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DEPARTMENT OF THE ARMY PERMIT

2 / 1994

Permittee: JOHN B. WALPOLE

SUNNY POINT FARMS
ROUTE 1, BOX 62
WADMALAW ISLAND, SOUTH CAROLINA

REC-OCRM
CHARLESTON OFFICE

Permit No. 93-3E-117

Issuing Office CHARLESTON DISTRICT

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

To construct one (1) community pier and floating dock and install a boat ramp with an associated courtesy pier and floating dock in accordance with the attached drawings entitled: Proposed Piers, Floating Docks & Ramp in Bohicket Creek at Anchorage Plantation, Wadmalaw Island, Charleston County, South Carolina. Sheet 1 of 10 Dated 27 May 1993, Sheets 2 thru 10 of 10 Revised 12 August 1994.

Project Location:

This project is located in Bohicket Creek at Anchorage Plantation on Wadmalaw Island, Charleston County, South Carolina.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 30 September 1999. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

SEE PAGE 4.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

5. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

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

(PERMITTEE)
JOHN B. WALPOLE (SUNNY POINT FARMS)

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER)
GEORGE H. HAZEL, LTC
or his Designee
Clarence A. Ham

(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFeree)

(DATE)

CONDITIONS FOR P/N #93-3E-117:

a. That the permittee agrees to provide all contractors associated with construction of the authorized activity a copy of the permit and drawings. A copy of the permit will be available at the construction site at all times.

b. That the permittee recognizes that its commitment to perform and implement the following conditions was a deciding factor towards the favorable decision on this permit and that the permittee recognizes that a failure on its part to both actively pursue and implement these conditions may be grounds for modification, suspension or revocation of this Department of the Army authorization.

1. No lighting facilities are to be allowed on the crabbing docks.
2. All houses and other ancillary facilities within the seven (7) Anchorage Plantation lots (Lots 39 - 45) with frontage on the impoundment must be built a minimum of 500' from the corresponding northern boundary of the impoundment.
3. Human activities within 1000' of the roost site will be minimized during seasons of the year and time of the day when wood storks may be present. Nocturnal activities within the vicinity of the roost site are especially discouraged.
4. The permittee agrees to educate the landowners with frontage along the impoundment on the management guidelines and presence of wood storks. This will be accomplished through seminars with the landowners with the participation of the U. S. Fish and Wildlife Service and Corps of Engineers. The seminar should be held when at least 4 of the seven lots have been sold. Additional seminars may be necessary as additional lots are sold.
5. All construction activities, i.e., dock and house construction, within 1000' of the roost site must be conducted during the non-roosting season, i.e., October 15 through May 31 of any year.
6. No trees within 500' of the roosting site may be removed.
7. The approximate 50' vegetative buffer that currently borders the southern boundary of the impoundment along the edge of the seven (7) lots (Lots 39 - 45) must be maintained as a visual buffer for the wood storks. No trees or other woody vegetation may be removed from this buffer. No mechanized equipment is allowed within this buffer. The buffer may be selectively hand cleared during the non-roosting season for the planting of native shrubs in a density that will maintain the visual buffer. This buffer will not be maintained as mowed grass.

8. Selective clearing for a narrow footpath to the impoundment within each of the seven (7) lots (Lots 39 - 45) lot bordering the southern boundary of the impoundment is permitted. The footpath must be meandering and non-linear.

9. All construction activities should be temporarily graduated so that there is no sudden change of habitat that may cause the wood storks to abandon the roost.

10. Only non-motorized boats or electric powered boats are allowed within the impoundment.

11. No structures are to be constructed until the development has received all necessary approvals from Charleston County.

12. Only one (1) boat may be moored at each single family dock and no more than ten (10) boats may be moored at the community dock.

13. The courtesy dock must be used for temporary mooring only, with no permanent moorage of boats. Signs indicating this must be posted on this courtesy dock.

14. That the permittee (seller) must inform any potential buyer of any lot which contains wetlands and that any alteration of the wetland areas will require the approval of the Department of the Army prior to such alteration.

