

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

CRITICAL AREA PERMIT & COASTAL ZONE CONSISTENCY CERTIFICATION

Permittee(s): Tom Rowland, Point Farm MB, LLC

Permit Number(s): OCRM03332

Date of Issuance: March 2, 2022

Expiration Date: March 2, 2027

Location: On and adjacent to the North Edisto River and Leadenwah Creek at Point Farm Road, Wadmalaw Island, Charleston County, South Carolina (TMS#: 1350000001)

**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: the permittee is impacting tidelands critical areas in order to perform the activities necessary to enhance and restore former tidal salt marshes. Specifically, the enhancement activities consist of removing a berm and constructing a tidal channel to connect to the existing tidal streambed restoring a 17.36-acre jurisdictional saltwater pond to tidal saltmarsh for 0.14 acres of critical area impacts. The restoration activities consist of removing a berm and constructing a tidal channel in order to restore 10.14 acres of jurisdictional freshwater and brackish water impoundments to tidal saltmarsh for 0.23 acres of critical area impacts. The total critical area impacts resulting from this activity will be 0.37 acres of excavation impacts.

SPECIAL CONDITIONS

1. The permittee is required to keep adjacent critical areas free of construction materials, litter, debris, chemical contaminants, etc.
2. No materials are allowed to be stored in the critical area adjacent to the construction site.
3. 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.
4. The applicant must implement best management practices during construction to minimize erosion and migration of sediments off-site. These practices may include use of mulches, hay bales, silt fences, or other

devices capable of preventing erosion and migration of sediments. All disturbed land surfaces must be stabilized upon project completion. Once stabilization is accomplished all silt fencing, hay bales, etc. must be removed by the applicant.

5. Once the project is initiated, it must be carried to completion in an expeditious manner in order to minimize the period of disturbance to the environment.
6. 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.

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: **OCRM03332**

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



PERMITTEE(S)
Tom Rowland, Point Farm MB, LLC

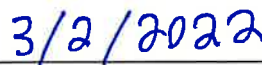


DATE

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
Sarah E. Reed
Or Other Authorized State Official



DATE

**SEE SPECIAL
CONDITION(S)**

**SEE SPECIAL
CONDITION(S)**

GENERAL CONDITIONS:

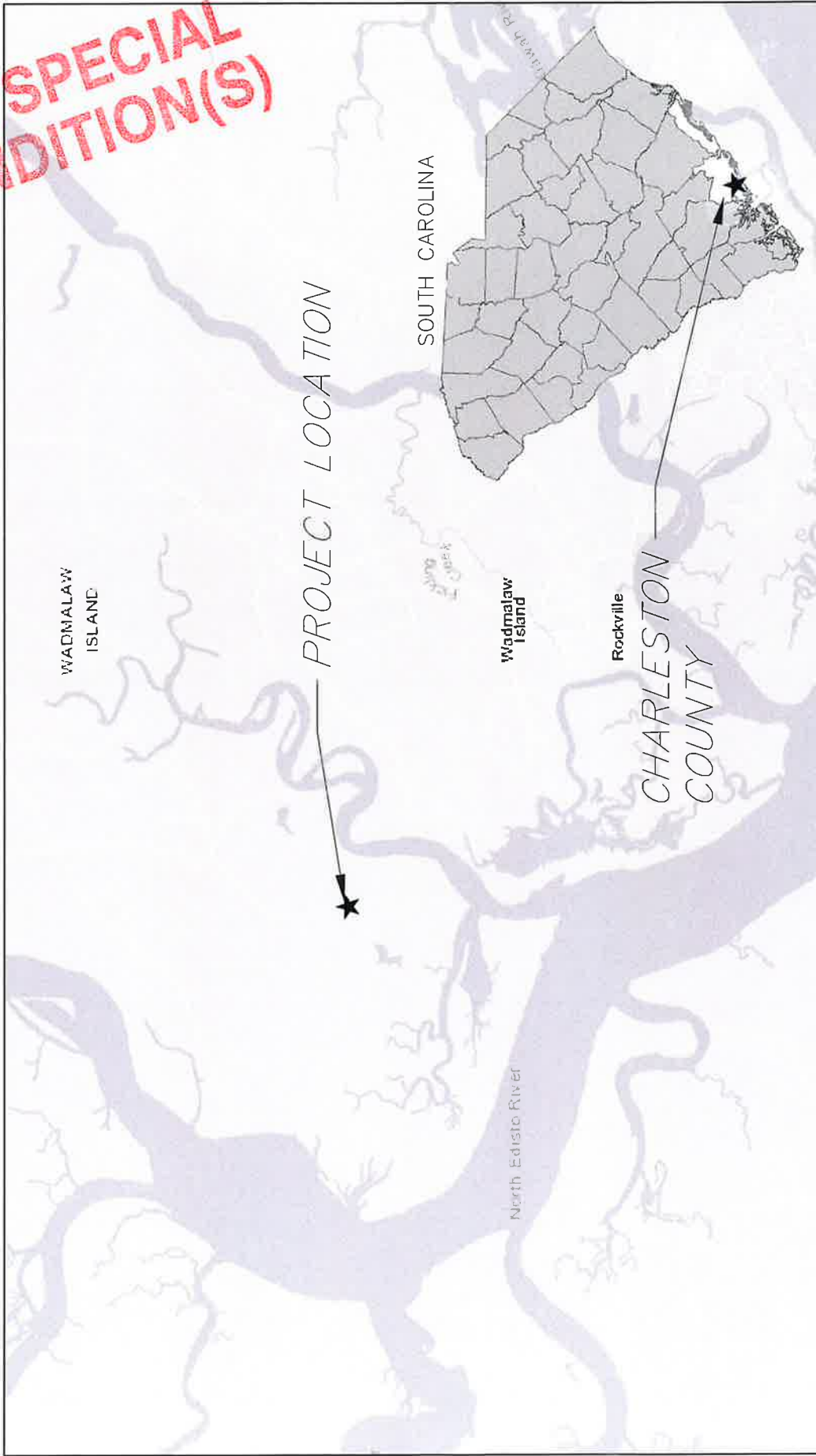
This construction and use permit is expressly contingent upon the following conditions which are binding on the permittee:

