout practices. The use of coastal impoundments for crawfish, shrimp, and other species is increasing. Open wetlands, subtidal bottoms, partially-diked impoundments, and open coastal waters can support the culture of these species and others, such as blue crabs, oysters, and finfish.

Primary Agency:

S.C. Coastal Council
Summerall Center
19 Hagood Street, Suite 802
Charleston, SC 29403
(803) 792-5808



The "Critical Area"

Technical Assistance:

For Shellfish, Freshwater Prawns, Marine Shrimp and Crawfish

Sea Grant Marine Extension Program
Aquaculture Specialist
P.O. Drawer 1100
Georgetown, SC 29440
(803) 546-4481

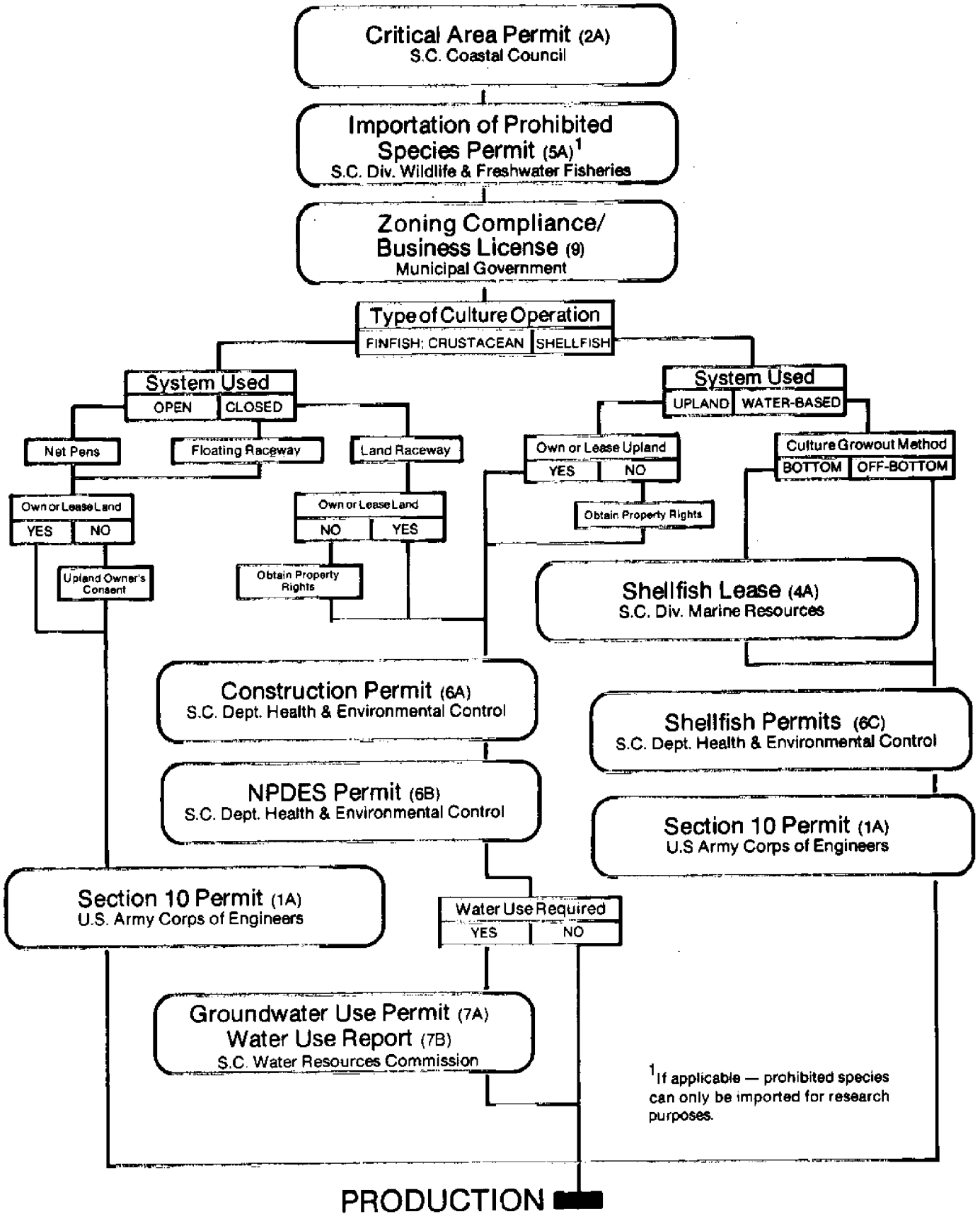
**S.C. Wildlife and Marine
Resources Department**
Finfish Aquaculture Section
Marine Resources Research Institute
P.O. Box 12559
Charleston, SC 29412
(803) 795-6350

For Marine Finfish

University of South Carolina
S.C. Aquaculture/Mariculture Program
Belle W. Baruch Institute
Columbia, SC 29208
(803) 777-3929

**S.C. Wildlife and Marine
Resources Department**
Division of Marine Resources
P.O. Box 12559
Charleston, SC 29412
(803) 795-6350

Permit Structure: The "Critical Area"



¹ If applicable — prohibited species can only be imported for research purposes.

