

Sec. 9-4. Wetlands Protection.

- (a) When Wetlands Assessment Required. This section is intended to provide applicants for a building permit or a demolition permit with notice when the proposed activity may require a Department of the Army permit due to impact upon jurisdictional wetlands. The provisions in Subsection (b) of this section shall not apply if the applicant can provide to the Zoning Administrator a valid U.S. Army Corps of Engineers wetland delineation that verifies that the proposed activity is not located within jurisdictional wetlands, or if the applicant can provide a valid U.S. Army Corps of Engineers permit or letter that authorizes the proposed activity within jurisdictional wetlands. If such evidence of compliance with U.S. Army Corps of Engineers permitting requirements is provided, the Zoning Administrator shall follow normal procedures for issuing a building permit or a demolition permit.
- (b) Wetlands Assessment. Prior to the issuance of a building permit or a demolition permit the Zoning Administrator shall assess whether the proposed activity is of a type that could result in a disturbance of wetlands and, if so, shall also assess whether the proposed activity is located within a Wetland Inventory Area or within 100 feet of a Wetland Inventory Area. To assess whether the proposed activity is located within a Wetland Inventory Area or within 100 feet of a Wetland Inventory Area, the Zoning Administrator shall consult the current U.S. Environmental Protection Agency West Chatham County ADID Map of Wetlands and Uplands (ADID map). If the proposed activity is not located within the study area defined on the ADID map, the Zoning Administrator shall consult the current U.S. Fish and Wildlife Service National Wetlands Inventory (NWI) map for Chatham County.
- (1) If the Zoning Administrator determines that the proposed activity is of a type that could not result in a disturbance of wetlands or if the proposed activity is not located within a Wetland Inventory Area or within 100 feet of a Wetland Inventory Area, the Zoning Administrator shall follow normal procedures for issuing a building permit or a demolition permit.
- (2) If the Zoning Administrator determines that the proposed activity is of a type that could result in a disturbance of wetlands and that the proposed activity is located within a Wetland Inventory Area or within 100 feet of a Wetland Inventory Area, a U.S. Army Corps of Engineers jurisdictional wetland determination shall be required prior to issuance of a building permit or a demolition permit.

- a. If the U.S. Army Corps of Engineers determines that a Department of the Army permit is required, a building permit or a demolition permit shall be issued only following issuance of the Department of the Army permit.
 - b. If the U.S. Army Corps of Engineers determines that the proposed activity would not require a Department of the Army permit, the Zoning Administrator shall proceed with normal procedures for issuing a building permit or a demolition permit.
- (c) Effect of Wetlands Assessment. Wetlands Inventory Areas as identified above and defined in Section 2 do not necessarily represent jurisdictional wetlands within Chatham County and cannot serve as a substitute for a jurisdictional wetland determination or a wetlands delineation. No permit issued pursuant to these regulations relieves a landowner from Federal or State permitting requirements