



Christopher L. Brooks, Deputy Commissioner

Office of Ocean and Coastal
Resource Management
1362 McMillan Avenue, Suite 400
Charleston, SC 29405

(843) 744-5838 FAX (843) 744-5847

October 23, 2003

Mr. John Wade
P O Box 686
Isle of Palms, SC 29451

Re: P/N# OCRM-03-084-R
Kuhns, Landis, Pisarski

Dear Mr. Wade:

In accordance with the provisions of the 1977 Coastal Zone Management Act, S. C. Code Sections 48-39-10 et seq., a review of your permit application has been completed. The work, as proposed consists of constructing a 4-way joint use dock at 1909 & 1921 Lone Oak Point, Rivertowne Country Club, Mount Pleasant, Charleston County, South Carolina.

The Office of Ocean and Coastal Resource Management (OCRM), through its Permitting staff, has determined that this permit request should be denied.

OCRM staff has determined that lots 29-32 should not receive a construction permit for a 4-way joint use dock in view of the fact that the approved Parkers Island Dock Master Plan did not indicate respective dock corridors for these subject lots. These lots were not included on the submitted Dock Master Plan by the developer for unknown reasons, and furthermore OCRM staff asserts that lots 29 and 32 were never waterfront to the Wando River anyway. It could also be argued that lot 30 is not waterfront because of the existence of a small island that restricts access to the river from this lot. Secondly, OCRM staff must consider the value and enjoyment of adjoining property owners who relied on the approved DMP when purchasing lots knowing other lots would never possess a dock. Similarly, it is OCRM's charge to consider the cumulative effects that a project may have on the surrounding area when considering the context of other possible development. Approval of this dock would create an atmosphere of change to the DMP which would result in OCRM revisiting past pressures to change the Parkers Island DMP in other areas of the island. Therefore, for these reasons, OCRM staff has determined the application should be denied.

The following is a list of specific references from the Coastal Zone Management Act and the Office of Ocean and Coastal Resource Management's Regulations that the staff relied upon in denying your permit:

Sections 48-39-30 (A) and (B)(1) (B)(2): (Legislature's policies for permitting structures in the critical area);

Exh. b.1

Regulation 30-1(D)(52): Waterfront property-For purposes of these regulations, waterfront property will generally be defined as upland sites where a straight-line extension of both, generally shore perpendicular, upland property lines reaches a navigable watercourse within 1,000' of the marsh critical line. Waterfront property may also be identified via an approved dock master plan where designated corridors differing from upland property line extensions are delineated.

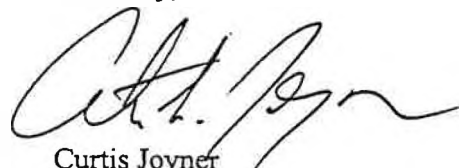
Regulation 30-11(C)(1): The extent to which long-range, cumulative effects of the project may result within the context of other possible development and the general character of the area.

Regulation 30-11(C)(2): Where applicable, the extent to which the overall plans and designs of a project can be submitted together and evaluated as a whole, rather than submitted piecemeal and in a fragmented fashion which limits comprehensive evaluation.

Section 48-39-150(D) of the 1977 Coastal Zone Management Act provides that any applicant having a permit request denied or any person adversely affected by the granting of a permit has the right to appeal the agencies decision to the South Carolina Administrative Law Judge Division. Any applicant having a permit denied may challenge the validity of any or all reasons given for denial. Should you wish to appeal this decision, written notice of your intent to appeal must be filed with OCRM within fifteen (15) days of receipt of this letter. Pursuant to Temporary Amendments of the Rules of the Administrative Law Judge Division, the Division requires a \$100.00 filing fee to be submitted with any written request for an appeal of a final agency decision. The written request for an appeal must be filed with OCRM and a copy of the request, with the \$100.00 fee, sent directly to the Administrative Law Judge Division at P.O. Box 11667, Columbia, SC, 29211. The Administrative Law Judge Division will not process the appeal unless the fee is submitted to them.

If you would like a copy of the Coastal Zone Management Act or the OCRM's Regulations please feel free to contact this Office or one of our regional Offices (Myrtle Beach at 626-7217 or Beaufort at 846-9400 or Columbia 803-737-0880). If I can be of any further assistance, please do not hesitate to call.

Sincerely,



Curtis Joyner
Manager, Critical Area Permitting

cc: Steve Brooks, Manager Enforcement
Tess Rodgers, Project Manager
Leslie Stidham, Chief Counsel
Kuhns, Landis & Pisarski



Office of Ocean and Coastal
Resource Management
1362 McMillan Avenue, Suite 400
Charleston, SC 29405
(843) 747-4323 FAX (843) 744-5847

June 12, 2003

Mr. John E. Wade Jr.
P.O. Box 686
Isle of Palms, S.C. 29541

Re: Parker's Island Tract C
DMP Revision
Charleston County

Dear Mr. Wade:

Attached please find copies of correspondence concerning the above referenced Dock Master Plan (DMP). The staff of SCDHEC-OCRM has reviewed the latest revision you sent us, marked "Received Jun 09, 2003 DHEC-OCRM Charleston Office". This revision does not reflect the terms of Curtis Joyner's approval letter of January 14, 2000, or my letter of September 18, 2001. Instead, the latest revision you submitted shows lots 50, 51, and 52 as dock lots, and a joint use dock for lots 29-32. These additions are not in keeping with the previously approved DMP for Tract C.

In addition, as per Curtis' approval letter of January 14, 2000, **"Reference must be given to this dock master plan in all contracts for sale of affected lots. OCRM strongly suggests the developer record this DMP in the local RMC office. This would place potential buyers on notice that their property may be affected by the DMP and would protect the developer from potential legal liability by prospective buyers."** Clearly, the intent of this letter was to ensure that those buying lots in Tract C would be made aware of this document, and that they could rely upon it. Lots have been sold in Tract C since the DMP approval date, and several of these may be negatively impacted by the addition of the docks shown on your latest revision (for example, the unnumbered lots between Lot 32 and the Common Area, to the south of the proposed four lot joint use dock).

For these reasons, it would be inappropriate to approve your proposed revisions to the existing DMP.

If you have any questions, please contact me.

Sincerely,

Fritz Aichele
Dock Master Plan Coordinator

EFIS # 3417

CC: Richard Chinnis, Curtis Joyner, Tess Rodgers

Ex #2

NORTH CREEK

RIVERTOWNE
COUNTRY CLUB

AN INTRODUCTION TO THE NORTH CREEK LIFESTYLE

North Creek at RiverTowne Country Club offers a unique opportunity in creek-side living. The Developers have engineered the property to maximize the incredible views of the Wando River, creek, and a vast savanna of marsh while protecting the grand trees and maintaining the overall village concept. North Creek currently has dockable creek, river view, marsh and interior habitat homesites. Covenants and Restrictions as well as Architectural Review Board Guidelines will insure that the village concept is maintained for the protection of the community.

As a part of the North Creek village, you will have access to a private waterfront park area with a fixed pierhead and fifty-foot floating dock on the Wando River. There will also be a secure boat storage area. Sidewalks have already been constructed for easy access to any of the amenities.

As a property owner in North Creek, you will have the enjoyment of the magnificent amenities of the Country Club. First, there is the Arnold Palmer Signature Golf Course, destined to be the emerald jewel of Mt. Pleasant. This course features thirteen of the eighteen holes on the marsh with breathtaking views. The golf learning center includes a double-ended driving range, practice areas and over seven thousand square feet of practice greens. The Club will feature a full service grill and bar, pro shop, Junior Olympic swimming pool and tennis courts for those days when you are not playing golf.

Life at North Creek will be Low Country living at its best and for a limited time it can be yours for an incredible price. Although all of the development work is done, North Creek still has pre-construction pricing in effect. There are also other incentives being offered for a short time. So, if you have been thinking about living in a waterfront community, don't miss this unique opportunity. Just call or stop by our on-site sales and information center for a private showing.

MARKETED BY
PRUDENTIAL CAROLINA REAL ESTATE
ON-SITE HOURS
MONDAY-SATURDAY 11-6, SUNDAY 1-6



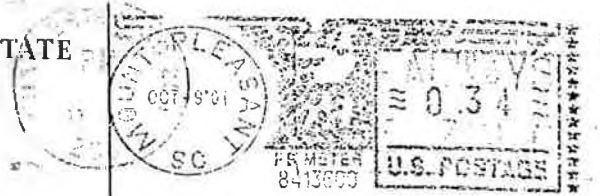
3

2203 Branch Creek Drive
Mt. Pleasant, SC 29466
843-856-8712
Fax 843-856-8492



EXCLUSIVELY OFFERED BY
PRUDENTIAL CAROLINA REAL ESTATE

2203 Branch Creek Drive • Mt. Pleasant, SC 29466
843-856-8712 • Fax 843-856-8492



Dear Fellow Realtor,

We are sure that you have clients that would be interested in an exciting new development in Mt. Pleasant.

North Creek at RiverTowne Country Club offers a unique opportunity in creek-side living. North Creek currently has dockable creek, river view, marsh and interior habitat homesites.

North Creek will have access to a private waterfront park area with a fixed pierhead and fifty-foot floating dock on the Wando River. There will also be a secure boat storage area.

RiverTowne Country Club features the Arnold Palmer Signature Golf Course, destined to be the emerald jewel of Mt. Pleasant. This course features thirteen of the eighteen holes on the marsh with breathtaking views. The Club will have a full service grill and bar, pro shop, junior olympic swimming pool and tennis courts.

For a limited time your clients can take advantage of incredible pricing... There are also other incentives being offered for a short time. Just call or stop by our on-site sales and information center for a private showing.

John E. Crowley
Prudential Carolina Real Estat
195 W Coleman Blvd
Mt Pleasant SC 29464-3495

23464+3495 07



NORTH CREEK

RIVERTOWNE
COUNTRY CLUB

**The only thing better than our Palmer
Signature golf and our magnificent views
is our incredible pre-construction prices.**

Please visit us at our new on-site

Sales & Information Center or Call 843-856-8712

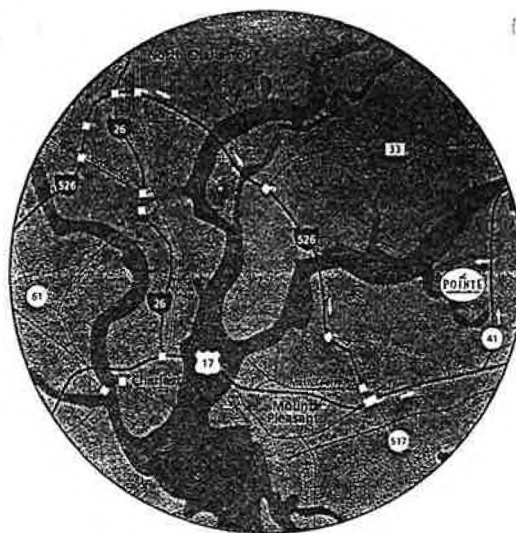


Welcome to Our Community

- * 94 Homesites, most with marsh, pond or Wando River views.
- * Select a home built by one of our preferred builders or select a homesite and build your dream home.
- * Exclusive recreation area with community deepwater dock, access to the swim & tennis facilities of Rivertowne Country Club and the opportunity to obtain a membership in the Golf Course.
- * Mt. Pleasant schools, community services and shopping; minutes to downtown Charleston and the beaches.



Homes
starting at \$399,900
Homesites
from the Low \$70,000's



From Hwy. 17 North turn left on Hwy. 41, go 2.7 miles and turn left into Rivertowne. Follow Rivertowne Parkway to Rivertowne Country Club Drive, then left to Brick Kiln Parkway and turn right. Take Brick Kiln Parkway through the roundabout into The Pointe.