Section II: Non-Critical Areas

Non-critical areas of the State extend from the Critical Area boundary line inland. This area contains four major river basins — the Pee Dee, Santee/Cooper, Ashley-Combahee-Edisto, and Savannah; total river streamflow, which varies geographically, seasonally, and yearly, averages 33 billion gallons per day. In addition to its flowing waters, South Carolina has about 596,000 acres of large inland lakes and thousands of small, privately-owned farm ponds. The potential for aquaculture in these habitats is very promising.

Currently in South Carolina, aquaculture is being conducted in 33 of 46 counties. Largemouth bass, bluegill, carp, catfish, crawfish, freshwater shrimp, tilapia, and trout are now under cultivation, although many on a small scale. Baitfish species have become the object of several aquaculture efforts and, along with other species of fresh and brackish water finfish, have high potential for development in the State.

Primary Agency:

S.C. Water Resources Commission
P.O. Box 4440
3830 Forest Drive
Columbia, SC 29240
(803) 758-2514



Non-Critical Areas

Technical Assistance:

For Catfish, Baitfish, Other Freshwater Species

Clemson University
Extension Aquaculture Specialist
Department of Entomology, Fisheries, and Wildlife
Long Hall
Clemson, SC 29631
(803) 656-3113

University of South Carolina
S.C. Aquaculture/Mariculture Program
Route 2, Box 119
Georgetown, SC 29440
(803) 546-1275

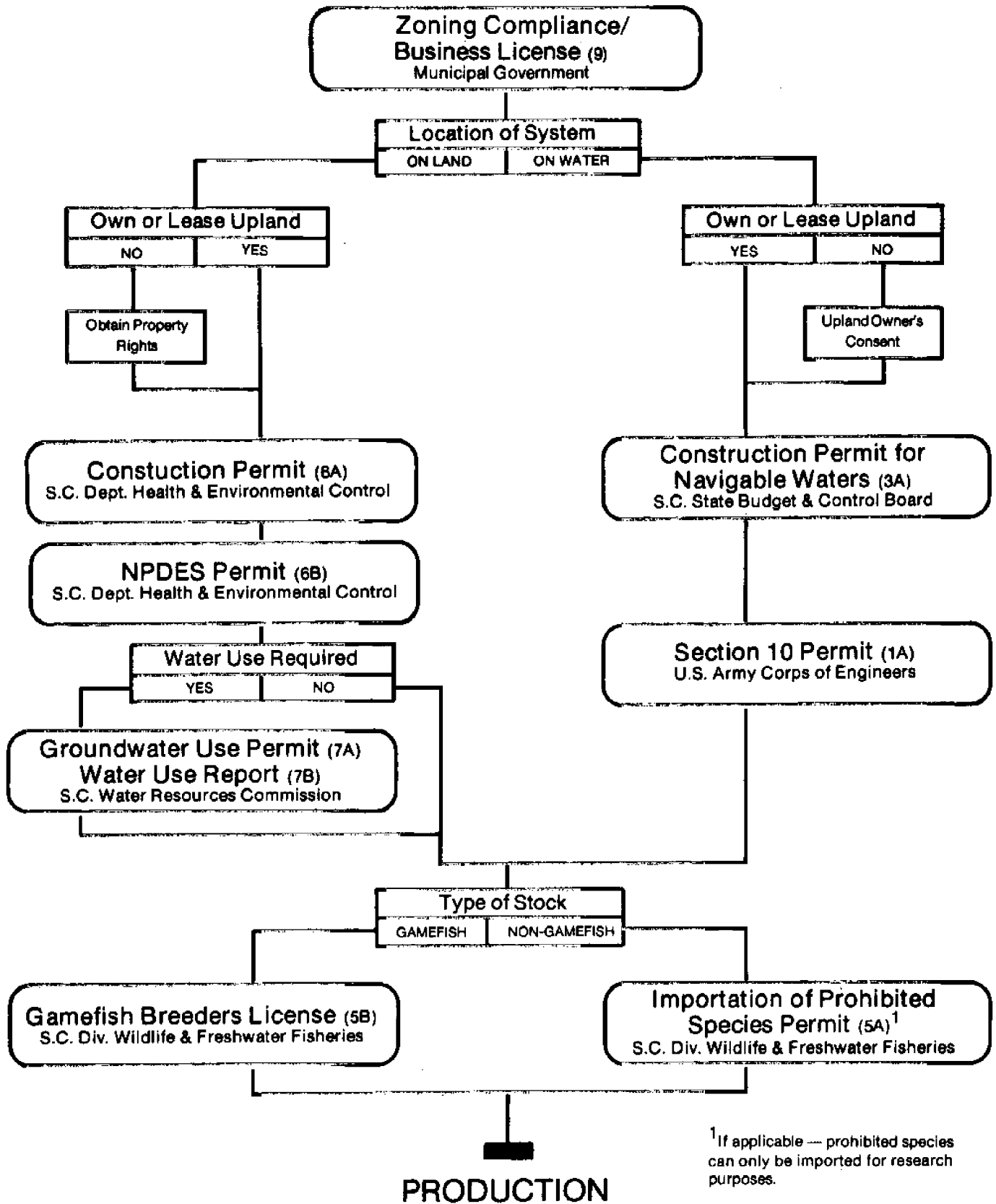
For Bass-Bluegills

S.C. Wildlife and Marine Resources Department
Rembert C. Dennis Building
P.O. Box 167
Columbia, SC 29202
(803) 758-0007

