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WATERWAY CLEAN UP GUIDANCE



**SOUTH CAROLINA DEPARTMENT OF
NATURAL RESOURCES**

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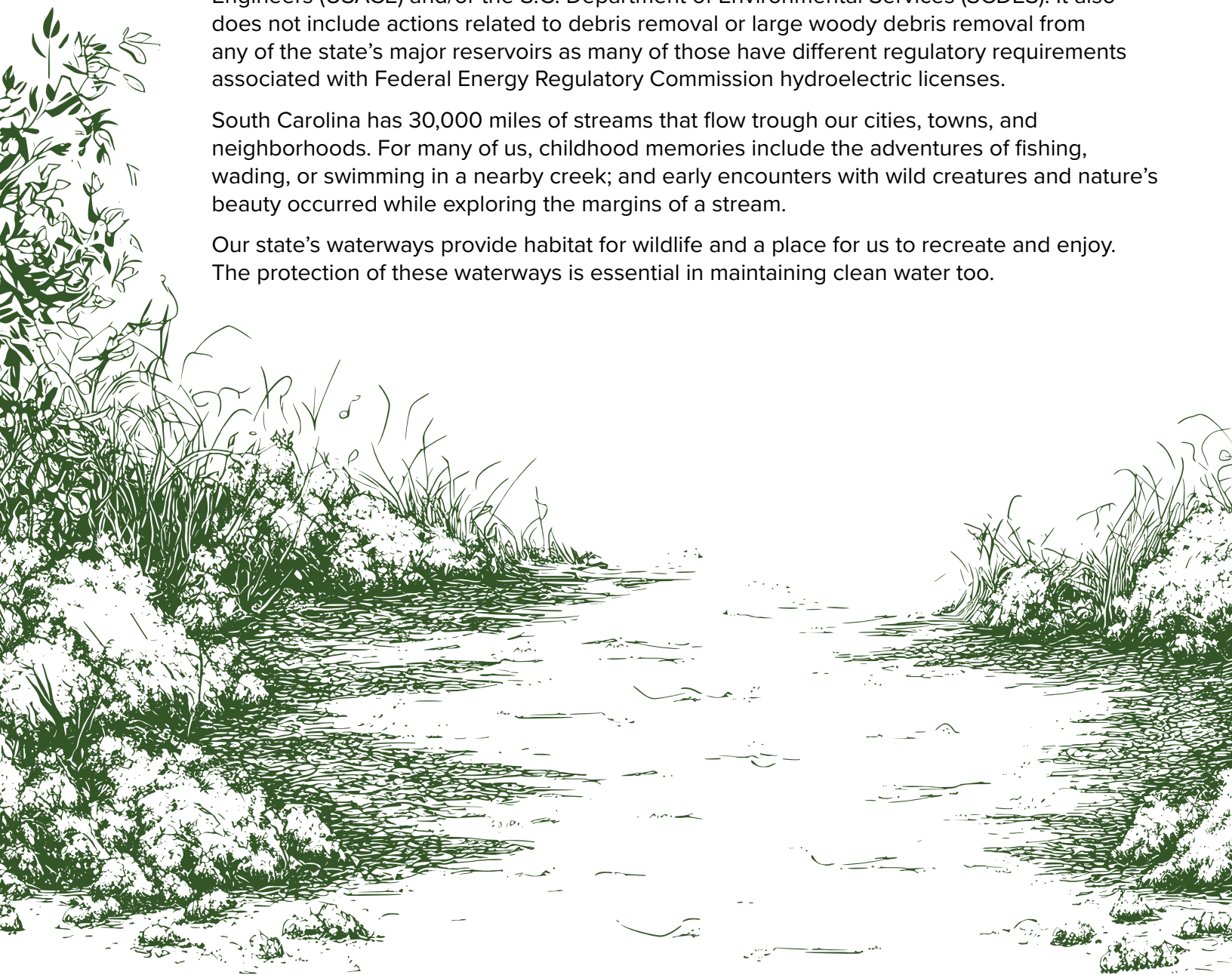
INTRODUCTION

The South Carolina Department of Natural Resources (SCDNR) is the state agency charged by state law with the management, protection, and enhancement of wildlife, fisheries, and marine resources in South Carolina. The agency's mission is to serve as the principal advocate for and steward of the State's natural resources. As such, SCDNR often receives inquiries related to the removal of debris from the state's waterways.

