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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT

The Honorable Deborah Brooks Durden, Administrative Law Judge

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Docket No.: 21-ALJ-07-0310-CC
Appellate Case No.: 2022-001641

Robert Klomparens and Whitney Klomparens,……Respondents,

v.

South Carolina Department of Health and Environmental Control,…….Appellant.

RECORD ON APPEAL

Bradley D. Churdar
Associate General Counsel
South Carolina Department of
Health and Environmental Control
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405
Attorney for Appellant SCDHEC

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Maynard Nexsen PC
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Charleston, SC 29402
Attorney for the Respondents

INDEX

VOLUME 1

ORDERS

1. DHEC's Proposed Final Order, August 15, 2022 001

2. Klomparens' Proposed Final Order and Decision, August 15, 2022 015

3. Final Order of the ALC, September 6, 2022 032

4. Order Denying DHEC's Motion for Reconsideration, October 25, 2022 043

PLEADINGS

5. Klomparens' Request for Final Review Conference, June 23, 2021 045

6. Denial of Klomparens' Request for Final Review Conference, July 16, 2021 058

7. Klomparens' Request for Contested Case, August 12, 2021 060

8. DHEC's Motion for Reconsideration, September 26, 2022 068

9. Klomparens' Return to DHEC's Motion for Reconsideration, October 4, 2022 088

10. DHEC's Reply to Klomparens' Return to DHEC's Motion for Reconsideration, October 10, 2022 095

11. DHEC's Notice of Appeal, November 21, 2022 109

TRANSCRIPTS

12. Transcript of Hearing, April 25, 2022 126

VOLUME 2

13. Admitted Exhibits, April 25, 2022 349

INVENTORY of EXHIBITS

Caption:	Klomparens v SCDHEC	Date/Time:	Monday, 4/25/22
Docket No:	21-ALJ-07-0310-CC	Judge:	Durden

Petitioner(s):	Description	Marked	Admitted	Proffered
1	DHEC letter to Klomparens 12/16/20	X	X	
2	Technical Summary of Review	X	X	
3	DHEC letter to Klomparens denying permit 6/11/21	X	X	
4	Initial Staff Response to Request for Review	X	X	
5	Title to Real Estate	X	X	
6	Department of the Army Permit dated 10/22/20	X	X	
7	Site Vicinity Map	X	X	
8	Aerial showing straight line extensions of property lines 995 Scottland Drive	X	X	
9	Aerial showing straight line extensions of property lines for1019 Scottland Drive	X	X	
10	Aerial showing straight line extensions of property lines for 99 Scottland Drive	X	X	
11	Aerial from Charleston County GIS showing property concerns	X	X	
12	Survey of Lot 15 Block C Creekside Park dated 6/25/20	X	X	
13	Detail of Northeastern corner of Klomparens' Lot	X	X	
14	NOAA Tidal Bench Marks	X	X	
15 A-J	Photos of Northeastern corner of Klmparens' lot take by Seabrook 4/29/22	X	X	
16 A-B	Google Earth aerial 706 Creekside – 1994 and 2021	X	ADMITTED w/stipulation	
17 A-B	Google Earth aerial 710 Creekside – 1994 and 2021	X	ADMITTED w/stipulation	
18 A-B	Google Earth aerial 991Scottland – 1994 and 2021	X	ADMITTED w/stipulation	
19 A-B	Google Earth aerial 979 Scottland – 1994 and 2021	X	ADMITTED w/stipulation	
20 A-B	Google Earth aerial 1007 Scottland – 1994 and 2021	X	ADMITTED w/stipulation	

INVENTORY of EXHIBITS

Caption:	Klomparens v SCDHEC	Date/Time:	Monday, 4/25/22
Docket No:	21-ALJ-07-0310-CC	Judge:	Durden

Petitioner(s):	Description	Marked	Admitted	Proffered
21 A-B	Google Earth aerial 1015 Scottland – 1994 and 2021	X	ADMITTED w/stipulation	
22 A-B	Google Earth aerial 1019 Scottland – 1994 and 2021	X	ADMITTED w/stipulation	
23 A-D	Photos of high tide conditions taken by R. Klomparens	X	X	
24	GIS	X	X	
25	Plat	X	X	
26	Plat Excerpt	X	X	

INVENTORY of EXHIBITS

Caption:	Klomparens v SCDHEC	Date/Time:	Monday, 4/25/22
Docket No:	21-ALJ-07-0310-CC	Judge:	Durden

Respondent(s):	Description	Marked	Admitted	Proffered
1	Regulatory File	X	X	
2	1/22/99 Letter	X	X	
3	Aerial Picture	X	X	
4	Aerial Picture	X	X	
5	Survey	X	X	
6 A-D	Color photographs	X	X	
7	Survey	X	X	

dhec
Healthy People. Healthy Communities

December 16, 2020

Rob Klomparens
706 Creekside Drive
Mt Pleasant, SC 29464
c/o E.M. Seabrook Jr. Inc, Agent

Re: Recent Application, HP2-M0K2-7NE9T

Dear Rob Klomparens:

Staff has initiated the Department's technical review of your project; however, there are deficiencies with your submittal. You have 30 days from the date of this letter to address the following:

1. Regulation 30-12.A(1)(a) of the Critical Area Permitting Regulations, *as amended*, states "[d]ocks and piers shall be limited to one structure per parcel or lot and in all instances, parcels or lots must be waterfront as defined by 30.D.(53), shall not restrict the reasonable navigation or public use of State lands and waters.

2. Regulation 30-1.D(53) of the Critical Area Permitting Regulations, as amended, states "[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 1000' 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.

    a. With the current alignment of the upland property lines (not the marsh lines) this property does not meet the Department's regulatory definition of waterfront property. Specifically, the eastern extension of the upland property lines intersects with upland from neighboring properties.

    b. There is no dock master plan for this area that designates differing dock corridor lines from upland lines.

    c. Waterfront property issues have been identified in this area by the Department as evidenced by a previous denial on the adjacent lot based on similar concerns.

3. Please provide a detailed description and any supporting documentation to demonstrate that the property located at 706 Creekside Drive meets the Department's regulatory definition of "Waterfront Property" as described above.

The permit application processing time schedule for your application shall be tolled from the date of this letter and shall resume when the Department receives the requested information. If you fail to respond to this request within 30 days from the date of this letter, the Department will deem this application withdrawn and the fee forfeited. If the deficiencies are addressed within the 30-day period, the time schedule will resume and the application will be processed to a conclusion pursuant to the regulatory timeframe outlined in S.C. Code Ann. Regs. 30-4(C); which requires staff to render a decision on an application within 30 days for minor activities and 90 days for major activities from the date of administrative and technical completeness.



Thank you for your understanding. Please feel free to call me at 843-953-7809 or email me at adamsja@dhec.sc.gov if you have any questions regarding the permitting process.

Sincerely,

Jacqueline A Adams
Project Manager
Critical Area Permitting Section

Cc: Lewis Seabrook, E.M. Seabrook Jr., Inc, Authorized Agent

S.C. Department of Health and Environmental Control
2600 Bull Street, Columbia, SC 29201 (803) 898-3432 www.scdhec.gov

SCDHEC-OCRM 0028

TECHNICAL SUMMARY OF REVIEW

Permit Name: Robert D. Klomparens

Decision:

Permit:
Permit with Conditions:
Deny: X

I. Background Information:

Database ID# HP2-M0K2-7NE9T

Permit Number: OCRM02693

P/N Date: September 28, 2020 Date Received: September 28, 2020

Permit Type: Direct Critical Area Minor Other Agency Permits: None

County: Charleston

Location Description: On and adjacent to Tributary of Shem Creek at 706 CREEKSIDE DR, MT PLEASANT, Charleston County, South Carolina
TMS# 535-14-00-026

II. Project Description and Stated Purpose:

Description:
Applicant seeks to construct a private use recreational dock consisting of a 4'x198' walkway with handrails to a 10'x12' pierhead with a dual lift davit lift. The work described is for private recreational use.

Purpose: **Private Recreational Use**

III. Summary of Public and Agency Comments (List by name, date & comment summary; if none, so indicate):

Federal or other State Agencies: **There were no comments received.**

Local Agencies: **Comments received from the Town of Mt. Pleasant in concerns of the drainage easement being crossed by the proposed walkway.**

Public Comment (Include all names from Public Hearing): **None**

Adjoining Property Owners (Include all names of those who commented):
Comments received from Robert Williams (702 Creekside) with no objections.
Comments received from Ben Le Clercq (701 Creekside) in favor of the dock proposal.
Comments received from the APO, Mr. Crawford (710 Creekside). Concerned with the distance between extended property lines and the possibility of any future dock proposed at their property. Is the property waterfront

IV. Environmental Assessment:

A. Describe the coastal resources (i.e., vegetation, habitat, etc.), which will be impacted: **The marsh vegetation consists mostly of *Spartina alterniflora* and *Borrichia frutescens.* A recent critical area line was established 6/25/2020.**



B. Watershed and vicinity information (include watershed name & size, classification; any impaired waters listed within impaired parameter; and shellfish status): **This is a tributary of Shem Creek which flows into the Cooper River then empties into the Atlantic Ocean.**

1. Vicinity information (include information on developments within watershed within 3-mile radius): **This project is for private recreational use. The surrounding area is highly developed with residential homes. There are small private recreational docks in the vicinity that are relative to the proposed size requested. Town of Mount Pleasant and the Shem Creek Commercial area is within a 3-mile radius.**

2. Existing system conditions (i.e. shellfish closures, 303d, and shellfish lease name and #):
   Shellfish harvest is prohibited. (Shellfish Area 10B)
   No lease holders

3. Name and width of waterbody: **Tributary of Shem Creek approximately 22 feet at dock location as measured by surveyor.**

4. Any small tributary issue, width, change in grade: **None**

5. List total square footage:

   Requested:
   Fixed pierhead: 10' x 12' = 120 sq. ft.
   Dual Davit Lift on pierhead
   Total Requested: 120 sq. ft.
   Total Requested that counts against allowable = 120 sq. ft

   Per Section 30-12(A)(2)(c)(ii) – "On creeks between 20 and 50 feet, as measured from marsh vegetation on each side, total allowable dock square footage shall be restricted to 120 square feet unless special geographic circumstances and land uses warrant a larger structure."

6. Any geographic circumstances to consider or boat storage sq. ft considerations:

   Special geographic circumstances were not requested or evaluated at this time.

7. Any corridor or extended property line issues; is there a harm allowing a crossing of lines:
   The proposed dock would be located between the extended property lines where the total width is measured at 22.4 feet. The proposed dock at 10' x 12' would be 5 feet from the extended property lines on both sides. The APO (Crawford) has expressed concerns about the location of the proposed dock from their extended property lines.

8. If roof requested, any roofs in the area:
   A roof is not being requested.

9. Property width and width of spacing at edge of creek/river:
   Property width is approximately 150 feet at the critical line; however, the width illustrated on the plat is only 22 feet at the dock location. The lot was subdivided prior to May 23, 1993.

C. GAPC Review (List any GAPC's present on or adjacent to project site; include agency comments; attach GIS printout; and outline treatment methods):
   None See GIS Review

V. Policy Assessment:

A. Regulatory History:

1) Previous OCRM authorizations (Critical Area Permits, land disturbance, Federal cert.):
OCRM-98-717 (710 Creekside) Denied
OCRM-06-324 (1019 Scotland)
OCRM-06-238 (1015 Scotland)
OCRM-06-100 (991 Scotland)
CC-94-057 (979 Scotland)
OCRM-00-292 (1007 Scotland)

2) Previous Enforcements (is project in compliance w/all previous permits, etc.): **None**
3) Dock Master Plan and was it required to be recorded: **None**
4) Shellfish lease area number: **None**

5) Marsh ownership claim: **None**

B. Applicable Regulations and Policies (list those that apply only):

1) CZMA: **48-39-150**

2) Regulations (General Guidelines, Further Guidelines, Specific Project Standards):
   a) **General Guidelines: R.30-11(B)**
   b) **Further Guidelines: R.30-11(C)**
   c) **Specific Project Standards: R.30-12(A)**

3) CZ Policies (Management Program Document): **Chapter III. Section VI. C & General Guidelines and Evaluations of All Projects**

C. Does the project contravene any coastal zone regulations?

☒ YES ☐ NO

(If No, skip to section VII; if Yes, complete Section VI.)

VI. Modifications for bringing the project into compliance with regulations:

A. Modifications required to minimize impacts (list avoidance & minimization measures; buffers; size and/or use restrictions; additional treatment measures; deed restrictions; and agency agreements):

C. If Permit is denied, explain contraventions of regulations and/or Coastal Zone Management Program

1. **Regulation 30-12.A(1)(a) of the Critical Area Permitting Regulations, *as amended*, states "[d]ocks and piers shall be limited to one structure per parcel or lot and in all instances, parcels or lots must be waterfront as defined by 30.D.(53), shall not restrict the reasonable navigation or public use of State lands and waters.**

2. **Regulation 30-1.D(53) of the Critical Area Permitting Regulations, as amended, states "[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 1000' 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.**

   a. **The current alignment of the upland property lines for 706 Creekside (observed on Charleston GIS and the submitted plat) are shore parallel and do not meet the Department's regulatory definition of waterfront property. Utilizing specific plotted points landward of the critical line to extend to the tributary does not make the property waterfront, nor does it fall in line with current regulations.**

b. **There is no dock master plan for this area that designates differing dock corridor lines from platted upland lines. Although the Charleston GIS illustrates lines that extend through the marsh to the tributary, they do not dictate the decisions for dock permits by the Department in this area, nor indicate marsh ownership has been established. The surrounding lots in this area that have permitted dock structures are lots that face the water and where the upland line extensions are generally shore perpendicular.**

3. **Waterfront property issues have been identified in this area by the Department as evidenced by a previous denial on the adjacent lot (710 Creekside) based on similar concerns. This property has the same layout characteristic as the applicant's property.**

VIII: Reviewed By:

1. Project Manager:	**Jacqueline A. Adams**	**December 12, 2021/ May 21, 2021**
	(Signature)	**(Date)**

IX. Notes

An application was received by the Department for a private recreational dock for 706 Creekside Drive, Mount Pleasant. Based on the plat and the property lines, the property was determined that it did not meet the Department's definition of "waterfront." A technical deficiency letter was sent to the property owner and agent (attached). A response was received from Mary Shahid providing examples of properties in the vicinity that the Department permitted docks, and an explanation of why the applicant believes the property meets waterfront based on surveyed points behind the critical line on the plat.

Permitting history of the docks mentioned in the response:

The adjacent property 710 Creekside – Permit was denied in 1998 for not being waterfront. This lot has the same characteristic of the applicant's property.

678 Pawley – Issued in 1997

680 Pawley -Issued in 1994

979 Scotland Drive- Dock permit issued in 1994

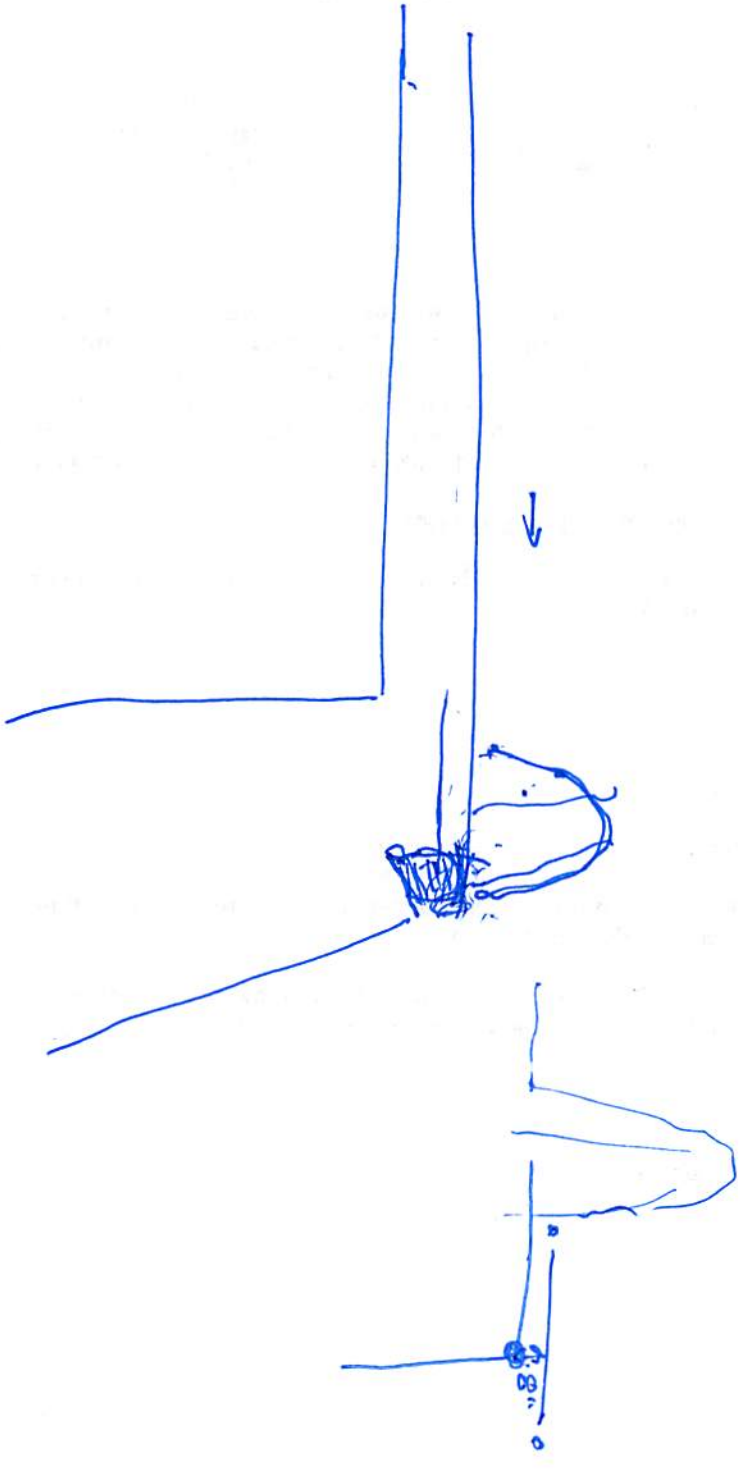
1007 Scotland – Dock permit issued in 2000

991, 995, 1015, and 1019 Scotland dock permits were issued in 2006. These applications were received around the same time as they were reviewed together.

