



February 25, 2020

City of Beaufort
c/o Neil Pugliese
1911 Boundary Street
Beaufort, SC 29902

Re: OCRM02170

Dear Mr. Pugliese:

The Office of Ocean and Coastal Resource Management (the Department) has reviewed your application to construct new storm water infrastructure at Mossy Oaks subdivision w/in Beaufort, Beaufort, Beaufort County, South Carolina and has issued a permit for this work. You should carefully read the description of the authorized project and special conditions that have been placed on the permit, as these conditions may modify the permitted activity. In addition, there are a series of general conditions that should be reviewed. The original and one photocopy of the permit, as issued, are enclosed. After carefully reading the permit, if you wish to accept the permit as issued, sign and date in the signature block entitled "PERMITTEE" on the original version of the permit and **return it to this Department. Keep the photocopy for your records.**

PLEASE READ CAREFULLY: You are required to sign and return the original version of your permit to this Department. If this permit is not signed and returned within thirty (30) days of issuance, OR appealed within 15 days as described on the enclosed "Guide to Board Review", the Department reserves the right to cancel this permit. Please carefully review the enclosed "Guide to Board Review" for information and deadlines for appealing this permit.

We have also enclosed a "request for a construction placard" card. You must send in this card before the time you wish to start construction. At that time a construction placard will be sent to you to post at the construction site.

PLEASE NOTE: You are not authorized to commence work under the permit until we have received the original version of the entire permit signed and accepted by you, and a construction placard has been issued and posted at the construction site. The receipt of this permit does not relieve you of the responsibility of acquiring any other federal, state, or local permits that may be required. Please return the signed permit to the following address:

Office of Ocean and Coastal Resource Management
1362 McMillan Ave, Suite 400
Charleston, SC29405

Sincerely,

A handwritten signature in black ink that reads "Joshua D Hoke".

Joshua D Hoke
Project Manager
Critical Area Permitting Section

Enclosure

cc: Mr. Blair Williams, Critical Area Permitting Section Manager

**SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT**

CRITICAL AREA PERMIT & COASTAL ZONE CONSISTENCY CERTIFICATION

Permittee(s): Neil Pugliese, City of Beaufort

Permit Number(s): OCRM02170

Date of Issuance: February 25, 2020

Expiration Date: February 25, 2025

Location: On and adjacent to Battery Creek at Mossy Oaks subdivision w/in Beaufort, Beaufort Beaufort County, South Carolina

SEE SPECIAL
CONDITION(S)

This permit is issued under the provisions of S. C. Code Ann. Section 48-39-10, et seq., and 23A S.C. Code Ann. Regs. 30-1 through 30-18, *as amended*. **Please carefully read the project description and special conditions that appear on this permit/certification as they will affect the work that is allowed and may modify the work from that shown on the submitted plans. All special conditions attached to the permit will take precedent over submitted plans.** The general conditions are also a part of this permit/certification and should be read in their entirety. The S. C. Contractor's Licensing Act of 1999, enacted as S.C. Code Ann. Section 40-11-5 through 430, requires that all construction with a total cost of \$5,000 or more be performed by a licensed contractor with a valid contractor's license for marine class construction, except for construction performed by a private landowner for strictly private purposes. Your signature on and acceptance of this permit denotes your understanding of the stated law regarding use of licensed contractors. **All listed special and general conditions will remain in effect for the life of the permit. This applies to permittee, future property owners, or permit assignees.**

DESCRIPTION OF THE PROJECT, AS AUTHORIZED

The plans submitted by you, attached hereto, show the work consists of the following: To make drainage improvements by replacing the existing structures under Spanish Moss Trail and Battery Creek Road with improved structures, remove the existing pond outfall pipe and expand the outfall pond, regrade ditches along existing South Drive structures. An existing 24" reinforced concrete pipe (RCP) will be replaced under Spanish Moss Trail with three 60" RCP and rip-rap for erosion control at the outfall pond. The new pipes will be controlled by self-regulating tidal flap gates that have mechanically operated floatation system that cause the gates to open until the floats reach a predetermined water level. The gates will be set to close at a level somewhere above mean high water allowing the normal daily tide range of the tides to operate freely into and out of the pipe crossing and to allow saltwater to maintain connectivity to upstream areas. During higher tides such as king tides, or tropical storm tides, the gates will automatically close, keeping temporary saltwater flooding elevations lower in upstream areas and reducing the risk of flooding during heavy rainfall events. The improvements at Battery Creek Road include the replacement of existing dual 30" RCP with twin 60" RCP and rip-rap for erosion control. Construction of these structures will be accomplished utilizing temporary cofferdam structures to dewater the area during construction. The total critical area impacts area 0.055 acres of fill and 0.006 acres of clearing.