The purpose of this handbook is to provide guidance on things to consider when conducting debris or large wood debris removal projects in the state's waterways. This document does not include guidance on when accumulated sediment, bank stabilization or stream restoration activities are needed as those actions would involve permits from the U.S. Army Corps of Engineers (USACE) and/or the S.C. Department of Environmental Services (SCDES). It also does not include actions related to debris removal or large woody debris removal from any of the state's major reservoirs as many of those have different regulatory requirements associated with Federal Energy Regulatory Commission hydroelectric licenses.

South Carolina has 30,000 miles of streams that flow through our cities, towns, and neighborhoods. For many of us, childhood memories include the adventures of fishing, wading, or swimming in a nearby creek; and early encounters with wild creatures and nature's beauty occurred while exploring the margins of a stream.

Our state's waterways provide habitat for wildlife and a place for us to recreate and enjoy. The protection of these waterways is essential in maintaining clean water too.



FISH AND WILDLIFE HABITAT CONSIDERATIONS

The State navigable waters should remain navigable for recreational use and enjoyment, but the maintenance of the waterways should not have a negative impact on the aquatic resources and the recreational fishery that SCDNR manages for citizens to enjoy. Large woody debris (LWD) is an important part of an aquatic ecosystem, providing habitat diversity for invertebrates, crayfish and fish. The deposition of woody debris and large logs along the channel edges often provide the most productive fish habitat in rivers, so SCDNR recommends that when trees are cleared to allow navigation the following best management practices for the aquatic resources are considered:

- Cut the minimum amount of woody debris to open a navigation channel passage for a jon boat, canoe or kayak. Use only hand-held tools for the removal, such as chainsaws, axes, and handsaws in the stream channel. Equipment such as bulldozers, tractors, front-end loaders, etc. should not be driven into a stream; if utilized, a permit from USACE may be required.
- Leave most of the tree material within the stream. Do not haul-out large material as this material provides habitat for invertebrates, crayfish, and fish. Brush and fallen trees in a creek provide food, shelter and other benefits to fish and wildlife. Leave as much as possible in a natural condition, untouched by humans.
- Any material removed from the stream cannot be deposited into a wetland without a permit from USACE and/or SCDES.
- As needed, tie off freed trunks and large branches to the banks. This should be done when woody structures may cause navigational hazards. When tying back trees, make sure you have written land ownership permission before entering and tying back trees on private or public property.
- Do not grub (pull out) trees, tree stumps, or tree root masses from the banks. Leaving this debris helps prevent the bank from eroding. A good practice is to leave at least 50 feet of vegetated, riparian buffer to also promote bank stability.
- Limit the cutting of living trees that are along the banks or those that may be temporarily underwater during high water level periods to prevent bank erosion.
- Cut woody debris during low-flow seasons, preferably during late summer and fall to limit disturbance during fish spawning season.
- Do not remove or alter sand or gravel bars as these provide habitat.
- Avoid impacting rare, threatened or endangered species. To assess what federally or state listed threatened or endangered species may be in the project area, please contact the SCDNR Species Review Team via email at speciesreview@dnr.sc.gov and provide a shapefile, a brief description of the project, and maps of the proposed project area. If the project has a federal nexus (either via a federal permit or federal funding source), the U.S. Fish & Wildlife Service and the National Marine Fisheries Service should also be contacted.