Sales Center Open Daily

2007 Brick Kiln Parkway
Mount Pleasant, SC 29466

phone: 843-856-1964

mobile: 843-860-8008

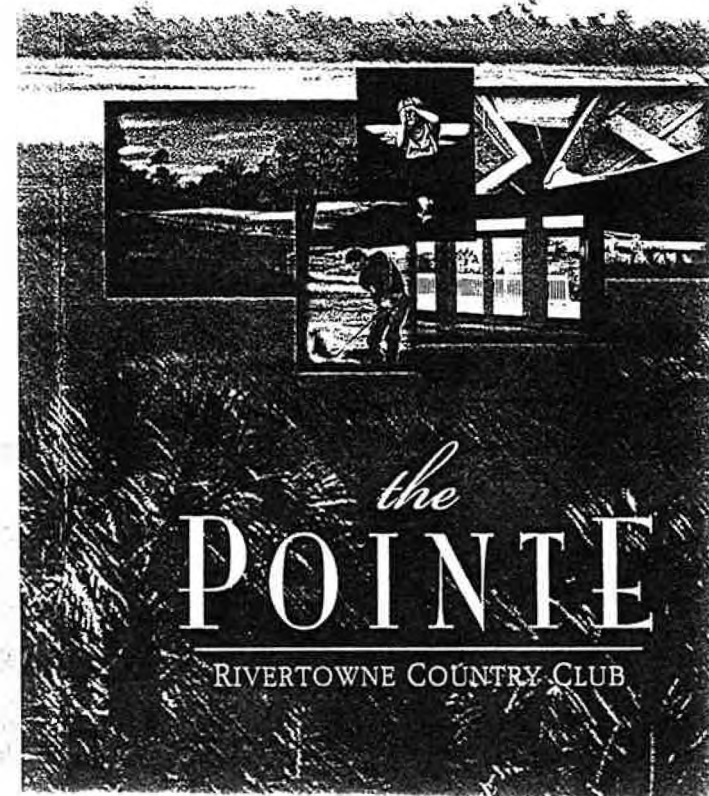


Marketed by



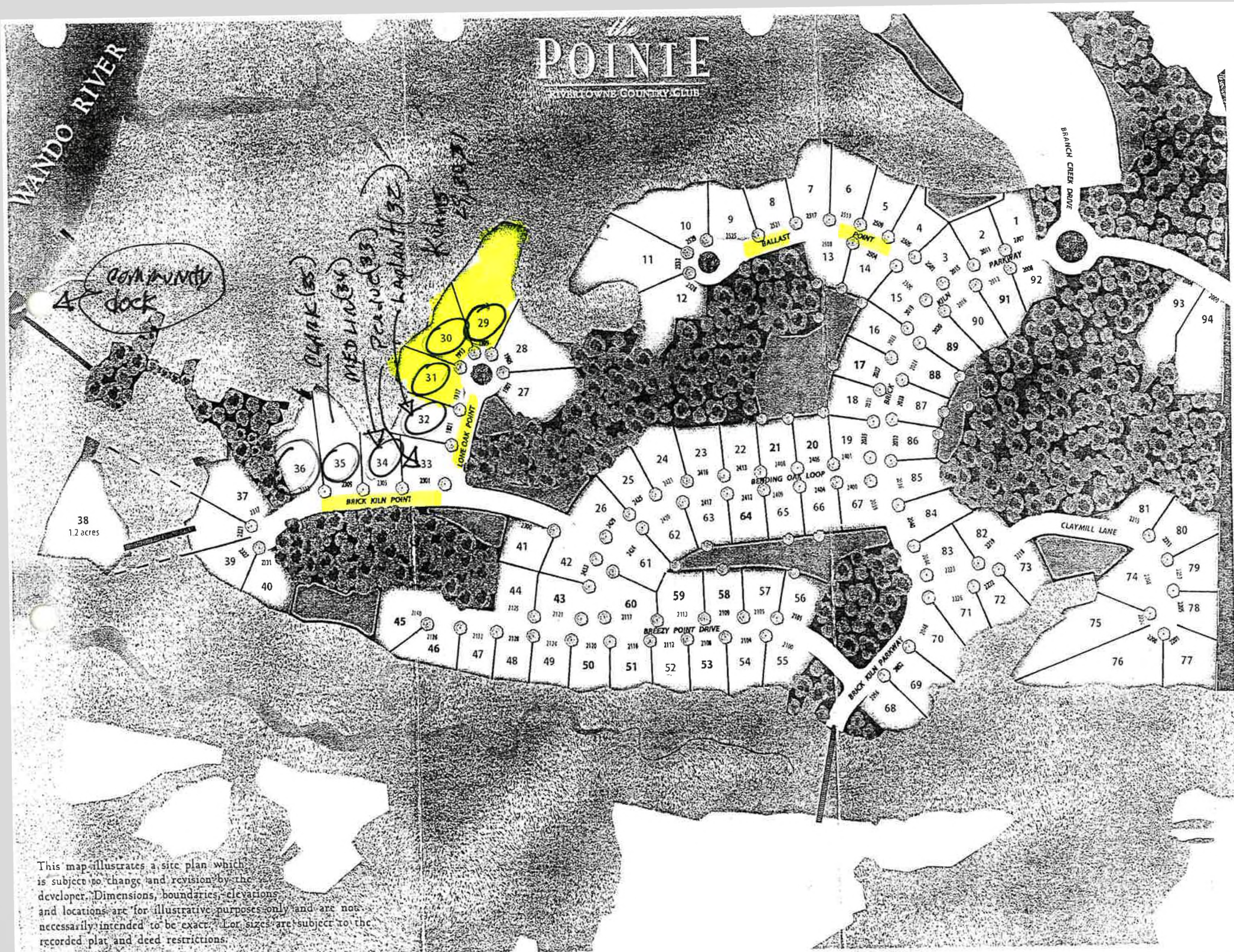
New Homes
Prudential
Carolina Real Estate
Independently Owned and Operated

A Premiere
Community of
Custom Homes
& Homesites with
Expansive Views
of Marshes &
Impressive
Amenities including
Charleston's first
Arnold Palmer
Signature Golf Course



the POINT

WYNDHOLME COUNTRY CLUB



This map illustrates a site plan which is subject to change and revision by the developer. Dimensions, boundaries, elevations and locations are for illustrative purposes only and are not necessarily intended to be exact. Lot sizes are subject to the recorded plat and deed restrictions.

Law Offices
DeLuca & Maucher, L.L.P.

Post Office Box 9, 102 Marilyn Street
Goose Creek, South Carolina 29445
Phone: (843) 572-1711 / Fax (843) 572-1285
<http://www.delucamaucher.com>

PETER D. DeLUCA, JR.
MICHAEL A. MAUCHER (SC & PA)
JAY S. MASTY, LL.M. (SC & GA)
GREGORY A. DeLUCA

Of Counsel:
WILLIAM R. PHIPPS
DAVID P. GEIS (SC & NY)

Pineland Office Building
430 William Hilton Parkway, Suite 505
Hilton Head Island, South Carolina 29926
Phone: (843) 785-7600 / Fax (843) 572-1285

February 11, 2004

COPY

Curtis Joyner, Permit Administrator
SCHDEC-OCRM
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

RE: Kuhns, Landis and Pisarski Dock Application
P/N OCRM-03-084-R

Dear Mr. Joyner:

I was pleased to learn that the above-referenced dock Applicants have withdrawn their appeal of OCRM's decision to deny their Permit Application. I wish to thank you for upholding our Community Dock Master Plan by denying the Application. I also appreciate the efforts of your Counsel, Leslie Sitdham, during the appeals process.

I enclose a copy of the Petitioners' Notice of Dismissal and Request for Dismissal Without Prejudice as an attachment to this correspondence for the benefit of other interested parties who were not necessarily official parties. As you will note from the applicants' dismissal of the appeal, their counsel states "the Petitioners do not intend, at this time, to abandon the concept of a dock to serve the Petitioners' properties". That sentence causes myself and others who oppose the Application considerable concern because we will never support any alteration of the Dock Master Plan which allows a dock from the Applicants' property.

I am concerned that in the future the owners of these properties may re-apply for a Dock Permit without myself or other homeowners learning of the application until it is too late. Due to the notoriety of this Dock Application, and considering the strong opposition from the community, I would respectfully request that a copy of this

#4

Curtis Joyner, Permit Administrator
February 11, 2004
Page Two

correspondence be placed in the Dock Master Plan file, and that our Community Homeowners' Foundation (Great Beach), myself, and other homeowners who receive a copy of this correspondence be notified of any future request to alter the Dock Master Plan with respect to these properties. Your consideration of this request is certainly appreciated.

]

With kindest regards, I am,

Very truly yours,



Michael A. Maucher

MAM/tgb

Enclosure

cc: Leslie W. Stidham, Esquire
Tess Rogers, Project Administrator
Fritz Aichle, Dock Master Plan Coordinator

Heather Parris
Great Beach Regime & Association Mgt.
Post Office Box 406
Isle of Palms, South Carolina 29451

Mack Burdette
Town Administrator
Post Office Box 745
Mt. Pleasant, South Carolina 29465

Dinky Stroman, Broker in Charge
Prudential Carolina Real Estate
790 Johnnie Dodds Boulevard
Mt. Pleasant, South Carolina 29464

Curtis Joyner, Permit Administrator
February 12, 2004
Page Three

Sunday Lempesis, Broker in Charge
Prudential Carolina Real Estate
4024 Salt Pointe Parkway
N. Charleston, South Carolina 29405

John Crowley
Prudential Carolina Real Estate
195 W. Coleman Boulevard
Mt. Pleasant, South Carolina 29464

Mr. and Mrs. Dwight Stone
1156 Clover Place
Mt. Pleasant, South Carolina 29464

Mr. Jeffery Johnston
2529 Ballast Pointe
Mt. Pleasant, South Carolina 29464

Mr. and Mrs. Jeff Houser
2023 Brick Kiln Parkway
Mt. Pleasant, South Carolina 29464

Mr. Jeffrey Martin
2532 Ballast Pointe
Mt. Pleasant, South Carolina 29464

Mr. and Mrs. Steve Weil
2031 Brick Kiln Parkway
Mt. Pleasant, South Carolina 29464

Law Offices
DeLuca & Maucher, L.L.P.

Post Office Box 9, 102 Marilyn Street
Goose Creek, South Carolina 29445
Phone: (843) 572-1711 / Fax (843) 572-1285
<http://www.delucamaucher.com>

PETER D. DeLUCA, JR.
MICHAEL A. MAUCHER (SC & PA)
JAY S. MASTY, LL.M. (SC & GA)
GREGORY A. DeLUCA

Of Counsel:
WILLIAM R. PHIPPS
DAVID P. GEIS (SC & NY)

January 3, 2006

Curtis Joyner, Manager, Critical Area Permitting
SCHDEC-OCRM
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

Tess Rogers, Regulatory Coordinator
SCHDEC-OCRM
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

RE: Permit No.: OCRM-05-249-R
Permit Denied: 10/18/05 for Lots 34, 35 and 36
(Kiln Point Drive)

Permit No.: OCRM-03-084-R
Permit Denied: 10/23/03 for Joint Use Dock for 1909, 1913, 1917 and 1921
(Lone Oak Point)

Dear Ms. Rogers and Mr. Joyner:

Happy New Year to you both. I wish to thank you both for upholding the Parker's Island Dock Master Plan by your recent denial of a Permit for a Joint Use Dock from properties located on Kiln Point Drive.

Prior to this most recent Dock Application, I had been contacted by an attorney representing a potential developer inquiring as to whether the individuals opposed to the previously denied Permit, OCRM-03-084-R (Joint Use Dock for four homes on Lone Oak Point) would reconsider our position and waive our objection to a dock from those properties. I stressed to that attorney that myself and others who have opposed these docks enjoy our beautiful marsh and Wando River views just fine without docks affecting our view.

January 3, 2006

Page Two

As you are acutely aware, the difference in value of these subject Lots if they were presently dockable causes developers to salivate at the prospect of making a windfall economic profit. However, the fact remains that the subject properties were neither dockable Lots on the Community Dock Master Plan nor sold to the initial purchasers as anything but marsh and Wando "view" Lots. However, in the event that these Lots are sold, I fully expect that future purchasers may be mislead to believe that the properties "might" be dockable. For that reason, **I would respectfully request that a copy of this correspondence be placed in the Dock Master Plan File, and that myself, Mr. Stone and Mr. Johnson all be notified of any future requests for Dock Permits with respect to these properties.** Your consideration of this request is certainly appreciated.

With kindest regards, I am,

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael A. Maucher", with a long horizontal flourish extending to the right.

Michael A. Maucher

MAM/tgb

cc: Mr. and Mrs. Dwight Stone
1902 Northcreek Drive
Mt. Pleasant, South Carolina 29464

Mr. and Mrs. Jeffrey Johnston
2529 Ballast Pointe
Mt. Pleasant, South Carolina 29464

Law Offices
DeLuca & Maucher, L.L.P.

Post Office Box 9, 102 Marilyn Street
Goose Creek, South Carolina 29445
Phone: (843) 572-1711 / Fax (843) 572-1285
<http://www.delucamaucher.com>

PETER D. DeLUCA, JR.
MICHAEL A. MAUCHER (SC & PA)
JAY S. MASTY, LL.M. (SC & GA)
GREGORY A. DeLUCA

Of Counsel:
WILLIAM R. PHIPPS
DAVID P. GEIS (SC & NY)

March 4, 2008

FAX MAIL
953-0259

Curtis Joyner, Manager
Critical Area Permitting
SCHDEC-OCRM
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

Tess Rogers, Regulatory Coordinator
SCHDEC-OCRM
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

Elizabeth Dieck, Chief Counsel
SCHDEC-OCRM
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

RE: Peter J. Kuhns, Lot 29
1909 Lone Oak Pointe
Mt. Pleasant, South Carolina 29466

Peter J. Kuhns, Lot 30
1913 Lone Oak Pointe
Mt. Pleasant, South Carolina 29466

Ladies and Gentlemen:

It has recently come to my attention that Mr. Kuhns may once again be in the process of applying for Docks from the above-reference properties. My wife, Margi and I live at 1900 Northcreek Drive, Mt. Pleasant, and our beautiful unobstructed marsh view would be negatively impacted by granting docks from the properties in question. We continue to strongly oppose any docks from Lone Oak Pointe.

FILE COPY

#6

March 4, 2008

Page Two

As you may recall, back on October 23, 2003, OCRM denied a Dock Permit for Mr. Kuhns and several others who wished to change the Community Dock Master Plan. A copy of OCRM's Denial is attached hereto as **Exhibit One**. Mr. Kuhns appealed OCRM's denial of the Dock Permit, although that appeal was eventually dismissed by the Petitioner through his counsel. Attached hereto as **Exhibit Two**, is correspondence from OCRM's Chief Counsel, Leslie Stidham with attached Dismissal.

Two years ago, I wrote you requesting that myself, Dwight Stone, and Jeffrey Johnston be notified of any future request for Dock Permits with respect to the properties in question, and a copy of my correspondence is attached hereto as **Exhibit Three**. At that time, I had been contacted by a different attorney on behalf of Mr. Kuhns inquiring if my opposition to docks had changed. I advised that it had not.