For Pond Construction And Maintenance

U.S. Soil Conservation Service
State Fisheries Biologist
State Office
1835 Assembly Street
Columbia, SC 29201
(803) 765-5681

Permit Structure: Outside the "Critical Area"



¹If applicable — prohibited species can only be imported for research purposes.

Section III: Coastal And Inland Impoundments

Some 70,000 acres of coastal and low riverine areas are typified by wetland impoundments unique to the South Atlantic Coast. These systems, frequently referred to as "rice field impoundments," are remnants of the 18th and 19th century rice culture industry. Rice was initially grown as an upland crop; as the advantages of flooding became known, rice culture moved into lower lying regions where impoundments were constructed to control flood application. Most are rice fields, but some were diked specifically for waterfowl, flood control, fish ponds, and other purposes.

Impoundments consist of a system of levees, canals, ditches, floodgates, and trunks, and can be manipulated to allow for water control and management of the enclosed beds. The majority of impoundments are managed to attract waterfowl by encouraging the growth of vegetation upon which waterfowl feed. Other uses of impoundments include cattle pasturage, water reserves, and wildlife sanctuaries. In recent years, interest in the management of impoundments for the culture of crawfish and marine shrimp has increased.

Primary Agencies:

In Critical Areas

S.C. Coastal Council
Summerall Center
19 Hagood Street
Suite 802
Charleston, SC 29403
(803) 792-5808

Outside Critical Areas

S.C. Water Resources Commission
P.O. Box 4400
3830 Forest Drive
Columbia, SC 29240
(803) 758-2514

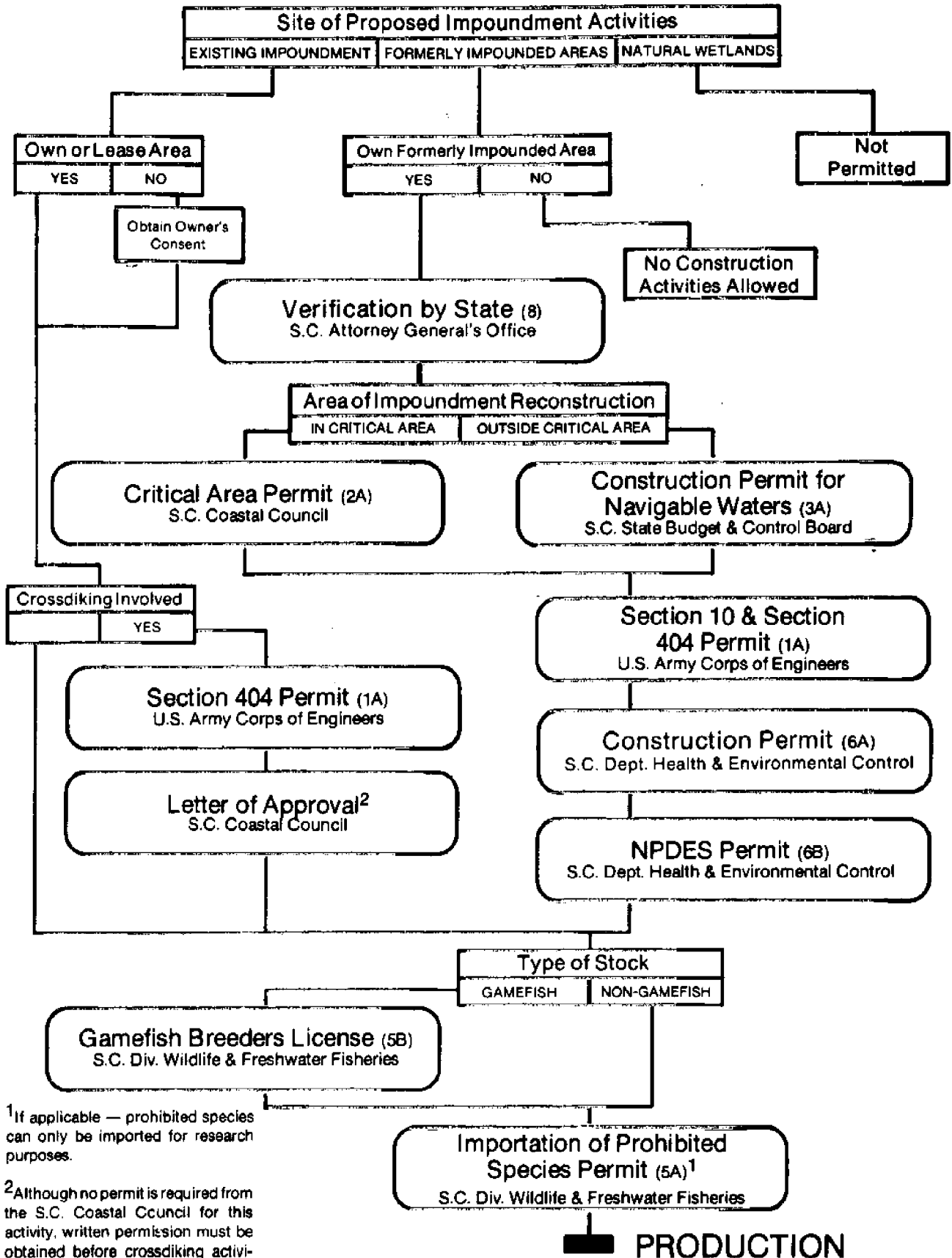
Technical Assistance:

**Sea Grant Marine
Extension Program**
Aquaculture Specialist
P.O. Drawer 1100
Georgetown, SC 29440
(803) 546-4481

University of South Carolina
S.C. Aquaculture/Mariculture Program
Route 2, Box 119
Georgetown, SC 29440
(803) 546-1275

S.C. Wildlife and Marine Resources Department
Division of Marine Resources
P.O. Box 12559
Charleston, SC 29412
(803) 795-6350

Permit Structure: Impoundments



¹If applicable — prohibited species can only be imported for research purposes.

²Although no permit is required from the S.C. Coastal Council for this activity, written permission must be obtained before crossdiking activities begin.

Section IV: Harvesting, Processing, and Sale of Aquaculture Products

The success of any aquaculture operation ultimately depends upon effective and timely harvesting and marketing of the crop. Currently, crawfish, catfish, and marine shrimp are the primary species being cultivated and marketed in South Carolina. It is estimated that the 1984 production value for these species along coastal South Carolina will total some \$890,000: \$490,000 for crawfish; \$300,000 for catfish; and \$100,000 for marine shrimp. In addition, hard clam mariculture will result in production value exceeding \$100,000 in 1984. Since these aquaculture activities are in their initial stages of development, it appears that their value will significantly increase in the near future.

Growth of aquaculture in South Carolina will be linked directly to the availability of markets for the cultivated products. Most producers now depend on direct sales to local wholesalers and retailers or on pondside retail sales to market their product. While this strategy is appropriate for current production levels, any significant increase in production will warrant the identification and development of other marketing channels.

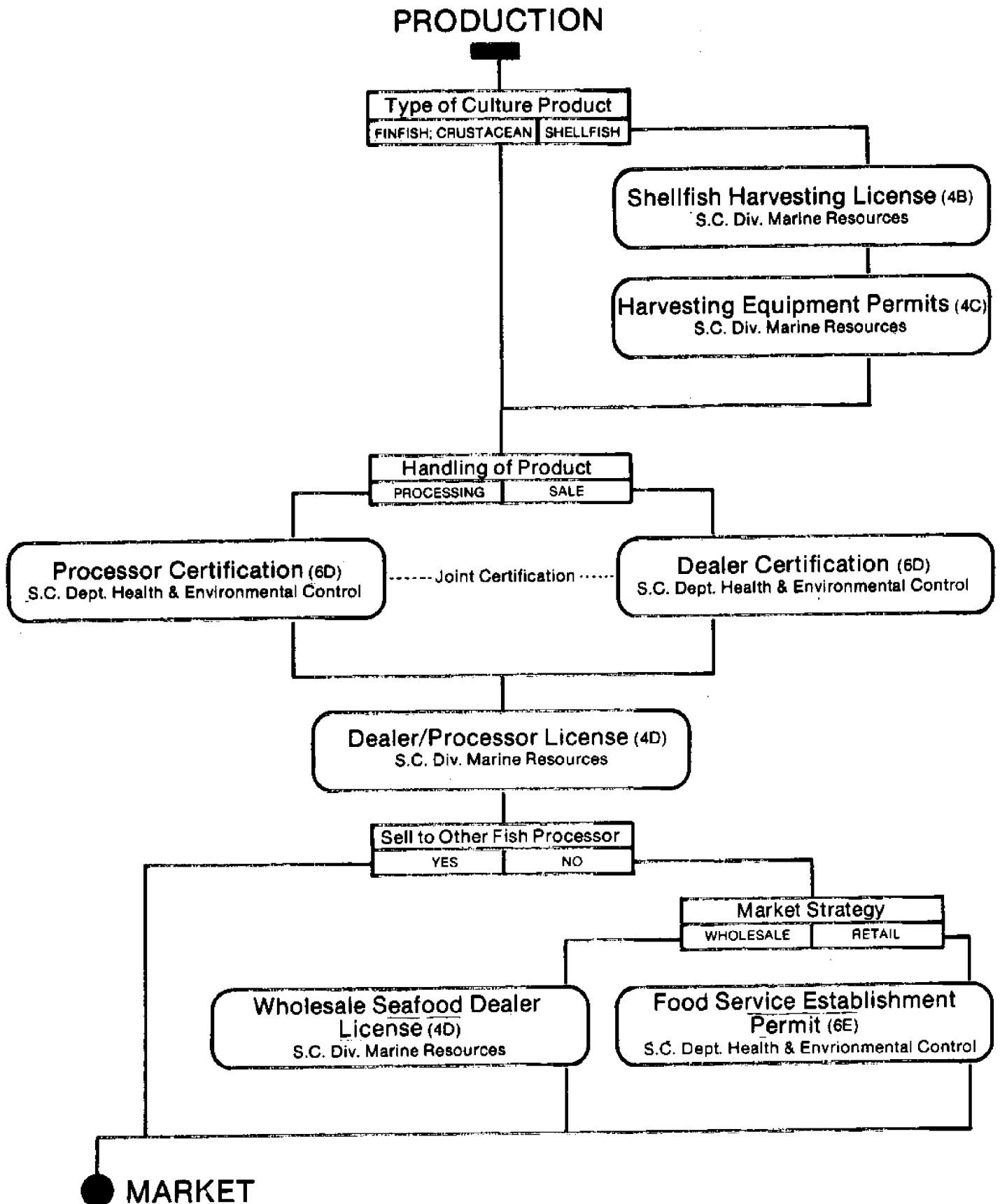
One such market is the seafood processing industry. There are currently 20 seafood processing plants in South Carolina which serve the traditional fishing industries in the state. There are also approximately 119 seafood wholesaling plants which supply retail markets. If aquaculture production grows to appreciable levels, profits could be increased by the development and expansion of in-state processing capabilities.

