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South Carolina Department of Health
and Environmental Control

Permit for Construction in Navigable Waters

in Accordance with R. 19-450 et. seq., 1976 S.C. Code of Laws

PERMITTEE: **General Public**
PERMIT NUMBER: **SC GP-2007-001 (Revised)**
DESCRIPTION OF WORK: Construction, installation, maintenance and/or repair of piers, floating docks (including joint use and community docks), boat lifts, mooring piles, dolphins, covered boat sheds and dock covers, for private non-commercial uses within.

DATE PERMIT ISSUED: December 09, 2015
CONSTRUCTION MUST BE COMPLETED BY: December 09, 2020

We have reviewed plans for this project and determined that there is a reasonable assurance that the proposed project will be conducted in a manner consistent with the permitting requirements of R. 19-450 et. seq., 1976 S.C. Code of Laws. The SC Department of Health and Environmental Control has also determined that this work is consistent with the Coastal Zone Management Program (48-39-10 et. seq.).

This Construction in Navigable Waters Permit and Coastal Zone Management Program Consistency Certification is subject to all of the terms and conditions contained therein.

The SC Department of Health and Environmental Control reserves the right to impose additional conditions on this Permit to respond to unforeseen, specific problems that might arise and to take any enforcement action necessary to ensure compliance with State standards.

All activities authorized by this permit remain subject to the requirements of all applicable laws, regulations and ordinances of federal, state, and local governments. The permittee may not conduct or maintain any activities authorized by this permit unless such activities also comply with all other applicable laws, regulations and ordinances of federal, state and local governments.

This permit shall not be deemed to be in derogation of any property rights or interests of persons or entities other than the permittee with respect to (a) property upon which the permitted activity is situated, or (b) property affected by the permitted activity. This permit confers upon the permittee no greater rights than the permittee possessed before issuance of the permit with respect to property rights or interests of third persons or entities.

Heather Preston — 12/9/15

Heather Preston, Director
Division of Water Quality

Date

General Permit No.:	SC GP-2007-001 (revised)
Name of Applicant:	The General Public
Effective Date:	December 9, 2015
Expiration Date:	December 9, 2020

South Carolina Department of Health and Environmental Control
General Permit

A General Permit to perform work in or affecting the navigable waters of South Carolina, pursuant to regulations and procedures established under R.19-450, Permits for Construction in Navigable Waters, as amended, is hereby issued by the South Carolina Department of Health and Environmental Control (the Department) to:

The General Public

To authorize, subject to the general and special conditions contained herein, the construction, installation, maintenance and/or repair of piers, floating docks (including joint use and community docks), boat lifts, mooring piles, dolphins, covered boat sheds and dock covers, for private non-commercial uses within. This is a revision to, and replacement for, the General Permit SC GP 2007-001 issued on November 7, 2007.

NAVIGABLE WATERS IDENTIFIED HEREIN

I. **Permit Area**

A. This permit authorizes construction in, on, over, or under all navigable waters of South Carolina, as defined at R.19-450.2.C, except those navigable waters identified in Part I.B. below.

B. This permit does not authorize construction in, on, over, or under the following navigable waters:

1. **Waters for which the Department has issued another general permit to construct.** These waters include Fishing Creek, Gaston Shoals, Great Falls, Lake Greenwood, Lake J. Strom Thurmond, Lake Keowee, Lake Marion, Lake Moultrie, Lake Murray, Lake Robinson, Lake Wateree, Lake Wylie, Ninety Nine Islands, and Rocky Creek.

2. **Waters within the critical area of the coastal zone of South Carolina.** The critical area includes coastal waters and tidelands as defined at Section 48-39-10 of the South Carolina Coastal Zone Management Act (48-39-10 *et. seq.*).

3. **Those Segments of rivers designated as Scenic River Corridors.** These include the following river corridors.

Ashley River Corridor. This 22-mile segment of the river extends from Sland's Bridge (US Highway 17-A) near Summerville to the Mark Clark expressway (I-526) bridge in Charleston.

Black River Corridor. This 75-mile segment of the river begins at County Road #40 in Clarendon County, and extends southeast through Williamsburg County to Pea House Landing at the end of County Road #38 in Georgetown County.

Broad River Corridor. This segment of the river flows from 99 Islands dam to the confluence with the Pacolet River.

Great Pee Dee River Corridor. This segment of the river runs from the US 378 Bridge between Florence and Marion Counties to the US 17 Bridge in Georgetown.

Little Pee Dee River Corridor. This 14-mile segment of the river flows from Highway 378 to the confluence with the Great Pee Dee River.

Little Pee Dee River of Dillon County Corridor. This 48-mile segment of the river flows through Dillon County from the Marlboro County line above Parish Mill Bridge on State Road 363 to the confluence with Buck Swamp at the Marion County line.