Even though I feel like we have gone down this road before, I am attaching hereto as **Exhibit Four** copies of the Sales Brochures that were provided by the developer in connection with property sales, which states "the Developers have engineered the property to maximize the incredible views of the Wando River, Creek and a vast Savannah of Marsh". The view from my property overlooks the marsh and the Wando River. I relied on the Developer's representations that Lots on Lone Oak Pointe would not have docks in making my purchase decision.

I enclose as **Exhibit Five** an up river view from the Community Dock. Every one in our community is guaranteed by the Covenants and Restrictions that apply to our part of Rivertown (The Pointe at Rivertown Country Club) the use and enjoyment of the common areas. I submit that the enjoyment of our Community Dock would be adversely affected by allowing any additional docks upstream of our Community Dock on the Wando River.

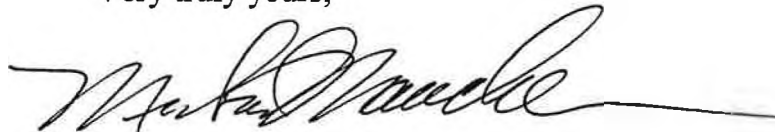
As I have requested in the past, I would respectfully request that OCRM uphold our Community Dock Master Plan and deny any docks from any property from Lone Oak Pointe. If Mr. Kuhns or anyone else from Lone Oak Pointe is submitting an Application for a Dock, I would respectfully request that myself and everyone on this correspondence be notified immediately so that we can add our personal opposition to any application. Of course, I trust that OCRM's prior clearly defined position of upholding the Dock Master Plan of our community continues to the present, and will so continue into the future.

March 4, 2008
Page Three

In the event that there presently are no additional applications for Dock(s) from Lone Oak Pointe, I apologize for any inconvenience that this correspondence may cause, although I would again ask that a copy of this correspondence (with attachments) be placed in the Dock Master Plan file for our community, and that myself and everyone on this correspondence be notified in the event of any future request for a Dock Permit to any property in "The Pointe at Rivertown" that is contrary to the Dock Master Plan.

With kindest regards, I am,

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael A. Maucher", with a long horizontal flourish extending to the right.

Michael A. Maucher

MAM/tgb

Enclosures: Original Letter and Enclosures are being sent via Regular Mail

cc: Mr. and Mrs. Dwight Stone
1902 Northcreek Drive
Mt. Pleasant, South Carolina 29466

Mr. and Mrs. Jeffrey Johnston
2529 Ballast Pointe
Mt. Pleasant, South Carolina 29466

Mr. S. Jeffrey Martin
2532 Ballast Pointe
Mt. Pleasant, South Carolina 29466

Mr. and Mrs. Paul Clark
2309 Brick Kiln Pointe
Mt. Pleasant, South Carolina 29466



DELUCA MAUCHER

LAW OFFICES

MICHAEL A. MAUCHER
MIKE@DELUCAMAUCHER.COM
(O) (843) 572-1711 • (F) (843) 572-1285
REPLY TO GOOSE CREEK OFFICE

January 7, 2016

Mr. Jeffrey Popper
Carolina One Real Estate
195 W. Coleman Boulevard
Mt. Pleasant, South Carolina 29464-3495

COPY

Dear Mr. Popper:

By way of introduction, I live at 1900 North Creek Drive in Mt. Pleasant. Over the Holidays, I had an opportunity to drive down Lone Oak Pointe, and I noticed that you have a property listed for sale that was previously the subject of a contested Permit for a dock. I am uncertain whether you are aware of the controversy; however, as a Realtor listing the property, I wish to place you on notice that none of the Lots on Lone Oak Pointe are approved for docks under the Dock Master Plan negotiated between the Developer and OCRM.

As to why myself and others in our community have opposed violating our community's Dock Master Plan, we have relied upon sales brochures that were provided by the Developer to prospective buyers, which represented that our community was "engineered . . . to maximize the incredible views of the Wando River, Creek, and a vast Savannah of marsh". Myself and others who made purchases relied upon those representations in our purchase decisions.

As a result of OCRM's upholding of our community's Dock Master Plan in the past, myself and others continue to enjoy the same views to the present, and we expect to enjoy those same views for many years to come.

Our Appellate Courts have upheld the validity of a Dock Master Plan negotiated between a Developer and OCRM. If you wish to read a legal case supporting that proposition, I would refer you to the South Carolina Court of Appeals' decision in the matter of Terry v. DHEC.

WWW.DELUCAMAUCHER.COM

GOOSE CREEK OFFICE:
102 MARILYN STREET, P.O. BOX 9
GOOSE CREEK, SC 29445

MONCKS CORNER OFFICE:
113 BROUGHTON ROAD
MONCKS CORNER, SC 29461

HILTON HEAD OFFICE:
18 POPE AVENUE
HILTON HEAD ISLAND, SC 29928

#7

Mr. Jeffrey Popper
January 7, 2016
Page Two

I am unaware whether any of the Lots on Lone Oak Pointe, or the Lot that you are currently listing for sale, are still owned by Peter J. Kuhns, who was the prior Applicant for a Dock Permit (OCRM-05-249-R / OCRM-03-084-R); however, the purpose of this correspondence is to bring the prior controversy to your professional attention so that there is no misunderstanding in the eyes of any potential purchasers with reference to whether they believe that the Parker's Island Dock Master Plan will be changed by OCRM.

While I do not speak for SCHDEC-OCRM, I would expect that they would consistently uphold the Community Dock Master Plan and deny any new docks from any property on Lone Oak Pointe or from adjacent properties. By copy of this correspondence to SCHDEC-OCRM, I am asking that I receive notice (as an interested party) should any Application for a new dock in violation of the Dock Master Plan be forthcoming from any existing or future owners of any property located on Lone Oak Pointe.

With kindest regards, I am,

Very truly yours,

A handwritten signature in dark ink, appearing to read "Michael A. Maucher", with a long, sweeping horizontal line extending to the right.

Michael A. Maucher

MAM/tgb

cc: Manager, Critical Area Permitting
SCHDEC-OCRM
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

Regulatory Coordinator
SCHDEC-OCRM
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

Chief Counsel
SCHDEC-OCRM
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

Certificate of Mailing

Re: OCRM-15-211-B

PERMITTEE: PETER J. KUHNS

I, *Sheila Davis-Gaston*, as an employee of DHEC-OCRM certify that I have, this day mailed the following **"PERMIT MAILED"** mail affixed thereto, to the following.

REGULAR MAIL:

Peter J. Kuhns
3495 Stockton Dr.
Mount Pleasant, SC 29466

Bob Crawford
2713 Highway 17 N
Mount Pleasant, SC 29466

CERTIFIED MAIL:

**KATIE ZIMMERMAN, SCCCL
328 EAST BAY STREET
CHARLESTON, SC 29402**

9171 9690 0935 0096 6235 31

CC: Blair Williams

WAS THE PRESS LIST INCLUDED IN THIS MAILING?

Y

(N)

Date SEPTEMBER 1, 2015

SD-GASTON

**Sheila Davis-Gaston
DHEC-OCRM Employee
Charleston, South Carolina**

(#8)



DELUCA MAUCHER

LAW OFFICES

MICHAEL A. MAUCHER
MIKE@DELUCAMAUCHER.COM
(O) (843) 572-1711 • (F) (843) 572-1285
REPLY TO GOOSE CREEK OFFICE

February 4, 2016

Manager, Critical Area Permitting
SCHDEC-OCRM
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

RE: Lone Oak Pointe – Lots 29, 30, 31

Dear Sir or Madam:

I just received in the mail a copy of a Realtor solicitation (Enclosure One) to sell the above-referenced Lots as "Private Deep Water" with a shared dock. You can imagine my surprise to receive this information and learn that SCHDEC-OCRM has changed its stance with reference to amending the Dock Master Plan negotiated between the Developer and OCRM (Enclosure Two, Memorandum dated November 9, 2005 from Tess Rodgers, Regulatory Coordinator to "All Interested Parties").

I was further surprised to learn of this amendment of the Dock Master Plan from a Developer, as opposed to SCHDEC-OCRM, because on January 3, 2006 I specifically requested that all interested parties who opposed any modification of the Plan (myself and others) be "notified of any future request for Dock Permits with respect to the affected properties, which included Lots 29, 30, and 31 on Lone Oak Pointe (Enclosure Three, prior correspondence dated January 3, 2006 to Curtis Joyner and Tess Rogers).

I am scratching my head while trying to understand how the rationale of Mr. Joyner's correspondence dated October 18, 2005 no longer applies. I would respectfully request that the Department reconsider its approval of Private Deep Water Docks and uphold the Dock Master Plan for our community. The Realtor advertising the sale of these documents is the President of the Homeowner's Association for our community, which suggest that he has a conflict of interest in my opinion if he represents parties with opposing "best interests".

WWW.DELUCAMAUCHER.COM

GOOSE CREEK OFFICE:
102 MARILYN STREET, P.O. BOX 9
GOOSE CREEK, SC 29445

MONCK'S CORNER OFFICE:
113 BROUGHTON ROAD
MONCK'S CORNER, SC 29461

HILTON HEAD OFFICE:
18 POPE AVENUE
HILTON HEAD ISLAND, SC 29928

#9

*This has gone unanswered... my phone call
to OCRM go unanswered... wish
I had the same access to OCRM
as Realtor and Applicant
Kuhns*
COPY

Manager, Critical Area Permitting
SCHDEC-OCRM
February 4, 2016
Page Two

Please advise me as to the administrative/legal remedies that exist. Also, please consider this correspondence as an official request that the Permit be re-examined and denied.

With kindest regards, I am,

Very truly yours,



Michael A. Maucher

MAM/tgb

cc: Regulatory Coordinator
SCHDEC-OCRM
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

Chief Counsel
SCHDEC-OCRM
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

Mr. and Mrs. Dwight Stone
1902 Northcreek Drive
Mt. Pleasant, South Carolina 29464

Mr. and Mrs. Jeffrey Johnston
2529 Ballast Pointe
Mt. Pleasant, South Carolina 29464

The Pointe at Rivertown
c/o Southern Community Services
3301 Salterbeck Street, Suite 201
Mt. Pleasant, South Carolina 29466

Fw: Public Notice of Dock Permit Application

Brooks, Steve

Thu 5/7/2015 10:36 AM

Sent Items

To: Williams, Blair N. <WILLIABN@dhec.sc.gov>;

1 attachment (2 MB)

Peter J Kuhn Appl vs Kuhn-Landis-Pisarski Denied Appl Res Judicata Question.pdf;

Blair,

FYI. This email is associated with the information I sent to you on the Res Judicata question.

Steven Brooks
Senior Regulatory Project Manager
Regulatory Programs Division
SCDHEC
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405
(843) 953-0235
(843) 953-0200 Main
(843) 953-0201 (fax)

CAROLINA ONE Real Estate
Agent giving legal
Advice "behind the scenes"
To OCRM ???

From: bcrawford@carolinaoneplus.com <bcrawford@carolinaoneplus.com> on behalf of Bob Crawford
<bcrawford@carolinaone.com>

Sent: Tuesday, May 5, 2015 2:41 PM

To: Brooks, Steve

Subject: Re: Public Notice of Dock Permit Application

Hi Steve, In my humble opinion, this new application is very different from the one that was denied. We have completely changed the location from lot 29 to lot 31 and the new one takes a totally different route across the Marsh. We have followed every suggestion you have made to us in previous meetings with you, even spending \$10,000 to buy the Marsh so there would be no problem going across the marsh previously owned by Parkers Island Development Group.

It is our sincere hope that the you and the Management Group will see the difference and continue the approval process. As always thank you for being so helpful to us.

With Best Regards, Bob C

From: bcrawford@carolinaoneplus.com <bcrawford@carolinaoneplus.com> on behalf of Bob Crawford

10



Kuhns

W. Marshall Taylor Jr., Acting Director

Promoting and protecting the health of the public and the environment

June 10, 2015

Peter J Kuhns
3495 Stockton Dr.
Mount Pleasant, SC 29466

Re: Recent Application, Rivertowne

Dear Peter J Kuhns:


Staff has initiated the Department's review of your project and I am writing this letter to inform you that additional information is needed before the Department may public notice your project. Specifically, the following information should be submitted:

1. The application is not clear in what three lots will be part of the joint-use dock. A single tax map number was provided as well as one address. Please provide the locations of all three lots. Further, each applicant or owner of the lots must be identified and provide full affidavit of ownership information (title/plat). ✓
2. The drawings included with the application identify "A Private Recreational Dock" for Lot 31, The Point at Rivertowne. This is in conflict with the narrative provided. ☐
3. Please have all documents, drawings and narratives identify the proper location, use, and owners. ✓
4. Please provide complete adjoining property owner names and full addresses. ☒

Please submit the requested information within the next 30 days. Your resubmittal must include a new fee check as the initial fee check enclosed herein must be returned. If after 30 days, SCDHEC-OCRM has not received all of the requested information, the application will be deemed withdrawn.

The Department looks forward to assisting you with your application. Please call me at 843-953-0233 or email me at trumbmt@dhec.sc.gov or your project manager, Steve Brooks, at 843-953-0235 or brookss@dhec.sc.gov if you have any questions concerning the content of this letter.

Sincerely,


Testa Trumbull
Wetland Section Coordinator

cc: Blair Williams, Wetland Section Manager
Steve Brooks, Wetland Section Project Manager
Robert Crawford, Agent

not done
(1) neighbors not notified
(2) Since everyone in community has an interest in the community dock, HOA must be notified
not done!!