SPECIAL CONDITIONS

1. The temporary cofferdams used during construction are removed immediately following the needed construction sequence to have the drainage structures functional and stabilized.
2. The permittee must implement best management practices during construction to minimize erosion and migration of sediments off site. These practices may include use of mulches, silt fences, or other devices capable of preventing erosion and migration of sediments.
3. Only clean earthen material free of all potential sources of pollution may be used as fill.

4. The permittee must restore all unintentionally disturbed areas to their original contours and conditions following construction.
5. The riprap must be clean stone or masonry material free of all potential sources of pollution.
6. Access to the project site must be attained from uplands, when possible.
7. An as-built survey of the structure(s) must be submitted to the Department within 90 days from completion of construction. The survey must be performed by a registered land surveyor, must show all components of the structure(s), and must list the starting and ending coordinates of the structure(s) in the SC State Plane Coordinate System, which can be obtained by survey-grade Global Positioning System equipment.
8. In the event that any historic or cultural resources and/or archaeological materials are found during the course of work, the applicant must notify the State Historic Preservation Office and the South Carolina Institute of Archaeology and Anthropology. Historic or cultural resources consist of those sites listed in the National Register of Historic Places and those sites that are eligible for the National Register. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include, but are not limited to, stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal and glass objects, and human skeletal materials.

SEE SPECIAL
CONDITION(S)

PERMITTEE'S ATTENTION IS DIRECTED TO GENERAL CONDITIONS NUMBERS FOUR (4) AND FIVE (5).BY ACCEPTANCE OF THIS PERMIT, PERMITTEE IS PLACED ON NOTICE THAT THE STATE OF SOUTH CAROLINA, BY ISSUING THIS PERMIT, DOES NOT WAIVE ITS RIGHTS TO REQUIRE PAYMENT OF A REASONABLE FEE FOR USE OF STATE LANDS AT A FUTURE DATE IF SO DIRECTED BY STATUTE.

THE PERMITTEE, BY ACCEPTANCE OF THIS PERMIT AGREES TO ABIDE BY THE TERMS AND CONDITIONS CONTAINED HEREIN AND TO PERFORM THE WORK IN STRICT ACCORDANCE WITH THE PLANS AND SPECIFICATIONS ATTACHED HERETO AND MADE A PART HEREOF.ANY DEVIATION FROM THESE CONDITIONS, TERMS, PLANS AND SPECIFICATIONS SHALL BE GROUNDS FOR REVOCATION, SUSPENSION OR MODIFICATION OF THIS PERMIT AND THE INSTITUTION OF SUCH LEGAL PROCEEDINGS AS THE DEPARTMENT MAY CONSIDER APPROPRIATE.

Permit Number: **OCRM02170**

**SEE SPECIAL
CONDITION(S)**

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

PERMITTEE(S)
Neil Pugliese, City of Beaufort

DATE

This permit becomes effective when the State official, designated to act for the Office of Ocean and Coastal Resource Management, has signed below.



CRITICAL AREA PERMITTING PROJECT MANAGER
Joshua D Hoke
Or Other Authorized State Official

2-25-20

DATE

SEE SPECIAL
CONDITION(S)

GENERAL CONDITIONS:

This construction and use permit is expressly contingent upon the following conditions which are binding on the permittee:

1. The permittee, in accepting this permit, covenants and agrees to comply with and abide by the provisions and conditions herein and assumes all responsibility and liability and agrees to save the Department and the State of South Carolina, its employees or representatives, harmless from all claims of damage arising out of operations conducted pursuant to this permit.
2. If the activity authorized herein is not constructed or completed within five years of the date of issuance, this permit shall automatically expire. A request, in writing, for an extension of time shall be made not less than thirty days prior to the expiration date.
3. All authorized work shall be conducted in a manner that minimizes any adverse impact on fish, wildlife and water quality.
4. This permit does not relieve the permittee from the requirements of obtaining a permit from the U. S. Army Corps of Engineers or any other applicable federal agency, nor from the necessity of complying with all applicable local laws, ordinances, and zoning regulations. This permit is granted subject to the rights of the State of South Carolina in the navigable waters and shall be subject, further, to all rights held by the State of South Carolina under the public trust doctrine as well as any other right the State may have in the waters and submerged lands of the coast.
5. This permit does not convey, expressly or impliedly, any property rights in real estate or material nor any exclusive privileges; nor does it authorize the permittee to alienate, diminish, infringe upon or otherwise restrict the property rights of any other person or the public; nor shall this permit be interpreted as appropriating public properties for private use.
6. The permittee shall permit the Department or its authorized agents or representatives to make periodic inspections at any time deemed necessary to ensure that the activity being performed is in accordance with the terms and conditions of this permit.
7. Any abandonment of the permitted activity will require restoration of the area to a satisfactory condition as determined by the Department
8. This permit may not be transferred to a third party without prior written notice to the Department, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit and thereby agreeing to comply.
9. If the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and special signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.
10. The permit construction placard or a copy of the placard shall be posted in a conspicuous place at the project site during the entire period of work.
11. The structure or work authorized herein shall be in accordance with the permit, as issued, and shall be maintained in good condition. Failure to build in accordance with the permit, as issued, or failure to maintain the structure in good condition, shall result in the revocation of this permit.
12. The authorization for activities or structures herein constitutes a revocable license. The Department may require the permittee to modify activities or remove structures authorized herein if it is determined by the Department that such activity or structures violates the public's health, safety, or welfare, or if any activity is inconsistent with the public trust doctrine. Modification or 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 the Department intends to revoke the permit, Permittee agrees to immediately stop work pending resolution of the revocation.

13. The Department 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 the Department'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, the Department shall provide written notification of intent to revoke to the permittee, and permittee can respond with a written explanation to the Department. (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 the Department or the State of South Carolina or any employee, agent, or representative of the Department or the State of South Carolina.
15. All activities authorized herein shall be, if they involve a discharge or deposit into navigable waters or ocean waters, 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 the Department 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
CONDITION(S)

**SEE SPECIAL
CONDITION(S)**

Legend



Project Study Area



0 500 1,000 Feet

Figure 1: Project Location

**Mossy Oaks Basin 2 Drainage
Beaufort County, SC**

Date:
8.15.2019
By:

INFRASTRUCTURE
CONSULTING & ENGINEERING

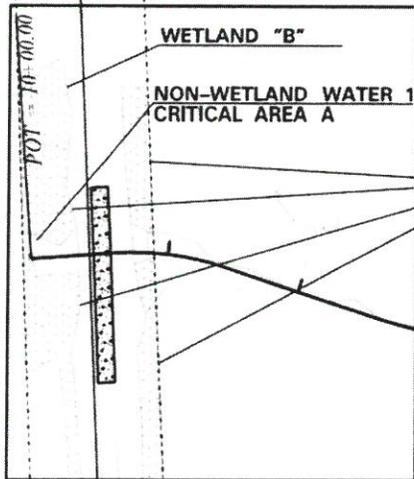
PROJECT TOTAL IMPACTS:
 WETLAND FILL = 1351 SF, 0.031 ACRE
 WETLAND CLEARING = 347 SF, 0.009 ACRE
 NON-WETLAND WATER FILL = 1703 SF, 0.039 ACRE, 64 LF
 CRITICAL AREA FILL = 2382 SF, 0.055 ACRE
 CRITICAL AREA CLEARING = 240 SF, 0.006 ACRE

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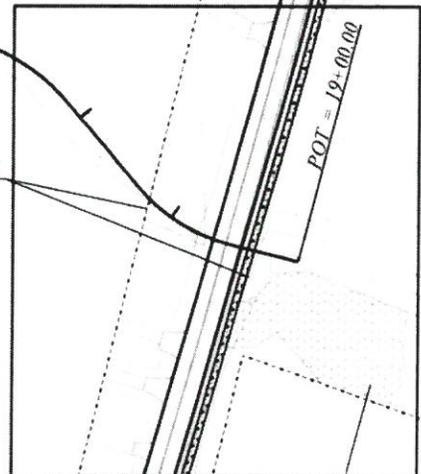
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SHEET No. 2