Lower Saluda River Corridor. This 10-mile segment of the river flows from one mile below Lake Murray Dam to its confluence with the Broad River.

Middle Saluda River Corridor. This approximately 5-mile segment of the river is located completely within Jones Gap State Park and includes its major tributary, Coldspring Branch. The segment extends from U.S. Highway 276 to a point about one mile upstream of the abandoned Cleveland Fish Hatchery.

Lynches River Corridor. This 54-mile segment flows through four counties (Darlington, Florence, Lee and Sumter). The segment flows from US 15 in Lee County to the eastern boundary of Lynches River County Park in Florence County.

4. **Waterbodies with unique physiography.** This includes Lake Jocassee due to limited shoreline and steep slopes.

5. **Waterbodies classified as Outstanding Resource Waters (ORW) Outstanding National Resource Waters (ONRW).** These are waters classified as ORW or ONRW pursuant to South Carolina's Water Classification and Standards Regulation, R.61-69.

II. Authorization to Construct

A. **Duty to Apply.** In order to be authorized to construct under this permit, an applicant must apply as specified in Part II.A.1 or 2 below.

1. **All waters except federal channels and those waters excluded under Part I B of this permit.** For construction projects in these waters, the applicant may submit to the Department a *Permit Application for Construction in Navigable Waters*. The application form may be obtained by going to the Department's Internet page at: http://www.scdhec.net/eqc/water/forms/navwtrs.pdf, or a copy may be obtained by calling the Department at (803) 898-4300. Mail the application to:

Division of Water Quality
Bureau of Water
SC DHEC
2600 Bull Street

Columbia, South Carolina 29201-1708

2. **Federal channels**. For construction projects in federal channels subject to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), the applicant must apply to both the Department and the U.S. Army Corps of Engineers (USACE), Charleston District.

a. The applicant must apply as follows. A Joint Federal and State Application Form for Activities Affecting Waters of the United States or Critical Areas of South Carolina (joint application form) must be submitted to the USACE at the address below. The application form may be obtained by going to the USACE's Internet page at: http://www.sac.usace.army.mil/permits/form_01may.pdf, or a copy may be obtained by calling the USACE at 866 329-8187. In addition to submitting the original application to the USACE, a copy must be sent to the Bureau of Water at the address above, and to the Department's Office of Ocean and Coastal Resource Management (OCRM) at the address below. An application should be mailed to OCRM only if the project falls in one of the eight coastal counties. No authorized work can commence until the "authorization to commence work placard" is obtained from OCRM and posted. The placard is not valid until all other federal, state, and local permits have been issued for the activity. The coastal counties are Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry, and Jasper County.

U.S. Army Corps of Engineers
Charleston District, Regulatory Div.
69A Hagood Avenue
Charleston, S.C. 29403-5107

Attention: Wetlands Section
SC DHEC
Ocean and Coastal Resource Management
1362 McMillan Ave., Suite 400
Charleston, S.C. 29405

b. For purposes of this part, federal channels include all or portions of the following waterways:

Adams Creek
Atlantic Intracoastal Waterway (AIWW)
Ashley River
Brookgreen Garden Canal
Calabash Creek
Charleston Harbor (including the Cooper River and Town Creek)
Folly River
Georgetown Harbor (Winyah Bay, Sampit River, and Bypass Channel)
Jeremy Creek
Little River Inlet
Murrells Inlet
Port Royal Harbor
Savannah River
Shem Creek (including Hog Island Channel and Mount Pleasant Channel)
Shipyard Creek
Village Creek
Wando River

3. **Complete Application**. The Department may request additional information to complete the application requirements of Part II.A.1 or 2 of this permit.

B. Authorization

1. **Authorization** An applicant is authorized to construct under this permit on the date of the Department's letter to the applicant, or the applicant's agent, giving notice of authorization.

2. **Period of Authorization** An applicant is authorized to construct under this permit for three years after the date of the Department's letter giving notice that the applicant has been authorized to construct under the permit. Construction must be completed within three years of the date of the letter, unless the authorization time is extended as set forth in Part II.B.3 of this permit.

3. **Extension of Authorization Time** A permittee may extend the authorization time to construct under this permit for up to three years, provided the request is submitted to the Department in writing prior to the expiration of the last authorization period, and prior to [three years from date of issuance], the date this general permit expires. The letter must state whether there has been any change in the circumstances since the last authorization was granted and the reason for the extension of time.

III. General Conditions:

A. Structures authorized by this General Permit shall be private, noncommercial, simple piers, docks, boatlifts, moorings, and boathouses conforming to the standards contained herein.