#11



OCRM
1362 McMillan Ave. Ste. 400
Charleston, SC 29405

Return Service Requested

CHARLESTON SC 294

06 JUL 2015 PM 2 L

negpost

07/06/2015

US POSTAGE

\$00.48



ZIP 29405
041L11245554

56
Paul & Nancy Pisarski
1921 Lone Oak Point
Mount Pleasant, SC 29466
RE: OCRM-15-211-B

296 N7E 1 51510007/06/15
RETURN TO SENDER

PISARSKI
2454 FAWN LAKE TRL
ORLANDO FL 32828-7839

RETURN TO SENDER

29466+9190

#12

Address given by applicant kuhns as his neighbor... ocrn advised kuhns to notify "neighbors (plural)"... Notice returned to ocrn because Pisarski's had sold the property and moved to Florida... somehow, ocrn doesn't send notice to new neighbors haplanter's (I did not see notice from ocrn in FOIA file), But sends notice to Pisarski's at their new address in Florida (???)



W. Marshall Taylor Jr. Acting Director

Promoting and protecting the health of the public and the environment

July 24, 2015

Paul & Nancy Pisarski
2454 Fawnlake Trail
Orlando, FL 32828-7839

Re: Peter J Kuhns
OCRM-15-211-B

Dear Mr. & Mrs. Pisarski,

Please find enclosed a copy of the above referenced public notice. Due to an incorrect address you did not receive notice of this activity when it was originally mailed to you. You have until August 8, 2015 to comment on this application.

Sincerely,

Steve S. Brooks

Steve S Brooks
Wetland Section Project Manager

Enclosure

Cc: Blair Williams, Section Manager

Revised Documents Peter Kuhns Dock Permit Application

bcrawford@carolinaoneplus.com on behalf of
Bob Crawford <bcrawford@carolinaone.com>

Fri 6/26/2015 12:00 PM

Inbox

To: Trumbull, Mary <trumbumt@dhec.sc.gov>;

1 attachment (859 KB)

DOCK PERMIT.pdf;

Hi, Tess, Thanks for meeting with Peter and me Yesterday.

Here is the revised Dock Plan View as requested.

Also The HOA contact info is as follows:
Southern Community Services
C/O Parkers Island POA
3301 Salterbeck Street
Suite 201
Mt Pleasant, SC 29466
Leann Miller 843-972-1205
lmiller@scs-carolina.com

I hope this is everything you need. Please let me know right away if there is anything else.

With Best Regards,

Bob Crawford

----- Forwarded message -----
From: **Kevin Kuzio** <kkuzio@ses-sc.com>
Date: Fri, Jun 26, 2015 at 11:06 AM
Subject: Dock Permit
To: bcrawford@carolinaone.com

Attached is the signed revised dock permit as per our phone conversation. Please email me a conformation of receipt.
Thanks

Kevin Kuzio, Cad Tech

SeamonWhiteside + Associates Surveying, LLC
1035-B Jenkins Road

13

Applicants Agent
realtor Bob Crawford
(Carolina One)

GAVE INCORRECT
NAME OF HOA for
property on
Lone Oak Point
Brick Kiln
- Pender's
- med lines
- Clark

CORRECT HOA
is "The Point / Northcreek"
HOA

Applicant

Peter J. Kuhns
3495 Stockton Dr.
Mount Pleasant, SC 29466
RE: OCRM-15-211-B

Applicant's Realtor

Bob Crawford
2713 Highway 17 N
Mount Pleasant, SC 29466
RE: OCRM-15-211-B

Paul & Nancy Pisarski
1921 Lone Oak Point
Mount Pleasant, SC 29466
RE: OCRM-15-211-B

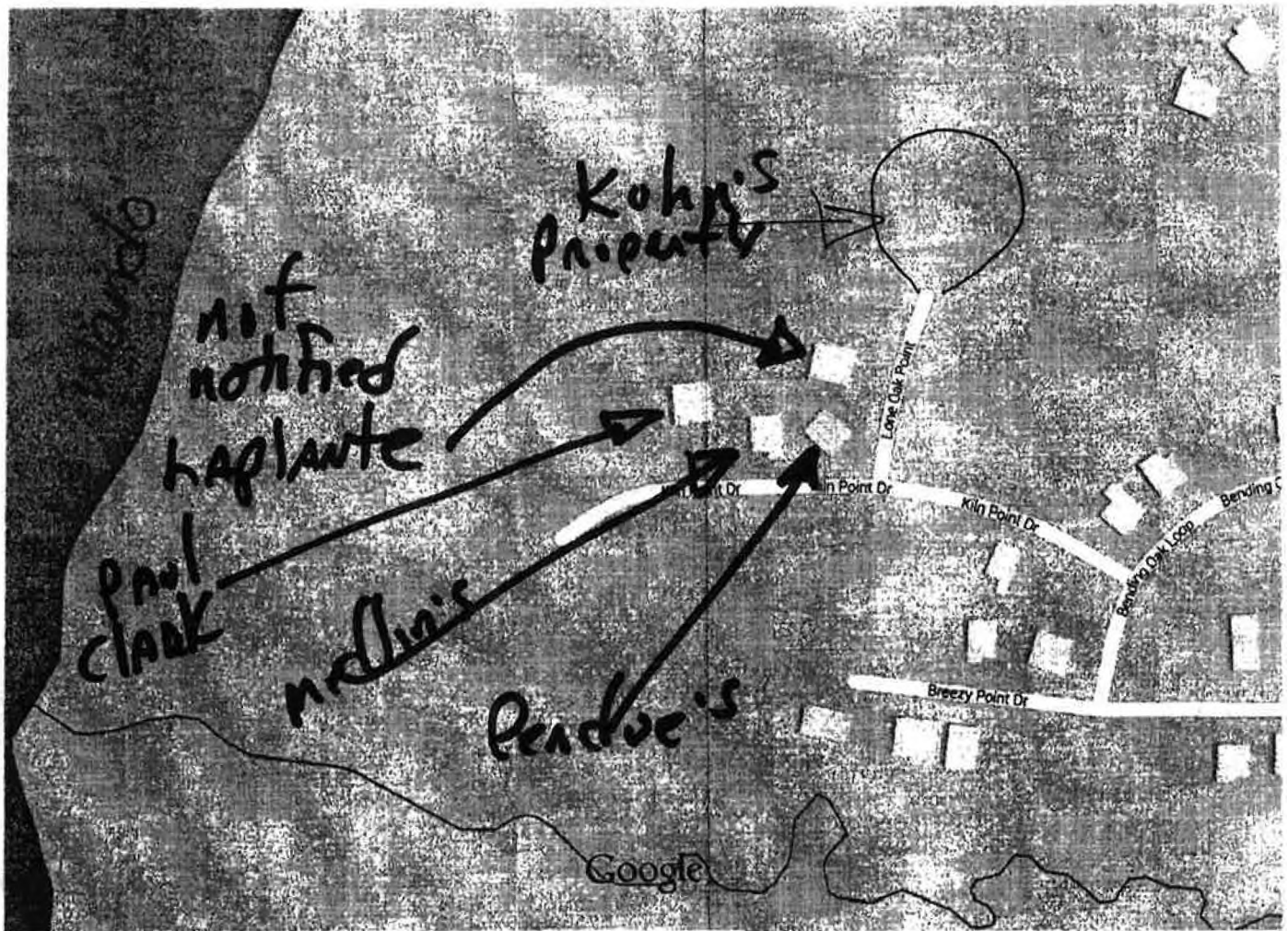
Parker Island POA
Leann Miller
3301 Salterbeck St., Suite 201
Mount Pleasant, SC 29466
RE: OCRM-15-211-B

no longer lives
there

OCRM Required Kuhns
to notify the POA (homeowners
BOARD)

But, notice sent to wrong HOA.
Lone Oak Point/Kuhns property
is under "The Point/Wentworth Creek" HOA
not "Parker Island POA"

of interest, no notice in OCRM file of
either Kuhns or OCRM notifying
Laplante's, who bought 1921 Lone Oak Point.



Y Traffic, Bicycling, Terrain, Directions

OCRM/Kuhns ignored
notice to neighbors

SEE SPECIAL
CONDITIONS(S)

Peter Kuhns, Joint-use dock
OCR-15-211-B

1909, 1913, & 1917 Lone Oak Point
River town

removal under this condition shall be ordered only after reasonable notice stating the reasons therefore and provision to the permittee of the opportunity to respond in writing. When the Permittee is notified that OCRM intends to revoke the permit, Permittee agrees to immediately stop work pending resolution of the revocation.

13. OCRM shall have the right to revoke, suspend, or modify this permit in the event it is determined the permitted structure (1) significantly impacts the public health, safety and welfare, and/or is violation of Section 48-39-150, (2) adversely impacts public rights, (3) that the information and data which the permittee or any other agencies have provided in connection with the permit application is either false, incomplete or inaccurate, or (4) that the activity is in violation of the terms and/or conditions, including any special conditions of the permit. That the permittee, upon receipt of OCRM's written intent to revoke, suspend, or modify the permit has the right to a hearing. Prior to revocation, suspension, or modification of this permit, OCRM shall provide written notification of intent to revoke to the permittee, and permittee can respond with a written explanation to OCRM. (South Carolina Code Section 1-23-370 shall govern the procedure for revocation, suspension or modification herein described).
14. Any modification, suspension or revocation of this permit shall not be the basis of any claim for damages against OCRM or the State of South Carolina or any employee, agent, or representative of OCRM or the State of South Carolina.
15. All activities authorized herein shall, if they involve a discharge or deposit into navigable waters or ocean waters, be at all times consistent with all applicable water quality standards, effluent limitations and standards of performance, prohibitions, and pretreatment standards established pursuant to applicable federal, state and local laws.
16. Extreme care shall be exercised to prevent any adverse or undesirable effects from this work on the property of others. This permit authorizes no invasion of adjacent private property, and OCRM assumes no responsibility or liability from any claims of damage arising out of any operations conducted by the permittee pursuant to this permit.

**SEE SPECIAL
CONDITIONS(S)**

#14

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, THAT **PARKERS ISLAND DEVELOPMENT GROUP, LLC**, a South Carolina limited liability company ("Grantor") in consideration of the premises and also in consideration of the sum of \$5.00 and other good and valuable consideration, to the said Grantor in hand paid at and before the sealing and delivery of these presents by **Peter J. Kuhns** (herein the "Grantee"), the receipt whereof is hereby acknowledged, has remised, released and forever quit-claimed and by these Presents does remise, release and forever quit-claim unto **Peter J. Kuhns** the following described property:

ALL that piece, parcel, lot or tract of land, situate, lying and being in the Town of Mt. Pleasant, Charleston County, South Carolina, and being shown and designated as **"TRACT C 221.01 Acres total, 136.60 Acres Highland, 2.53 Acres Island, 81.88 Acres Marsh"** on a plat by SouthStar Surveying, Inc. dated March [sic] 16, 1997, entitled in part *"A PLAT OF THE SUBDIVISION OF A PORTION OF PARKERS ISLAND TO CREATE TRACT C (221.01 ACRES) AND A NEW ACCESS EASEMENT, TOWN OF MT. PLEASANT, CHARLESTON COUNTY, SOUTH CAROLINA"* and recorded April 2, 1997 in Plat Book EB, Page 692, RMC Office for Charleston County, S.C., and having such size, shape, buttings, boundings, dimensions and location as will appear by reference to said plat which is incorporated herein by reference, be all the dimensions and measurements shown thereon a little more or less.

SAVING AND EXCEPTING ALL that certain piece, parcel, lot or tract of land, situate, lying and being in the Town of Mt. Pleasant, Charleston County, South Carolina, and being shown and designated as **"TRACT C-1 TOTAL 80.178 ACRES"** on a plat by Southeastern Surveying, Inc. dated April 3, 2000 and entitled *"A BOUNDARY PLAT OF TRACT C-1 BEING A PORTION OF PARKERS ISLAND OWNED BY PARKERS ISLAND DEVELOPMENT GROUP, LLC, LOCATED IN THE TOWN OF MOUNT PLEASANT, CHARLESTON COUNTY, SOUTH CAROLINA"* and recorded April 2000 in Plat Book ED, Page 927, in the RMC Office for Charleston County, South Carolina, and having such size, shape, buttings, boundings, dimensions and location as will appear by reference to said plat which is incorporated herein by reference, be all the dimensions and measurements shown thereon a little more or less.

SAVING AND EXCEPTING ALL those certain pieces, parcels, lots or tracts of land, situate, lying and being shown as Lots 1-19, 67-72 and 83-94, on a plat by Southeastern Surveying, Inc. dated August 10, 2000 and entitled *"A FINAL PLAT THE POINTE AT RIVERTOWNE COUNTRY CLUB PARKERS ISLAND TRACT C PHASE I LOTS 1-19, 67-72 AND 83-94 Owned By Parkers Island Development"*

FROM ocam file
KUHN'S NOW OWNS MARSH

(#16)

Group, LLC Located in the Town of Mt. Pleasant, Charleston County, South Carolina" and recorded October 16, 2000 in Plat Book EE, Page 370, in the RMC Office for Charleston County, South Carolina, and having such size, shape, buttings, boundings, dimensions and location as will appear by reference to said plat which is incorporated herein by reference, be all the dimensions and measurements shown thereon a little more or less. **TOGETHER** with any and all streets and rights of way as shown on the above-described plat.