WETLAND "A"
CRITICAL AREA A

SHEET No. 3



NON-WETLAND WATER 1
CRITICAL AREA A

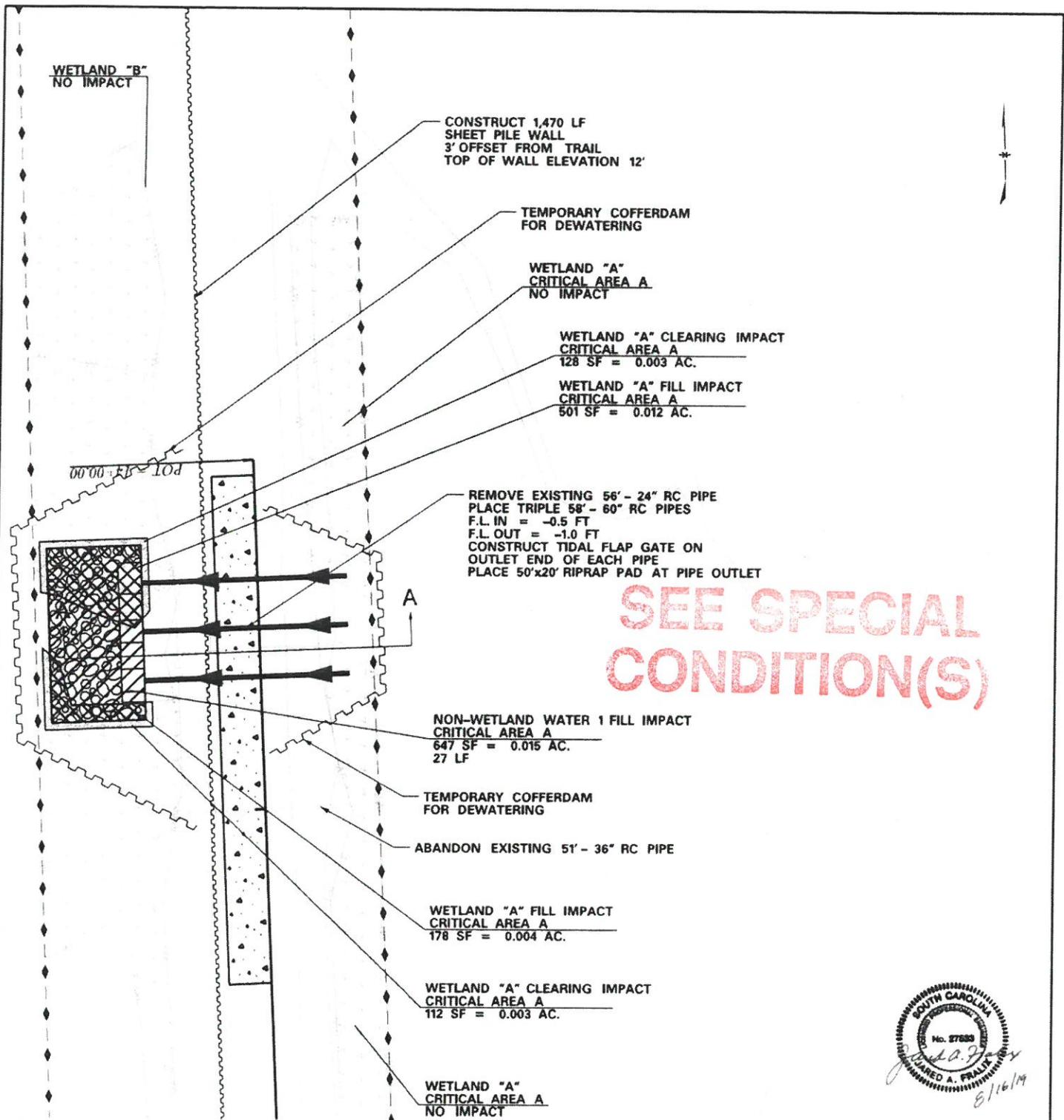
WETLAND "D"

**SEE SPECIAL
CONDITION(S)**

SPANISH MOSS TRAIL



APPLICANT	PREPARED BY	SHEET TITLE	PROJECT TITLE
CITY OF BEAUFORT	JE INFRASTRUCTURE CONSULTING & ENGINEERING	SHEET INDEX	MOSSY OAK BASIN 2 IMPROVEMENT PROJECT
		N.T.S.	
			SHEET No. 1 OF 4



**SEE SPECIAL
CONDITION(S)**



SHEET TOTAL IMPACTS:
 WETLAND FILL = 679 SF, 0.016 ACRE
 WETLAND CLEARING = 240 SF, 0.006 ACRE
 NON-WETLAND WATER FILL = 647 SF, 0.015 ACRE, 27 LF
 CRITICAL AREA FILL = 1326 SF, 0.031 ACRE
 CRITICAL AREA CLEARING = 240 SF, 0.006 ACRE

- LEGEND**
- - - - - PROJECT STUDY AREA
 - PROPOSED PIPE
 - LIMITS OF CONSTRUCTION
 - LIMITS OF DISTURBANCE
 - 100'
 - WETLAND CUT/FILL IMPACT AREA
 - NON-WETLAND WATER FILL IMPACT AREA
 - WETLAND CLEARING IMPACT