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)



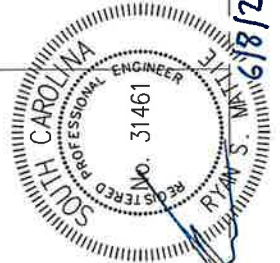
FOR PERMITTING PURPOSES ONLY

POINT FARM SALT MARSH ENHANCEMENT AND RESTORATION
 CRITICAL AREA PERMIT - JMT JOB #16-0618-011
 DATUM: NAVD88 AT LEADENWAH CREEK, SC 8666775
 PROJECT LOCATION:
 LATITUDE: 32°63'07.00"N
 LONGITUDE: 80°22'86.90"W
 APPLICANT:
 POINT FARM MB, LLC.
 DATE: SEPTEMBER, 2020

VICINITY MAP

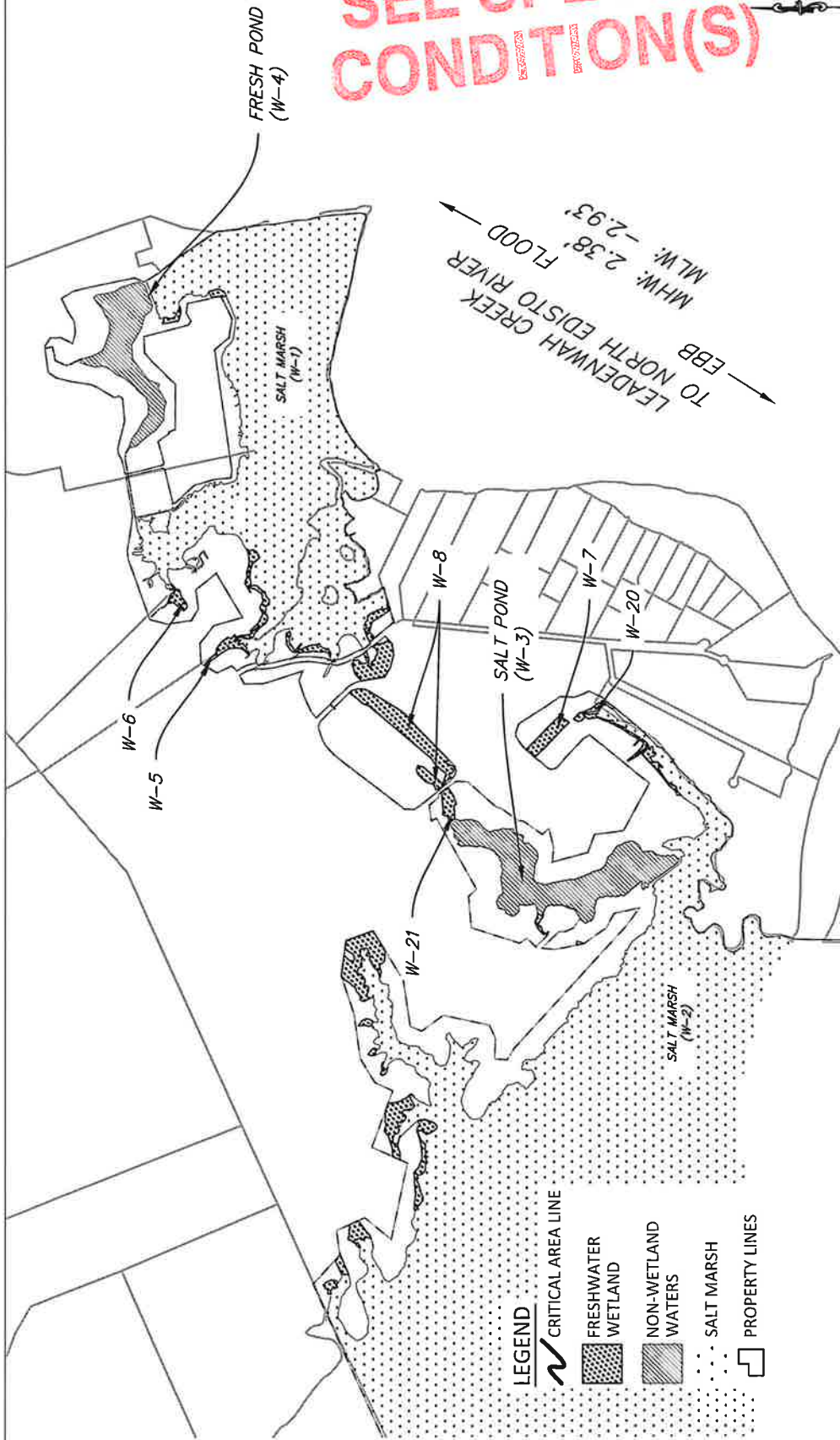
SHEET: 1

1" = 10 mi