B. All activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and any variance or activity not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension, or revocation of this permit, and in the institution of such legal proceedings as the Department may consider appropriate.

C. The structure owner must make every reasonable effort to execute the work authorized herein in a manner so as to minimize any adverse impact of the work on fish, wildlife, and natural environmental values or historic or prehistoric values.

D. The structure owner must execute the work authorized herein in a manner so as to minimize any degradation of water quality.

E. The structure owner shall permit State law enforcement personnel, representatives of the Department, or other authorized State permit inspectors to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

F. The structure owner shall maintain structures authorized herein in good condition.

G. This General Permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or Local laws or regulations, nor does it obviate the requirement to comply with any applicable standards required by ordinance for the construction of structures authorized herein.

H. This General Permit may be either modified, suspended, or revoked in whole or in part if the Department determines that such action would serve the public interest, and such modification, suspension or revocation shall not be an act entitling the permittee to compensation for any claimed

loss as a consequence of such regulatory action, under any circumstances, this permit being issued solely as an accommodation to the permittee, and being revocable as conditions may warrant.

I. No attempt shall be made by the structure owner to prevent reasonable use by the public of all navigable waters adjacent to the activity authorized by this permit.

J. A structure owner who desires to abandon an authorized structure, or who permits a structure to fall in to a state of disrepair such that it no longer conforms to the conditions of this permit, may be required to remove the structure.

K. There shall be no unreasonable interference with navigation by the existence or use of structures authorized herein.

L. Once the project is initiated, is must be carried to completion in an expeditious manner in order minimize the period of disturbance to the environment.

M. A structure owner upon receipt of a notice from the Department of failure to comply with the terms, conditions, or standards of this General Permit shall, within sixty (60) days (unless circumstances require more expeditious action to protect public health, safety, or environment) without expense to the State of South Carolina and in such manner as the agency may direct, effect compliance with terms, conditions, and standards or remove the structure.

N. The Permittee must notify the South Carolina Institute of Archaeology and Anthropology (Mr. Jim Spirek 803 777 8170) in accordance with South Carolina Underwater Antiquities Act of 1991 (Article 5, Chapter 7, Title 54 Code of Laws of South Carolina, 1976) in the event archaeological or paleontological remains are found during the course of work. Archaeological remains consist of any materials made or altered by man which remain from past historic or prehistoric times (i.e., older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools, human burials, historic docks, structures, or nonrecent (i.e., older than 100 years) vessel ruins. Paleontological remains consist of old animal remains, original or fossilized, such as teeth, tusks, bone, or entire skeletons.

O. The permittee must notify the South Carolina Department of Archives and History (803-896-6169, State Historic Preservation Division, 8301 Parklane Road, Columbia, South Carolina29223) if any archaeological materials are encountered during the course of the work. Archaeological materials consists of any items, fifty years 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 skeleton remains. These materials may be present on the ground surface and/or under the surface of the ground.

P. Prior to beginning any land disturbing activity, appropriate erosion control measures, such as silt fences, silt barriers, or other devices must be placed around the construction area and maintained in a functioning capacity until the area is permanently stabilized.

Q. Any activity that may affect any federally listed threatened or endangered species, a species proposed for listing, or designated critical habitat is not authorized by this General Permit.

R. Construction activities must avoid and minimize, to the greatest extent practicable, disturbance of woody shoreline vegetation within the project area. Removal of vegetation should be limited to only what is necessary for construction of the proposed structure.

S. All necessary measures must be taken to prevent oil, tar, trash, and other pollutants from entering adjacent offsite areas/wetlands/water.

SPECIAL NOTE: The term waterbody, for the purposes of this General Permit, is defined as the area measured across the channel from vegetation to vegetation, or in non-vegetated areas, Mean High Water to Mean High Water or Ordinary High Water to Ordinary High Water.

IV. Special Conditions: The following conditions set forth minimum criteria and do not preclude the establishment of more stringent criteria by appropriate authority or agreement.

A. Piers and Floating Docks (on both federal and non-federal channels):

1. All structures authorized by this General Permit shall be designed, located, and/or operated in a manner not to impede the full and free use by the public of all navigable waters. The following standards for the size of piers and floating docks will be followed unless the Department determines in writing that a larger structure is authorized:

    a. Waterbodies smaller than 20 feet wide, as measured from vegetated areas on both sides, shall be restricted to a walkway with a fixed or floating structure no greater than 50 square feet;

    b. Waterbodies between 21 feet and 50 feet wide, as measured from vegetated areas on both sides, shall be restricted to a fixed pier and floating dock combination up to 120 square feet;

    c. Waterbodies between 51 feet and 150 feet wide, as measured from vegetated areas on both sides, shall be restricted to a fixed pier and floating dock combination up to 160 square feet;

    d. Waterbodies larger than 151 feet wide, as measured from vegetated areas on both sides, shall be restricted to a fixed pier and floating dock combination up to 600 square feet.

    e. Additional square footage will be allowed for joint use docks above and beyond the size allowed for individual docks, not to exceed two times that allowed in subsections IV.A.1(a) through (d) contingent upon the sharing of the walkway and pierhead.