SAVING AND EXCEPTING ALL those certain pieces, parcels, lots or tracts of land, situate, lying and being shown as Lots 20-66 and 73-82, on a plat by Southeastern Surveying, Inc. dated July 27, 2000 and entitled "*A CONDITIONAL PLAT THE POINTE AT RIVERTOWNE COUNTRY CLUB PARKERS ISLAND TRACT C PHASE II & III LOTS 20-66 and 73-82, Owned By Parkers Island Development Group, LLC Located in the Town of Mt. Pleasant, Charleston County, South Carolina*" and recorded August 1, 2000 in Plat Book EE, Page 183, in the RMC Office for Charleston County, South Carolina, and having such size, shape, buttings, boundings, dimensions and location as will appear by reference to said plat which is incorporated herein by reference, be all the dimensions and measurements shown thereon a little more or less. **TOGETHER** with any and all streets and rights of way as shown on the above-described plat.

SAVING AND EXCEPTING ALL that certain piece, parcel, lot of land, situate, lying and being in the Town of Mount Pleasant, County of Charleston, State of South Carolina shown and designated as **Lot 45** on that certain plat by Southeastern Surveying of Charleston, Inc. dated September 17, 2003 entitled "*A BOUNDARY LINE ADJUSTMENT PLAT OF LOT 45 BREEZY POINTE DRIVE THE POINTE AT RIVERTOWNE OWNES AS SHOWN LOCATED IN THE TOWN OF MT. PLEASANT, CHARLESTON COUNTY, SOUTH CAROLINA*" and recorded October 1, 2003 in Plat Book DD, Page 854, in the RMC Office for Charleston County, South Carolina.

SAVING AND EXCEPTING ALL properties previously conveyed to The Point at Rivertowne Country Club Homeowner's Association, Inc., by that Quit-Claim Deed dated November 26, 2003, and recorded January 23, 2004, in Book E482, at Page 636, in the RMC Office for Charleston County, South Carolina.

It is the intention hereunder to quit claim title to all marshlands and island lying beyond the DHEC-OCRM critical lines as shown on the above described plats or otherwise not included in the above property being saved and excepted.

BEING a portion of that property conveyed to the Grantor herein by deed of Parkers Island Limited Partnership dated May 3, 1999 and recorded May 3, 1999 in Book S325, at Page 097, in the RMC Office for Charleston County, South Carolina.

TMS: 583-13-00-236

From: **Bill Bobo** bill.bobo@nelsonmullins.com
Subject: **FW: Parkers Island Dev. Group Buyer's Statement**
Date: **March 26, 2015 at 5:20 PM**
To: **pjkuhns@aol.com**
Cc: **Trish Paulson** trish.paulson@nelsonmullins.com

Peter, Attached are the Buyer's statement and our wiring instructions. Bill

Nelson Mullins
William Bobo, Jr.

Partner

bill.bobo@nelsonmullins.com

Nelson Mullins Riley & Scarborough LLP

Liberty Center, Suite 600

151 Meeting Street, Charleston, SC 29401-2239

Tel: 843.720.4328 Fax: 843.720.4345

www.nelsonmullins.com

Confidentiality Notice

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure.

If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately either by phone (800-237-2000) or reply to this e-mail and delete all copies of this message.

BUYER'S CLOSING STATEMENT

SELLER: Parkers Island Development Group, LLC

BUYER: Peter J. Kuhns

PROPERTY: Marshlands & islands adjacent to The Pointe at Rivertowne, Charleston County,
South Carolina

CLOSING AGENT: Nelson Mullins Riley & Scarborough LLP

DATE OF CLOSING: March 27, 2015

A. Purchase Price	\$10,000.00
B. Plus: Documentary stamps	37.00
C. Plus: Recording costs	11.00
D. Plus: Nelson Mullins Riley & Scarborough Attorney's fees	<u>750.00</u>

NET FUNDS DUE FROM BUYER AT CLOSING **\$10,798.00**

The above is approved.


Peter J. Kuhns

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
151 Meeting Street / Fifth Floor / Charleston, SC 29401-2239
Tel: 843.853.5200 Fax: 843.722.8700
www.nelsonmullins.com

WIRING INSTRUCTIONS:

SunTrust Bank
211 Perimeter Center Parkway
Atlanta, GA 30346

ABA #061000104

Beneficiary Name: 'Nelson Mullins Riley & Scarborough IOLTA
151 Meeting Street Suite 600
Charleston SC 29401
843-853-5200

Beneficiary Account: 1000036197597

Reference No.: 14551/09000

With twelve office locations in the District of Columbia, Florida, Georgia, Massachusetts, North Carolina, South Carolina, and West Virginia



DELUCA MAUCHER

LAW OFFICES

MICHAEL A. MAUCHER
MIKE@DELUCAMAUCHER.COM
(O) (843) 572-1711 • (F) (843) 572-1285
REPLY TO GOOSE CREEK OFFICE

April 6, 2016

Mr. Blair Williams
Wetlands Section Manager
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

COPY

RE: Joint Use Dock – Peter J. Kuhns
Permit No.: OCRM-15-211-B

Dear Mr. Williams:

It is my understanding that all Dock Permits are issued with a general condition which states:

“The OCRM shall have the right to revoke, suspend, or modify this Permit in the event that it is determined the Permitted structure . . . that the information and data which a Permittee or any other agencies have provided and connects with the Permit Application is either false, incomplete, or inaccurate”.

On behalf of myself and others as “interested parties,” I would specifically request that OCRM revoke the Permit in that the “information and data which the Permittee provided in connection with the Permit Application is either false, incomplete, or inaccurate”.

Pursuant to a Freedom of Information Act request, I have been provided with various documents. Tess Trumball (who I believe to be Tess Rogers, who previously denied the Kuhns’ Permit), was aware of my objection to a prior Permit from these same Lots; however, Ms. Trumball failed to inform either myself or others who had previously opposed the prior Permit (as “interested parties”) of this current Application. Applicant Kuhns also failed to notify myself or others who had previously opposed the Dock Application (as “interested parties”).

WWW.DELUCAMAUCHER.COM

GOOSE CREEK OFFICE:
102 MARILYN STREET, P.O. BOX 9
GOOSE CREEK, SC 29445

MONCKS CORNER OFFICE:
113 BROUGHTON ROAD
MONCKS CORNER, SC 29461

HILTON HEAD OFFICE:
18 POPE AVENUE
HILTON HEAD ISLAND, SC 29928

(#17)

Mr. Blair Williams
April 6, 2016
Page Two

From the Freedom Of Information Act documents received, I see that someone at OCRM requested that the Applicant send a copy of the Application to the HOA. The notice of the Application was apparently sent to LeeAnn Miller of Southern Community Services; however, to my knowledge, the Property Management Company did not notify the Board. This was confirmed when a Board member advised me that (to his knowledge) neither he nor any other member of the HOA Board was notified by either President, Jeffrey Popper or Southern Community Services that the Kuhns' Application was contrary to the negotiated Dock Master Plan between OCRM and the developers for our community, and that the Board could oppose the Dock.

Additionally, a conflict of interest exists, in that the President of our HOA, Jeffrey Popper, is also the listing agent (through Carolina One) for the properties. Black Letter South Carolina Law is very clear on the issue of when someone has a conflict of interest, and that is when he/she places themselves in a situation inherently conducive to divided loyalties, and an actual conflict of interest occurs where someone owes a duty to a party whose interests are adverse to other parties that he/she represents. As the President of our HOA, Mr. Popper should have advised the Board members that the Dock Permit was contrary to our Community Dock Master Plan, and that our community could oppose the Permit.

By this correspondence, I would urge you to revoke the Permit for the aforementioned reasons, as well as for the reasons expressed by myself and other interested parties who have written OCRM after learning of the Dock Permit. Ironically, myself and others learned of the Dock Permit when Jeffrey Popper/Carolina One sent out a mass mailing to everyone in the community offering the Lots for sale with a joint use deep water dock. Of interest, one of the Lots on Lone Oak Pointe was previously determined a non-dockable Lot by OCRM, but that Lot is now somehow a dockable Lot.

At this juncture, the only reasonable thing is to revoke the Permit and allow the Applicant Kuhns to appeal the rejection to the Administrative Law Judge. I look forward to that legal process as far as taking depositions in order to get to the bottom of how this Application was "steered" with OCRM assistance without notification to known interested parties.

Mr. Blair Williams
April 6, 2016
Page Three

With kindest regards, I am,

Very truly yours,



Michael A. Maucher

MAM/tgb

cc: Regulatory Coordinator
SCHDEC-OCRM
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

Chief Counsel
SCHDEC-OCRM
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

Mrs. Bobbi Stone
1902 Northcreek Drive
Mt. Pleasant, South Carolina 29464

Mr. and Mrs. Jeffrey Johnston
2529 Ballast Pointe
Mt. Pleasant, South Carolina 29464

Mr. and Mrs. Jeff Houser
2023 Brick Kiln Parkway
Mt. Pleasant, South Carolina

The Pointe at Rivertowne
c/o Southern Community Services
3301 Salterbeck Street, Suite 201
Mt. Pleasant, South Carolina 29466

Mr. Paul Clark
1541 Charity Church Road
Huger, South Carolina

Mr. Rick Medlin
2305 Kiln Pointe Drive
Mt. Pleasant, South Carolina 29466



Ocean and Coastal
Resource Management

www.scdhec.gov

Promoting and protecting the health of the public and the environment

CR-006483 9/06

Please see pg #3
Regarding
Dock Master Plans
DHEC/OCRM July 2001

(Ex #18)

DOCK AND PIER MANAGEMENT, THE SOUTH CAROLINA EXPERIENCE

*Richard Chinnis, South Carolina Department of Health and Environmental Control
Office of Ocean and Coastal Resource Management
Leslie W. Stidham, Office of Ocean and Coastal Resource Management*

Keywords: docks, piers, planning, cumulative impacts, management

INTRODUCTION

The South Carolina Office of Ocean and Coastal Resource Management (OCRM) has direct permitting authority in tidal wetlands. Since the inception of permitting regulations in 1977, OCRM has issued approximately 10,000 permits for private docks and piers as well as other water access structures such as boat ramps, community docks, and marinas. The number of dock applications has risen annually since 1992 and currently exceeds 900 per year. Coupled with other development pressures due to an increasing population, the proliferation of private dock structures is a cause of concern to OCRM, local governments, and various interest groups. As in other states, OCRM is wrestling with the private dock issue in a variety of ways including comprehensive project review, dock master planning, dock impact studies, and regulation revision.

PRIVATE DOCK ISSUES

Agency and citizen concerns over private docks are numerous. Docks have the potential to impede navigation and restrict public access to coastal resources. There is at least some evidence of adverse environmental impacts from shading of vegetation by dock structures, as well as leaching of wood treatment chemicals. The most vehement objections to private docks in South Carolina arise over two factors; aesthetic impacts and dock proliferation concerns. Since there is basically no public interest in private docks constructed in public trust waters, the South Carolina experience has been that private docks have become essentially a social problem rather than a purely scientific issue.

Navigation issues are among the easiest to resolve. During application review, site visits are made, often at low tide to determine the location of low water channels. As a general rule of thumb, dock extension is limited to $\frac{1}{4}$ of the creek's width as measured from marsh grass to marsh grass. By regulation, boats moored at docks cannot impede navigation or restrict public access. What is a relatively simple issue in larger creeks becomes more complex in smaller creeks, particularly in those less than 20' wide. OCRM generally requires pierhead structures to be placed over open water to minimize any shading impacts. However, a structure extension and any boat moored channelward of this structure will impede navigation in a narrow creek. This issue of docks in small tidal creeks is becoming a prime concern in this state and will be addressed in several areas of this abstract. In order to insure public access to coastal resources, OCRM does not allow small creeks to be "bridged" to gain access to larger creeks. This, however, leads us back to problems associated with docks in small creeks.

The purely environmental impacts of private docks are more difficult to quantify. The shading issue surfaces regularly in South Carolina and is often cited in opponent's objections to applications. Most scientific studies on this subject focus on structure effects on submerged aquatic vegetation (SAV). South Carolina coastal marshes are predominantly *Spartina Alternaflora* systems; no SAV resources exist here. In our type of coastal environment, scientific studies of shading impacts are limited. Kearney, et.al. 1983, looked at vegetation changes along structures built in salt marsh. This study analyzed the correlation between dock height, width, and deck spacing and plant height and density for *Spartina alterniflora* and *patens*. This study concluded that structure height was an important variable. OCRM requires dock heights to be a minimum of 3' above mean high water. Although walkway width does not appear to be as important a factor as height in minimizing shading impacts, OCRM restricts walkway width to a maximum of 4'. OCRM also employs current ADA guidelines for public water access structures in private dock permitting. These guidelines for insuring handicapped accessibility allow 5' by 5' turnaround areas every 200' along walkway lengths. Another study, Colligan and Cori NMFS/NOAA in 1995, found statistically significant differences in plant height and density caused by pier shading. More study is needed on potential impacts of shading, particularly when viewed cumulatively.

In an OCRM sponsored study of the Charleston Harbor Project, Wendt et. al., SCDNR, analyzed contamination from wood treatment chemicals leaching into the marine environment. The study concludes, "wood preservatives leachates from dock pilings have no acutely toxic effects on four common estuarine species." There is growing concern, however, over secondary impacts of dock structures, particularly in small tidal creeks. Docks obviously foster boat usage, and wave action from boats can cause erosion of marsh areas and shellfish beds. Prop wash also increases turbidity in small creeks. OCRM does not permit floating docks to rest on the bottom at normal low tide. This prohibition makes any fixed dock less conducive to boat moorage. There is also some evidence that flat bottom floating docks can cause erosion underneath floats and can alter sediment size thus changing bottom habitats (The Science & Management of Docks & Piers, Woods Hole Oceanographic Institute, 2000.)