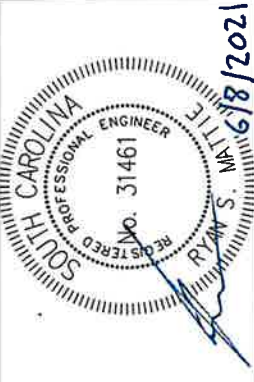
12021

**SEE SPECIAL
CONDITION(S)**



- LEGEND**
- CRITICAL AREA LINE
 - FRESHWATER WETLAND
 - NON-WETLAND WATERS
 - SALT MARSH
 - PROPERTY LINES

*CRITICAL AREA LINE APPROVED BY PAUL WOJOSKI ON 03/20/17

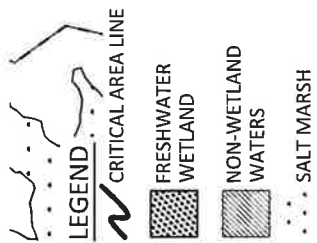
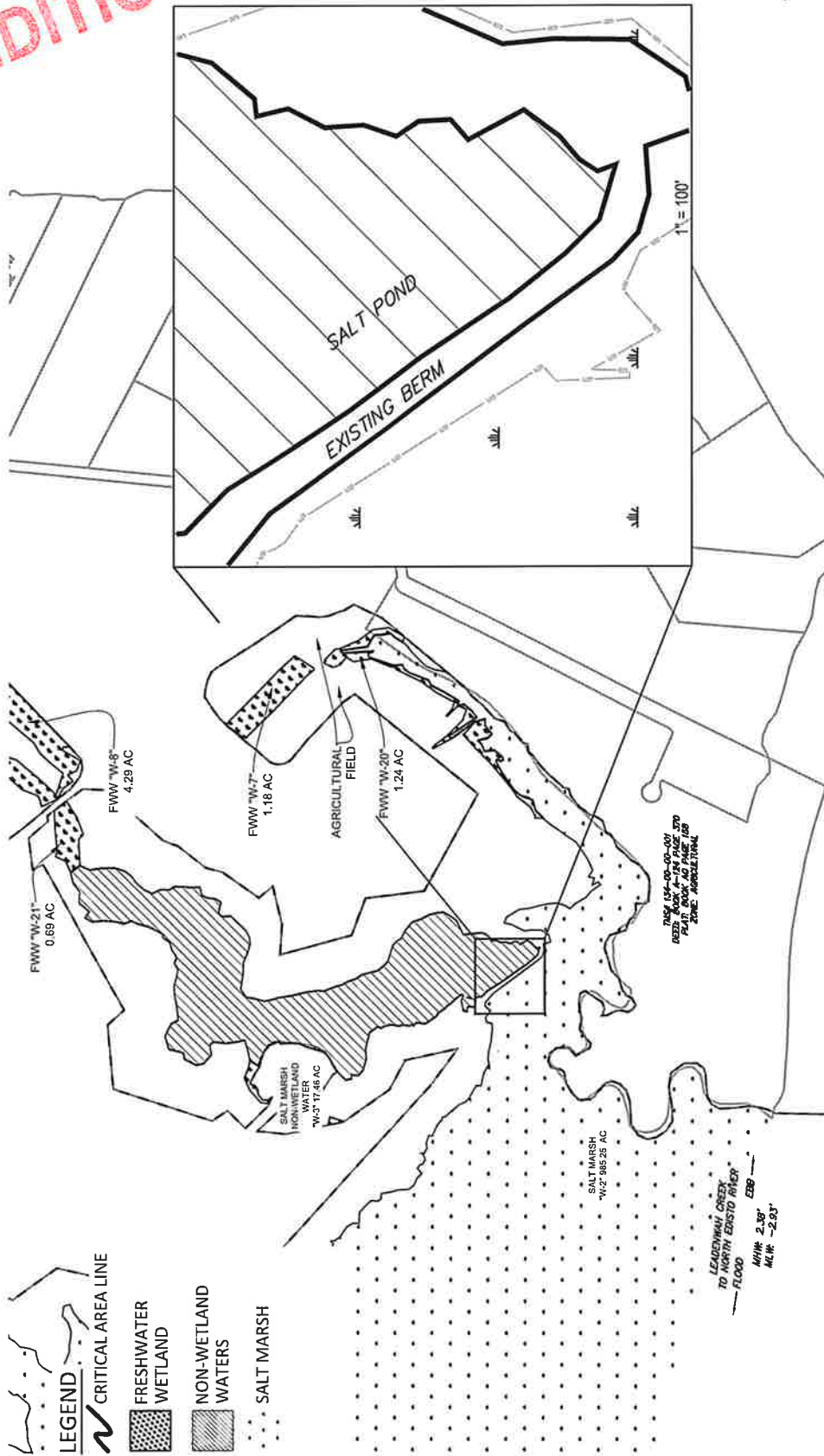


POINT FARM SALT MARSH ENHANCEMENT AND RESTORATION
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 APPLICANT:
 POINT FARM MB, LLC.
 DATE: SEPTEMBER, 2020