Primary Agencies:

S.C. Wildlife & Marine Resources Department
Division of Marine Resources
P.O. Box 12559
Charleston, SC 29412
(803) 795-6350

S.C. Department of Health & Environmental Control
Division of Shellfish & Recreational Waters
2600 Bull Street
Columbia, SC 29201

State Permit Structure: Harvesting, Processing, Sale



Part II:

Index of Permits, Leases, Certifications, and Licenses

FEDERAL GOVERNMENT

1. U.S. Army Corps of Engineers

U.S. Army Corps of Engineers

The District Engineer, Charleston
P.O. Box 919
Federal Building
Charleston, SC 29402
(803) 577-4171

1A Section 10 and Section 404 Permits

The U.S. Army Corps of Engineers permit program seeks both to prevent alteration or obstruction of navigable waters of the United States, and to protect and maintain the quality of the nation's water resources. A prospective aquaculturist whose operation will involve the location of a structure in navigable waters must first obtain a Section 10 Permit required under the Rivers and Harbors Act of 1899. If the activity involves the excavation or discharge of dredge or fill materials into navigable waters, a Section 404 Permit required under the Clean Water Act of 1977 must be obtained. If the activity involves both, the applicant needs to apply for a joint permit.

A Corps permit application form must be completed; it can also serve as a joint application for either the S.C. Coastal Council or the S.C. State Budget and Control Board permit (described later) required under state law. For Section 404 permit applications, a Section 401 Water Quality Certification from the S.C. Department of Health and Environmental Control (see Part II, "Other Requirements") is prerequisite. Completed applications must include a vicinity map, operational plan, and structural drawings detailing the proposed operation.

In most cases, the final decision on the application will not be made until the state permit is approved and granted. Upon Corps approval, the permit is issued upon receipt of a \$10.00 fee for a private activity, or \$100.00 fee for a commercial operation, and is renewable every three years.

Approximate Time Required For Processing:

45-60 days; 60-120 days if a public hearing is required.

Reference: "U.S. Army Corps of Engineers: Permit Program:
A Guide for Applicants" — available at Corps Office.

STATE GOVERNMENT

2. S.C. Coastal Council

S.C. Coastal Council
19 Hagood Street
Suite 802
Charleston, SC 29403
(803) 792-5808

2A "Critical Area" Permit

The S.C. Coastal Council has the responsibility of promoting the economic and social welfare of the citizens of the State while protecting the sensitive and fragile areas of the coast. Any person who wants to fill, remove, dredge, drain, erect any structure on, or in any way alter the "Critical Area" must obtain a permit from the Council.

Any aquaculture operation to be sited in the "Critical Area" must be permitted by the Council. A pre-application meeting with Council officials will determine if an Army Corps permit is also required. If necessary, the applicant will be directed to file a joint Coastal Council-Army Corps permit application.