- Many of the state's rivers are designated **critical habitat** for two species protected under the **Endangered Species Act**: the Carolina Heelsplitter, a federally endangered freshwater mussel, and the Atlantic Sturgeon, a federally endangered fish species. If the debris cleanup will occur in designated critical habitat and also has a federal nexus (either via a federal permit or federal funding source), please consult with the appropriate agency listed below.
 - Carolina Heelsplitter
[Critical Habitat Location](#)
U.S. Fish & Wildlife Service Contact:
South Carolina Ecological Services Field Office, South Carolina
208-297-3804
 - Atlantic Sturgeon
[Critical Habitat Location](#)
National Marine Fisheries Services Contact:
Email: nmfs.ser.esa.consultations@noaa.gov
Phone: 727-854-5312
- Additionally, if a federal permit is required in areas where there is a rise and fall of the tide, no matter how slight, and the presence of Essential Fish Habitat designated by the South Atlantic Fisheries Management Council (<https://safmc.net/fishery-management-plans/habitat/>), then consultation with the National Marine Fisheries Services may be necessary. The lead federal permitting agency will conduct this consultation.
- The SCDNR Scenic River Program has the purpose of protecting unique or outstanding scenic, recreational, geologic, botanical, fish, wildlife, historic or cultural values of selected rivers or river segments in the state. The basis of the program involves river corridor protection through voluntary cooperative community-based processes which allows landowners, community interests and SCDNR to work together toward common river-conservation goals. To maintain the integrity of the Scenic Rivers, it is important to protect the riparian areas and the natural scenic nature for recreational use. Visit www.dnr.sc.gov/water/river to determine if the woody debris removal project will occur in a Scenic River corridor. Please coordinate with the Scenic Rivers coordinator Bill Marshall via email, MarshallB@dnr.sc.gov, or phone, 803-734-9096.



Carolina heelsplitter ready for restocking (photo credit: USFWS).

Salt marsh in Beaufort County.

WATERWAY REGULATORY CONSIDERATIONS

STATE

NAVIGABLE WATERS

South Carolina state law (S.C. Ann. 49-1-10) defines navigable streams as “All streams which have been rendered or can be rendered capable of being navigated by rafts of lumber or timber by the removal of accidental obstructions and all navigable watercourses and cuts are hereby declared navigable streams.”

It is also the responsibility of the landowner to “...clean out all streams upon and adjacent to their lands at least twice in each year... and shall keep them clear of all obstruction to a free and uninterrupted flow of sand and water through the channels” (S.C. Ann. 49-1-30).

When cleaning out state navigable waterways, any large woody debris that is felled or cut should be removed so as not to obstruct the waterway (S.C. Ann. 49-1-40).

COASTAL WATERS

If heavy equipment is not used in the waterway and trees will not be cleared as a part of the cleanup, no permits are needed under the SCDES Critical Area permit program. However, if the cleanup involves a large area and a variety of materials to be removed, SCDES recommends submitting a workplan that describes the activity to the Critical Area Permitting Program.

Additional information on the Critical Area Permitting Program can be found here: <https://des.sc.gov/programs/bureau-coastal-management/critical-area-permitting>.

GENERAL REMOVAL OF WOOD, CULTURAL OR HISTORIC ITEMS FROM WATERWAYS

Additionally, under the S.C. Underwater Antiquities Act (S.C. Ann. Title 54 Chapter 7 Article 5), the state of South Carolina declared all submerged archaeological property, those which have remained unclaimed for over 50 years or more, and paleontological property located on or recovered from submerged lands as property of the state. Therefore, any person desiring to remove, displace or destroy submerged

archaeological historic property or paleontological property (which would include submerged timber) must first obtain a license from the S.C. Institute for Archaeology and Anthropology (SCIAA). A license is not required to inspect, study, explore, photograph, measure or otherwise use and enjoy such property as long as the activity does not involve: excavation, substantive injury or disturbance of the site or its environment, endanger other persons or property, or violate other laws.

Contact SCIAA Maritime Research Division - Jim Spirek spirek@sc.edu or 803-576-6566 or visit https://sc.edu/study/colleges_schools/artsandsciences/sc_institute_archeology_and_anthropology/divisions/maritime_research/legislation_management/southcarolinaunderwaterantiquitiesact/.

WOODY DEBRIS IN WATERWAYS AS A RESULT OF LOGGING OPERATIONS

If logging or timbering operations have caused tree material, logs or limbs, to enter the river, then the S.C. Forestry Commission should be notified; call 803-667-0815. The S.C. Forestry Commission will investigate, determine if logging/timber harvests are the source of the problem and require removal of the material at the expense of the responsible party.