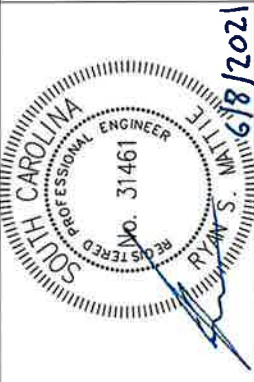
SITE KEY
 SHEET: 2
 1" = 1,500'



SEE SPECIAL
CONDITION(S)



*CRITICAL AREA LINE APPROVED BY PAUL WOJOSKI ON 03/20/17



PARCELS AND
EXISTING CONDITIONS
SALT POND

SHEET: 3

1" = 750'

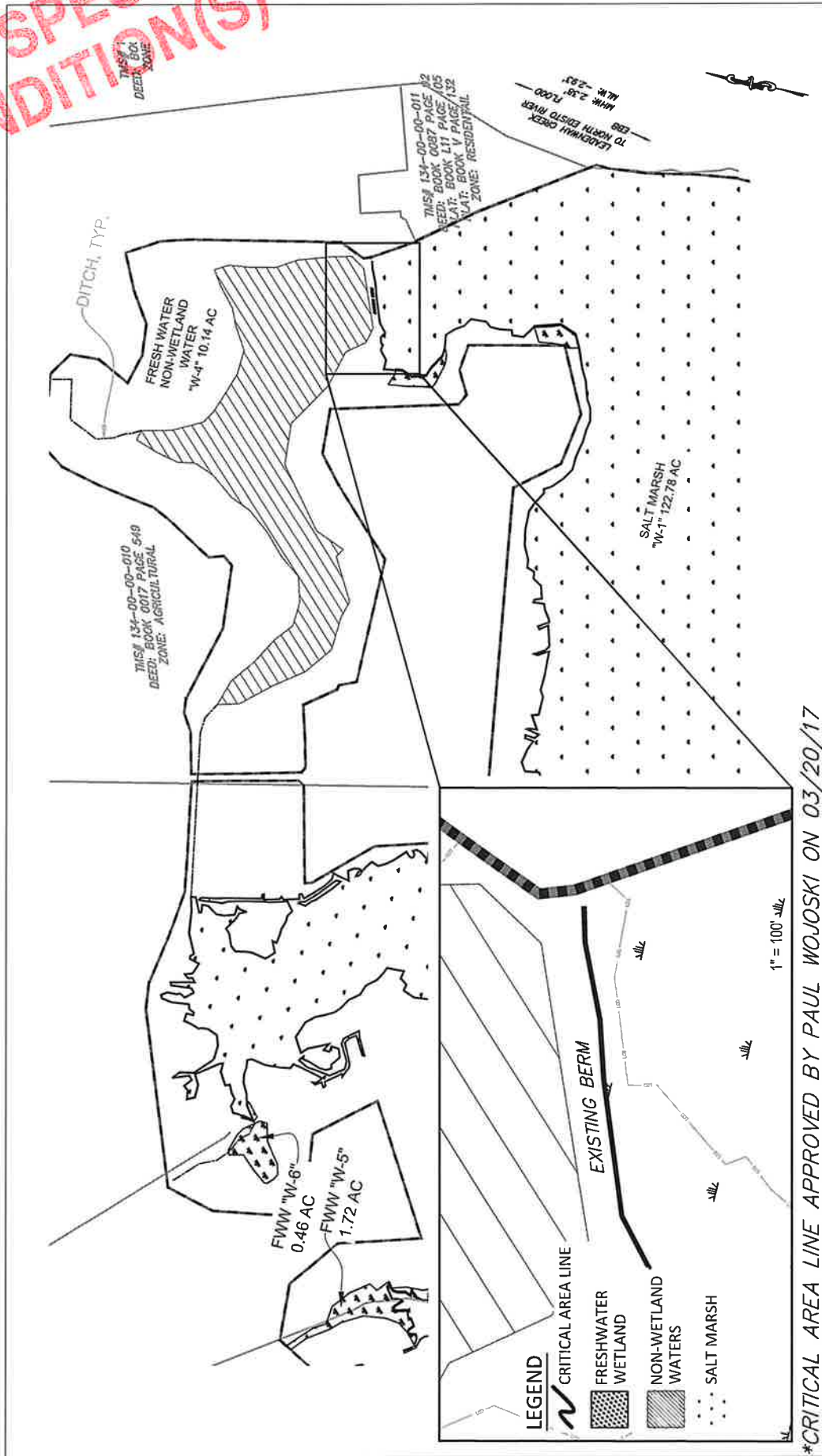
POINT FARM SALT MARSH ENHANCEMENT AND RESTORATION
CRITICAL AREA PERMIT - JMT JOB #16-0618-011
DATUM: NAVD88 AT LEADENWAH CREEK, SC 8666775
PROJECT LOCATION:
LATITUDE: 32°63'07.00"N
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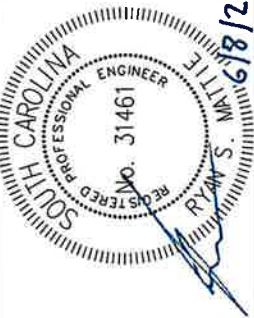
APPLICANT:
POINT FARM MB, LLC.
DATE: SEPTEMBER, 2020