The adjacent property owner at 710 Creekside is objecting to the dock due to their ability to possibility obtain a dock now and accessibility. They would not be willing to have a joint use dock for personal reasons.

X. Attachments Required:

GIS Review (See Section IV.C. above)
Site photos
Technical Deficiency Letter
Response Letter



dhec
Healthy People. Healthy Communities.

A

June 11, 2021

91 7199 9991 7030 0138 7568

Robert D. Klomparens
706 Creekside Drive
Mt Pleasant, SC29464

Re: Robert D Klomparens
OCRM Critical Area Permit Application - HP2-M0K2-7NE9T

Dear Mr. Klomparens:

In accordance with the provisions of the 1977 Coastal Zone Management Act, S.C. Code Ann. Sections 48-39-10 *et seq.*, a review of your permit application has been completed. The work, as proposed: Constructing a private recreational dock consisting of 4' x 198' walkway with handrails leading to a 10' x 12' fixed pierhead with dual davit lift. The Office of Ocean and Coastal Resource Management (OCRM), through its Permitting staff, has determined that this permit request 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), (B)(1) and (B)(2): (Legislature's policies for permitting structures in the critical area);

- Regulation 30-12.A(1)(a) of the Critical Area Permitting Regulations, as amended, states "[d]ocks and piers shall be limited to one structure per parcel or lot and in all instances, parcels or lots must be waterfront as defined by 30.D.(53), shall not restrict the reasonable navigation or public use of State lands and waters.

- Regulation 30-1.D(53) of the Critical Area Permitting Regulations, as amended, states "[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 1000' 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.

The Department has determined your property does not meet the regulatory definition of waterfront property and therefore is not eligible for a dock. Any applicant having a permit request denied or any person adversely affected by the granting of a permit has the right to appeal the agency's decision as outlined in the enclosed "Guide to Board Review." Any applicant having a permit denied may challenge the validity of any or all reasons given for denial.

EXHIBIT
tabbies
Pet. 3
4-25-22, 10310

If you would like a copy of the Coastal Zone Management Act or OCRM's Regulations, please contact this office or one of our regional offices (Myrtle Beach at 238-4528 or Beaufort at 846-9400). If I can be of any further assistance, please do not hesitate to call.

Sincerely,

Jacqueline A Adams
Project Manager
Critical Area Permitting Section

Cc: Blair Williams, Critical Area Permitting Section Manager
Lewis Seabrook, E.M. Seabrook Jr., Inc, Authorized Agent

BEFORE THE BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
INITIAL STAFF RESPONSE TO REQUEST FOR REVIEW

Requestor(s): **Rob Klomparens**
706 Creekside Drive
Mount Pleasant, SC 29464

Applicant(s): **Robert D. Klomparens**
OCRM Application -HP2-M0K2-7NE9T

Docket No.: **21-RFR-46**

OGC No.: **2021-OCR-0019**

I. Summary

a. Type of Decision.

Denial of a critical area permit request to construct a private recreational dock.

b. Location.

706 Creekside Drive, Mount Pleasant, South Carolina.

c. Decision.

On June 11, 2021, the South Carolina Department of Health and Environmental Control's Office of Ocean and Coastal Resource Management ("Department" or "DHEC") issued a denial of a critical area permit request for a private recreational dock located at 706 Creekside Drive, Mount Pleasant. See **Exhibit A (Denial).**

d. Relevant Chronology.

The chronology shows the Department conducted a thorough review and was responsive to specific inquiries and public participation.

September 9, 2020– The Department received a permit application to construct a private, recreational dock at 706 Creekside Drive Mount Pleasant, SC.

September 28, 2020 – The application was determined to be administratively complete and the Department placed the project the permit request on a 15-day public notice.

September 29, 2020 through October 14, 2020, The Department received comments from the Town of Mt. Pleasant and the adjoining property owners via email and telephone. Information was uploaded into ePermitting for review.



December 14, 2020– The Department requested additional information from the applicant in the form of a Technical Deficiency letter See **Exhibit B.**

January 14, 2021 – The Department received a response to the Department's technical deficiency letter and additional information submitted for review.

June 11, 2021 – The Department mailed a certified letter Robert D. Klomparens denying the request for a private recreational dock at 706 Creekside Dive, Mount Pleasant. See **Exhibit A**

June 24, 2021 – The Department received a Request for Final Review of staff's decision.

II. Relevant Law

a. Statute(s).

§48-39-150(A)(1)-(10). "In determining whether a permit application is approved or denied the department shall base its determination on the individual merits of each application, the policies specified in Sections 48-39-20 and 48-39-30 and be guided by [ten] general considerations."

b. Regulation(s).

R.30-11(B): General Guidelines [Considerations] for All Critical Areas.

R.30-11(C): Further Guidelines for All Critical Areas.

R.30-12(A)(1): Specific Project Standards for Tidelands and Coastal Waters: Docks and Piers.

c. The South Carolina Coastal Zone Management Program Document.

Chapter III. Guidelines for Evaluation of All Projects

III. Staff Response to Ground(s) Stated in Request for Review.

a. **Requestor(s) state(s): "The decision to deny Requestors' application is a result of the staff's flawed conclusion that 706 Creekside Drive is not waterfront property by definition. S.C. Code Reg. 30-1(D) defines waterfront property as "*upland sites where a straight-line extension of both, generally shore perpendicular, upland property lines reach a navigable watercourse within 1000' 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.*" When the neighborhood known as Creekside Park was initially platted, lots were designed to extend to the water's edge-Shem Creek. The plat reflecting the initial phases of Creekside Park is attached as Exhibit B and 706 Creekside Drive is depicted as Lot**

15 on the plat created in 1969 and recorded as Plat Book X Page 129/ Book Y 90 Page 9. Lot 15's boundaries are highlighted to illustrate their consistency with Charleston County's current depiction of the property's boundaries, reflected in Exhibit C. In both depictions, the property lines originate in upland and clearly extend to Shem Creek. The most recent plat of the property, a plat prepared and recorded in 2020, is attached as Exhibit D. This plat reflects a critical line established for the property confirmed by OCRM on June 25, 2020. I have highlighted the point of origination of both "generally shore perpendicular" lines and that point is located on the landward side of the newly established critical line conforming to the regulatory definition of waterfront property."

Staff response: In determining whether a permit application is approved or denied the department shall base its determination on (1) the individual merits of each application; (2) the policies specified in Sections 48-39-20 and 48-39-30; and (3) the specific project standards as defined in the Critical Area Permitting Regulations and is consistent with the statutes and policies of the Coastal Tidelands and Wetlands Act and the Coastal Zone Management Program Document (CZMP). The Department reviewed the requestor(s) private recreational dock application and relied on the specific project standards as defined in the Critical Area Permitting Regulations. Specifically, Department Staff relied on the specific project standards associated with All Docks and Piers, found in R.30-12.A(1)(a) states;

> "[d]ocks and piers shall be limited to one structure per parcel or lot and in all instances, parcels or lots must be waterfront as defined by 30.D.(53), shall not restrict the reasonable navigation or public use of State lands and waters.

and R.30-1.D(53) states;

> "[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 1000' 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.

The current alignment of the upland property lines (not marsh lines) for 706 Creekside as shown marked in red on the aerial (**Exhibit C**) and the submitted plat (**Exhibit D**) are generally shore parallel and do not meet the Department's regulatory definition of waterfront property. Specifically, the eastern extension of the upland property line intersects with upland from a neighboring property. In addition, there is no approved dock master plan for this area that designates differing dock corridor lines from upland property lines. Although the requestor(s) has mentioned that the Charleston GIS illustrates lines that extend through the marsh to the tributary, this does not amount to an approved dock master plan from the Department. These extended marsh lines do not dictate the decisions for dock permits by the Department in this area, nor indicate marsh ownership has been established.

The requestor(s) is identifying specific plotted points of origination that are landward of the critical line to extend out to the tributary. One of these points that the requestor is extending through upland is identified as a large oak tree on the survey plat **(Exhibit D)**. Utilizing specific points to extend out to the tributary does not make the property waterfront, nor does it fall in line with current regulations. The upland property lines of 706 Creekside Drive are generally shore parallel to the navigable water body and not perpendicular as defined in R.30-1D(53).

Furthermore, in the past, the Department denied a dock application **(Exhibit E)** on the adjacent property located at 710 Creekside Drive, which is identified on **Exhibit C,** for not being a waterfront property. This adjacent lot is similar in characteristic and layout to the requestor(s) lot.

The Department's decision to deny the requestor(s) permit is both consistent with the current Critical Area Permitting Regulations, previous Department actions, and all applicable state statutes and CZMP policies.

b. Requestor(s) state(s): "Importantly, the United States Army Corps of Engineers has concluded that 706 Creekside Drive is a waterfront property and has authorized a dock extending to Shem Creek. (Exhibit E.)"

Staff response: The Department is given its permitting authority through the Coastal Tidelands and Wetlands Act and staff is further directed by the Critical Area Permitting Regulations, *as amended,* and the South Carolina Coastal Zone Management Program Document (CZMP). In determining whether a permit is approved or denied by the Department is based on specific project standards as defined in the Critical Area Permitting Regulations and the consistency with the statutes and policies of the CZMP. The issuance of permits from federal agencies, additional state agencies, and/or local municipalities is not in the Department's purview and does not dictate the permitting decisions which are based on the regulations and policies specified above.

IV. Requested Action

Based on the foregoing, the Department requests that the Board decline to hold a final review conference in the above-referenced matter and uphold the staff decision as issued.

[SIGNATURES ON FOLLOWING PAGE]

Respectfully Submitted,

Blair N. Williams
Manager, Critical Area Permitting Section
Office of Ocean & Coastal Resource Management

Brad Churdar

Brad Churdar
Associate General Counsel
Office of Ocean & Coastal Resource Management

Date: July 9, 2021

BP0430182

PGS: 5

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that, I, **Anna Kristina Mandell, as Personal Representative of the Estate of Gulli V. Falkehag A/K/A Gulli Viktoria Sevlin Falkehag**, in the State aforesaid, for/and in consideration of the sum of Five Hundred Twenty Five Thousand and 00/100 DOLLARS ($525,000.00), to me in hand paid at and before the sealing of these Presents by **Robert D. Klomparens and Whitney S. Klomparens**, the receipt whereof is hereby acknowledged, and subject to the exceptions contained herein, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said **Robert D. Klomparens and Whitney S. Klomparens, AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP (NOT AS TENANTS IN COMMON)** the following described property, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO
AND INCORPORATED HEREIN BY REFERENCE FOR LEGAL DESCRIPTION.

TMS Number: 535-14-00-026

Address of Grantee(s): 953 Cottingham Drive
Mt. Pleasant, SC 29464

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said **Robert D. Klomparens and Whitney S. Klomparens, AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP (NOT AS TENANTS IN COMMON) ,** their heirs and assigns, forever.

AND subject to any exceptions set forth above, I, **Anna Kristina Mandell, as Personal Representative of the Estate of Gulli V. Falkehag A/K/A Gulli Viktoria Sevlin Falkehag** do hereby bind myself, my successors, executors, and administrators, to warrant and forever defend, all and singular, the premises before mentioned unto the said **Robert D. Klomparens and Whitney S. Klomparens, AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP (NOT AS TENANTS IN COMMON)**, theirs heirs and assigns, against , and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

EXHIBIT
Pg 5
4-25-22 21030

WITNESS this 16th day of September, in the year of our Lord Two Thousand Fourteen and in the Two Hundred and Thirty-Ninth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Witness #1

Anna Kristina Mandell, as Personal Representative of the Estate of Gulli V. Falkehag A/K/A Gulli Viktoria Sevlin Falkehag

Witness #2

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

The foregoing instrument was acknowledged before me by Anna Kristina Mandell, as Personal Representative of the Estate of Gulli V. Falkehag A/K/A Gulli Viktoria Sevlin Falkehag, this 16th day of September, 2014.

(SEAL)
Notary Public for South Carolina
My commission expires: 8/29/21

RYAN PATTERSON
Notary Public, South Carolina
My Commission Expires
August 29, 2021

EXHIBIT A

ALL that certain piece, parcel, or lot of land, together with any improvements thereon, situate, lying and being in CREEKSIDE PARK SUBDIVISION in the Town of Mount Pleasant, County of Charleston, State of South Carolina, and being known and designated as LOT NO. 15, BLOCK C, on a plat of said Subdivision by E.M. Seabrook, Jr., Inc., dated July 31, 1968 and duly recorded in the Office of the RMC for Charleston County, SC, in Plat Book X at Page 129. Said lot having such size, shape, metes, bounds, and dimensions as are shown on said plat, with reference thereto being craved for a more complete and full description.

AND

ALL of Grantor's right, title, and interest in and to the Marshland lying between Lot 15, Block C, and Shem Creek between the North, South, and West lines of said lot as projected to said Creek.

THIS CONVEYANCE IS SUBJECT TO all covenants, conditions, restrictions, easements, rights-of-way, and all other matters of record.

THIS BEING the same property conveyed to S. Ingemar Falkehag by Deed from Creekside Land Company, a Limited Partnership, dated January 30, 1970 and recorded on February 2, 1970 in the RMC Office for Charleston County, SC in Book Z-93 at Page 037; thereafter S. Ingemar Falkehag conveyed an undivided Seventy-Five Percent (75%) interest to Gulli V. Falkehag by Deed recorded in Book J-146 at Page 194, aforesaid records; AND thereafter S. Ingemar Falkehag conveyed an undivided Twenty-Five Percent (25%) interest to Gulli V. Falkehag by Deed recorded in Book N-265 at Page 470, aforesaid records.

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON) **AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS**

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:
1. I have read the information on this Affidavit and I understand such information.

2. The property is being transferred is located at 706 Creekside Drive, Mount Pleasant bearing Charleston, County Tax Map Number 535-14-00-026, was transferred by **Anna Kristina Mandell, as Personal Representative of the Estate of Gulli V. Falkehag A/K/A Gulli Viktoria Sevlin Falkehag to Robert D. Klomparens and Whitney S. Klomparens** on September 19, 2014.

3. Check one of the following: The deed is

(a) X subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
(b) ____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
(c) _____ exempt from the deed recording fee because (See Information section of affidavit): _____ (If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes _____ or No _____

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See information section of this affidavit.):

(a) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of $525,000.00
(b) ____ The fee is computed on the fair market value of the realty which is $_____.
(c) ____ The fee is computed on the fair market value of the realty as established for property tax purposes which is $_.

5. Check YES____ or NO X to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If YES, the amount of the outstanding balance of this lien or encumbrance is $ _____.

6. The deed recording fee is computed as follows:
(a) Place the amount listed in item 4 above here: 525,000.00
(b) Place the amount listed in item 5 above here: _____
(If no amount is listed, place zero here.)
(c) Subtract line 6(b) from Line 6(a) and place result here: 525,000.00

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: $1,942.50

8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Legal Representative for Grantee.

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars ~~or imprisoned not more~~ than one year, or both.

_____
Legal Representative
David F. Santos
Print Name

Sworn to before me this 19th
day of September, 2014.
_____
Notary Public for South Carolina
My Commission Expires: 10/30/22

RECORDER'S PAGE

NOTE: This page MUST remain with the original document

Filed By:

MCNAIR LAW FIRM, P.A.

100 CALHOUN ST.
CHARLESTON SC 29401 (BOX)

RECORDED

Date: September 19, 2014
Time: 3:48:04 PM

Book	Page	DocType
0430	182	Deed

Charlie Lybrand, Register
Charleston County, SC

MAKER:
FALKEHAG GULLI V EST AL

RECIPIENT:
KLOMPARENS ROBERT D AL

Original Book:

Original Page:

Note:

# of Pages: 5

Recording Fee	$	10.00
State Fee	$	1,365.00
County Fee	$	577.50
Extra Pages	$	-
Postage	$	-
Chattel	$	-
TOTAL	$	1,952.50

Drawer: Drawer 2
Clerk: JBA

AUDITOR STAMP HERE

RECEIVED From RMC

SEP 22 2014

PETER J. TECKLENBURG
Charleston County Auditor

PID VERIFIED BY ASSESSOR

REP MK

DATE 9/23/14

4

0430	182	09/19/2014	5
Book	Page	Recorded Date	# Pgs

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Original Book	Original Page	Doc Type	Recorded Time

EXHIBIT
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E

DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
1949 INDUSTRIAL PARK ROAD, ROOM #140
CONWAY, SOUTH CAROLINA 29526

October 22, 2020

Regulatory Division

Mr. Rob Klomparens
706 Creekside Drive
Mount Pleasant, South Carolina 29464
rwkllc@gmail.com

Dear Mr. Klomparens:

This is in response to your Pre-Construction Notification (PCN) (SAC-2020-01300) a private docking structure permit request, which we received on September 18, 2020, and considered complete on October 6, 2020. In submitting the PCN, you requested verification the proposed project is authorized by Department of the Army (DA) General Permit (GP) # 2016-00761.