APPLICANT	PREPARED BY	SHEET TITLE	PROJECT TITLE
CITY OF BEAUFORT	JE INFRASTRUCTURE CONSULTING & ENGINEERING	WETLAND IMPACT PLAN VIEW	MOSSY OAKS BASIN 2 IMPROVEMENT PROJECT
		SCALE: 1" = 40'	

SHEET No. 2 OF 4

**SEE SPECIAL
CONDITION(S)**

REMOVE EXISTING DUAL 30" RC PIPES
PLACE TWIN 56" - 60" RC PIPES
F.L. IN = 2.0 FT
F.L. OUT = 1.8 FT
PLACE 15'x20' RIPRAP PAD AT PIPE OUTLET

NON-WETLAND WATER 1 FILL
CRITICAL AREA A
1056 SF = 0.024 AC.
37 LF

TEMPORARY COFFERDAM
FOR DEWATERING

WETLAND "D" CLEARING IMPACT
107 SF = 0.003 AC.

WETLAND "D" FILL IMPACT
672 SF = 0.015 AC.

SHEET TOTAL IMPACTS:

WETLAND FILL = 672 SF, 0.015 ACRE
WETLAND CLEARING = 107 SF, 0.003 ACRE
NON-WETLAND WATER FILL = 1056 SF, 0.024 ACRE, 37 LF
CRITICAL AREA FILL = 1056 SF, 0.024 ACRE
CRITICAL AREA CLEARING = 0 SF, 0.000 ACRE