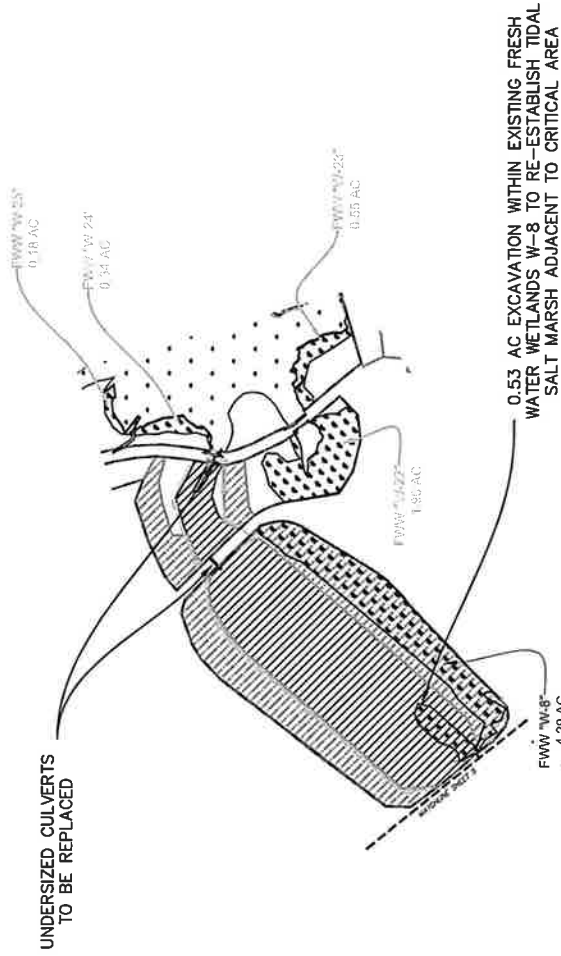
FOR PERMITTING PURPOSES ONLY

**SEE SPECIAL
CONDITION(S)**



 <p>FOR PERMITTING PURPOSES ONLY</p>	<p>POINT FARM SALT MARSH ENHANCEMENT AND RESTORATION CRITICAL AREA PERMIT - JMT JOB #16-0618-011 DATUM: NAVD88 AT LEADENWAH CREEK, SC 8666775 PROJECT LOCATION: LATITUDE: 32°53'07.00"N LONGITUDE: 80°22'56.90"W</p> <p>APPLICANT: POINT FARM MB, LLC. DATE: SEPTEMBER, 2020</p>	<p>PARCELS AND EXISTING CONDITIONS FRESH POND</p> <p>SHEET: 4</p> <p>1" = 500'</p>	
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**SEE SPECIAL
CONDITION(S)**



- LEGEND**
- CRITICAL AREA LINE
 - FRESHWATER WETLAND
 - NON-WETLAND WATERS
 - SALT MARSH
 - LOW MARSH ESTABLISHMENT/RESTORATION
 - HIGH MARSH ESTABLISHMENT/RESTORATION
 - UPLAND BUFFER ESTABLISHMENT/RESTORATION
 - LIMITS OF DISTURBANCE

*CRITICAL AREA LINE APPROVED BY PAUL WOJOSKI ON 03/20/17



POINT FARM SALT MARSH ENHANCEMENT AND RESTORATION
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 DATE: SEPTEMBER, 2020