We are now led to the "non-scientific" issue of aesthetics. OCRM has more appeals of issued dock permits over concerns of visual impacts than any other factor other than the difficult to quantify "too many docks" concern. The state Coastal Zone Management Act requires that we consider the effects any project has on the "use and enjoyment of adjacent property owners." Many dock appeals boil down to the fact that neighbors simply do not want to look at other docks, despite the fact they may have their own dock. OCRM has taken some regulatory steps in an attempt to at least minimize visual impacts of docks. These steps include prohibiting roofs in all new developments and limiting any handrails to minimal structural members. Additionally, where Special Area Management Plans (SAMPS) exist that place a high priority on view sheds, OCRM has denied a number of applications.

ONGOING MANAGEMENT EFFORTS

OCRM is undertaking significant steps to better manage private dock matters since they are of such significant concern in South Carolina. Though not as a direct result of the dock issue, OCRM consolidated all agency regulatory functions, including tidal wetlands and land disturbance permitting, state and federal certification and compliance into one division. This enables us to perform better comprehensive impact reviews of major projects that require multiple approvals. This also puts OCRM into a position of being able to "negotiate" fewer total dock numbers in return for approval of, for example, smaller buffer widths around isolated wetlands.

DMP As part of any current project submittal, developers are required to submit a dock master plan (DMP). This plan, performed along strict submittal guidelines, must be approved prior to any other site authorizations. In a DMP, developers must identify all waterfront properties with recoverable lot lines. Dock corridors, also in the form of recoverable lines, must be shown. Lots must have a minimum of 75' of frontage both at the upland edge and at the water's edge to be eligible for private docks. The submittal of a dock master plan aids in a cumulative impact review as the effects of total dock numbers can be evaluated not only within the subject development but also within the entire watershed. This plan can also be reviewed in light of approvals for developments within the same geographic area. As an implementation tool, OCRM requires these dock master plans to be recorded with the particular local government body and also requires that reference to this plan be given in all contracts for lot sales. This allows potential purchasers to make informed decisions and decide if they wish to build in an area where docks may be located. As additional incentive, developers may also obtain a blanket construction permit for all docks covered by master plans.

OCRM is also facilitating further studies of dock impacts. We are currently about halfway through a dock impact study funded by OCRM and conducted by the South Carolina Department of Natural Resources under the leadership of Dr. Fred Holland, Director of the Marine Resources Research Institute. The objectives of this study, to be completed sometime in 2001, are ambitious. Among other objectives, this study will obtain an estimate of total dock numbers and linear footages of structures using aerial photography. By using existing data from South Carolina estuarine habitats, this study will evaluate relationships between the size and number of docks and environmental conditions in tidal creeks. The environmental conditions will include watershed development, sediment chemistry, water quality, and ecological integrity. Dr. Holland's study will also use public opinion surveys to compile more information. Lastly, the study will develop and evaluate approaches for assessing cumulative dock impacts on the marine environment. As part of the ongoing Beaufort County SAMP, OCRM has contracted to have a boating management study performed for Beaufort County. Although this study is aimed primarily at cataloging and planning water access facilities, this study will also look at boating impact concerns, such as wake-induced erosion and shellfish bed damages.

OCRM is in the midst of major regulatory changes relative to dock permitting. One major change will be to require the use of joint use and community docks. In the dock master plan stage, developers must eliminate up to 1/3 of the docks on lots that would normally qualify for private use structures and substitute community use structures for water access. These new regulations will also prohibit any type of dock structure in creeks measuring less than 20' wide as well as limit private docks to an overall length not to exceed 500'. This represents a significant reduction from the current 1,000' limit. These measures represent an attempt to reduce overall dock proliferation in coastal South Carolina. These new regulations will be forwarded to the South Carolina General Assembly in April 2001, hopefully for approval.

CONTINUING PROBLEMS

A thorough understanding of cumulative private dock impacts continues to be an elusive goal, not only for South Carolina but for other coastal states as well. Most of us coastal managers are adept at describing the problem, but fail at quantifying the cumulative impacts. As an example, the previously mentioned Charleston Harbor Study contained "The Tidal Creek Project" as one component. This study, performed by the South Carolina Marine Resources Research Institute and the National Marine Fisheries Service, attempted to identify the connection between activities on tidal creek watersheds and the environmental quality of these subject creeks. A particular emphasis of the study was small, shallow tidal creeks. As a brief summary, the Tidal Creek Project found that salinity fluctuations were greater in creeks adjacent to developed areas than in reference, undeveloped creeks dominated by salt marsh. Developed creeks had much higher sand content on creek bottoms than did reference creeks. The study found that increases and decreases in the abundance of benthic organisms in the upper ends of developed tidal creeks can be attributed to human development of the watershed creeks. In other words, small tidal creeks in developed areas are "different" from pristine creeks due to upland development. When viewed in cumulative impact light, although these "differences" cannot be attributed to private docks and piers, there is no doubt that docks in these already stressed areas could cause additional adverse impacts. The ultimate cumulative impact question with docks remains unanswered. How many are too many?

CONCLUSIONS

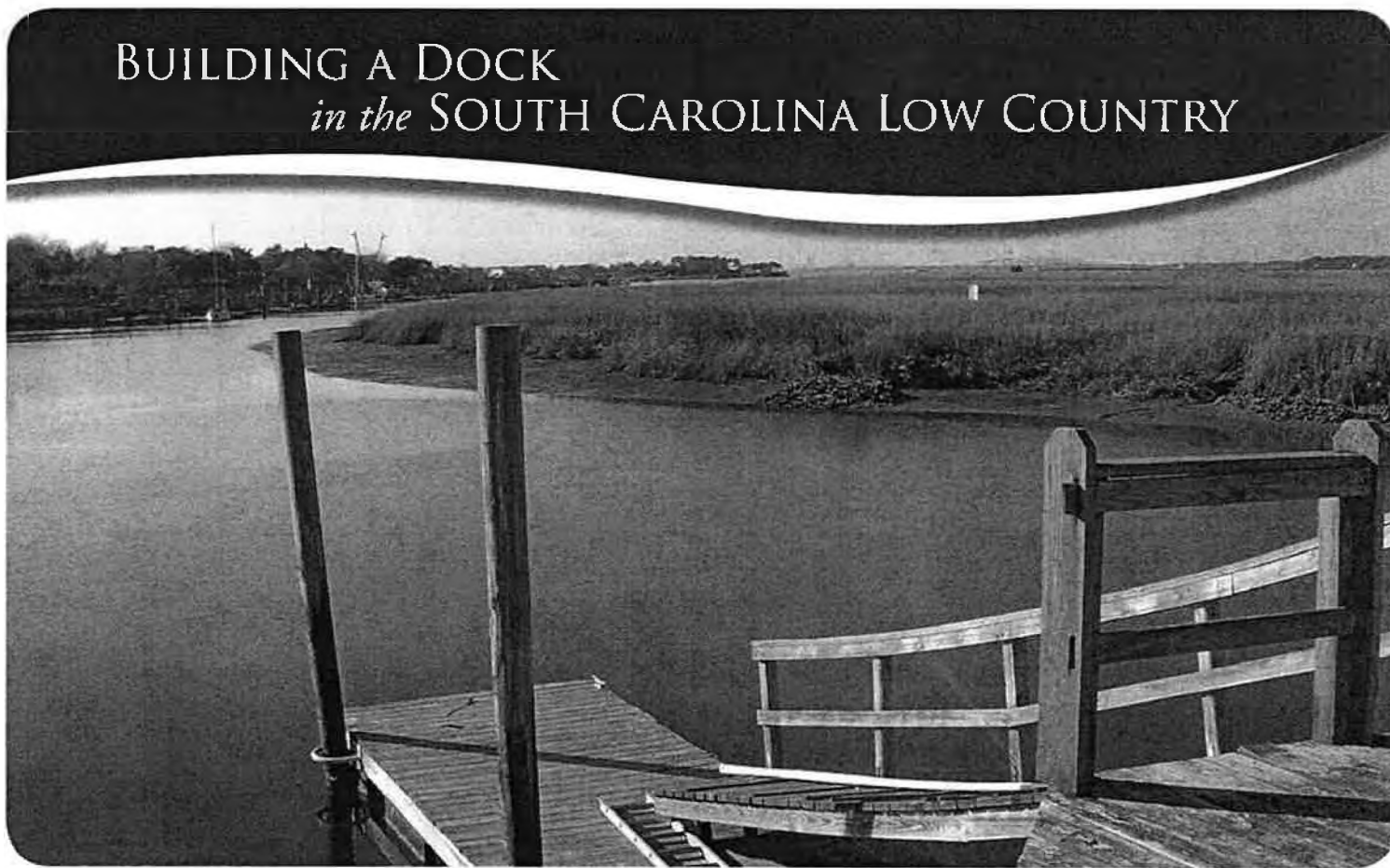
South Carolina OCRM has extensive experience in reviewing private docks and piers. Over the years, we have taken a number of measures to better evaluate dock applications, to provide more science-based decisions, and to gather better information. Common sense tells us that fewer docks are probably better. Private docks usurp public trust waters and inhibit traditional uses of tidal waters such as trolling or shellfish gathering. Insuring public access to coastal resources is a vital mission for all coastal zone management agencies. Facilitating this access while minimizing impacts to the very resource we seek to utilize is an ongoing challenge.

*Proceedings of the 12th Biennial Coastal Zone Conference
Cleveland, OH
July 15-19, 2001*

Richard Chinnis, Director of Regulatory Programs
Office of Ocean and Coastal Resource Management
1362 McMillan Avenue; Suite 400
Charleston, South Carolina 29405
(843) 747-4323 x129
chinnira@chastn86.dhec.state.sc.us

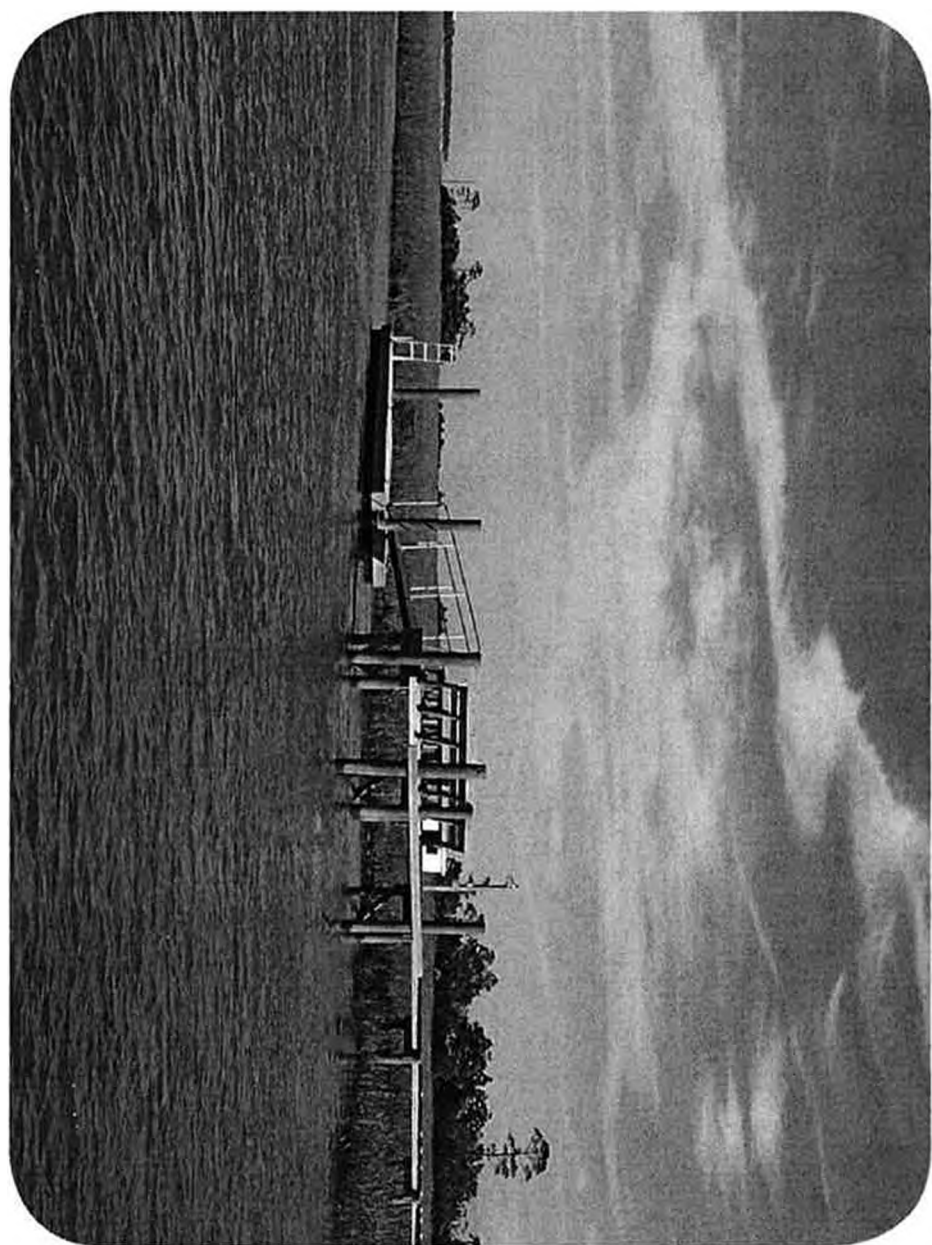
#19

BUILDING A DOCK *in the* SOUTH CAROLINA LOW COUNTRY



DHEC / OCRM BROCHURE
PLEASE NOTE: PG 11

introduction / purpose of ocrm
(2) Does my property qualify to
HAVE A DOCK
* (6) SHOULD I TELL MY NEIGHBORS *