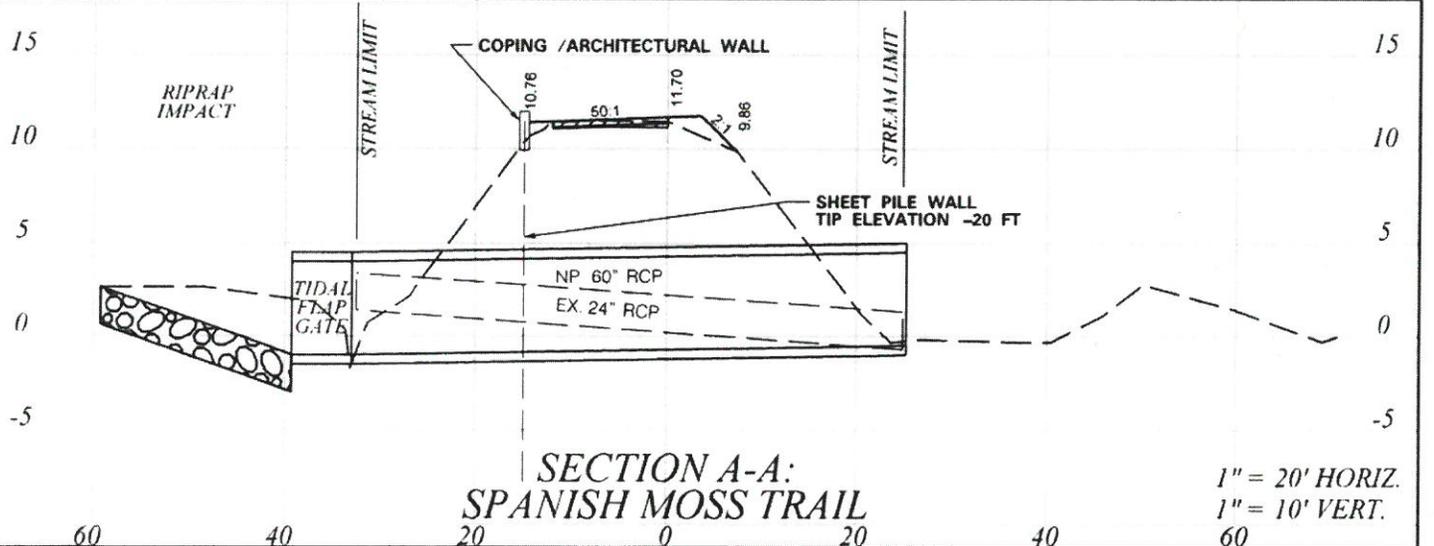
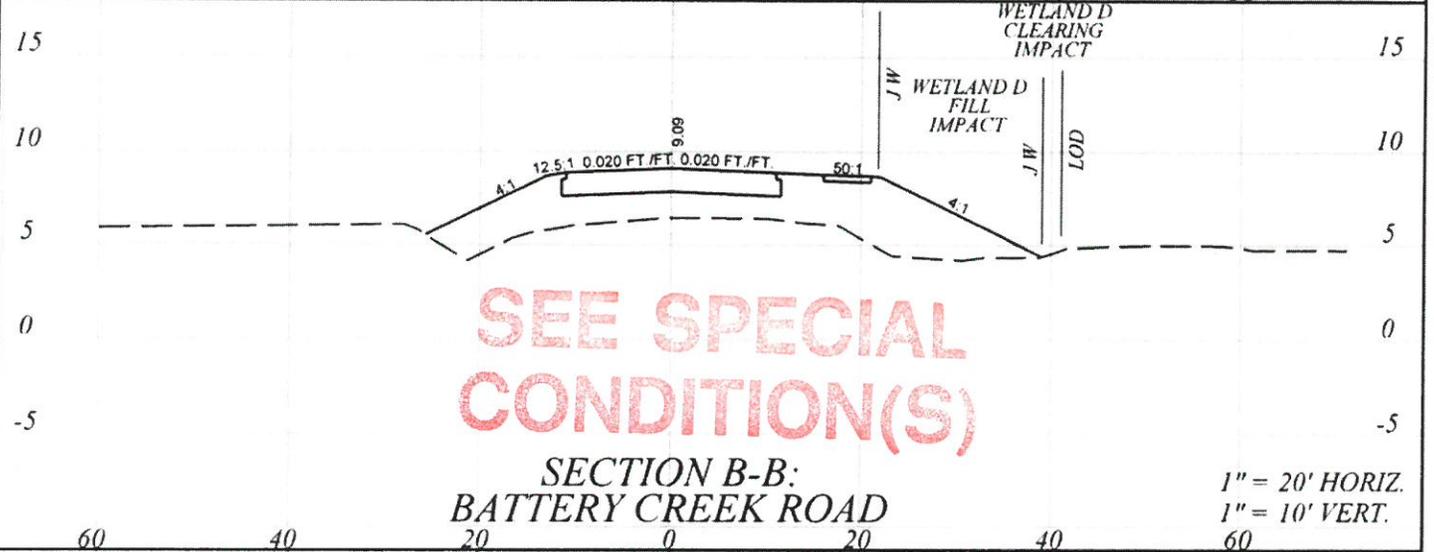
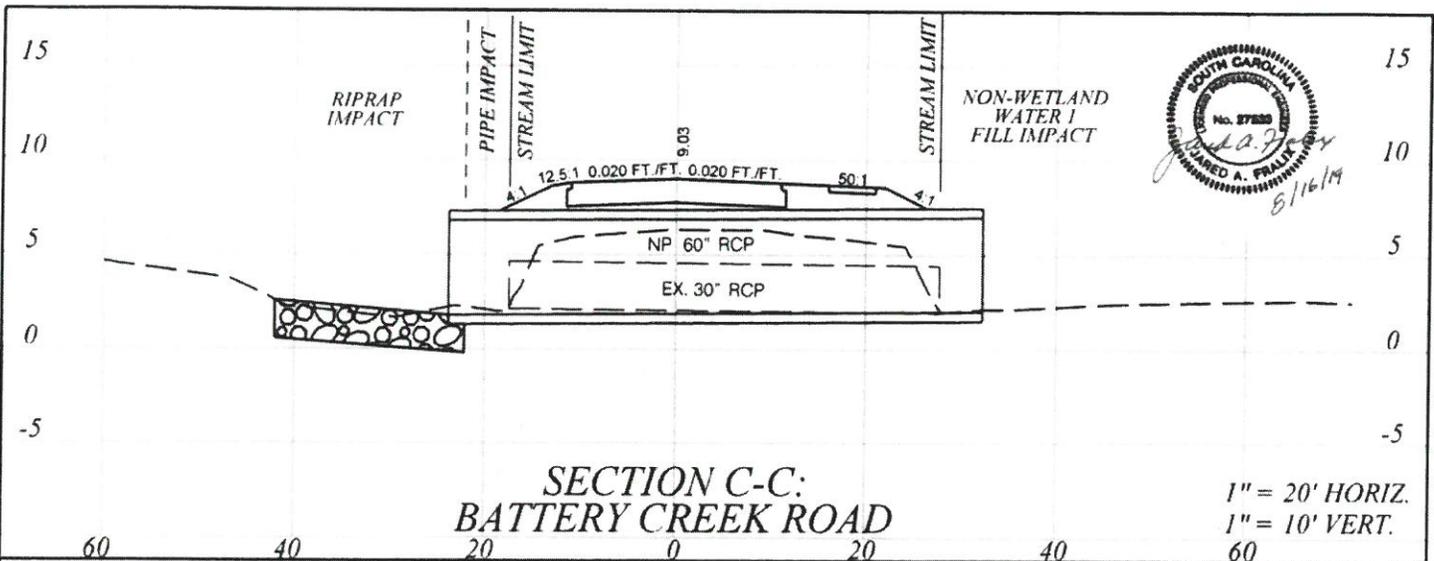