PROPOSED CONDITIONS
 AGRICULTURAL AREAS

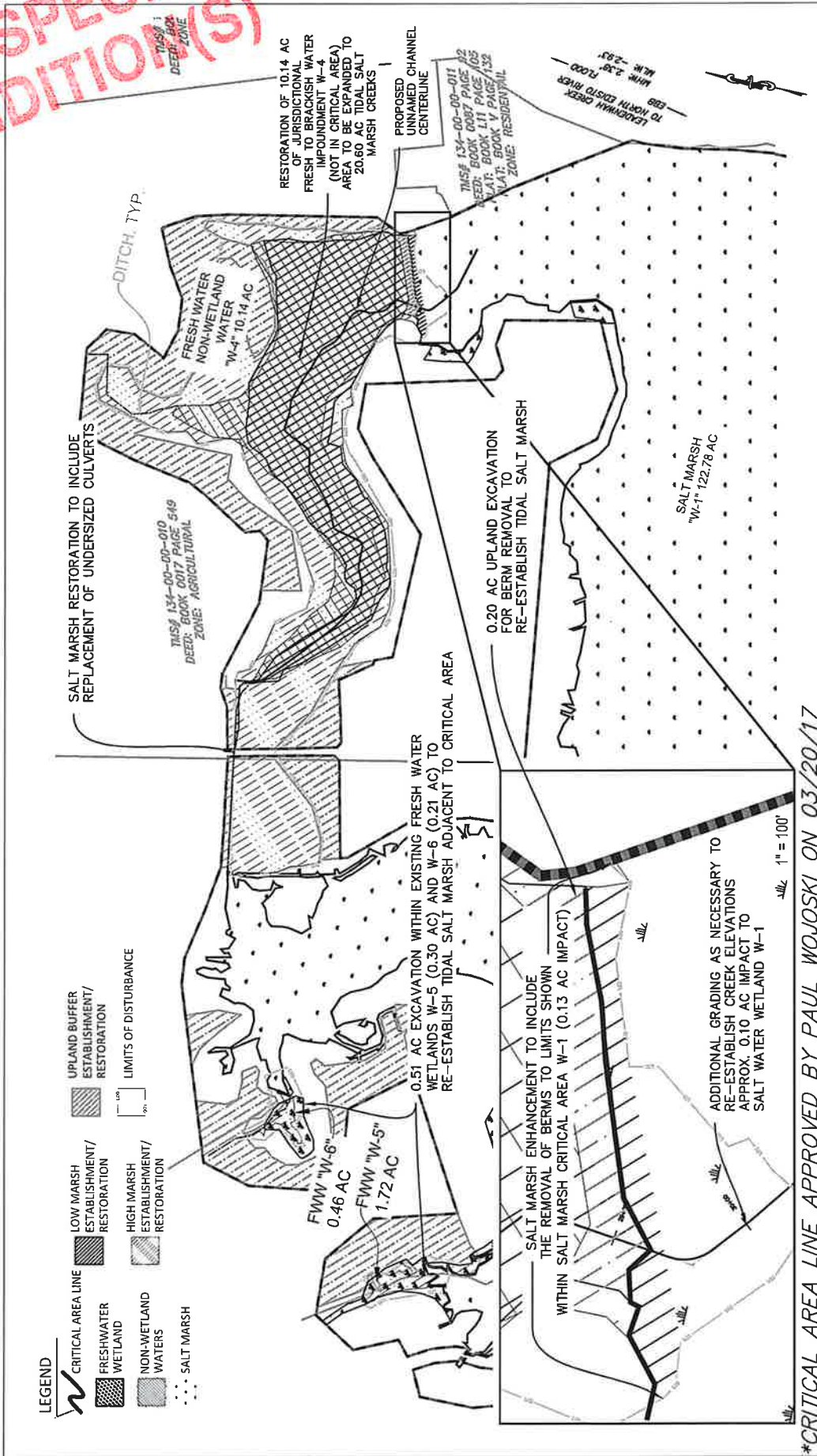
SHEET: 6

1" = 750'



FOR PERMITTING PURPOSES ONLY

**SEE SPECIAL
CONDITION(S)**



FOR PERMITTING PURPOSES ONLY

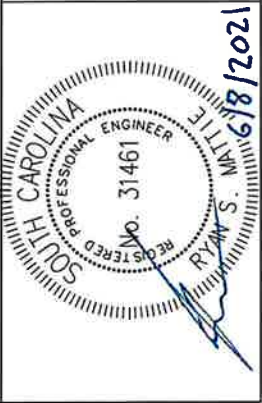
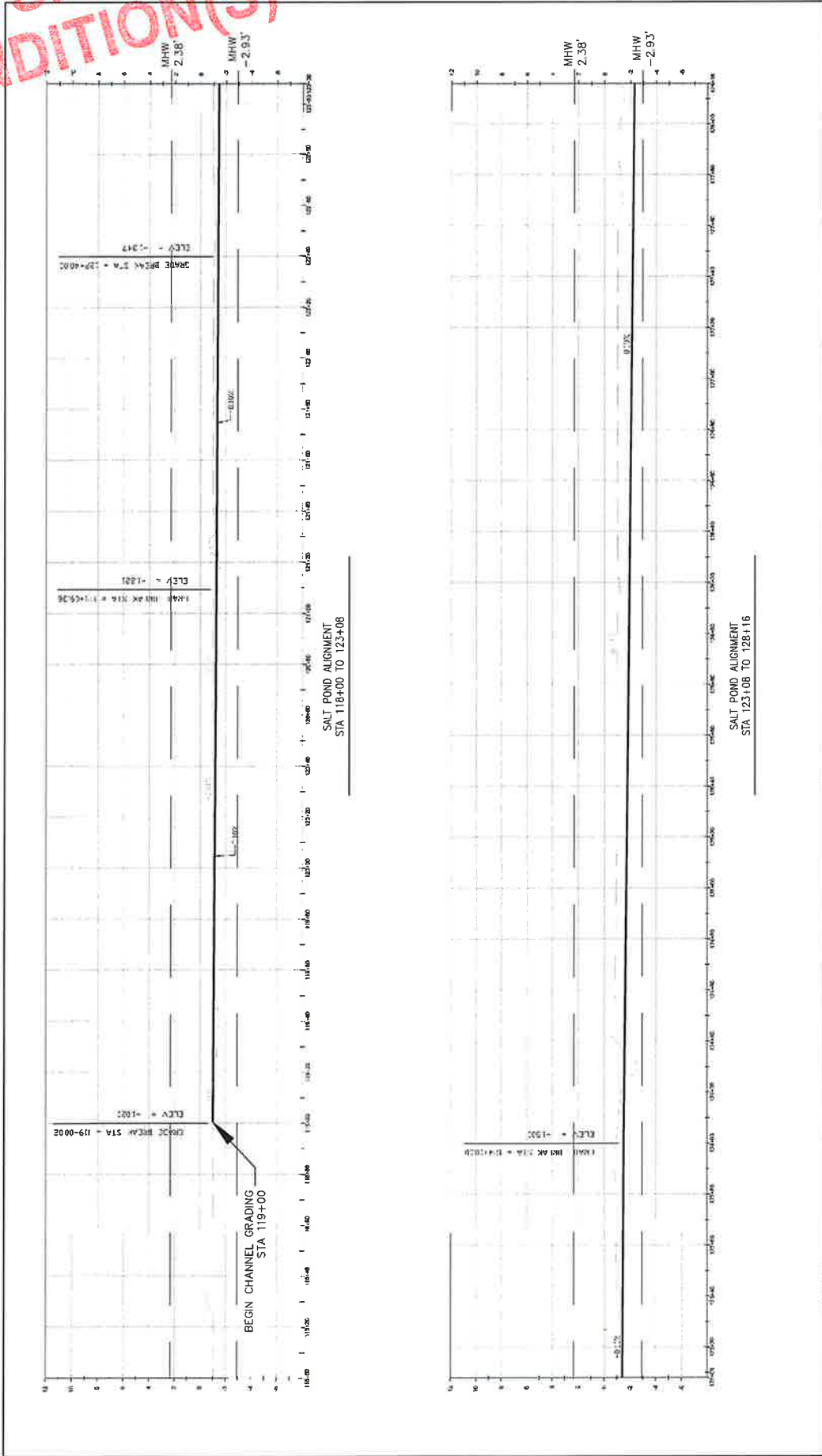
POINT FARM SALT MARSH ENHANCEMENT AND RESTORATION
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 DATUM: NAVD88 AT LEADENWAH CREEK, SC 8666775
 PROJECT LOCATION:
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 LONGITUDE: 80°22'86.90"W
 APPLICANT:
 POINT FARM MB, LLC.
 DATE: SEPTEMBER, 2020