The work affecting navigable waters of the United States is part of an overall project known as 706 Creekside Drive Dock, a private docking structure project. The activities in navigable waters of the United States include the construction of a 10' x 12' fixed uncovered pierhead connected to the uplands by a 4' x 198' walkway. Additionally, the pierhead will feature an uncovered davit boat lift. The project is located within a tributary of Shem Creek, at 706 Creekside Drive, in the Town of Mount Pleasant, Charleston County, South Carolina (Latitude: 32.8005 °N, Longitude: -79.834° W).

The application also includes the following supplemental information:

a. Drawing sheets 1-4 of 4 titled "SAC-2020-01300 / 706 Creekside Drive Dock" and dated September 29, 2020.

c. A delineation of wetlands, other special aquatic sites, and other waters.

Based on a review of the information provided, the Corps concludes the proposed activity will not result in more than minimal individual or cumulative adverse environmental effects, and is not contrary to the public interest. Furthermore, the activity described above meets the terms and conditions of DA GP # SAC-2016-00761.

For this authorization to remain valid, the project must comply with: (1) the terms and conditions listed in the attached copy of the DA GP; and (2) the following special conditions:

a. **That prior to beginning the authorized work the permittee must obtain and provide the Corps with a copy of all appropriate state certifications and/or authorizations (e.g., Coastal Zone Management Act concurrence, State Navigable Waters Permit, etc.).**

b. **That impacts to aquatic areas do not exceed those specified in the above mentioned PCN, including any supplemental information or revised permit drawings that were submitted to the Corps by the permittee.**

EXHIBIT
tabbies
Pet 6
4-25-22 210310

c. That the construction, use, and maintenance of the authorized activity is in accordance with the information given in the PCN, including the supplemental information listed above, and is subject to any conditions or restrictions imposed by this letter.

d. That the permittee shall submit the attached signed compliance certification to the Corps within 30 days following completion of the authorized work.

e. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or their authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

f. Use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the U.S.

g. The permittee must install and maintain, at their expense, any safety lights and signals prescribed by the U.S. Coast Guard (USCG), through regulations or otherwise, on authorized facilities. The USCG may be reached at the following address and telephone number: (as of February 2013) U. S. Coast Guard District Seven, Waterways Management Branch, 909 SE 1st Ave, Suite 406, Miami, FL. 33131, and 305-415-6755 or 305-415-6750.

h. Floating docks shall be located in areas of adequate depth to ensure that clearance between the float and the bottom is maintained at all times. In areas where the depth is not adequate to maintain clearance, floating docks shall be fitted with structures (i.e. float stops) that prevent the float from contacting the bottom.

i. If any previously unknown historic, cultural or archeological remains and artifacts are discovered while accomplishing the activity authorized by this permit, the permittee must immediately notify the district engineer of what has been found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

j. Prior to beginning the authorized work, the permittee must coordinate with the local NFIP flood plain manager and comply with FEMA requirements. A list of NFIP floodplain managers may be found at: http://www.dnr.sc.gov/water/flood/index.html.

k. In order to ensure protection of any threatened or endangered species, and designated critical habitat that may be present in the project area during construction activities, the permittee will comply with the following:

1. The permittee shall instruct all personnel associated with the project of the potential presence of and the need to avoid collisions with protected species, which may include but is not limited to West Indian manatees, Atlantic sturgeon, shortnose sturgeon, sea turtles, wood stork, blue whale, fin whale, humpback whale, North Atlantic right whale, sei whale and sperm whale.

2. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing protected species, to include manatee(s), which are protected under the Marine Mammal Protection Act of 1972 and/or the Endangered Species Act of 1973.

3. Any siltation barriers used during the project shall be made of material in which protected species, to include manatee(s), cannot become entangled and must be properly secured, and regularly monitored to avoid protected species entrapment.

4. All vessels associated with the project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

5. If protected species, to include manatee(s), are seen within 100 yards of the active construction area all appropriate precautions shall be implemented to ensure protection of the protected species, to include manatee(s). These precautions shall include the operation of all moving equipment no closer than 50 feet to a protected species, to include manatee(s). Operation of any equipment closer than 50 feet to a protected species, to include manatee(s), shall necessitate immediate shutdown of that equipment. Activities will not resume until the protected species, to include manatee(s), has departed the project area of its own volition.

6. Incidents where any individuals of sea turtles, Atlantic sturgeon, shortnose sturgeon, blue whale, fin whale, humpback whale, North Atlantic right whale, sei whale and sperm whale listed by NOAA Fisheries under the Endangered Species Act appear to be injured or killed as a result of discharges of dredged or fill material into waters of the United States or structures or work in navigable waters of the United States authorized by this DA permit shall be reported to NOAA Fisheries, Office of Protected Species at (727) 824-5312, the SCDNR Hotline at 1-800-922-5431, and the Regulatory Office of the Charleston District of the U.S. Army Corps of Engineers at (843) 329-8044. The finder should leave the animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible, take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed by discharge

exposure, or some unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries, Office of Protected Resources, to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.

7. The permittee understands and agrees that all in-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) must be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line is allowed in the water. Where appropriate, in water wires should be fitted with PVC sleeve from the surface to the bottom to prevent any potential scraping of the passing manatees.

8. The permittee understands and agrees that pilings will be installed using a water jet or vibratory hammer, to the maximum extent practicable. In the event standard pile driving (impact hammer) is utilized, the permittee understands and agrees that a soft-strike procedure (three strikes at 40%-60% energy level once a minute for 3 minutes) must be conducted prior to beginning pile driving activities and after any pile driving interruptions of more than 30 minutes.

9. That the permittee understands and agrees that pile driving activities must be limited to 12 hours per day with a 12-hour rest period between pile driving activities to avoid potential cumulative noise impacts to Federally-listed Threatened and Endangered (T&E) species.

l. In order to ensure protection and reduce potential construction-related impacts to West Indian manatees that may enter the project area during construction activities performed outside the winter months, to discountable and insignificant levels, the permittee will comply with the following for all projects affecting the coastal waters of South Carolina:

1. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel MUST monitor water-related activities for the presence of manatee(s) during May 1 - November 15. Construction personnel are requested to monitor outside of that timeframe as manatees may be in the area before or after the above dates.

2. Any collision with and/or injury to a manatee shall be reported immediately to the U.S. Fish and Wildlife Service contacts: Melanie Olds, South Carolina Manatee Lead, Charleston Field Office, at 843-727-4707 ext. 205; or Terri Calleson, Manatee Recovery Coordinator, North Florida Field Office, at 904-731-3286.

This verification is valid until DA GP # SAC-2019-00761 expires on December 14, 2021, unless prior to this date the subject GP is suspended, revoked, or is modified such that the activity no longer complies with the terms and conditions of the GP.

This authorization is verified under DA GP # SAC-2016-00761 based on information you provided. It is your responsibility to read the attached GP before you begin work. If your project fails to meet all of the terms and conditions of the subject GP, at any time (i.e., prior to commencement of the authorized work, during construction, or after project completion), the activity is unauthorized, and you should contact the Corps immediately.

In all future correspondence, please refer to file number SAC-2020-01300. A copy of this letter is forwarded to State and/or Federal agencies for their information. If you have any questions, please contact me at (843) 365-1726, or by email at Austin.R.Dartez@usace.army.mil.

Sincerely,

Digitally signed by DARTEZ.AUSTIN.ROBERT.1275860022
Date: 2020.10.22 09:45:38 -04'00'

Austin Dartez
Project Manager

Attachments:

Permit Drawings
General Permit # 2016-00761
Certification of Compliance

Copy Furnished:

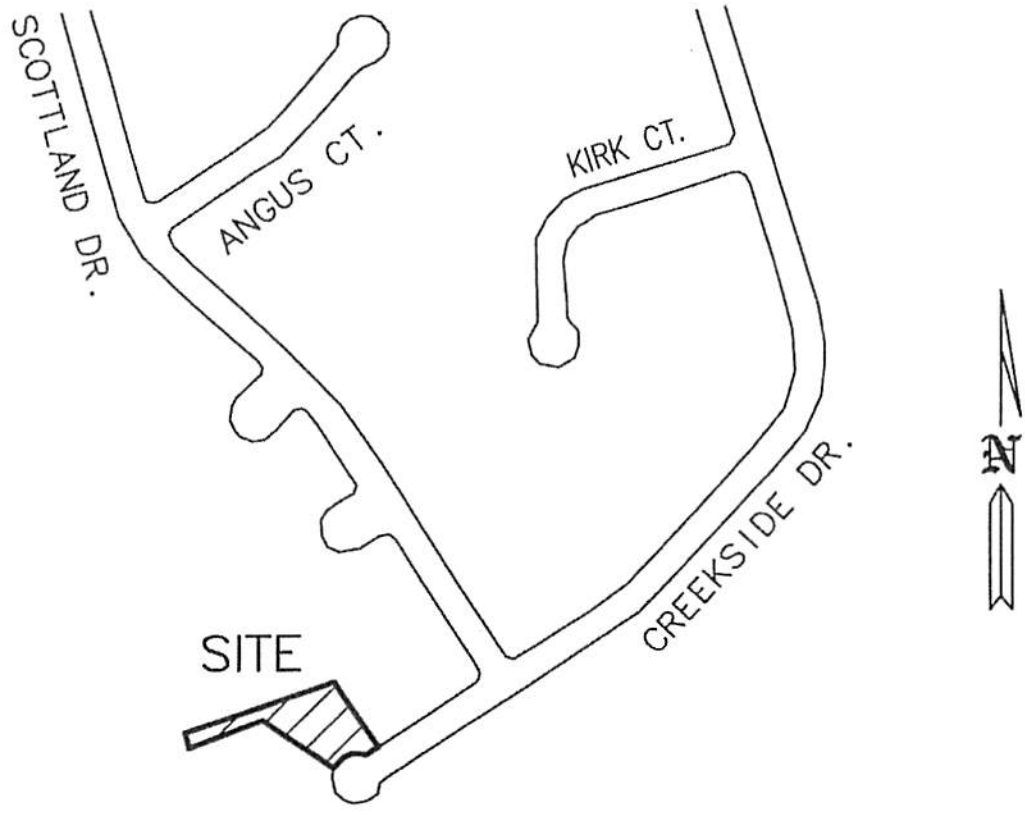
Mr. Lewis Seabrook
E.M. Seabrook Jr., Inc
Post Office Box 96
Mount Pleasant, South Carolina 29465
tom@emseabrook.com

SCDHEC – Bureau of Water
2600 Bull Street
Columbia, SC 29201
WQCWetlands@dhec.sc.gov

SCDHEC - OCRM
1362 McMillan Avenue, Suite 400
North Charleston, SC 29405
OCRMPermitting@dhec.sc.gov

US Coast Guard
Sector Charleston
Attention: Waterways Management
1050 Register Street
North Charleston, SC 29405
D07-PF-SECTORCHASN-WWM@uscg.mil

EXHIBIT
Pet. 7
4-25-22 210310



SOUTH CAROLINA
E.M.SEABROOK JR., INC. NO. C00045
CERTIFICATE OF AUTHORIZATION

VICINITY MAP
NOT TO SCALE

SOUTH CAROLINA
REGISTERED PROFESSIONAL ENGINEER & LAND SURVEYOR 09860
LEWIS E. SEABROOK

PURPOSE: TO CONSTRUCT A PRIVATE DOCK

ADJACENT PROPERTY OWNERS:

1. ROBERT C. & CAROL K. CRAWFORD (TMS 535-14-00-027)
   710 CREEKSDE DR.
   MOUNT PLEASANT, S. C. 29464
2. WILLIAMS TRUST (TMS 535-14-00-027)
   702 CREEKSDE DR.
   MOUNT PLEASANT, S. C. 29464
3. JAMES R. LITTLETON, JR. & ELIZABETH ANN FEMIA (TMS 517-08-00-099)
   684 PAWLEY ROAD
   MOUNT PLEASANT, S. C. 29464
3. ROBERT B. LEMAN 2012 TRUST &. PATTI RUTH LEMAN (TMS 517-08-00-098)
   688 PAWLEY ROAD
   MOUNT PLEASANT, S. C. 29464

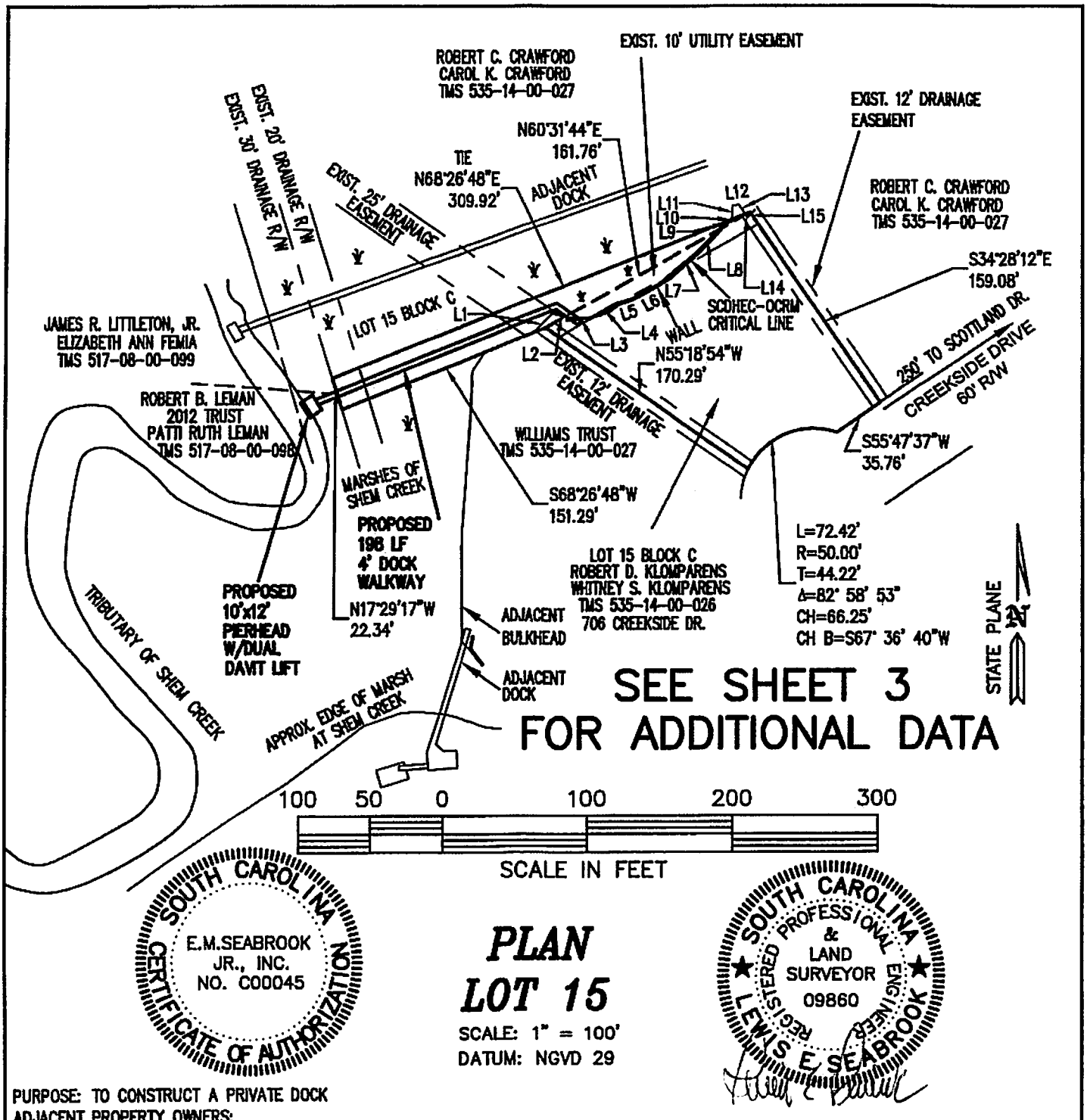
PROPOSED: DOCK

IN A TRIBUTARY OF SHEM CREEK

AT LOT 15 BLOCK C CREEKSIDE PARK
TOWN OF MT. PLEASANT
CHARLESTON COUNTY, S.C. (TMS 535-14-00-026)

APPLICATION BY:
ROBERT D. AND WHITNEY S. KLOMPARENS
706 CREEKSIDE DR.
MOUNT PLEASANT, S. C. 29464
SHEET 1 OF 4 DATE: 08/31/20