FEDERAL

Multiple Waterway Types

WATERS OF THE UNITED STATES - CLEAN WATER ACT SECTION 404

If fill material or dredging will be a part of the removal of debris or wood from a waterway, a permit may be required from USACE. The Clean Water Act Section 404 permit program, administered by USACE, requires that a permit must be obtained before dredged or fill material can be discharged into waters of the United States. If a Section 404 permit is required, a 401 Water Quality Certification would also be required from SCDES to certify that the activity being authorized by the federal government is in compliance with state water quality standards. **Should your project include the placement of material within a waterway or dredging, please contact USACE at the appropriate regional office for your project *before commencing work* - <https://www.sac.usace.army.mil/Missions/Regulatory/>.**

NAVIGABLE WATERS OF THE UNITED STATES - RIVERS & HARBORS ACT SECTION 10

Removal of debris or wood from navigable waterways (i.e., navigable waters subject to the ebb and flow of the tide) may also require a permit from USACE pursuant to Section 10 of the Rivers and Harbors Act. **Should your debris or wood removal project involve work in navigable waters of the United States, please contact USACE at the appropriate regional office for your project *before commencing work* - <https://www.sac.usace.army.mil/Missions/Regulatory/>.**

Boats on the Wando River, Charleston County.

FEDERAL NAVIGATION CHANNELS

USACE is responsible for 15 navigation projects along the South Carolina coast. These Federal Navigation Channels include all or portions of the following waterways:

- Adams Creek
- Atlantic Intracoastal Waterway (AIWW)
- Ashley River (0.5 miles east of Highway 7 downstream to Charleston Harbor)
- Brookegreen Garden Canal
- Calabash Creek
- Charleston Harbor, including:
 - Cooper River to the North Charleston Terminal
 - Wando River to the Wando Welsh Terminal
 - Town Creek Channel
 - Shipyard River
 - Anchorage Basin, and
 - Shem Creek from the Mount Pleasant Range to Coleman Boulevard
- Folly River
- Georgetown Harbor (Winyah, Sampit River, and Bypass Channel)
- Jeremy Creek
- Little River Inlet
- Murrells Inlet (Main Creek)
- Port Royal Harbor
- Savannah Harbor
- Town Creek, McClellanville (i.e., Five Fathoms Creek, AIWW to Bulls Bay)
- Village Creek

Please contact **USACE** at the appropriate regional office for your project *before commencing any work in or near a Federal Navigation Channel* - <https://www.sac.usace.army.mil/Missions/Regulatory/>. See also <https://www.sac.usace.army.mil/Missions/Navigation/>.



FEDERAL CIVIL WORKS PROJECTS SECTION 408

USACE has partnered with many stakeholders, such as state, county or local governments, to construct Civil Works projects. These projects consist of flood risk management, navigation improvements, shoreline protection or even ecosystem restoration. The USACE Section 408 program provides for an avenue for requests that could alter or impact a USACE project, like a dam, levee, seawall, or waterway, to be evaluated. The Section 408 program reviews alterations to ensure they will not reduce the benefits the federal project provides for or be injurious to the public.

Federal Civil Works projects include all or portions of the following waterways:

- Archers Creek (from Beaufort River for 2 miles)
- Buck Creek (Horry County)
- Cooper River Rediversion Canal (Lake Moultrie to Santee River)
- Cow Castle Creek
- Eagle Creek (Dorchester County)
- Edisto River (RM 0-175)
- Great Pee Dee River including Bull Creek (Highway 1 at Cheraw to intersection with Waccamaw River/AIWW)
- Kingstree Branch
- Lynches River/Clark Creek (Clark Creek to Lynches River, RM 0-56)
- Mingo Creek (Hemingway Bridge to Confluence with Black River)
- Salkehatchie River (RM 20.4 - 62.3)
- Santee River (Lake Marion to Atlantic Ocean)
- Savannah River
- Sawmill Branch (Dorchester and Berkeley Counties)
- Scotts Creek
- Socastee Creek (Horry County)
- Turkey Creek
- Waccamaw River (NC/SC state line to AIWW)
- Wateree River (Interstate 20 to Congaree River)
- Wilson Branch

Please contact the Charleston District Office's Section 408 Program Manager (SAC-408-Submittals@usace.army.mil) before commencing work if your project could impact a Corps project. They will review your proposed cleanup project to ensure it will not impact or alter a USACE project. You may learn more about the steps in the process through the resources provided on the USACE Section 408 Program website: <https://www.usace.army.mil/Missions/Civil-Works/Section408/>.