PROPOSED CONDITIONS
 FRESH POND
 SHEET: 7
 1" = 500'

*CRITICAL AREA LINE APPROVED BY PAUL WOJOSKI ON 03/20/17

PROFESSIONAL ENGINEER
 SOUTH CAROLINA
 No. 31461
 REGISTERED
 RYAN S. WATLIE
 6/8/2021

SEE SPECIAL
CONDITION(S)



PROPOSED PROFILES

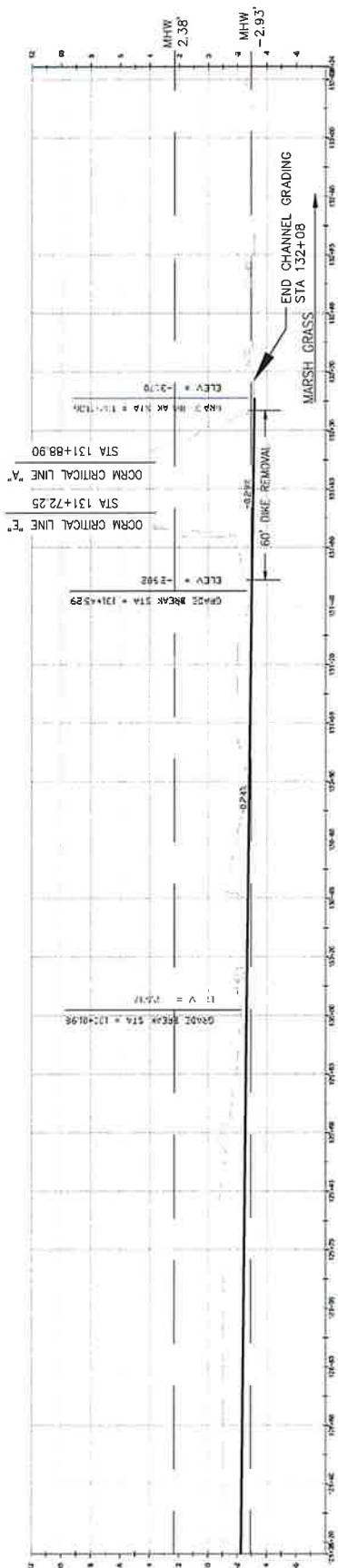
SHEET: 8

POINT FARM SALT MARSH ENHANCEMENT AND RESTORATION
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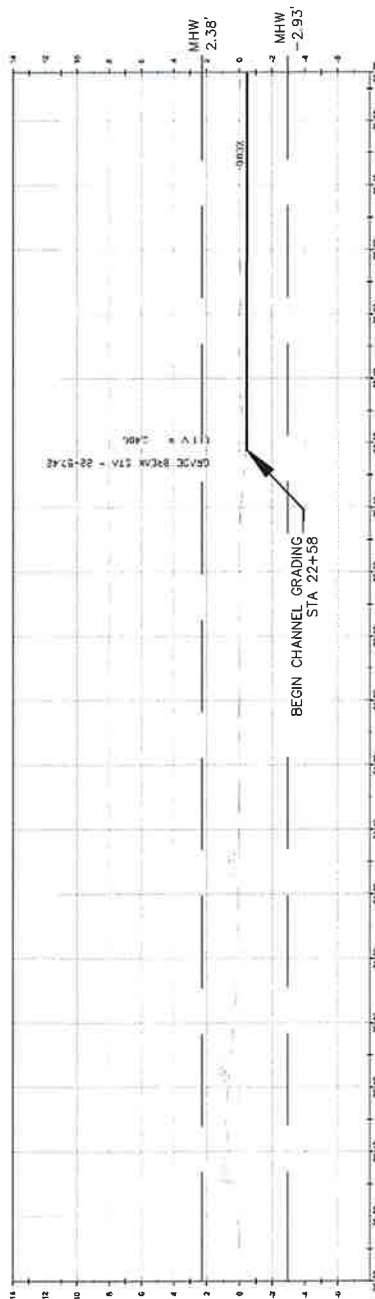
APPLICANT:
 POINT FARM MB, LLC.
 DATE: SEPTEMBER, 2020