20067-DOCK PERMIT KLOMPARENS



SOUTH CAROLINA
E.M.SEABROOK JR., INC. NO. C00045
CERTIFICATE OF AUTHORIZATION

SOUTH CAROLINA
REGISTERED PROFESSIONAL ENGINEER & LAND SURVEYOR
09860
LEWIS E. SEABROOK

PLAN
LOT 15

SCALE: 1" = 100'
DATUM: NGVD 29

PURPOSE: TO CONSTRUCT A PRIVATE DOCK

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MOUNT PLEASANT, S. C. 29464
SHEET 2 OF 4 DATE: 08/31/20

20067-DOCK PERMIT KLOMPARENS

SCDHEC-OCRM 0085

Line Table		
Line #	Length	Bearing
L1	18.38	N45° 12' 12"E
L2	11.95	S76° 51' 12"E
L3	14.57	S89° 41' 36"E
L4	20.19	N59° 25' 48"E
L5	11.56	N72° 29' 19"E
L6	20.81	N61° 40' 00"E
L7	33.34	N50° 37' 09"E
L8	27.02	N44° 18' 53"E
L9	6.49	N69° 20' 00"E
L10	1.43	N03° 11' 12"E
L11	9.47	N03° 11' 12"E
L12	4.41	N83° 12' 43"E
L13	7.70	S35° 23' 45"E
L14	2.81	S35° 23' 45"E
L15	3.37	N45° 46' 41"E

REFERENCES:

1. PLAT BY E. M. SEABROOK, JR., INC. DATED JULY 31, 1968, RECORDED IN CHARLESTON COUNTY ROD OFFICE IN PLAT BOOK X PAGE 129
2. PLAT BY E. M. SEABROOK, JR., INC. DATED OCT. 28, 1971, RECORDED IN CHARLESTON COUNTY ROD OFFICE IN PLAT BOOK AB PAGE 79
3. DEED DATED SEPT. 16, 2014, RECORDED IN CHARLESTON COUNTY ROD OFFICE IN DEED BOOK 0430 PAGE 182
4. PLAT BY JOHN E. WADE, JR., INC. DATED JULY 29. 2014, NOT RECORDED

SOUTH CAROLINA
E.M.SEABROOK JR., INC. NO. C00045
CERTIFICATE OF AUTHORIZATION

ADDITIONAL DATA
LOT 15

SOUTH CAROLINA
PROFESSIONAL & LAND SURVEYOR
09860
REGISTERED ENGINEER
LEWIS E. SEABROOK

PURPOSE: TO CONSTRUCT A PRIVATE DOCK

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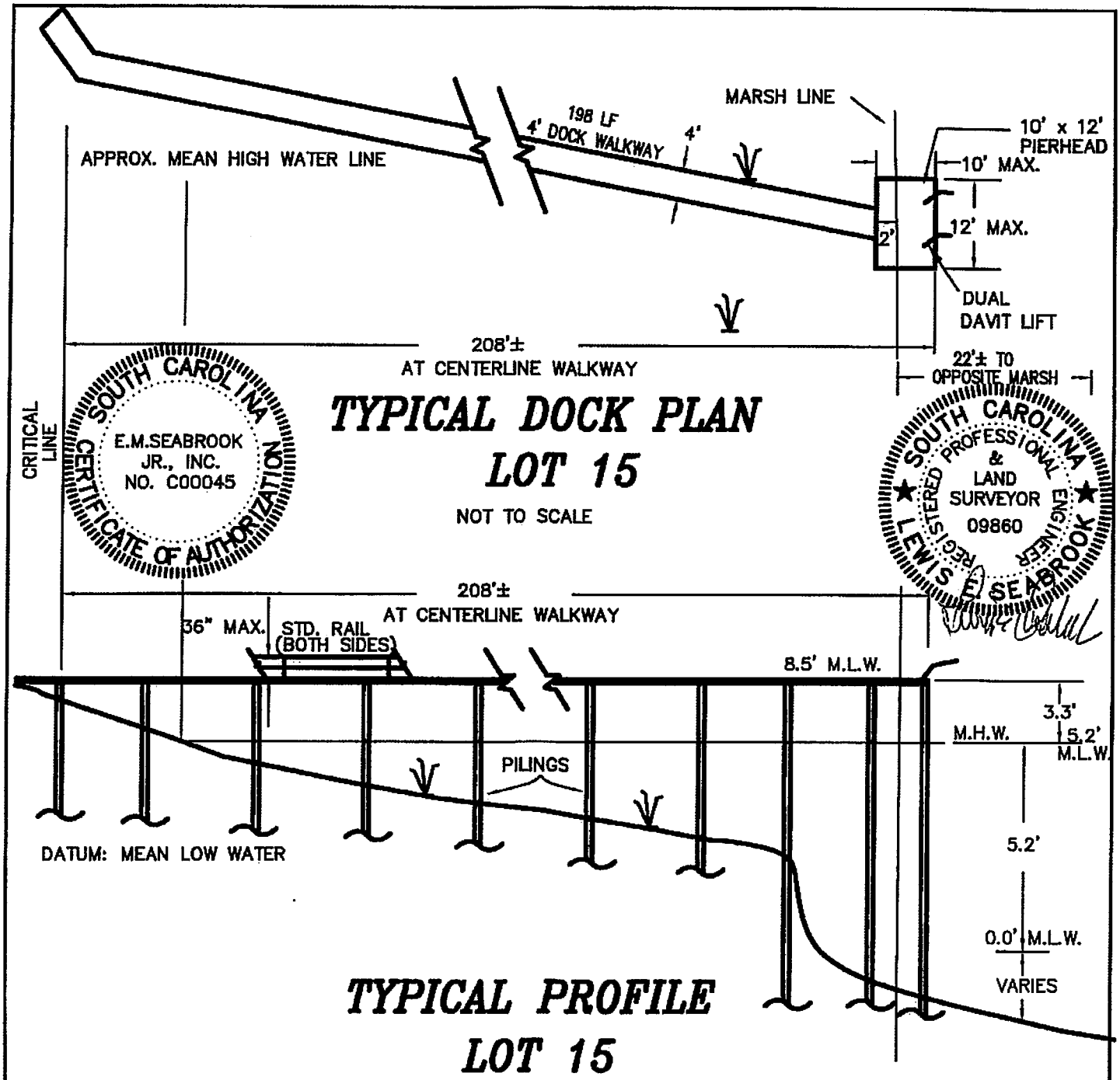
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ROBERT D. AND WHITNEY S. KLOMPARENS
706 CREEKSIDE DR.
MOUNT PLEASANT, S. C. 29464
SHEET 3 OF 4 DATE: 08/31/20

20067-DOCK PERMIT KLOMPARENS



TYPICAL DOCK PLAN
LOT 15

NOT TO SCALE

TYPICAL PROFILE
LOT 15

NOT TO SCALE

PURPOSE: TO CONSTRUCT A PRIVATE DOCK

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PROPOSED: DOCK

IN A TRIBUTARY OF SHEM CREEK

AT LOT 15 BLOCK C CREEKSIDE PARK
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APPLICATION BY:
ROBERT D. AND WHITNEY S. KLOMPARENS
706 CREEKSIDE DR.
MOUNT PLEASANT, S. C. 29464
SHEET 4 OF 4 DATE: 08/31/20

20067-DOCK PERMIT KLOMPARENS

SCDHEC-OCRM 0087

EXHIBIT
Pet. 8
4-25-20
tabbies

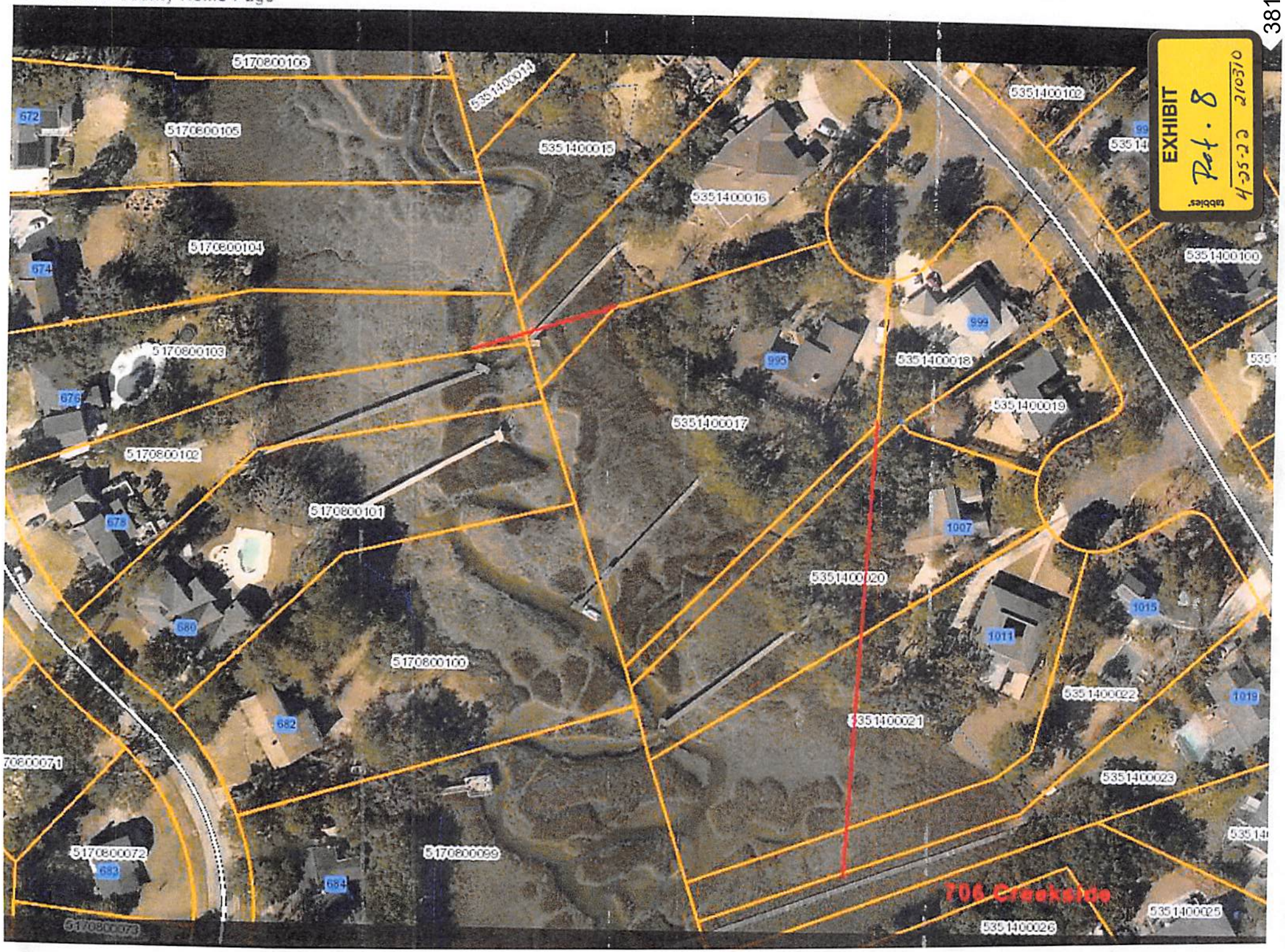


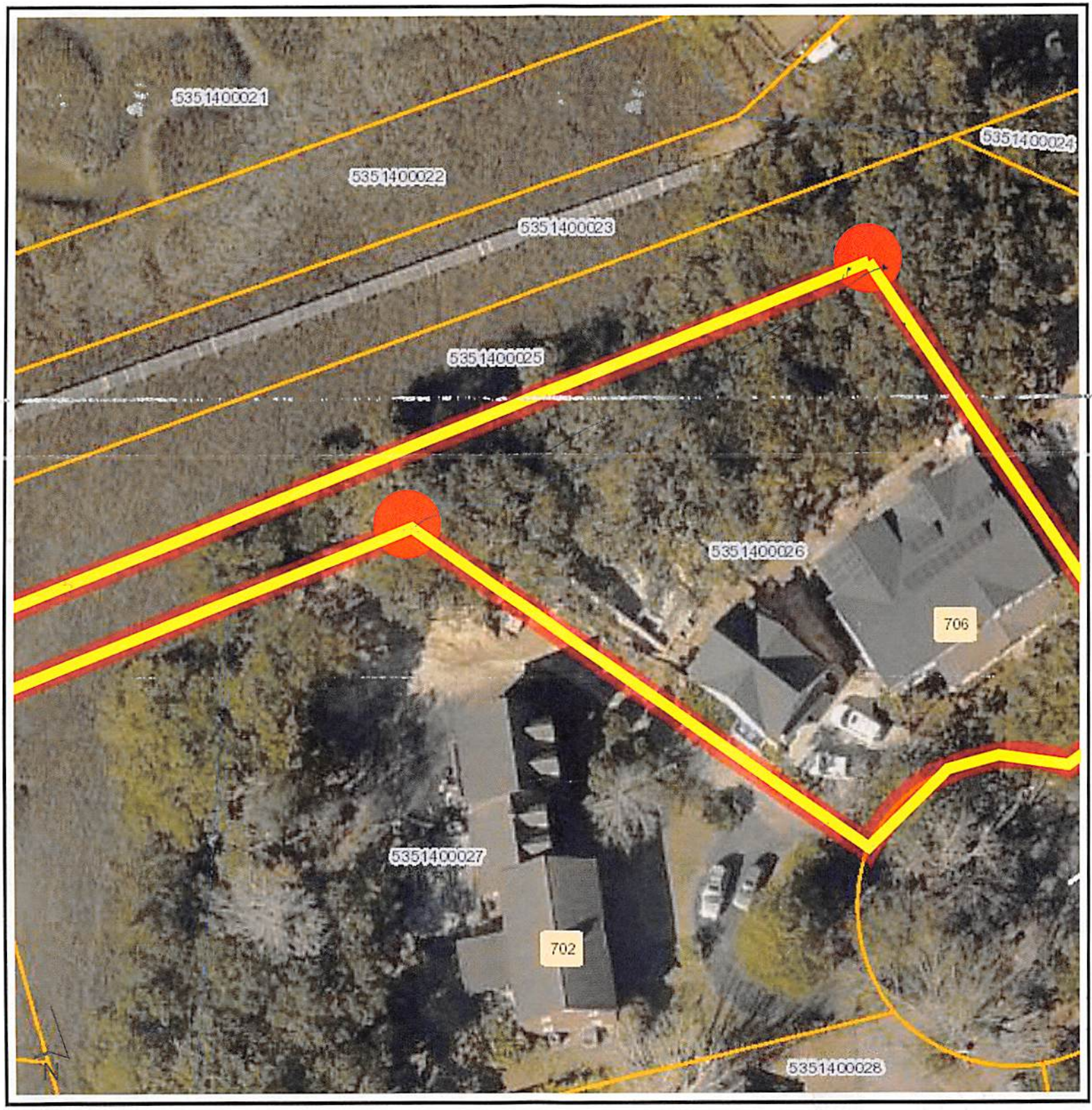
EXHIBIT
Pet. 6
tabbies

ounty ROD Charleston County Home Page



ounty ROD Charleston County Home Page





Charleston County SC

PID: 5351400026
OWNER1: KLOMPARENS ROBERT D
PLAT BOOK PAGE: S20- 0147
DEED BOOK PAGE: 0430-182
Jurisdiction: TOWN OF MT PLEASANT

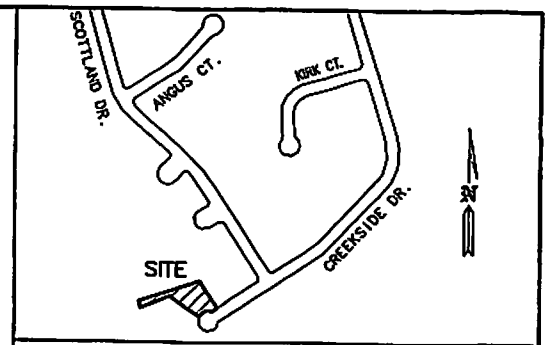
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1 inch = 41 feet

EXHIBIT
tabbies'
Pet. 11
4-25-22 210310

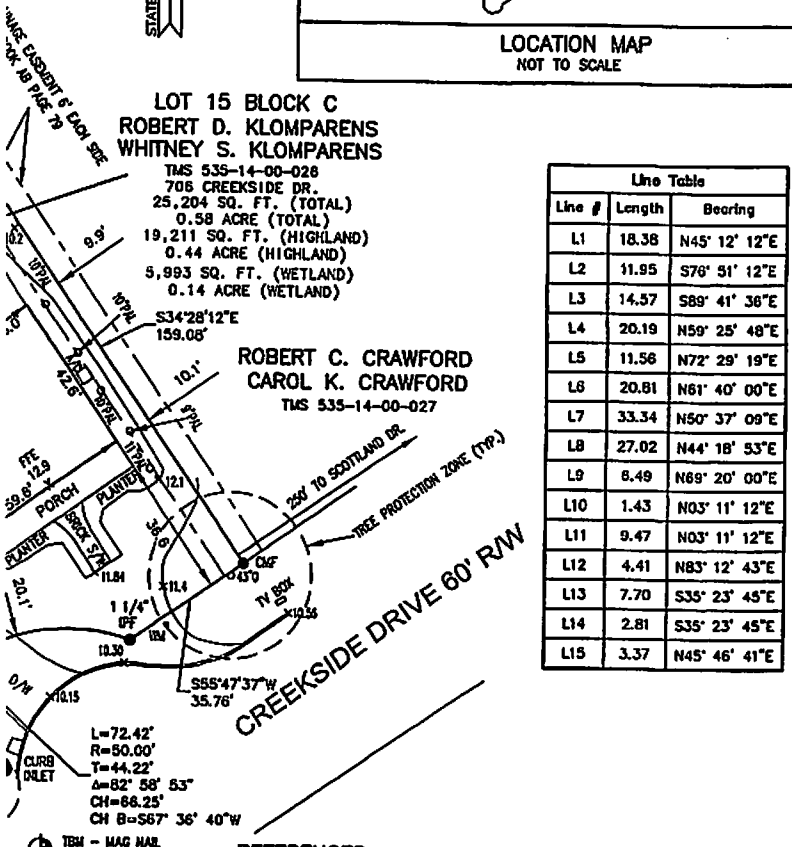
CHARLESTON COUNTY
SOUTH CAROLINA

Note: The Charleston County makes every effort possible to produce the most accurate information. The layers contained in the map service are for information purposes only. The Charleston County makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The County explicitly disclaims all representations and warranties. The reader agrees to hold harmless the Charleston County for any cause of action and costs associated with any causes of action which may arise as a consequence of the County providing this information.