INTRODUCTION

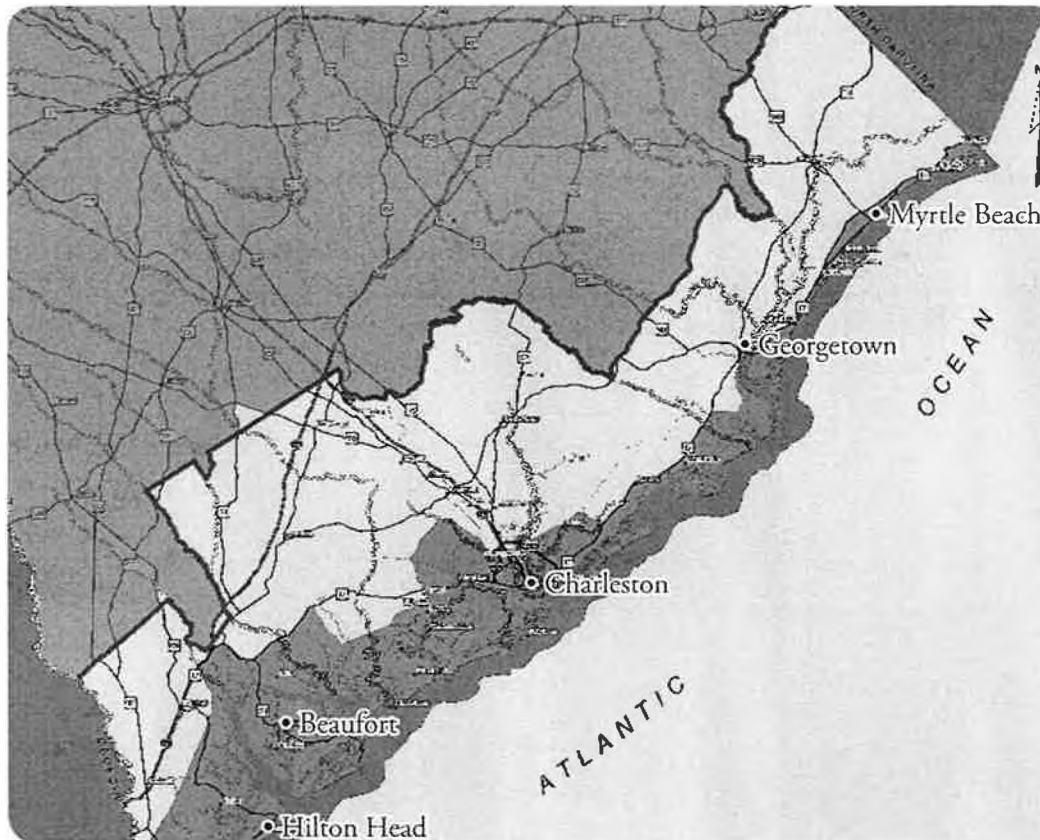
South Carolina is fortunate to have more than 2,800 miles of tidal saltwater marshes. These areas are beautiful and extremely important to our coastal community. Marshes are nesting grounds and home to many plant and animal species. They also play an integral role in the state's economy by supporting coastal fisheries and providing endless recreational opportunities.

The South Carolina Department of Health and Environmental Control's Office of Ocean and Coastal Resource Management (OCRM) was founded in 1977 to protect and encourage responsible development in and around our precious coast. OCRM is responsible for issuing permits for alterations within the state's Critical Area.

Development along our coastal waterways has increased dramatically in recent years. Many people have come to the coast to take advantage of the opportunities our coastal environment has to offer. The construction of private recreational docks has become one of the most popular ways for citizens to gain access to the creeks and waterways.

This brochure should serve as a guide to help citizens through the OCRM dock permitting process in the Critical Area of South Carolina.










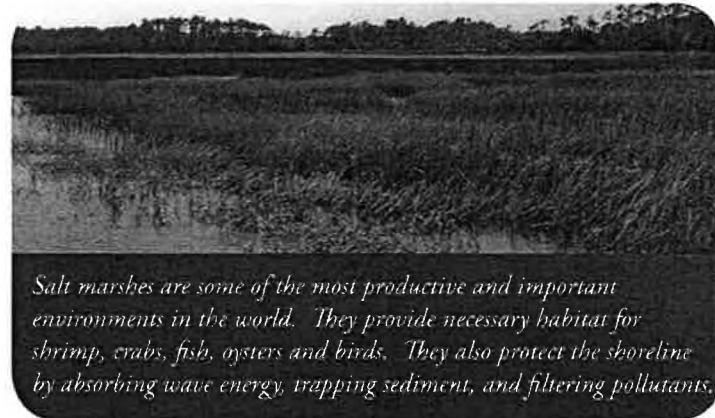
The Coastal Zone is comprised of coastal waters and submerged bottoms seaward to the state's jurisdictional line as well as the lands and waters of the eight coastal counties. The Critical Area is defined as all tidelands, coastal waters, beaches and oceanfront sand dune systems.

BEFORE YOU BEGIN

Planning is critical when preparing to build a dock. It is extremely important to be familiar with state dock regulations that address potential impacts of docks. Be aware that regulations prescribe that:

-  Docks should not be located on or near sensitive natural resources, such as oyster beds.
-  Docks typically must end at the first navigable creek.
-  Dock length is limited to no more than 1000 feet.
-  Docks typically cannot cross side extended property lines or dock corridor lines.
-  Docks cannot restrict public access to and in state waterways.

OCRM enforces regulations for all Critical Area activities. Regulations can be found at <http://www.scdhec.gov/ocrm> and are available in hard copy at your local OCRM office.



PLANNING FOR YOUR DOCK

How do I find out if my property qualifies to have a dock?

It is important for waterfront property owners to do their homework. If you live in a newly developed subdivision, one of the first places to seek information is from the developer. Developers of coastal subdivisions are required to submit a dock master plan (DMP) outlining which lots are potentially eligible for private docks. The developer should share any knowledge about a DMP, and details should be noted in the contract. OCRM also keeps all approved DMPs on file. OCRM encourages prospective and current waterfront property buyers to come into the office and sit down with staff to look over the applicable development's DMP and ask any questions that they may have. Please note that a dock master plan does not guarantee issuance of any dock permit. The DMP is simply a guide for all parties involved.

For areas outside of a dock master plan, OCRM staff will be glad to give guidance and information to aid an applicant. OCRM suggests reviewing the regulations to see if the site under consideration meets the minimum requirements for dock construction.

How do I apply to build a new dock?

The dock application can be obtained from your local OCRM office or downloaded from our Web site at <http://www.scdhec.gov/ocrm>. A non-refundable permit application fee is required when you submit your application. The fees are outlined in the application packet.

Can I share a dock with my neighbor?

OCRM encourages joint use or shared docks to help reduce the number of docks along a creek. Contact your local OCRM office to discuss your site-specific situation. Should two parties agree to share a dock, it is important to outline upfront each individual's maintenance responsibility and use of the structure.

What size can my dock be?

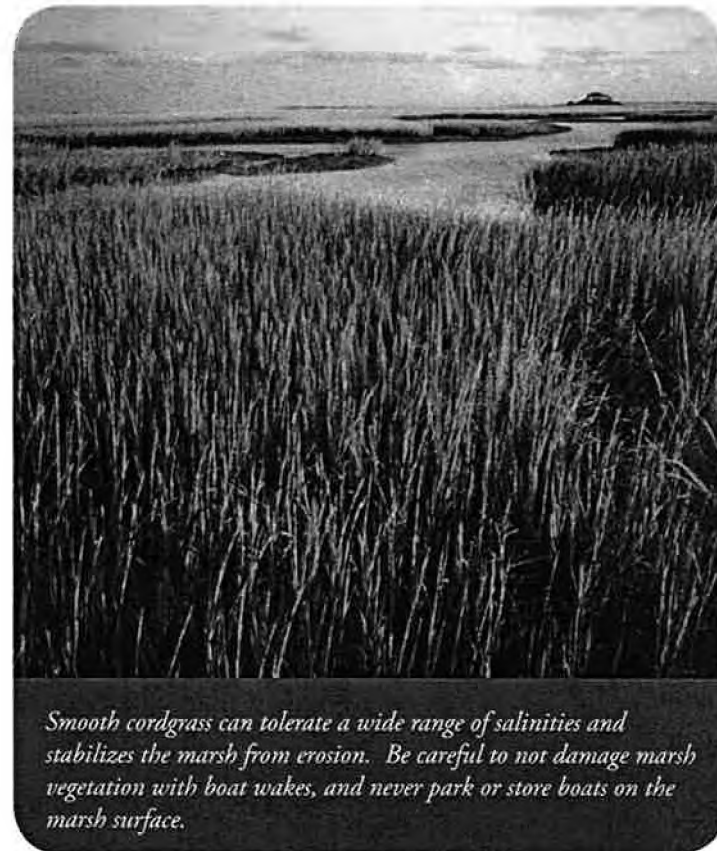
OCRM has specific regulations regulating the size of the structure as it relates to the size of the creek. Creek width is typically measured as the open water from marsh grass to marsh grass.

The following guidelines are currently used to limit maximum dock size:

Creeks 10' or less	=	no dock structures allowed
Creek less than 20' wide	=	no dock structures allowed unless specific geographic circumstances exist*
Creek width 20' to 50'	=	120 square feet
Creek width 51' to 150'	=	160 square feet
Creek width larger than 150'	=	600 square feet

*On creeks less than 20 feet wide, a dock may be permitted only if the property has a minimum of 500 feet of frontage or there is no potential dockage from the other side of the creek. However, under no circumstances will boatlifts, davits or boat storage docks be permitted. All structures will be limited to a maximum of 50 square feet.

There are site-specific allowances for larger structures. Contact your local OCRM office to discuss your circumstances.



Smooth cordgrass can tolerate a wide range of salinities and stabilizes the marsh from erosion. Be careful to not damage marsh vegetation with boat wakes, and never park or store boats on the marsh surface.

How Does OCRM determine dock square footage?

As defined in regulation, OCRM calculates square footage as the total area of any fixed pierhead, floating dock, areas bounded by boatlifts and davit systems, and boat storage docks (i.e. floating jet docks and all similar structures). Square footage does not include the walkway, ramps, catwalks or mooring pilings.

Should I tell my neighbor that I am applying for a dock permit?

OCRМ encourages open communication between the applicant and his or her neighbors at all stages of the permitting process to address any potential concerns. You will need to provide your neighbors' addresses to OCRM so that we may inform them of your permit application with a public notice. Neighbors may respond to OCRM in writing with any comments that they may have about your proposed project during the public comment period.

Do I have to use an agent to submit my application to OCRM?

No, an agent is not required, and OCRM staff is always available to help an applicant through the permitting process. However, some applicants prefer to have an agent manage the administrative application process.

Do I have to obtain other permits or authorizations from other agencies once I have obtained a permit from OCRM?

A dock located on a federally maintained waterway, such as the Atlantic Intracoastal Waterway (AIWW), probably will require a federal permit from the United States Army Corps of Engineers as well as an OCRM permit. This activity results in a 'Joint Public Notice' issued by the two agencies. Local permission may also be required in some areas. **Note:** An OCRM permit does not relieve the applicant from the responsibility of obtaining any other permit(s) or authorizations. It is important to check with the homeowners associations or architectural review boards of the neighborhood where you are located.

How long does it take to obtain a permit for a private recreational dock?

Generally, it takes 30 days from the end of the OCRM public notice period provided that the file is administratively complete and the agency is not working to resolve pertinent issues with involved parties.

What happens when OCRM makes a decision?

Typically, one of two things will happen: either OCRM issues or denies the permit application. When a permit is issued, OCRM will send a permit that must be signed by the applicant or legal agent. Once it has been returned to us, OCRM will finalize the permit and send an executed copy back with instructions to follow once you get ready for the construction phase.

In the case of a denial, OCRM will send a formal letter to the applicant explaining why the permit has been denied. The applicant then has 15 days after notice of the decision has been mailed to send a written request for final review to the Clerk of the DHEC board.

In either case, OCRM will also send a notification of the final staff decision to any objecting parties once the permit has been executed or denied.

What is a 'final review' and who can file one?

Once OCRM staff makes a decision regarding a permit application, an adversely affected party may request final review with the Board of the S.C. Department of Health and Environmental Control to challenge that permit decision. A request for final review must be made to the Clerk of the Board within 15 days after notice of the decision has been mailed to the applicant. An adversely affected party may be the applicant, an adjacent property owner, or in some cases a third party or organization. For more information on the appeals process, contact your local OCRM office or visit the Administrative Law Court's Web site, <http://www.scalc.net>.