In filing the Council application, the following information must be furnished:

- a completed application form;
- a plan or drawing of the proposed operation and the manner or method by which the operation shall be constructed and sited. (Specific requirements for the drawings are included in the application package);
- a plat (or copy) of the area in which the proposed work will take place;
- a certified copy of the deed, lease, or other document under which title, possession, or permission from the owner of the property to be used is claimed;
- proof of publication of a notice of proposed activity in a newspaper of local circulation and statewide circulation, which must be published within 15 days of the permit application. Council must be furnished with a certified copy of the newspaper notice before the permit will be issued;
- an application fee: \$50.00 for private, non-profit, and non-commercial uses; \$200.00 for commercial operations; and
- a detailed management plan, mandatory for applications to redike former impoundments for aquaculture and possibly required for other types of aquaculture, which describes management and operational protocols to be employed, the species to be cultured, cost and revenue projections (for commercial operations), and other information as requested.

Approximate Time Required For Processing:
45-60 days; 60-120 days if a public hearing is necessary.

Reference: "S.C. Coastal Council: Permitting Rules and Regulations"
—available at Council Office.

3. S.C. State Budget and Control Board (administered by the S.C. Water Resources Commission)

S.C. Water Resources Commission

P.O. Box 4440
3830 Forest Drive
Columbia, SC 29240
(803) 758-2514

3A Construction Permit for Navigable Waters

A S.C. State Budget and Control Board permit is required for any construction, alteration, dredging, filling, or other activity associated with a proposed aquaculture operation when such activity involves the use of (a) any land below the mean high water line in tidally-affected areas, or (b) any land below the ordinary high water mark of any non-tidal, navigable waterway within the state *outside* of the S.C. Coastal Council's "Critical Area." The S.C. Water Resources Commission administers the permit process for the State Budget and Control Board.

The permit application procedure is similar to that of the S.C. Coastal Council. Contact the U.S. Army Corps of Engineers' office in Charleston, S.C. to determine if a federal permit will be required. If so, the permit application to the Corps serves as a joint application with the Commission. In addition to the completed application, the Commission requires the following:

- on all activities in coastal areas, the tidal bench mark used in the applicant's survey and drawings must be indicated.
- proof of public notice of the application in a newspaper of general circulation in the county where the activity is proposed, at least once in each of two consecutive weeks. Proof of publication must be forwarded to the Commission before final permit approval can be granted.
- an application fee: \$10.00 for private uses; \$100.00 for commercial operations.

If the aquaculture activity is to be located within any of the eight coastal counties of the state, it must be certified by the S.C. Coastal Council as consistent with the State's Coastal Zone Management Plan before the State Budget and Control Board permit is issued. Also, the Commission requires a Water Quality Evaluation from the Department of Health and Environmental Control.

Approximate Time Required For Processing:

45-60 days; 60-120 days if a public hearing is necessary.

Reference: "State Permit Procedure: State of South Carolina Water Resources Commission"
—available at Commission Office.

4. Division of Marine Resources

S.C. Wildlife and Marine Resources Department
Division of Marine Resources
P.O. Box 12559
217 Fort Johnson Road
Charleston, SC 29412
(803) 795-6350

The Division of Marine Resources has general jurisdiction over all fish, fishing, and fisheries in the coastal saltwaters of the state. The Division also reviews and makes recommendations on all permit applications under consideration by the U.S. Army Corps of Engineers and S.C. Coastal Council as they may affect the state's fishery resources.

Reference: "South Carolina Wildlife and Marine Resources Department: Marine Fisheries and Related Laws" — available at Division Office.

4A Shellfish Lease

If the aquaculture operation involves the use of intertidal or subtidal bottoms underlying the coastal saltwaters of the state, a Shellfish Lease must be obtained. The South Carolina Wildlife and Marine Resources Commission, through the Division of Marine Resources, may lease all or part of state "bottom" below the high water mark for shellfish culture and mariculture. Under this authority, the Commission may lease no more than 1000 acres of state bottoms to any resident for shellfish culture for commercial purposes only if the:

- lessee is a state resident;
- lessee is licensed to do business in South Carolina; and
- lessee makes his livelihood, or a "substantial portion" of his livelihood, from the commercial fisheries industry.

State residents who wish to lease lands for shellfish culture for other than commercial purposes may lease no more than two acres of bottom.

If the area of interest is already leased by another resident, written permission for a sublease must be obtained from the current lessee. All subleases must be approved by the Commission.

Approximate Time Required For Processing:

45-60 days; 60-180 days if a hearing before the Commission is necessary.

4B Shellfish Harvesting Permit

A Shellfish Harvesting Permit from the Division is required for gathering shellfish on state-owned lands. Permission from the lessee is required to gather shellfish on leased bottoms.

Approximate Time Required For Processing:

7-14 days.

4C Harvesting Equipment Permits

The following permits and/or licenses may be required if the proposed aquaculture operation involves:

- using dredges, scoops, or scrapes for taking shellfish in waters less than 12 feet deep on low tide (PERMIT).
- establishing and using a depuration facility to cleanse shellfish taken from polluted waters, jointly issued by the Division and the Department of Health and Environmental Control (PERMIT); and

- using power boats or other vessels equipped with commercial fishing equipment for taking shellfish (LICENSE: Annual fee = \$20.00 for boats under 18 ft.; \$25.00 for boats over 18 ft.; plus \$10.00 each, equipment fee).

Approximate Time Required For Processing:
7-14 days.