Author: Charleston County SC
Date: 10/20/2021



LOCATION MAP
NOT TO SCALE



Line Table		
Line #	Length	Bearing
L1	18.38	N45° 12' 12"E
L2	11.95	S76° 51' 12"E
L3	14.57	S89° 41' 36"E
L4	20.19	N59° 25' 48"E
L5	11.56	N72° 29' 19"E
L6	20.81	N61° 40' 00"E
L7	33.34	N50° 37' 09"E
L8	27.02	N44° 18' 53"E
L9	6.49	N69° 20' 00"E
L10	1.43	N03° 11' 12"E
L11	9.47	N03° 11' 12"E
L12	4.41	N83° 12' 43"E
L13	7.70	S35° 23' 45"E
L14	2.81	S35° 23' 45"E
L15	3.37	N45° 46' 41"E

TBM = MAG NAIL
ELEV. 10.08
NGVD 29

NT

1, 2020

REFERENCES:

1. PLAT BY E. M. SEABROOK, JR., INC. DATED JULY 31, 1968, RECORDED IN CHARLESTON COUNTY ROD OFFICE IN PLAT BOOK X PAGE 129
2. PLAT BY E. M. SEABROOK, JR., INC. DATED OCT. 28, 1971, RECORDED IN CHARLESTON COUNTY ROD OFFICE IN PLAT BOOK AB PAGE 79
3. DEED DATED SEPT. 16, 2014, RECORDED IN CHARLESTON COUNTY ROD OFFICE IN DEED BOOK 0430 PAGE 182
4. PLAT BY JOHN E. WADE, JR., INC. DATED JULY 29, 2014, NOT RECORDED

NOTES:

1. AREA DETERMINED BY COORDINATES
2. BASED ON INTERPRETATION OF FEMA FLOOD INSURANCE RATE MAP NUMBER 45019C 0538 J DATED NOVEMBER 17, 2004, THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONE AR (ELEV. 12).
3. THE ABSENCE OR PRESENCE OF U. S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS HAS NOT BEEN DETERMINED BY THIS SURVEY.
4. THERE IS NO OBSERVABLE EVIDENCE OF THE LOCATION OF CEMETERIES OR BURIAL GROUNDS ON THIS PROPERTY. SUBSURFACE CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING ANY SUBSURFACE CONDITIONS THAT MAY AFFECT THE USE OR FURTHER DEVELOPMENT OF THIS PROPERTY.

The area shown on this plat is a representation of department (SCDHEC OCRM) permit authority on the subject property. Critical areas by their nature are dynamic and subject to change over time. By delineating the permit authority of SCDHEC OCRM, SCDHEC OCRM in no way waives its right to assert permit jurisdiction at any time in any critical area on the subject property, whether shown hereon or not.

CERTIFIED BY OCRM STAFF MEREDITH B. WRYE — JUNE 25, 2020
SIGNATURE — DATE

The critical line shown on this plat is valid for five years from the date of this signature, subject to the cautionary language above.

EXHIBIT
tabbies
Pet. 12
4-25-22 210310

FOR TOWN OF MOUNT PLEASANT AND CHARLESTON COUNTY USE ONLY:

PLAT APPROVED
Town of Mount Pleasant, SC

BY _____ TOWN ENGINEER

DATE 7/10/2020

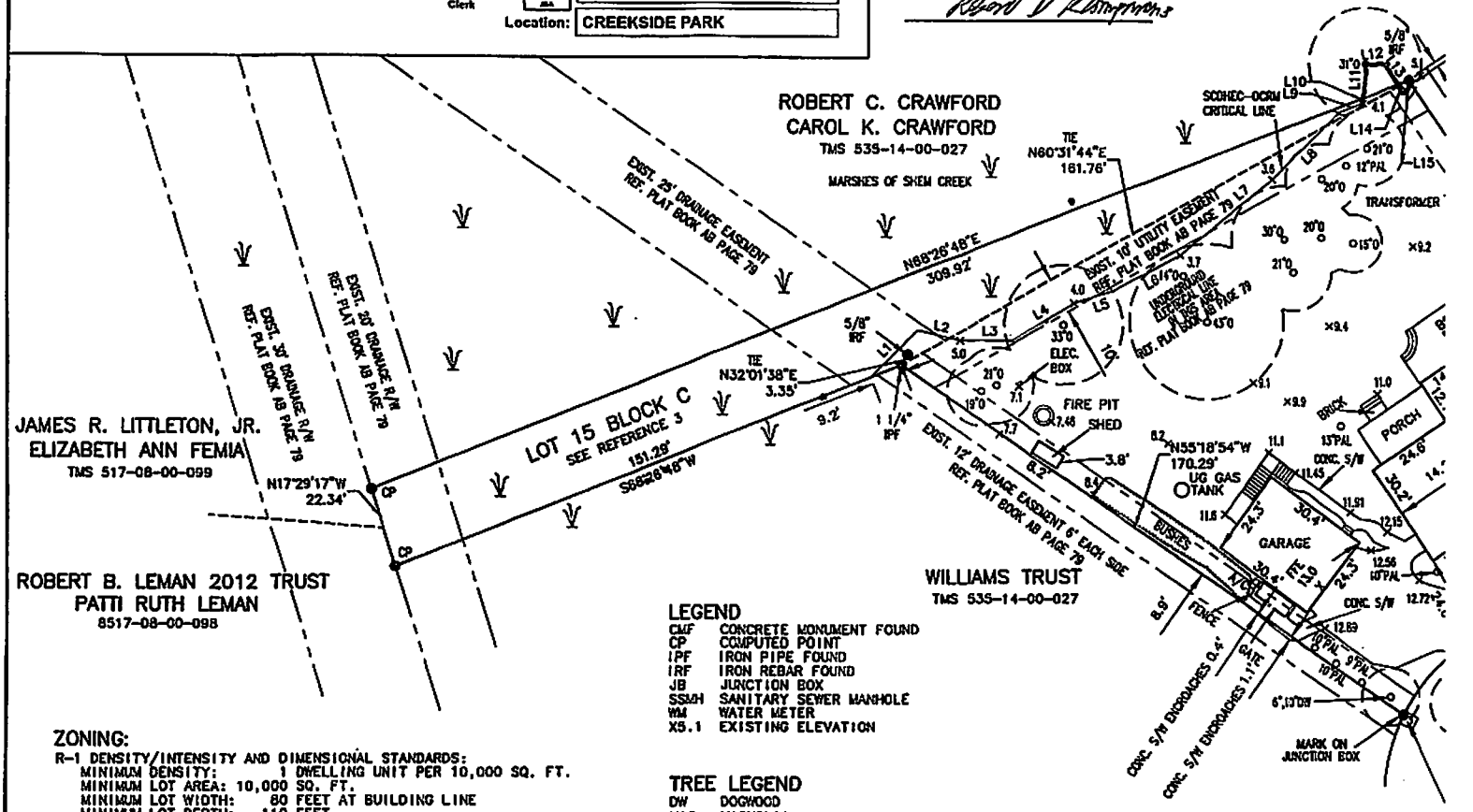
RECORDED
DATE: 7/29/2020 TIME: 2:28:47 PM
Book-Page S20 0147 DocType Small Plat
Michael Miller, Register, Charleston County, SC

Filed By:
E M SEABROOK JR INC
0
PO BOX 96
MT PLEASANT SC 29465

Record Fee	$25.00
Postage	$1.00
TOTAL	$26.00
Drawer	
Clerk	

Location: CREEKSIDE PARK

The undersigned designee has the authority to represent the owner(s) of this property for the purpose described herein. I understand South Carolina State Law Section 6-29-1145 and by certify compliance therewith by my signature below.
Print Name _____
Signature _____
Date of Signature 7/1/20



LEGEND

CMF	CONCRETE MONUMENT FOUND
CP	COMPUTED POINT
IPF	IRON PIPE FOUND
IRF	IRON REBAR FOUND
JB	JUNCTION BOX
SSMH	SANITARY SEWER MANHOLE
WM	WATER METER
X5.1	EXISTING ELEVATION

TREE LEGEND

DW	DOGWOOD
MAG	MAGNOLIA
O	OAK
PAL	PALMETTO
PE	PECAN

ZONING:
R-1 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS:
MINIMUM DENSITY: 1 DWELLING UNIT PER 10,000 SQ. FT.
MINIMUM LOT AREA: 10,000 SQ. FT.
MINIMUM LOT WIDTH: 80 FEET AT BUILDING LINE
MINIMUM LOT DEPTH: 110 FEET
MINIMUM SETBACKS:
FRONT/STREET SIDE: 30 FEET
SIDE YARD: 25 FEET (COMBINED WIDTH)
SIDE YARD: 10 FEET (WIDTH ON ONE SIDE)
REAR: 30 FEET
MAXIMUM HEIGHT: 35 FEET
(AND NO MORE THAN 2.5 STORIES), EXCEPT AS OTHERWISE PERMITTED IN § 156.102
MAXIMUM BLDG. COVER: NO MORE THAN 35% OF LOT MAY BE COVERED BY PRINCIPAL AND ACCESSORY BUILDINGS.
BUFFERYARD REQUIREMENTS: MINIMUM BUFFER-YARD REQUIREMENTS FOR, AND BETWEEN, PERMITTED USES IN THIS DISTRICT AND CONTIGUOUS USES ARE SET FORTH IN § 156.201.
REFERENCE TO ADDITIONAL REGULATIONS: IN ADDITION TO THE ABOVE, ALL APPLICABLE OFF-STREET PARKING, LOADING, SIGN, BUFFER AND SUPPLEMENTAL REGULATIONS SHALL APPLY TO USES WITHIN THIS DISTRICT.

CREEKSIDE PARK
TOWN OF MOUNT PLEAS
CHARLESTON COUNTY, S. C.

SURVEY OF LOT 15 BLOCK C (TMS 535-14-00-026)
CONTAINING 0.58 ACRE (TOTAL)
OWNED BY ROBERT D. KLOMPARENS AND WHITNEY S. KLOMPAREN

SCALE: 1" = 30'

30 15 0 30 60 90
SCALE IN FEET

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN.

Lewis E. Seabrook 7/1/20

LEWIS E. SEABROOK
CIVIL ENGINEER & LAND SURVEYOR
S. C. REG. NO. 09860
P. O. BOX 96
MT. PLEASANT, S. C. 29465
(843) 884-4496

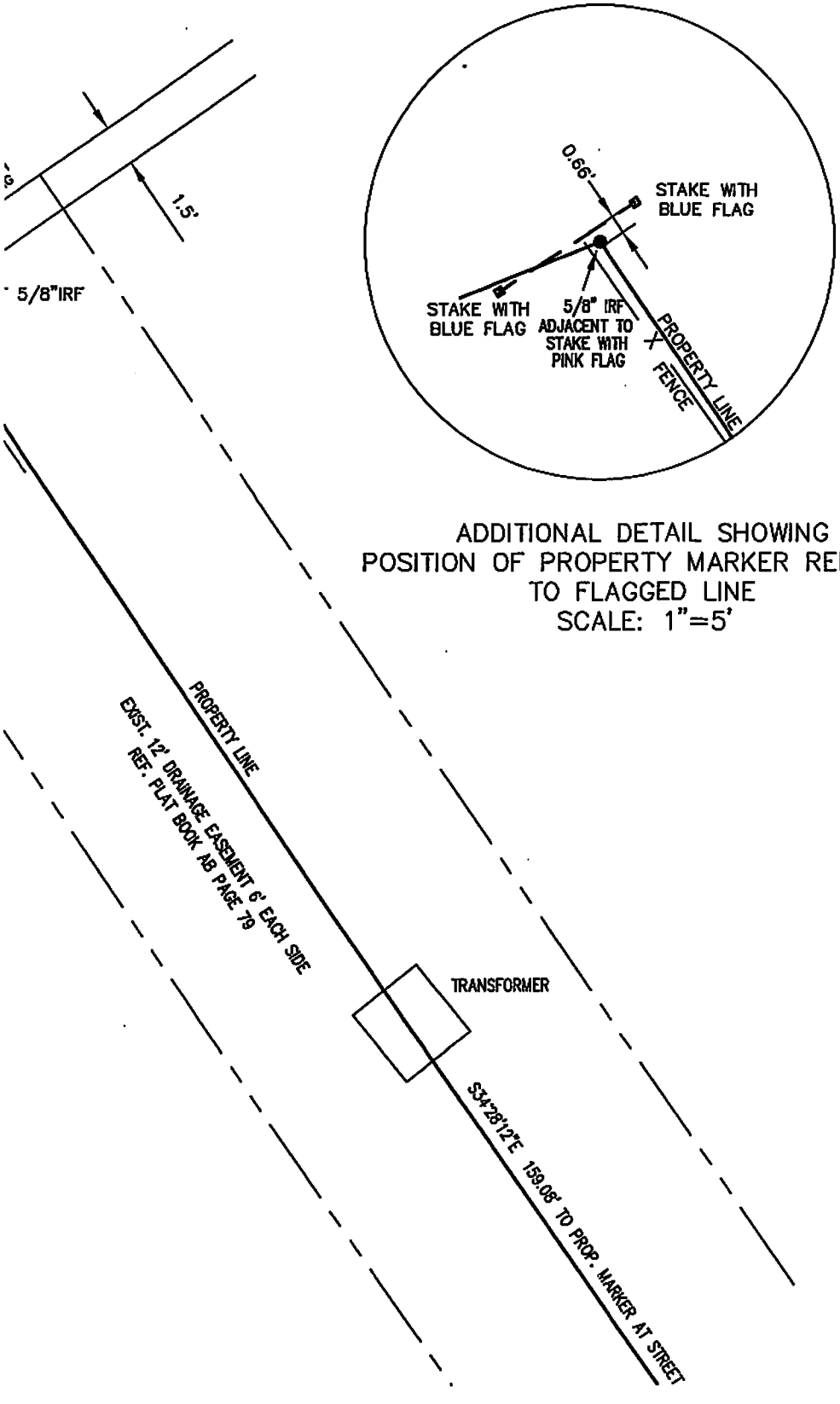
SOUTH CAROLINA REGISTERED PROFESSIONAL ENGINEER & LAND SURVEYOR LEWIS E. SEABROOK 09860