BUILDING YOUR DOCK

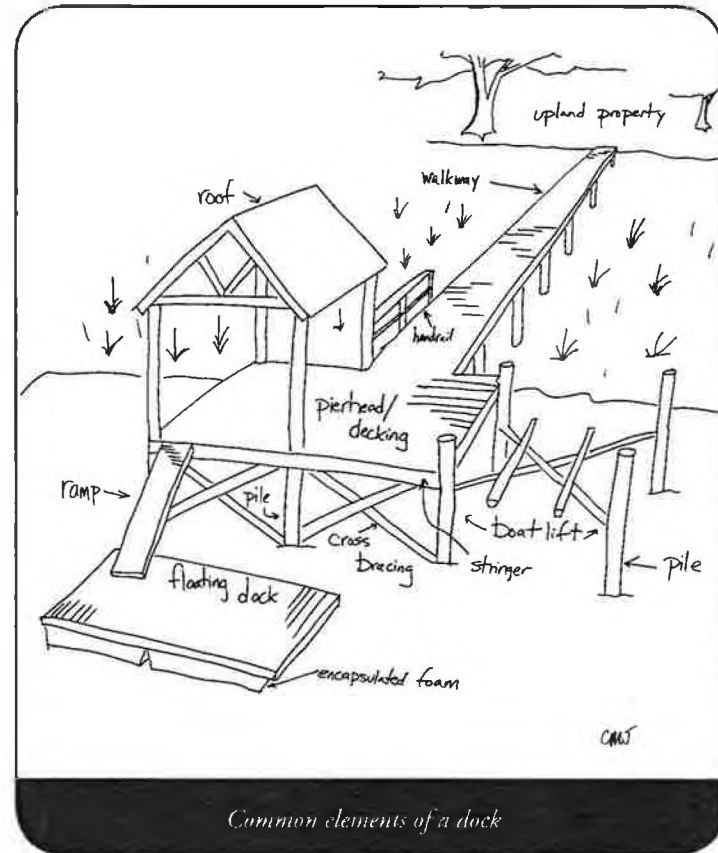
How much will building a dock cost?

Construction costs vary depending on location, materials and the builder. It is important to contact several builders and obtain estimates for your specific circumstances.

You should feel comfortable with your dock builder and should ask any questions that you may have. Be sure you know **EXACTLY** what is included in your contract before you sign!

How do I find a dock builder?

There are several dock builders listed in the business section of the phone book. Word of mouth can also be a great way to find a builder. Asking neighbors and friends for a reference is helpful because you can learn from their experiences and inspect the construction and quality of their docks. You should also ask a potential dock builder for professional references and verify if they are a licensed maritime contractor. It is well worth the time and effort to follow up on the references. Other resources include the Better Business Bureau and the state's Department of Licensing, Labor and Regulation (SCLLR).



Common elements of a dock

My permit states that I have to use a licensed marine builder. What does that mean?

The S.C. Contractor's Licensing Act of 1999 requires that all construction with a total cost of \$5000 or more must be performed by a licensed contractor with a valid contractor's license for marine construction. For further information on the importance of using a licensed contractor, visit <http://www.llr.state.sc.us>

How long will it take to complete my new dock?

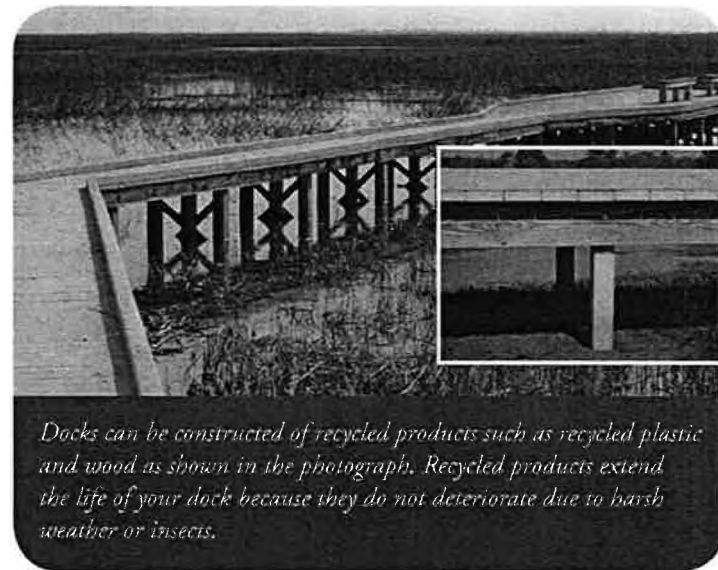
There are several factors that affect the time frame of getting your dock built:

- The type of equipment being used
- The number of workers onsite for construction
- The number of other jobs that your builder may have at the same time or on the schedule
- The weather conditions during the building schedule

Be sure to ask your dock builder for an estimated schedule as it relates to your particular dock project.




Can I build the dock myself?


Yes, but only if the dock construction is performed by the private landowner for strictly private purposes. Unlicensed contractors serving as an Agent of the Permittee/Property Owner will not be granted a construction placard as this is a violation of the S.C. Contractor's Licensing Act of 1999.



What should I be aware of during the construction of my dock?

As the owner and applicant, you should check on the work often, as it is ultimately the permit holder who is responsible if the dock is constructed improperly or illegally. Here are a few tips:

-  Beware of dock builders who tell you that additions can be made without prior OCRM approval. While some items may seem minor, it is in your best interest to call OCRM and obtain written approval. Some of the common additions requiring approval include boatlifts, floating jet docks, sinks, roofs, and davits.
-  Monitor the environmental impact your dock builder makes. Be sure your builder minimizes impacts to vegetation and keeps the marsh free from garbage and construction debris.
-  Be sure the OCRM construction placard is posted in a conspicuous place and is kept current throughout the construction phase. This lets others know the structure is authorized. Failure to post the placard could result in an enforcement action by OCRM.

-  Contact OCRM immediately if you believe that the construction of your dock may be out of the scope of the issued permit. Remember, docks built out of the scope of the issued permit may result in enforcement action and may be required to be removed.

Does OCRM have any construction regulations?

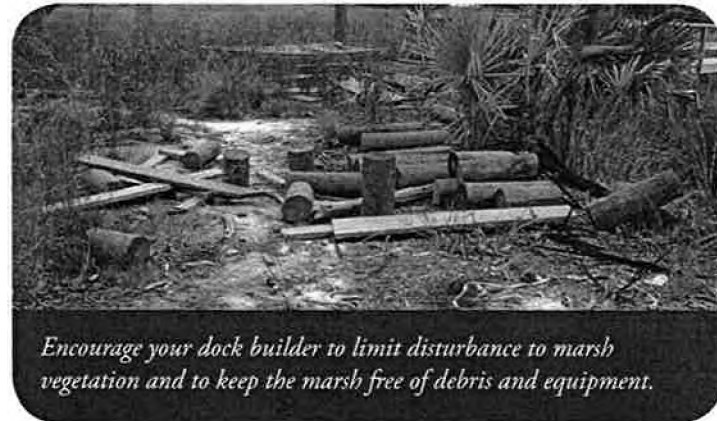
Currently, OCRM does not have any construction regulations for private recreational docks. However, local governments may require a dock to be built consistent with local codes or ordinances. Be sure to consult with them prior to construction and be sure that your contractor complies with all requirements.

What does it mean if my dock is out of compliance?

Your project is considered out of compliance if the dock structure exceeds the scope of the issued permit or is in violation of the specifications and conditions outlined in the permit (i.e. length, width, channelward extension, location, navigation, etc). Enforcement staff is responsible for routinely patrolling the critical areas by land, air and water. Compliance inspections, permit application site visits, and reports from individual citizens are the most common sources of discovering dock violations. OCRM Enforcement staff can respond by issuing a Cease and Desist Directive or by imposing civil fines. They may also require that you remove or modify a structure in violation and restore an impacted site.



*Keep lines of communication open with your dock builder.
Be sure to ask questions if you have them.*



*Encourage your dock builder to limit disturbance to marsh
vegetation and to keep the marsh free of debris and equipment.*

MAINTAINING YOUR DOCK

What is the average life of a dock structure?

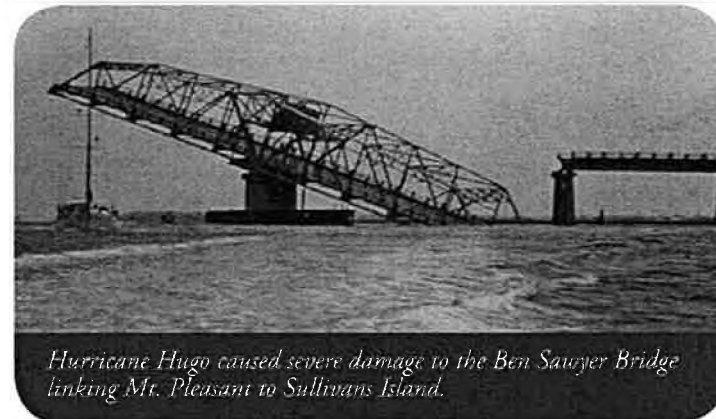
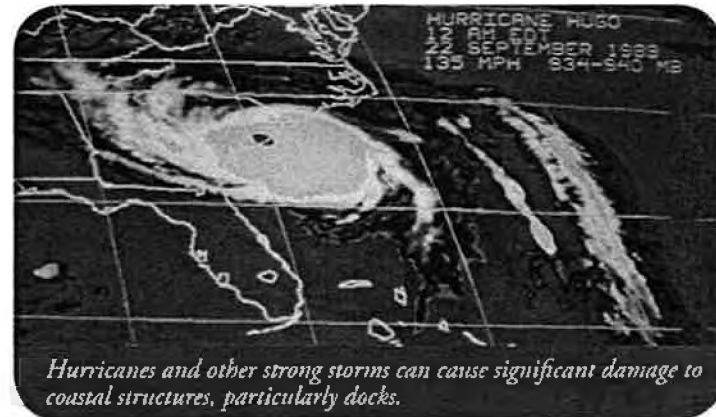
Typically, you should not need to make major repairs for about 15 years unless Mother Nature intervenes. You may need to perform minor repairs after the first several years. The dock's physical location will also affect your repair schedule. A dock on a smaller creek or tributary will have less 'wear and tear' than a dock built on a major water body such as the Charleston Harbor or Intracoastal Waterway. It is important to note that one of the general conditions of the permit states that "failure to maintain the structure in good condition shall result in the revocation of [the] permit." When it comes time to do repairs, be sure to obtain a "maintenance and repair" authorization from your local OCRM office.

What does a maintenance and repair authorization cover?

OCRM has the authority to authorize minor repairs to an existing structure. Our regulations state, "Normal maintenance and repair applies only to work on a structure which has been previously permitted or is grand-fathered or exempted and is still generally intact and functional in its present condition. The work may only extend to the original dimensions of the structure, and any expansion, additions, or major rebuilding will require either a Department (OCRM) permit or documentation to and written approval from the Department (OCRM)." When it comes time to make minor repairs, simply write to your local OCRM office and state exactly what work will be done. OCRM will review your request, and if staff determines that it meets the criteria, we will send you an authorization letter and a maintenance and repair construction placard. Again, be sure to place the placard in a conspicuous place while the repairs are being made.

What happens if a storm or other natural event damages my dock?

If a hurricane or other storm extensively damages many docks along the coast, OCRM will usually issue a general permit that allows you to rebuild the structure to the original permitted size, scope and use. If you wish to relocate, add square footage or change the configuration of your dock, you will need to submit a new dock permit application or amend an active permit. Remember, you should always clean up and remove any debris in the Critical Area resulting from damage to your dock.



OTHER IMPORTANT CONSIDERATIONS

What do I have to do if I want to make additions to an existing dock?

Depending on the extent of the additions, you may qualify for an amendment to an existing, active permit or you may qualify to make an addition under the dock general permit. The general permit authorizes minor additions such as handrails, sinks and benches. The general permit application can be obtained from our Web site or at your local OCRM office. If you wish to increase the square footage of a dock, the dock general permit is not applicable. This includes the addition of floating jet docks and other similar structures. To add any additional square footage, you will need to submit a new application or amend an existing active permit.

Are dock permits transferable?

Yes, simply fill out the Assignment/Transfer Form. This is also available on-line or at your local OCRM office. The new permit holder will be responsible for all conditions prescribed under the original permit. Both parties need to sign this form, so real estate closings are a good time to complete the form and have it witnessed. Once it is complete, simply mail it to the local OCRM office with the appropriate fee. Please note that only active permits require a transfer.

Can I extend the expiration date of my permit?

OCRM generally allows up to three one-year extensions on a permit. Please note that if the permit has expired, it cannot be extended. To obtain a permit extension, send a written request stating the amount of time you wish to have your permit extended along with the appropriate fee. We will send you written confirmation with the new extension date.

To Report a Violation:

The Creek and Beach Watch Program is a citizen participation program where individuals or groups watch the Critical Areas, usually areas they are familiar with or visit frequently, and report any possible violations of the S. C. Coastal Zone Management Act or OCRM's Rules and Regulations to OCRM enforcement staff. Citizens are encouraged to report possible violations of the S. C. Coastal Zone Management Act by calling a 24-hour toll-free hot line at 1-800-768-1516. Whenever possible during normal business hours, calls will be answered by an OCRM staff member. At other times an answering machine will take the report. OCRM enforcement personnel will investigate reports of possible violations, take appropriate action and, if requested, notify the person making the report of any action taken.



CREEK AND BEACH WATCH TOLL FREE HOT LINE:

1-800-768-1516

TO CONTACT OCRM:

Charleston 1362 McMillan Avenue, Suite 400
Charleston, SC 29405
(843) 744-5838

Beaufort 104 Parker Drive
Beaufort, SC 29906
(843) 846-9400

Myrtle Beach 927 Shine Drive
Myrtle Beach, SC 29577
(843) 238-4528

Web site: <http://www.scdhec.gov/ocrm>



This document was supported in part by the financial assistance provided by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration through grant/cooperative agreement number NA17OZ2352.

Photos used courtesy of South Carolina Department of Health and Environmental Control and the National Oceanic and Atmospheric Administration.