2. The maximum width for the dock approach (fixed walkway) shall be restricted to four (4) feet unless the Department determines in writing that a greater width is necessary for safe use or to support a water dependent use that cannot otherwise occur. The dock approach shall also be elevated at least three (3) feet above mean high water.

3. Structures located within twenty (20) feet of the waterward extension of the adjacent property lines are not authorized by this General Permit unless the adjacent property owners agree in writing to a variance in this dimension.

4. The structure shall be constructed of uniform materials, and be structurally adequate and aesthetically compatible with other existing structures.

5. Wood treated with creosote or chromated copper arsenate (CCA) may not be used in the construction.

6. Flotation units of floating structures shall be constructed of material which will not become waterlogged or sink when punctured. Styrofoam billets or equivalent must be encapsulated. Barrels or similar devices are not permitted.

7. Sinks, toilets, showers, or other equipment, which will create or cause any liquid or solid waste to be discharged into waters of the United States are not authorized by this General Permit.

8. Dock cover roofs may be gabled or monosloped. Gabled roofs will not exceed fifteen (15) feet in height from the top of the gable to the pier flooring. Monosloped roofs will not exceed twelve (12) feet in height from the top of the slope to the pier flooring.

9. Enclosed buildings or other structures are not authorized. Boatlifts, boat sheds, and dock covers are permissible provided that they do not block cross-vision. Storage compartments are permissible but will not exceed 14 inches in width, 30 inches in height, and 8 feet in length.

10. Docks that require dredging or excavation in order to create or improve access to navigable waters are not considered single and complete projects and therefore are not authorized by this general permit. All dock structures that require dredging or excavation will be evaluated under an individual permit.

11. This General Permit does not authorize the construction of docks on individual lots for the purposes of selling parcels in newly constructed or proposed subdivisions or developments.

12. This General Permit does not authorize the construction of more than one dock per individual parcel.

B. <u>Mooring Piles, Dolphins and Boat Lifts</u>

1. Mooring piles, dolphins, boat/jet ski lifts and covered boat sheds that are associated with a fixed pier or floating dock shall be located no farther channelward and no farther than 30 feet from either end of the authorized structure.

2. All mooring structures must be well marked in accordance with US Coast Guard regulations.

3. Mooring piles or dolphins must be a minimum of twenty (20) feet from the waterward extension of the adjacent property lines. In addition, any vessels moored to these structures shall not swing or otherwise encroach into the riparian limits of the adjacent property unless the adjacent property owner agrees, in writing, to a variance in this dimension.

4. Mooring piles or dolphins may not be included if the entire docking facility (including piles, dolphins, and/or floats) will provide docking space for more than 10 boats.

5. This General Permit does not authorize more than two (2) personal watercraft lifts.

6. Boat shed roofs may be gabled or monosloped. Gabled roofs will not exceed fifteen (15) feet in height from the top of the gable to the mean high water mark. Monosloped roofs will not exceed twelve (12) feet in height from the top of the slope to the mean high water mark.

7. Wood treated with creosote or chromated copper arsenate (CCA) may not be used in the construction.

V. <u>Consistency with the South Carolina Coastal Zone Management Program</u>. Work authorized under this permit is consistent with the SC Coastal Zone Management Program (48-39-10 *et. Seq.*, and 15 CFR 93), provided the permittee adheres all parts of this permit.

VI. Penalties for Violation. Authorization obtained under this General Permit limits the size, length and

use of structures. Any deviation from the specifications or other terms or conditions of the General Permit would constitute a violation of regulations and could result in removal of the structures or work and restoration of the waterway to its former condition and/or imposition of penalties as provided by law.

VII. Revocation of General Permit. This General Permit may be withdrawn by issuance of a public notice at any time the Department determines that the singular or cumulative effects of the activities authorized herein have an adverse effect on the public interest. Following such revocation any future activities in areas covered by this General Permit will be processed as individual permits.

VIII. Duration of the General Permit. This permit will cover activities started within five (5) years and completed within six (6) years after the date of issuance unless this permit is revoked in the interim. A revocation of the General Permit will not affect the work that had been authorized when the General Permit was in effect.

This General Permit shall become effective on the date signed by the Department.

By Authority of the South Carolina Department of Health and Environmental Control

Heather S Rest — 12/9/15

Signature — Date

Water Quality Division Director

Title