SOUTH CAROLINA E.M.SEABROOK JR., INC. NO. C00045 CERTIFICATE OF AUTHORIZATION

NGVD 29

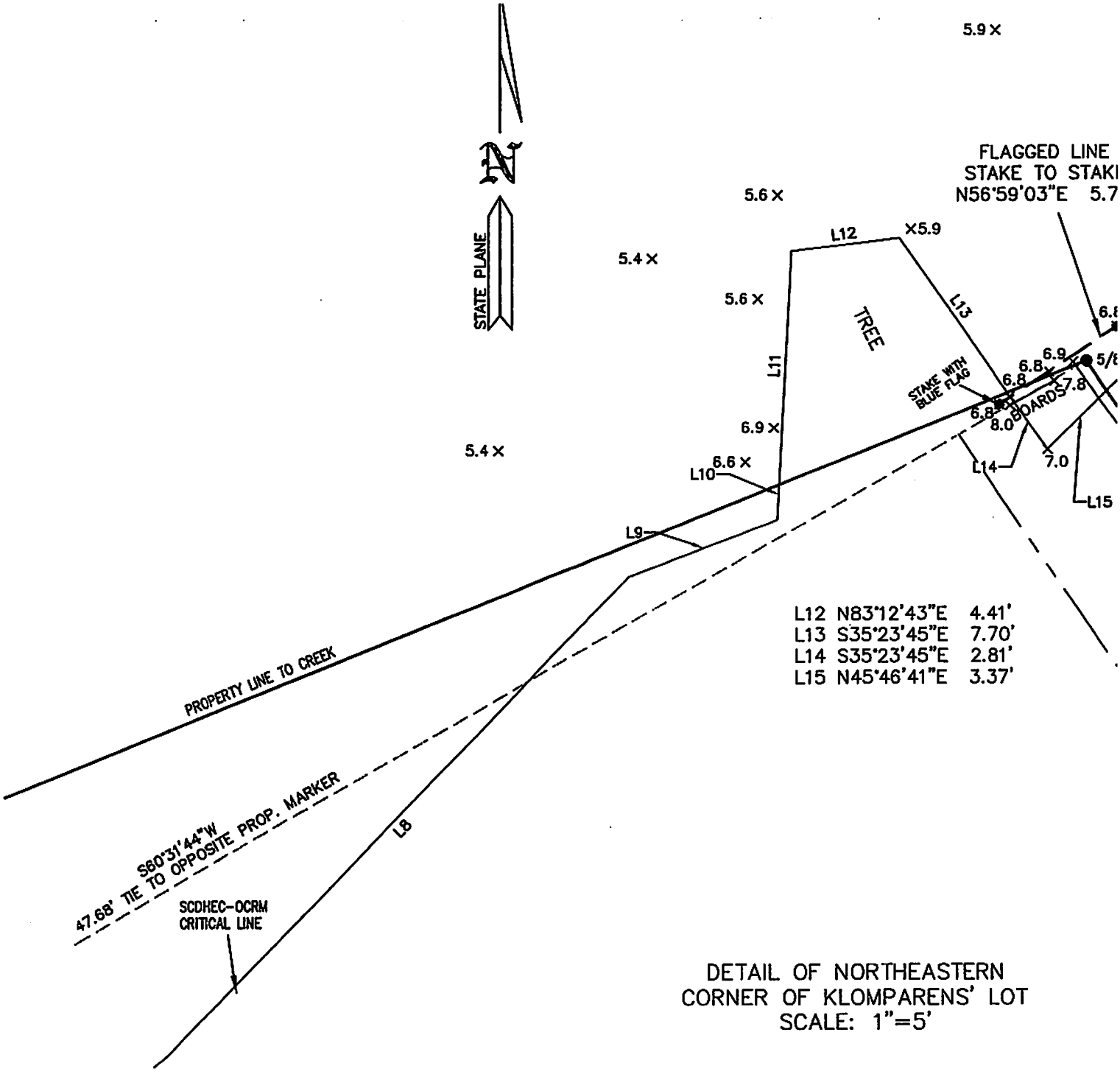
E.M. SEABROOK
Engineers | Surveyors
1037 Chuck Dawley Blvd.
Building F · Suite 200
Post Office Box 96
Mount Pleasant, SC 29465
Phone (843) 884-4496
www.emseabrook.com

20057-KLOMPARENS



ADDITIONAL DETAIL SHOWING
POSITION OF PROPERTY MARKER RELATIVE
TO FLAGGED LINE
SCALE: 1"=5'

EXHIBIT
Pet .13
4-25-22 210310



DETAIL OF NORTHEASTERN
CORNER OF KLOMPARENS' LOT
SCALE: 1"=5'

NOTE: SPOT ELEVATIONS SHOWN AS 5.4×
ARE BASED ON MEAN LOW WATER DATUM.
MEAN HIGH WATER FOR CHARLESTON HARBOR
BASED ON PUBLISHED DATA FROM NOAA IS 5.40' M

NOAA Chart: 11524
USGS Quad: CHARLESTON

Latitude: 32° 46.9' N (32.78170)
Longitude: 79° 55.5' W (-79.92500)

To reach the tidal bench marks from the intersection of East Bay Street and the crosstown highway at the south foot of the northbound Cooper River Bridge, proceed SE on East Bay Street for 2.6 km (1.6 mi). Turn left onto Market Street for 0.2 km (0.1 mi) to Concord Street. Turn right and travel 0.08 km (0.05 mi) to the drive of South Carolina Port Authority. Turn left and follow the drive to a dock. The bench marks are in the vicinity of U.S. Custom House, along East Bay Street, and along Broad Street. The tide gage and staff are on the south end of the dock.

T I D A L B E N C H M A R K S

PRIMARY BENCH MARK STAMPING: NO 13 1928 ELEV 8.264 FT
DESIGNATION: 866 5530 TIDAL 13

MONUMENTATION:	Tidal Station disk	VM#:	611
AGENCY:	US Coast and Geodetic Survey (USC&GS)	IDB PID#:	CJ0085
SETTING CLASSIFICATION:	Concrete dock	OPUS PID#:	CJ0085
LATITUDE:	32° 46.9' N (32.78169)	LONGITUDE:	79° 55.5' W (-79.92500)

The primary bench mark is a disk set near the east end of the concrete portion of the dock and beyond the guard railway of a concrete pier landing on the approach walkway to the Ports Authority Union Pier Loading Building (note: key must be obtained to access the walkway), 18.14 m (59.5 ft) east of the north gate post at the walkway entrance, 5.46 m (17.9 ft) south of the north edge of the concrete dock, 2.41 m (7.9 ft) north of the north edge of the concrete curb at the walkway to the loading building, and 0.40 m (1.3 ft) west of the east edge of the concrete dock.



NOAA Chart: 11524 Latitude: 32° 46.9 N (32.78170)
USGS Quad: CHARLESTON Longitude: 79° 55.5' W (-79.92500)

T I D A L B E N C H M A R K S

BENCH MARK STAMPING:
DESIGNATION: 9.3=EXTRA
ALIAS: NO STAMPING 1

MONUMENTATION: Chiseled Cross VM#: 613
AGENCY: Unknown IDB PID#: CJ0091
SETTING CLASSIFICATION: Step OPUS PID:
LATITUDE: 32° 46.9' N (32.78169) LONGITUDE: 79° 55.5' W (-79.92500)

The bench mark is a chiseled cross in the top of the south end of the bottom step on the east side entrance of the U.S. Customhouse, at the intersection of Market and Concord Streets, 0.3 m (1 ft) south of an iron railing fence, 0.09 m (0.3 ft) north of south end of step, and about 0.15 m (0.5 ft) above walk.

BENCH MARK STAMPING: 9.311 1918
DESIGNATION: 9

MONUMENTATION: Traverse Station disk VM#: 614
AGENCY: US Geological Survey (USGS) IDB PID#: CJ0084
SETTING CLASSIFICATION: Granite step OPUS PID:
LATITUDE: 32° 46.8' N (32.78000) LONGITUDE: 79° 55.5' W (-79.92500)

The bench mark is a disk set in the north end of the bottom granite step at the east entrance to the U.S. Customhouse, at the intersection of Market and Concord Streets, 24.57 m (80.6 ft) west of the center of Concord Street, and 0.30 m (1.0 ft) south of the wrought iron railing.

NOAA Chart: 11524 Latitude: 32° 46.9' N (32.78170)
USGS Quad: CHARLESTON Longitude: 79° 55.5' W (-79.92500)

T I D A L B E N C H M A R K S

BENCH MARK STAMPING: 7 1921 ELEV 13.612 FT
DESIGNATION: 866 5530 TIDAL 7

MONUMENTATION: Tidal Station disk VM#: 615
AGENCY: US Coast and Geodetic Survey (USC&GS) IDB PID#: CJ0090
SETTING CLASSIFICATION: Window ledge OPUS PID:
LATITUDE: 32° 46.8' N (32.78000) LONGITUDE: 79° 55.5' W (-79.92500)

The bench mark is a disk set in the top of the east end of a window ledge at the U.S. Customhouse at the intersection of Market and East Bay Streets, in the second basement window west of the SE corner of the east wing of the building, 3.51 m (11.5 ft) west of the centerline of the steps on the south side of the building and 1.40 m (4.6 ft) above ground level.

BENCH MARK STAMPING: 8 1921 ELEV 11.109 FT
DESIGNATION: 866 5530 TIDAL 8

MONUMENTATION: Tidal Station disk VM#: 616
AGENCY: US Coast and Geodetic Survey (USC&GS) IDB PID#: CJ0094
SETTING CLASSIFICATION: Stone doorsill OPUS PID:
LATITUDE: 32° 46.7' N (32.77831) LONGITUDE: 79° 55.6' W (-79.92669)

The bench mark is a disk set flush in the north corner of a stone doorsill at the entrance to 185 East Bay Street, on the west side of East Bay Street across from the driveway between 184 and 186 East Bay Street, 4.21 m (13.8 ft) SSW of an unnumbered light pole, and 2.87 m (9.4 ft) south of the NE corner of a store front.

NOAA Chart: 11524 Latitude: 32° 46.9' N (32.78170)
USGS Quad: CHARLESTON Longitude: 79° 55.5' W (-79.92500)

T I D A L B E N C H M A R K S

BENCH MARK STAMPING: **9 1921 ELEV 11.394 FT**
DESIGNATION: 866 5530 TIDAL 9

MONUMENTATION: Tidal Station disk VM#: 617
AGENCY: US Coast and Geodetic Survey (USC&GS) IDB PID#: CJ0095
SETTING CLASSIFICATION: Stone step OPUS PID:
LATITUDE: 32° 46.7' N (32.77831) LONGITUDE: 79° 55.6' W (-79.92669)

The bench mark is a disk set flush at the south end of the top curved step of the East Bay Trading Company Restaurant, at the intersection of East Bay and Queen Streets, 9.75 m (32.0 ft) west of the centerline of East Bay Street, 6.80 m (22.3 ft) south of the centerline of Queen Street, and 4.97 m (16.3 ft) WNW of a fire hydrant.

BENCH MARK STAMPING: **11 1921 ELEV 14.108 FT**
DESIGNATION: 866 5530 TIDAL 11

MONUMENTATION: Tidal Station disk VM#: 618
AGENCY: US Coast and Geodetic Survey (USC&GS) IDB PID#: CJ0152
SETTING CLASSIFICATION: Stone doorsill OPUS PID:
LATITUDE: 32° 46.6' N (32.77669) LONGITUDE: 79° 55.6' W (-79.92669)

The bench mark is a disk set flush on the east side of a stone doorsill of the Peoples Office Building at 18 Broad Street, at the junction of Broad and State Streets, 19.81 m (65.0 ft) west of the centerline of State Street, 11.03 m (36.2 ft) north of the centerline of Broad Street, 1.28 m (4.2 ft) east of the centerline of the entrance to the building, and 0.15 m (0.5 ft) above Broad Street.

NOAA Chart: 11524 Latitude: 32 46.9 N (32.78170)
USGS Quad: CHARLESTON Longitude: 79° 55.5' W (-79.92500)

T I D A L B E N C H M A R K S

BENCH MARK STAMPING: 12 1921 ELEV 16.552 FT
DESIGNATION: 866 5530 TIDAL 12

MONUMENTATION: Tidal Station disk VM#: 619
AGENCY: US Coast and Geodetic Survey (USC&GS) IDB PID#: CJ0098
SETTING CLASSIFICATION: Step OPUS PID:
LATITUDE: 32° 46.6' N (32.77669) LONGITUDE: 79° 55.9' W (-79.93169)

The bench mark is a disk set flush in the top step of the northernmost Meeting Street entrance to the old Post Office, at the intersection of Broad and Meeting Streets, 17.22 m (56.5 ft) south of the centerline of Broad Street, 11.28 m (37.0 ft) west of the centerline of Meeting Street, 0.67 m (2.2 ft) north of the center of the entrance door, and 1.68 m (5.5 ft) above Broad Street.

BENCH MARK STAMPING: NO 14 1928 RESET ELEV 8.327 FT
DESIGNATION: 866 5530 TIDAL 14 RESET

MONUMENTATION: Tidal Station disk VM#: 620
AGENCY: US Coast and Geodetic Survey (USC&GS) IDB PID#: CJ0089
SETTING CLASSIFICATION: Concrete sea wall OPUS PID:
LATITUDE: 32° 46.8' N (32.78000) LONGITUDE: 79° 55.5' W (-79.92500)

The bench mark is a disk set in a granite retaining wall at the boat slip across Concord Street from the east entrance to the U.S. Customhouse, near the southern entrance to the South Carolina Port Authority Terminal, 11.13 m (36.5 ft) east of the centerline of Concord Street, 8.96 m (62.2 ft) north of power pole No. 320450, 1.10 m (3.6 ft) east of the west edge of the retaining wall, 0.43 m (1.4 ft) west of the east edge of the retaining wall, and 0.15 m (0.5 ft) above Concord Street.

NOAA Chart: 11524 Latitude: 32° 46.9' N (32.78170)
USGS Quad: CHARLESTON Longitude: 79° 55.5' W (-79.92500)

T I D A L B E N C H M A R K S

BENCH MARK STAMPING: **U 16 1933 9.117**
DESIGNATION: U 16

MONUMENTATION:	Bench Mark disk	VM#:	622
AGENCY:	US Coast and Geodetic Survey (USC&GS)	IDB PID#:	CJ0081
SETTING CLASSIFICATION:	Building	OPUS PID:	
LATITUDE:	32° 46.8' N (32.78000)	LONGITUDE:	79° 55.6' W (-79.92669)

The bench mark is a disk set vertically in a brick wall near the east corner of the L.A. Grill Restaurant, at the intersection of East Bay and North Market Streets, 3.29 m (10.8 ft) north of the north curb of North Market Street, 0.64 m (2.1 ft) west of the east corner of a brick building entrance way, and 1.04 m (3.4 ft) above the sidewalk.

NOAA Chart: 11524 Latitude: 32° 46.9' N (32.78178)
USGS Quad: CHARLESTON Longitude: 79° 55.5' W (-79.92500)

T I D A L B E N C H M A R K S

BENCH MARK STAMPING: PORT 1962
DESIGNATION: PORT

MONUMENTATION:	Survey disk	VM#: 623
AGENCY:	US Army Corps of Engineers (USE)	IDB PID#: CJ0326
SETTING CLASSIFICATION:	Concrete pier	OPUS PID#: CJ0326

LATITUDE: 32° 46.8' N (32.78078) LONGITUDE: 79° 55.4' W (-79.92364)

The bench mark is a disk set flush on the SE edge of the passenger terminal pier of the South Carolina Port Authority, 3.08 m (10.1 ft) SSE of the SE corner of the 3x3 m (9x9 ft) concrete block building housing the U.S. Department of Commerce National Ocean Service Tide Station, 1.80 m (5.9 ft) NE of the SW edge of the pier, and 1.25 m (4.1 ft) NW of the SE edge of the pier.

NOAA Chart: 11524 Latitude: 32° 46.9' N (32.78170)
USGS Quad: CHARLESTON Longitude: 79° 55.5' W (-79.92500)

T I D A L B E N C H M A R K S

BENCH MARK STAMPING: 10.945
DESIGNATION: 866 5530 TIDAL BASIC
ALIAS: BASIC

MONUMENTATION: Bench Mark disk VM#: 624
AGENCY: US Coast and Geodetic Survey (USC&GS) IDB PID#: CJ0093
SETTING CLASSIFICATION: Concrete monument OPUS PID:
LATITUDE: 32° 46.8' N (32.78000) LONGITUDE: 79° 55.5' W (-79.92500)

The bench mark is a disk set in an 18-inch concrete post near the west entrance steps to the U.S. Custom House, 33.50 m (109.9 ft) east of the center of East Bay Street, 11.52 m (37.8 ft) ESE of the southernmost of two flag poles, 9.54 m (31.3 ft) south of the south face of the large landing at the west entrance steps, 4.18 m (13.7 ft) north of the north edge of the granite curbing of a grassy area, 3.26 m (10.7 ft) WNW of a 0.27 m (0.9 ft) palmetto tree, and projecting 0.67 m (2.2 ft). The west face of the post has formation of colored rocks spelling United States Coast and Geodetic Survey Basic Bench Mark.

NOAA Chart: 11524 Latitude: 32° 46.9' N (32.78170)
USGS Quad: CHARLESTON Longitude: 79° 55.5' W (-79.92500)

T I D A L D A T U M S

Tidal datums at CHARLESTON, COOPER RIVER ENTRANCE based on:

LENGTH OF SERIES:	19 YEARS
TIME PERIOD:	January 1983 - December 2001
TIDAL EPOCH:	1983-2001
CONTROL TIDE STATION:	

Elevations of tidal datums referred to Mean Lower Low Water (MLLW), in METERS:

HIGHEST OBSERVED WATER LEVEL (09/21/1989)		=	3.817
MEAN HIGHER HIGH WATER	MHHW	=	1.757
MEAN HIGH WATER	MHW	=	1.648
North American Vertical Datum	NAVD88	=	0.957
MEAN SEA LEVEL	MSL	=	0.891
MEAN TIDE LEVEL	MTL	=	0.853
MEAN LOW WATER	MLW	=	0.057
MEAN LOWER LOW WATER	MLLW	=	0.000
LOWEST OBSERVED WATER LEVEL (03/13/1993)		=	-1.245

North American Vertical Datum (NAVD88)

Bench Mark Elevation Information — In METERS above:

Stamping or Designation	MLLW	MHW
NO 13 1928 ELEV 8.264 FT	3.177	1.529
9.3=EXTRA	3.496	1.848
9.311 1918	3.499	1.851
7 1921 ELEV 13.612 FT	4.812	3.163
8 1921 ELEV 11.109 FT	4.054	2.406
9 1921 ELEV 11.394 FT	4.126	2.478
11 1921 ELEV 14.108 FT	4.953	3.304
12 1921 ELEV 16.552 FT	5.711	4.062
NO 14 1928 RESET ELEV 8.327 FT	3.188	1.539
U 16 1933 9.117	3.443	1.794
PORT 1962	3.491	1.842
10.945	3.983	2.334

D E F I N I T I O N S

Mean Sea Level (MSL) is a tidal datum determined over a 19-year National Tidal Datum Epoch. It pertains to local mean sea level and should not be confused with the fixed datums of North American Vertical Datum of 1988 (NAVD88).