4D Dealer/Processor Licenses

A prospective aquaculturist who plans to process and/or sell cultivated animals must first obtain annual licenses:

Wholesale Seafood Dealer License — \$50.00

Land and Sell License — \$25.00

A S.C. Department of Health and Environmental Control Certification for operating an opening, packing, or shipping establishment may be required before the Division will issue its licenses.

Approximate Time Required For Processing:
7-14 days.

5. Division of Wildlife and Freshwater Fisheries

S.C. Wildlife and Marine Resources Department
Division of Wildlife and Freshwater Fisheries
Rembert C. Dennis Building
P.O. Box 167
Columbia, SC 29202
(803) 758-0007

The Division of Wildlife and Freshwater Fisheries is responsible for the health and maintenance of the state's freshwater fisheries, among other duties. Although the Division does not have a formal set of regulations for freshwater aquaculture in state waters, it does administer permits and licenses pertaining to aquaculture.

5A Importation Permit

Any person wishing to import currently prohibited fish species into the state must first acquire an Importation Permit. The permit is issued for *research* purposes only.

5B Gamefish Breeder's License

Any person who wants to sell, offer for sale, barter and transport gamefish for strictly stocking or restocking purposes must first obtain a Gamefish Breeder's License from the Executive Director of the Department. The annual fee is \$25.00. No gamefish more than four inches in overall length can be sold. (Exception: cold water trout of any size may be sold for stocking or for food fish. Contact the Division Office for details.) Other conditions may be set.

Approximate Time Required For Processing:

14-21 days; 21-90 days if a public hearing is necessary.

6. Department of Health and Environmental Control

S.C. Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201
(803) 758-5654

The Department of Health and Environmental Control is responsible for ensuring the health and well-being of the citizens of the State and sustaining the quality of the State's air and water resources. Three Divisions within the Department have responsibilities in permitting and/or licensing aquaculture-related activities.

6A Construction Permit

Division of Industrial and Agricultural Wastewater
DHEC
2600 Bull Street
Columbia, SC 29201
(803) 758-5483

All aquatic animal production projects require a Construction Permit from the Division. In applying, a detailed plan describing the scope of the aquaculture project must also be submitted to the Division for review, and should describe:

- the location of the project;
- the location of upstream or downstream discharges or users;
- the size of the facility;
- the species to be cultured;
- the type and amount of feed;
- the operational protocol to be employed; and
- the type, amount, and frequency of effluent discharges.

Additional information is required if the project involves the reimpoundment of old rice fields for aquaculture, including a description of:

- the dredging operation;
- rediking activities; and
- the method(s) of lowering and raising water levels.

Approximate Time Required For Processing: 30-45 days; 45-60 days if a public hearing is necessary.

6B National Pollutant Discharge Elimination System Permit

Division of Industrial and Agricultural Wastewater
DHEC
2600 Bull Street
Columbia, SC 29201
(803) 758-5483

A hatchery, fish farm, or other aquaculture facility is subject to a National Pollutant Discharge Elimination System (NPDES) Permit if it contains, grows, or holds aquatic animals in either of the following categories:

- cold-water fish species and other cold-water animals in ponds, raceways, or other similar structures which discharge at least 30 days per year or produce more than 20,000 pounds of aquatic animals per year, or are fed more than 5,000 pounds of food during the calendar month of maximum feeding;
- warm-water fish species and other warm-water animals in ponds, raceways, or other similar structures which discharge at least 30 days per year or produce more than 100,000 pounds of aquatic animals per year.

An NPDES Permit is *not* required for closed ponds which discharge only during periods of excess runoff. Division officials will determine whether a NPDES Permit is required during review of the application for a Construction Permit. Conditions and stipulations will be attached to the NPDES Permit which will require monitoring and site inspections. Details can be obtained from the Division Office.

Approximate Time Required For Processing:
60-90 days; 90-180 days if a public hearing is necessary.

6C Shellfish Permits

Division of Shellfish and Recreational Waters
DHEC
2600 Bull Street
Columbia, SC 29201
(803) 758-5551

Permits must be obtained from the Division for the following activities:

- to artificially cleanse or mechanically deplete shellfish taken from moderately polluted waters (joint PERMIT with the Division of Marine Resources);
- to transplant (relay) shellfish from polluted to non-polluted waters;
- to condition shellfish from approved growing areas; and
- to hold shellfish in floating or wet storage devices.

Each permit will contain various stipulations; it is therefore advised that the Division be consulted for further elaboration.

Approximate Time Required For Processing:
14-21 days.

6D Dealer/Processor Certification

Division of Shellfish and Recreational Waters
DHEC
2600 Bull Street
Columbia, SC 29201
(803) 758-5551

Dealer/Processor Certification is required for the processing and/or sale of shellfish, shrimp, and finfish in coastal areas, and must be obtained before the Dealer/Processor License can be issued by the Division of Marine Resources.

Approximate Time Required For Processing:
7-14 days.