LEGEND

- - - - - PROJECT STUDY AREA
- PROPOSED PIPE
- - - - - LIMITS OF CONSTRUCTION
- - - - - LIMITS OF DISTURBANCE
- ▨ WETLAND CUT/FILL IMPACT AREA
- ▨ NON-WETLAND WATER FILL IMPACT AREA
- ▨ WETLAND CLEARING IMPACT

APPLICANT	PREPARED BY	SHEET TITLE	PROJECT TITLE
CITY OF BEAUFORT	INFRASTRUCTURE CONSULTING & ENGINEERING	WETLAND IMPACT PLAN VIEW	MOSSY OAKS BASIN 2 IMPROVEMENT PROJECT
		SCALE: 1" = 40'	

SHEET No. 3 OF 4



APPLICANT	PREPARED BY	SHEET TITLE	PROJECT TITLE
CITY OF BEAUFORT	JE INFRASTRUCTURE CONSULTING & ENGINEERING	WETLAND CROSS-SECTION & PROFILES	MOSSY OAKS BASIN 2 IMPROVEMENT PROJECT

SHEET No. 4 OF 4

South Carolina Board of Health and Environmental Control

Guide to Board Review

Pursuant to S.C. Code Ann. § 44-1-60

The decision of the South Carolina Department of Health and Environmental Control (Department) becomes the final agency decision fifteen (15) calendar days after notice of the decision has been mailed to the applicant, permittee, licensee and affected persons who have requested in writing to be notified, unless a written request for final review accompanied by a filing fee in the amount of \$100 is filed with Department by the applicant, permittee, licensee or affected person.

Applicants, permittees, licensees, and affected parties are encouraged to engage in mediation or settlement discussions during the final review process.

If the Board declines in writing to schedule a final review conference, the Department's decision becomes the final agency decision and an applicant, permittee, licensee, or affected person may request a contested case hearing before the Administrative Law Court within thirty (30) calendar days after notice is mailed that the Board declined to hold a final review conference. In matters pertaining to decisions under the South Carolina Mining Act, appeals should be made to the South Carolina Mining Council.

I. Filing of Request for Final Review

1. A written Request for Final Review (RFR) and the required filing fee of one hundred dollars (\$100) must be received by Clerk of the Board within fifteen (15) calendar days after notice of the staff decision has been mailed to the applicant, permittee, licensee, or affected persons. If the 15th day occurs on a weekend or State holiday, the RFR must be received by the Clerk on the next working day. RFRs will not be accepted after 5:00 p.m.
2. RFRs shall be in writing and should include, at a minimum, the following information:
 - The grounds for amending, modifying, or rescinding the staff decision;
 - a statement of any significant issues or factors the Board should consider in deciding how to handle the matter;
 - the relief requested;
 - a copy of the decision for which review is requested; and
 - mailing address, email address, if applicable, and phone number(s) at which the requestor can be contacted.
3. RFRs should be filed in person or by mail at the following address:

South Carolina Board of Health and Environmental Control
Attention: Clerk of the Board
2600 Bull Street
Columbia, South Carolina 29201