NAVD88 is a fixed datum derived from a simultaneous, least squares, minimum constraint adjustment of Canadian/Mexican/United States leveling observations. Local mean sea level observed at Father Point/Rimouski, Canada was held fixed as the single initial constraint. NAVD88 replaces NGVD29 as the national standard geodetic reference for heights. Bench mark elevations relative to NAVD88 are available from NGS through the World Wide Web at National Geodetic Survey.

NGVD29 is a fixed datum adopted as a national standard geodetic reference for heights but is now considered superseded. NGVD29 is sometimes referred to as Sea Level Datum of 1929 or as Mean Sea Level on some early issues of Geological Survey Topographic Quads. NGVD29 was originally derived from a general adjustment of the first-order leveling networks of the U.S. and Canada after holding mean sea level observed at 26 long term tide stations as fixed. Numerous local and wide-spread adjustments have been made since establishment in 1929. Bench mark elevations relative to NGVD29 are available from the National Geodetic Survey (NGS) data base via the World Wide Web at National Geodetic Survey.

NAVD88 and NGVD29 are fixed geodetic datums whose elevation relationships to local MSL and other tidal datums may not be consistent from one location to another.

The Vertical Mark Number (VM#) and PID# shown on the bench mark sheet are unique identifiers for bench marks in the tidal and geodetic databases, respectively. Each bench mark in either database has a single, unique VM# and/or PID# assigned. Where both VM# and PID# are indicated, both tidal and geodetic elevations are available for the bench mark listed. *The NGS's Integrated Data Base (IDB PID) provides geodetic datum based on traditionally leveled and bluebooked ties to the National Spatial Reference System(NSRS) https://www.ngs.noaa.gov/datasheets/. The NGS Online Positioning User Service (OPUS PID) provides geodetic datum based on GPS position & tie it to the NSRS https://www.ngs.noaa.gov/OPUS/.*

The NAVD88 elevation is shown on the Elevations of Tidal Datums Table Referred to MLLW only when two or more of the bench marks listed have NAVD88 elevations. The NAVD88 elevation relationship shown in the table is derived from an average of several bench mark elevations relative to tide station datum. As a result of this averaging, NAVD88 bench mark elevations computed indirectly from the tidal datums elevation table may differ slightly from NAVD88 elevations listed for each bench mark in the NGS database.

NOAA Chart: 11524
USGS Quad: CHARLESTON

Latitude: 32° 46.9' N (32.78170)
Longitude: 79° 55.5' W (-79.92500)

T I D A L D A T U M S

Tidal datums at CHARLESTON, COOPER RIVER ENTRANCE based on:

LENGTH OF SERIES:	19 YEARS
TIME PERIOD:	January 1983 - December 2001
TIDAL EPOCH:	1983-2001
CONTROL TIDE STATION:	

Elevations of tidal datums referred to Mean Lower Low Water (MLLW), in METERS:

HIGHEST OBSERVED WATER LEVEL (09/21/1989)		=	3.817
MEAN HIGHER HIGH WATER	MHHW	=	1.757
MEAN HIGH WATER	MHW	=	1.648
North American Vertical Datum	NAVD88	=	0.957
MEAN SEA LEVEL	MSL	=	0.891
MEAN TIDE LEVEL	MTL	=	0.853
MEAN LOW WATER	MLW	=	0.057
MEAN LOWER LOW WATER	MLLW	=	0.000
LOWEST OBSERVED WATER LEVEL (03/13/1993)		=	-1.245

North American Vertical Datum (NAVD88)

Bench Mark Elevation Information	In METERS above:	
Stamping or Designation	MLLW	MHW
NO 13 1928 ELEV 8.264 FT	3.177	1.529
9.3=EXTRA	3.496	1.848
9.311 1918	3.499	1.851
7 1921 ELEV 13.612 FT	4.812	3.163
8 1921 ELEV 11.109 FT	4.054	2.406
9 1921 ELEV 11.394 FT	4.126	2.478
11 1921 ELEV 14.108 FT	4.953	3.304
12 1921 ELEV 16.552 FT	5.711	4.062
NO 14 1928 RESET ELEV 8.327 FT	3.188	1.539
U 16 1933 9.117	3.443	1.794
PORT 1962	3.491	1.842
10.945	3.983	2.334

Station ID: 8665530
Name: CHARLESTON, COOPER RIVER ENTRANCE SC
NOAA Chart: 11524
USGS Quad: CHARLESTON

PUBLICATION DATE: 04/29/2003

Latitude: 32° 46.9' N (32.78170)
Longitude: 79° 55.5' W (-79.92500)

T I D A L D A T U M S

Tidal datums at CHARLESTON, COOPER RIVER ENTRANCE based on:

LENGTH OF SERIES:	19 YEARS
TIME PERIOD:	January 1983 - December 2001
TIDAL EPOCH:	1983-2001
CONTROL TIDE STATION:	

Elevations of tidal datums referred to Mean Lower Low Water (MLLW), in METERS:

				FT
HIGHEST OBSERVED WATER LEVEL (09/21/1989)		=	3.817	12.52
MEAN HIGHER HIGH WATER	MHHW	=	1.757	5.76
MEAN HIGH WATER	MHW	=	1.648	5.41 ←
North American Vertical Datum	NAVD88	=	0.957	3.14
MEAN SEA LEVEL	MSL	=	0.891	2.92
MEAN TIDE LEVEL	MTL	=	0.853	2.80
MEAN LOW WATER	MLW	=	0.057	0.19
MEAN LOWER LOW WATER	MLLW	=	0.000	0.00
LOWEST OBSERVED WATER LEVEL (03/13/1993)		=	-1.245	-4.08

North American Vertical Datum (NAVD88)

Bench Mark Elevation Information	In METERS above:	
Stamping or Designation	MLLW	MHW
NO 13 1928 ELEV 8.264 FT	3.177	1.529
9.3=EXTRA	3.496	1.848
9.311 1918	3.499	1.851
7 1921 ELEV 13.612 FT	4.812	3.163
8 1921 ELEV 11.109 FT	4.054	2.406
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NO 14 1928 RESET ELEV 8.327 FT	3.188	1.539
U 16 1933 9.117	3.443	1.794
PORT 1962	3.491	1.842
10.945	3.983	2.334


EXHIBIT
Pet. 15A
4-25-22 210310



EXHIBIT
Pet. 15B
4-25-22 210310


EXHIBIT
tabbies
Pet. 15 C
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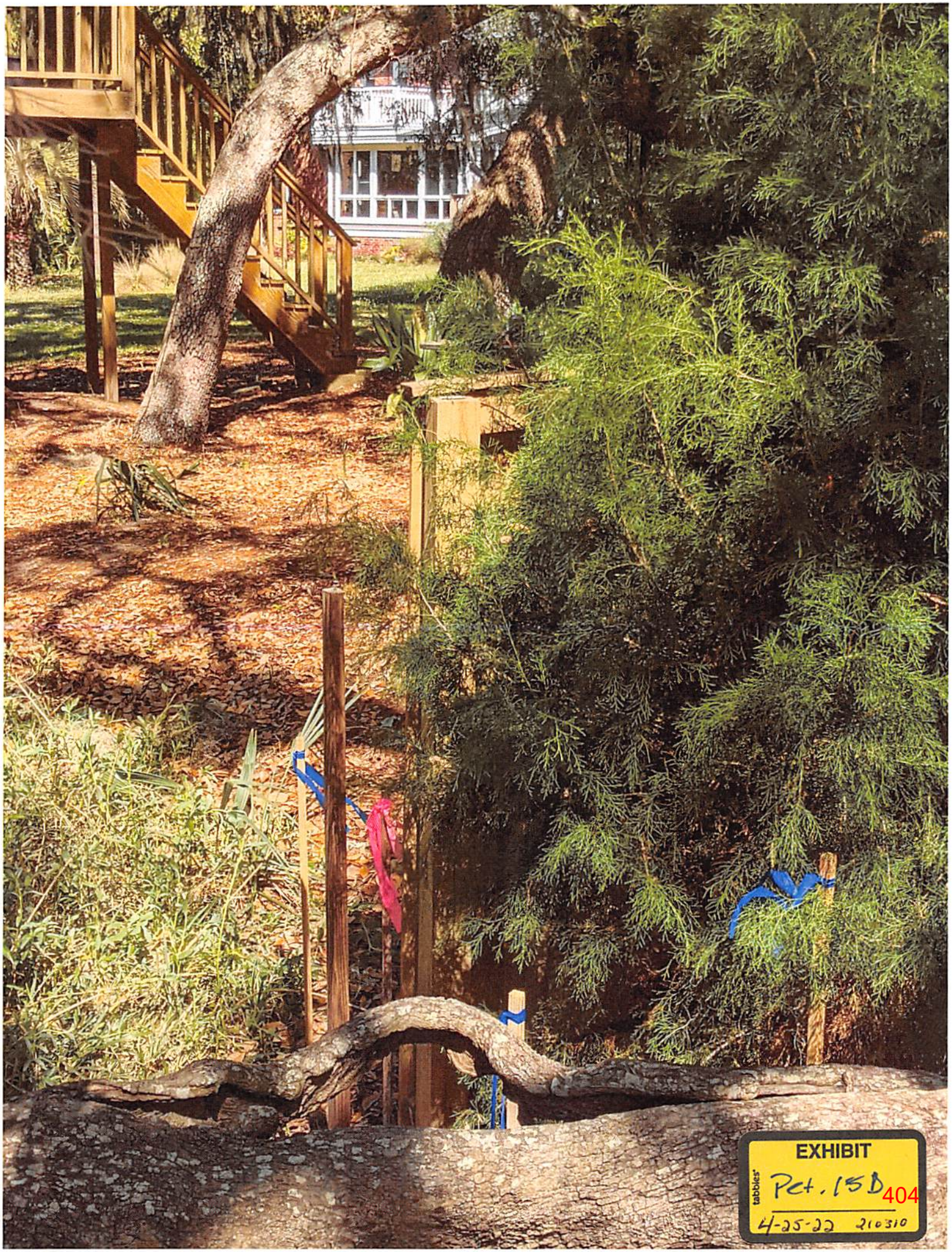

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EXHIBIT
Pet. 15 E
4-25-22 210310

EXHIBIT
tabbies
Ref. 15F406
4-25-22 210310



EXHIBIT
tabbies
Pet. 15G
4-25-22 210310

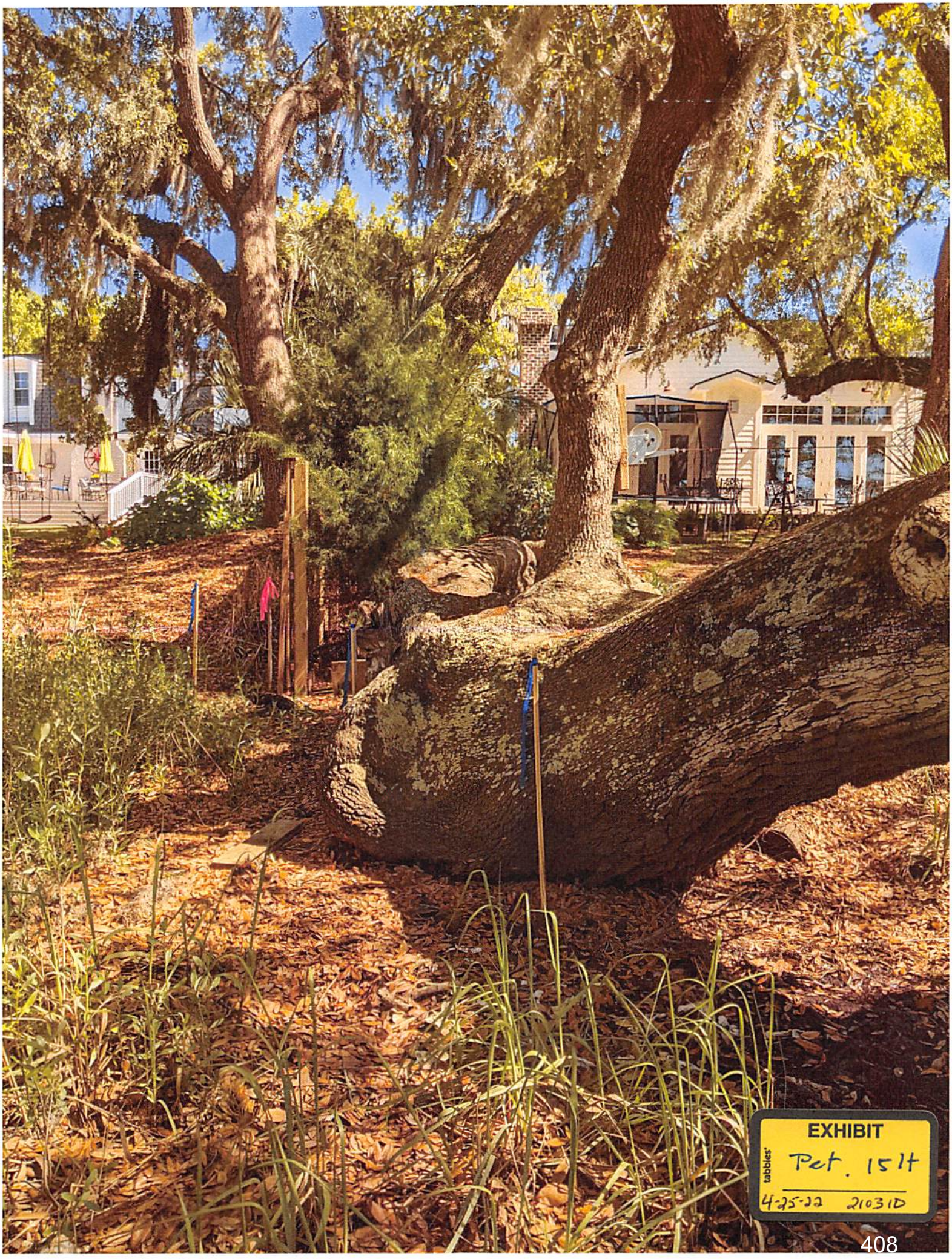

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Klemparer
V. Diaz
08-21639
PENGAD 800-631-6989