6E Food Service Establishment Permit

Division of Food Protection
DHEC
2600 Bull Street
Columbia, SC 29201
(803) 758-5476

A Food Service Establishment Permit must be obtained from the local County Health Department or from the Division if a retail market is to be established.

Approximate Time Required For Processing:
7-14 days.

Reference: "Rules and Regulations Governing Food Service Establishments"
—available at County Health Departments or Division Office.

7. Water Resources Commission

S.C. Water Resources Commission
221 Main Street
Conway, SC 29526
(803) 248-4636

143A Ribaut Street
Beaufort, SC 29902
(803) 524-1995

7A Groundwater Use Permit

A Groundwater Use Permit is required for any operation which involves the use of a groundwater well capable of producing more than 100,000 gallons of water per day, on any given day, in designated "Capacity Use Areas." (Currently, the Commission has designated the coastal areas of Horry and Georgetown Counties, and the entirety of Colleton, Beaufort, and Jasper Counties as "Capacity Use Areas.")

Approximate Time Required For Processing:
30-45 days; 45-60 days if a public hearing is necessary.

7B Water Use Reporting Program

In areas outside of the designated "Capacity Use Areas," a Water Use Report must be filed quarterly with the Commission if water use will exceed 100,000 gallons per day on any given day. A one-time only System Description Form must also be completed. This reporting program encompasses the use of surface freshwater, surface saline waters, groundwater, and water purchased.

No Processing Necessary.

8. Attorney General's Office

S.C. Attorney General's Office

Rembert C. Dennis Building

P.O. Box 11549

Columbia, SC 29211

(803) 758-8667

Before the S.C. Coastal Council or S.C. Water Resources Commission will accept a permit application to restore a formerly impounded area to a functional impoundment for aquaculture (or any other activity), the applicant must obtain an opinion from the Attorney General's office regarding the "ownership" of the area in question. In general, the applicant must show an unbroken chain of title to the property back to an original King's Grant or a grant from the state which conveyed title to the landholder. In the opinion of the Attorney General's Office, however, there is a serious legal question as to whether reimpoundment of formerly impounded areas can be undertaken even when ownership of the underlying land is proven. The office contends the the public trust in tidelands extends to all state waters, including those overlying privately owned land.

Before an application to reimpound is filed, it is strongly suggested that the applicant contact the Attorney General's Office and the S.C. Coastal Council or S.C. Water Resources Commission to discuss the proposed activity.

MUNICIPAL GOVERNMENT

9. Local Governmental Bodies

The prospective aquaculturist should discuss the proposed operation with officials of the appropriate local government body (whether it be municipal, district, or county) to determine if it conforms with zoning regulations. It may also be necessary to obtain business licenses. Regulations vary and are generally more restrictive in urban areas. Contact your local government officials to determine requirements.

OTHER REQUIREMENTS

10. Coast Guard

U.S. Coast Guard
Marine Safety Office
196 Tradd Street
Charleston, SC 29401
(803) 724-4393

The U.S. Coast Guard is responsible for enforcement and regulation of various activities in the navigable waters of the United States. If aquaculture-related structures are to be located in navigable waters, they must be marked with lights and signals to ensure the safe passage of boats and ships. The aquaculturist is responsible for installing and maintaining the markers as long as the structures are located in navigable waters.

Detailed requirements for marking such structures are provided by the Coast Guard to the appropriate agency (the Coastal Council, Water Resources Commission, or Army Corps of Engineers) during the public comment period. In most cases, they are included as stipulations for permit approval. No direct application needs to be filled with the Coast Guard by the prospective aquaculturist.

11. Department of Agriculture

S.C. Department of Agriculture
Supervisory Inspector, Division of Laboratories
1101 Williams Street
P.O. Box 11280
Columbia, SC 29211
(803) 758-7470

Although no formal permits or licenses are necessary from the Department currently, the prospective aquaculturist should contact the Food and Cosmetic Section of the Division of Laboratories before operating processing facilities in the State. The Section is responsible for ensuring that facilities used in the processing of aquatic animals are in compliance with Good Manufacturing Practices established under the Federal Food, Drug, and Cosmetic Act by the U.S. Food and Drug Administration. The Section has the authority to conduct facility and product inspections at any time.

12. Department of Health and Environmental Control

S.C. Department of Health and Environmental Control
Division of Water Quality Assessment and Enforcement
2600 Bull Street
Columbia, SC 29201
(803) 758-5496

The Water Quality Assessment and Enforcement Division of the Department is responsible for the Section 401 Water Quality Certification program under the Federal Water Pollution Control Act of 1972. Any applicant for a federal permit for the construction or operation of any activity which may result in any discharge into the waters of the United States must provide the permitting agency with a certificate from the state that such discharge will not violate the State Water Quality Standards regarding applicable effluent limitations.

No federal permit will be granted until the required certification has been obtained, nor will the permit be granted if the certification has been denied. The S.C. Water Resources Commission requires and the S.C. Coastal Council may require a water quality certification even if it is not required by the federal agency. The Section 401 Water Quality Certification is obtained by the relevant federal or state permitting agency during the public notice period.

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