SEE SPECIAL
CONDITION(S)



SALT POND ALIGNMENT
STA 128+18 TO 133+24



FRESH POND ALIGNMENT
STA 20+00 TO 23+75



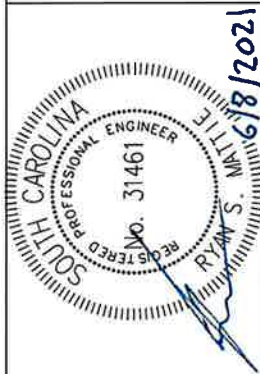
AMERICAN
MITIGATION
COMPANY

POINT FARM SALT MARSH ENHANCEMENT AND RESTORATION
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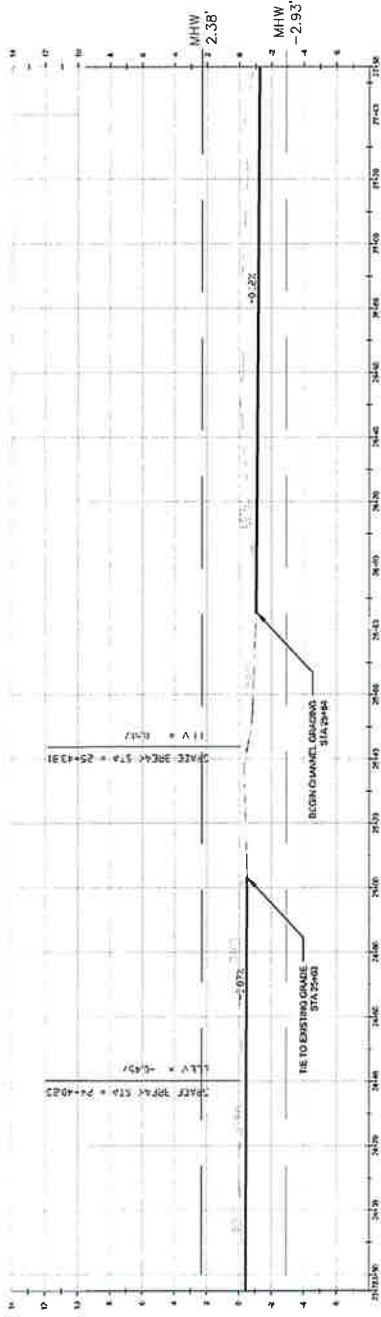
APPLICANT:
POINT FARM MB, LLC.
DATE: SEPTEMBER, 2020

PROPOSED PROFILES

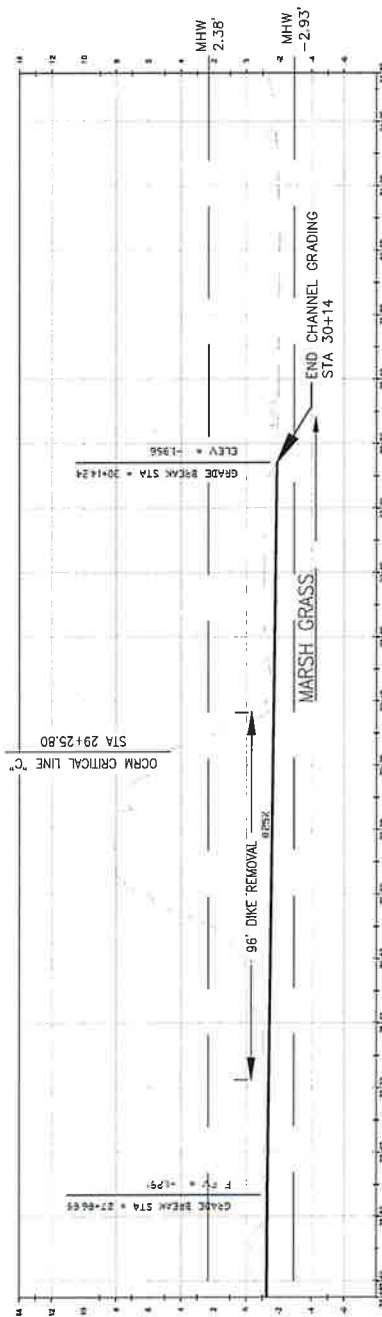
SHEET: 9



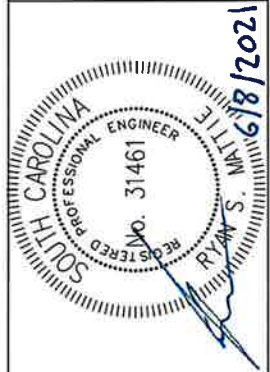
**SEE SPECIAL
CONDITION(S)**



FRESH POND ALIGNMENT
STA. 23+75 TO 27+55



FRESH POND ALIGNMENT
STA. 27+55 TO 31+35



POINT FARM SALT MARSH ENHANCEMENT AND RESTORATION
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PROPOSED PROFILES
 SHEET: 10

FOR PERMITTING PURPOSES ONLY