Alternatively, RFR's may be filed with the Clerk by facsimile (803-898-3393) or by electronic mail (boardclerk@dhec.sc.gov).
4. The filing fee may be paid by cash, check or credit card and must be received by the 15th day.
5. If there is any perceived discrepancy in compliance with this RFR filing procedure, the Clerk should consult with the Chairman or, if the Chairman is unavailable, the Vice-Chairman. The Chairman or the Vice-Chairman will determine whether the RFR is timely and properly filed and direct the Clerk to (1) process the RFR for consideration by the Board or (2) return the RFR and filing fee to the requestor with a cover letter explaining why the RFR was not timely or properly filed. Processing an RFR for consideration by the Board shall not be interpreted as a waiver of any claim or defense by the agency in subsequent proceedings concerning the RFR.
6. If the RFR will be processed for Board consideration, the Clerk will send an Acknowledgement of RFR to the Requestor and the applicant, permittee, or licensee, if other than the Requestor. All personal and financial identifying information will be redacted from the RFR and accompanying documentation before the RFR is released to the Board, Department staff or the public.
7. If an RFR pertains to an emergency order, the Clerk will, upon receipt, immediately provide a copy of the RFR to all Board members. The Chairman, or in his or her absence, the Vice-Chairman shall based on the circumstances, decide whether to refer the RFR to the RFR Committee for expedited review or to decline in writing to schedule a Final Review Conference. If the Chairman or Vice-Chairman determines review by the RFR Committee is appropriate, the Clerk will forward a copy of the RFR to Department staff and Office of General Counsel. A Department response and RFR Committee review will be provided on an expedited schedule defined by the Chairman or Vice-Chairman.
8. The Clerk will email the RFR to staff and Office of General Counsel and request a Department Response within eight (8) working days. Upon receipt of the Department Response, the Clerk will forward the RFR and Department Response to all Board members for review, and all Board members will confirm receipt of the RFR to the Clerk by email. If a Board member does not confirm receipt of the RFR within a twenty-four (24) hour period, the Clerk will contact the Board member and confirm receipt. If a Board member believes the RFR should be considered by the RFR Committee, he or she will

respond to the Clerk's email within forty-eight (48) hours and will request further review. If no Board member requests further review of the RFR within the forty-eight (48) hour period, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Final Review Conference. Contested case guidance will be included within the letter.

NOTE: If the time periods described above end on a weekend or State holiday, the time is automatically extended to 5:00 p.m. on the next business day.

9. If the RFR is to be considered by the RFR Committee, the Clerk will notify the Presiding Member of the RFR Committee and the Chairman that further review is requested by the Board. RFR Committee meetings are open to the public and will be public noticed at least 24 hours in advance.
10. Following RFR Committee or Board consideration of the RFR, if it is determined no Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Conference. Contested case guidance will be included within the letter.

II. Final Review Conference Scheduling

1. If a Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, informing the Requestor of the determination.
2. The Clerk will request Department staff provide the Administrative Record.
3. The Clerk will send Notice of Final Review Conference to the parties at least ten (10) days before the Conference. The Conference will be publically noticed and should:
 - include the place, date and time of the Conference;
 - state the presentation times allowed in the Conference;
 - state evidence may be presented at the Conference;
 - if the conference will be held by committee, include a copy of the Chairman's order appointing the committee; and
 - inform the Requestor of his or her right to request a transcript of the proceedings of the Conference prepared at Requestor's expense.
4. If a party requests a transcript of the proceedings of the Conference and agrees to pay all related costs in writing, including costs for the transcript, the Clerk will schedule a court reporter for the Conference.

III. Final Review Conference and Decision

1. The order of presentation in the Conference will, subject to the presiding officer's discretion, be as follows:
 - Department staff will provide an overview of the staff decision and the applicable law to include [10 minutes]:
 - Type of decision (permit, enforcement, etc.) and description of the program.
 - Parties
 - Description of facility/site
 - Applicable statutes and regulations
 - Decision and materials relied upon in the administrative record to support the staff decision.
 - Requestor(s) will state the reasons for protesting the staff decision and may provide evidence to support amending, modifying, or rescinding the staff decision. [15 minutes] *NOTE: The burden of proof is on the Requestor(s)*
 - Rebuttal by Department staff [15 minutes]
 - Rebuttal by Requestor(s) [10 minutes]

Note: Times noted in brackets are for information only and are superseded by times stated in the Notice of Final Review Conference or by the presiding officer.
2. Parties may present evidence during the conference; however, the rules of evidence do not apply.
3. At any time during the conference, the officers conducting the Conference may request additional information and may question the Requestor, the staff, and anyone else providing information at the Conference.
4. The presiding officer, in his or her sole discretion, may allow additional time for presentations and may impose time limits on the Conference.
5. All Conferences are open to the public.
6. The officers may deliberate in closed session.
7. The officers may announce the decision at the conclusion of the Conference or it may be reserved for consideration.
8. The Clerk will mail the written final agency decision (FAD) to parties within 30 days after the Conference. The written decision must explain the basis for the decision and inform the parties of their right to request a contested case hearing before the Administrative Law Court or in matters pertaining to decisions under the South Carolina Mining Act, to request a hearing before the South Carolina Mining Council.. The FAD will be sent by certified mail, return receipt requested.
9. Communications may also be sent by electronic mail, in addition to the forms stated herein, when electronic mail addresses are provided to the Clerk.

The above information is provided as a courtesy; parties are responsible for complying with all applicable legal requirements.