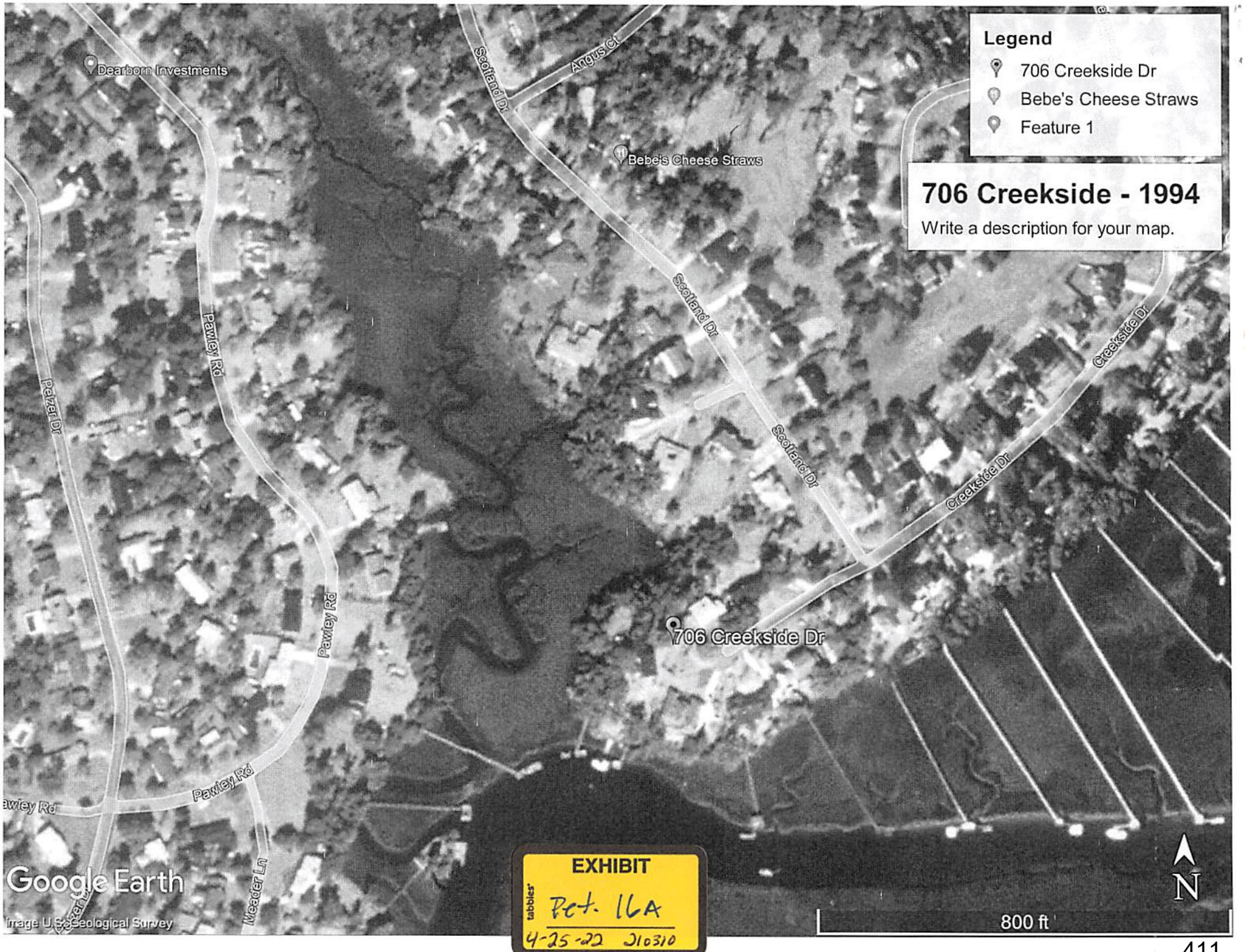
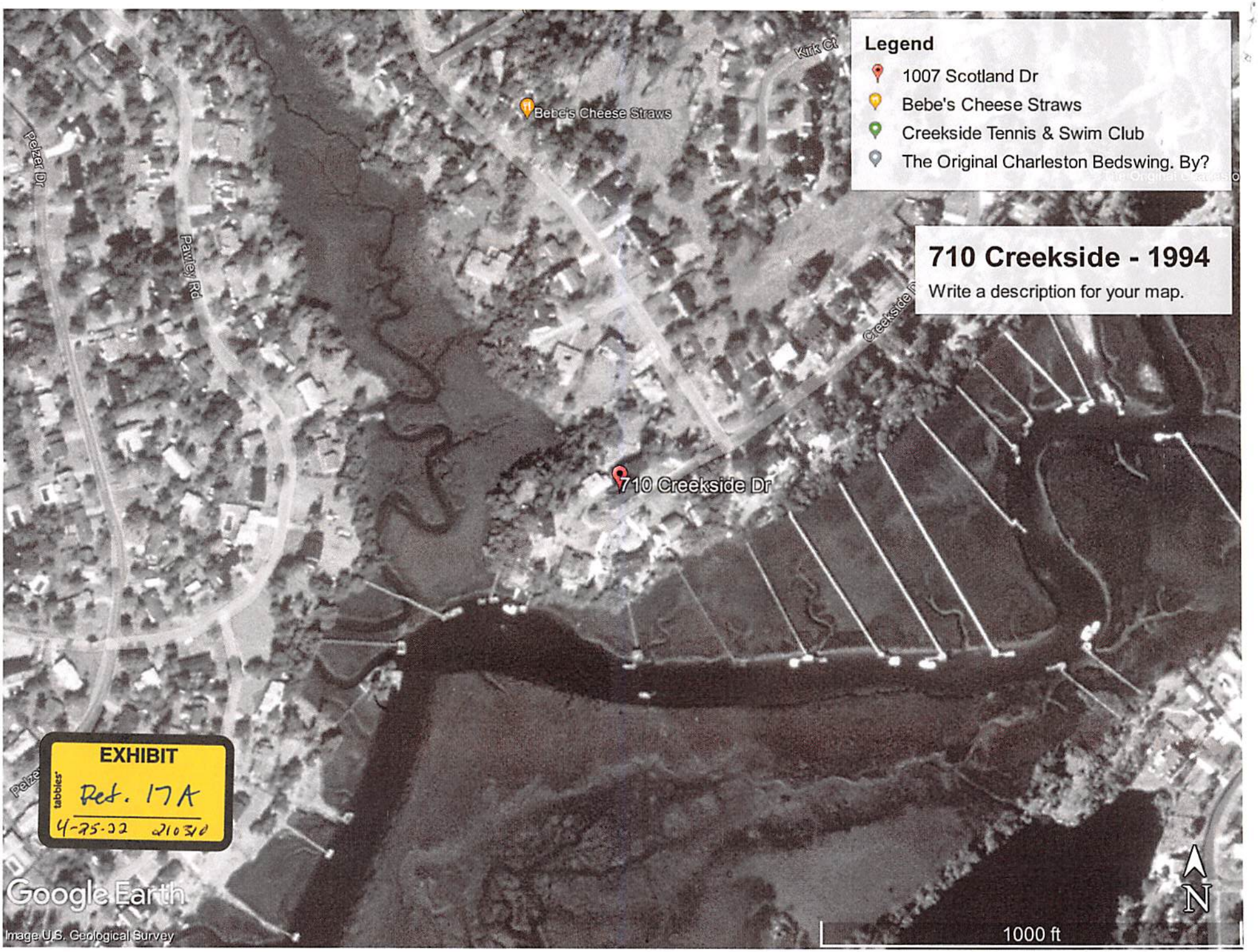


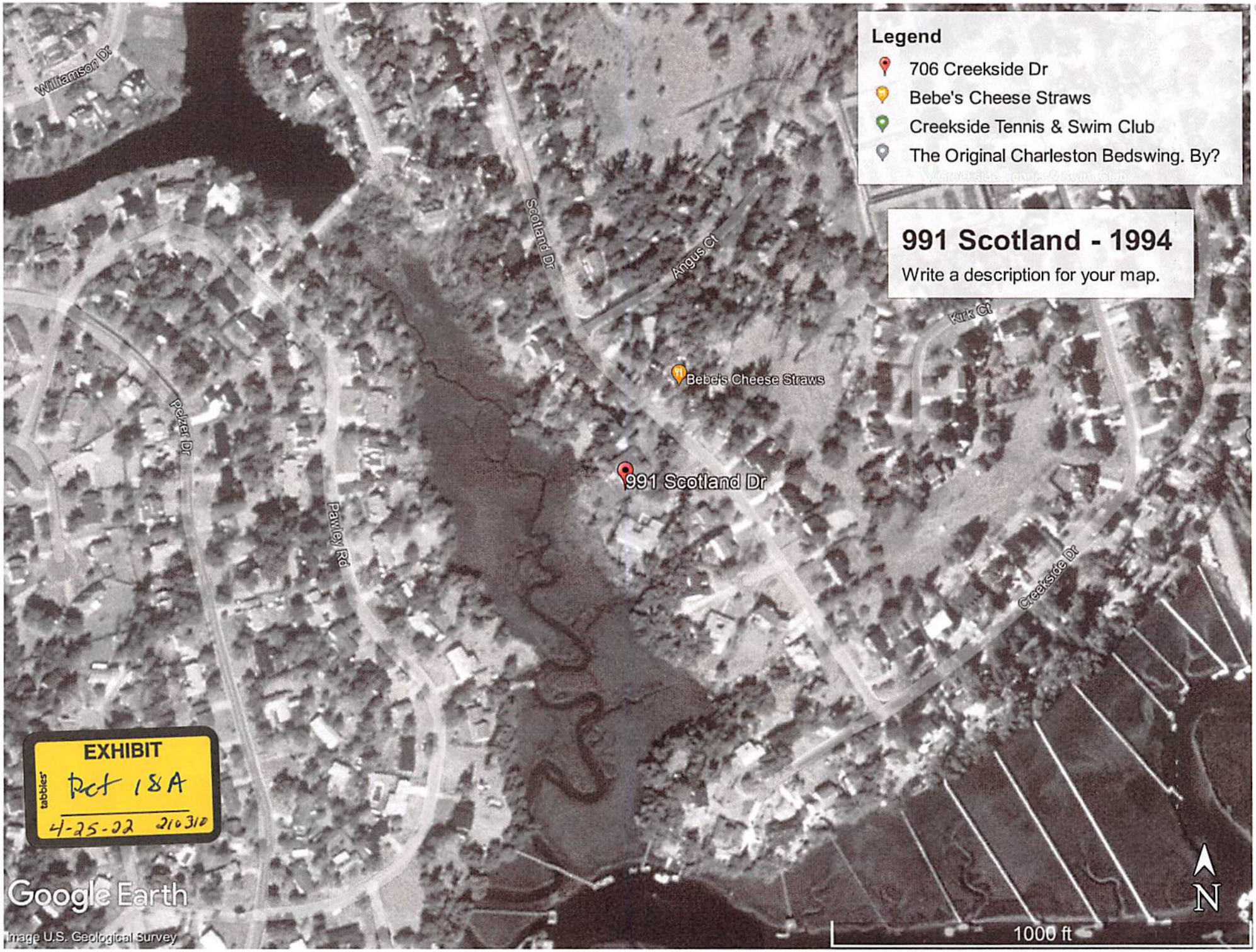
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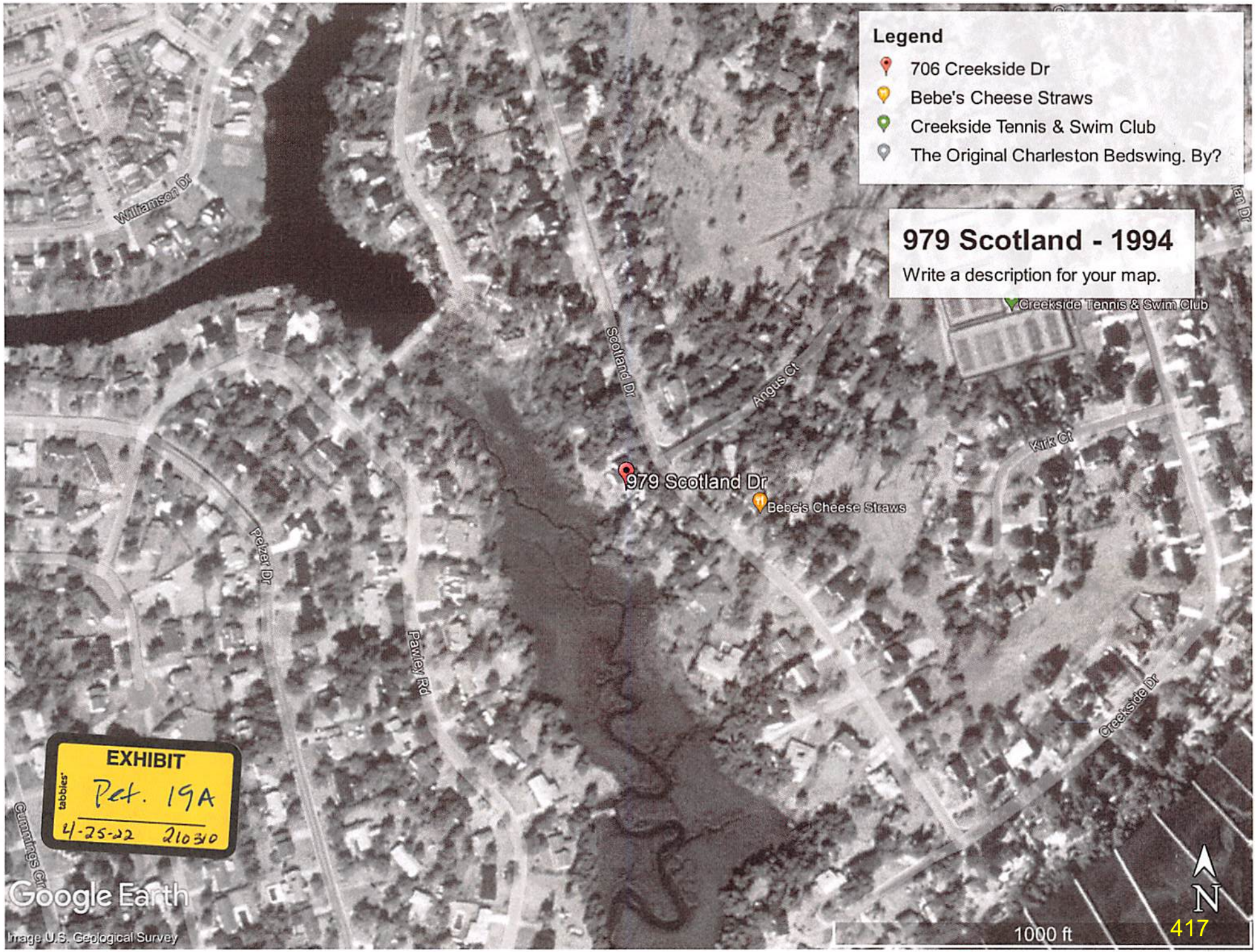
EXHIBIT
Pct. 16B
4-25-22 210310


Legend
1007 Scotland Dr
Bebe's Cheese Straws
Creekside Tennis & Swim Club
The Original Charleston Bedswing. By?
710 Creekside - 1994
Write a description for your map.
Bebe's Cheese Straws
710 Creekside Dr
Kirk Ct
Pelzer Dr
Pawley Rd
Creekside Dr
EXHIBIT
tabbies
Def. 17A
4-25-22 21037
Google Earth
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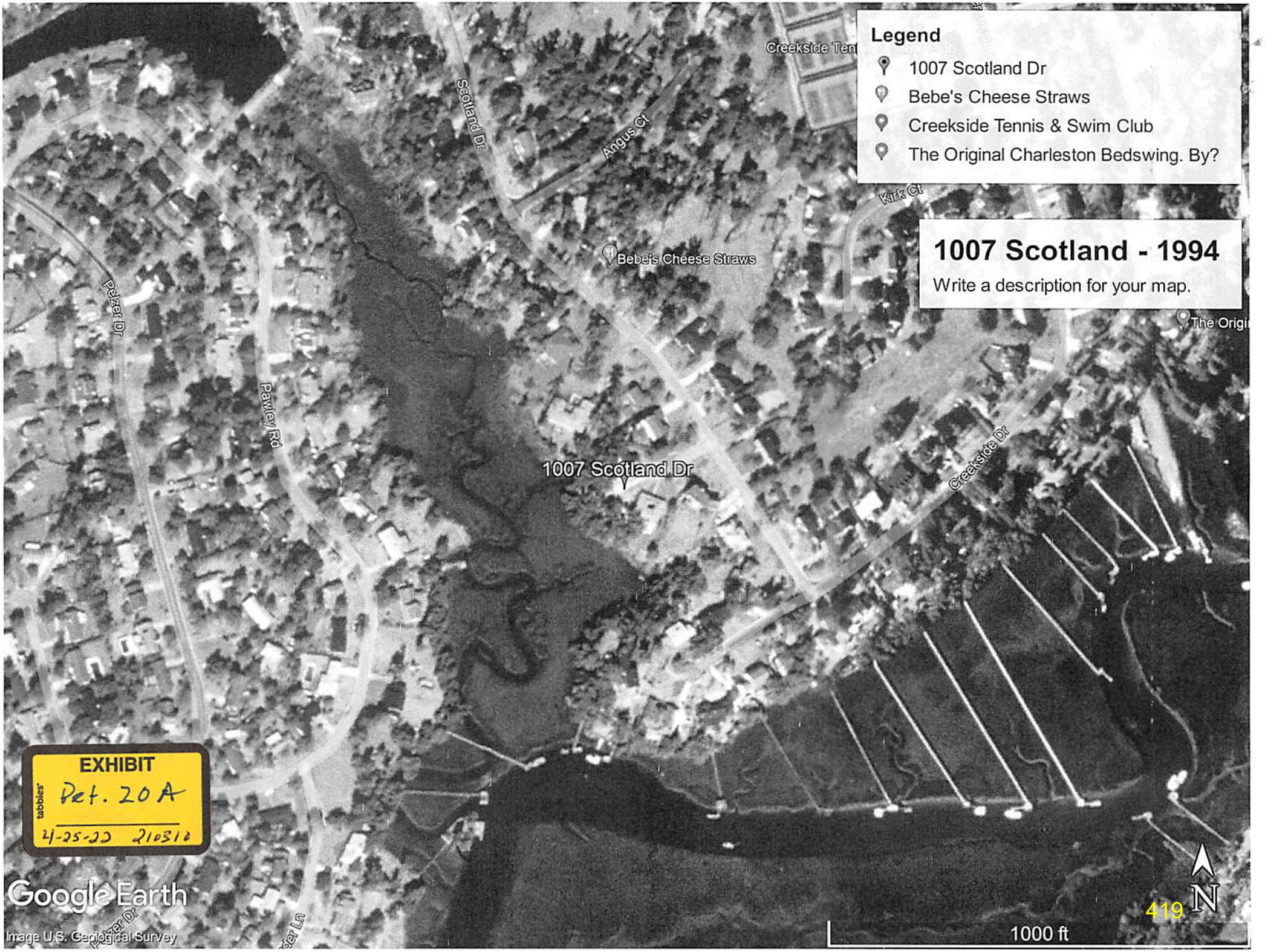

Legend
1007 Scotland Dr
Bebe's Cheese Straws
Creekside Tennis & Swim Club
The Original Charleston Bedswing. By?
710 Creekside - 2021
Write a description for your map.
Bebe's Cheese Straws
710 Creekside Dr
Pawley Rd
Kirk Ct
EXHIBIT
Pet. 17B
4-25-22 210310
Google Earth
Image © 2022 Maxar Technologies
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Legend
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Bebe's Cheese Straws
Creekside Tennis & Swim Club
The Original Charleston Bedswing. By?
991 Scotland - 1994
Write a description for your map.
Williamson Dr
Scotland Dr
Angus Ct
Kirk Ct
Bebe's Cheese Straws
Parker Dr
991 Scotland Dr
Pawley Rd
Creekside Dr
EXHIBIT
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Bebe's Cheese Straws
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The Original Charleston Bedswing. By?
991 Scotland - 2021
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Kirk Ct
Bebe's Cheese Straws
Pelzer Dr
991 Scotland Dr
Pawley Rd
Creekside Dr
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Image © 2022 Maxar Technologies
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Creekside Tennis & Swim Club
The Original Charleston Bedswing. By?
979 Scotland - 1994
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Kirk Ct
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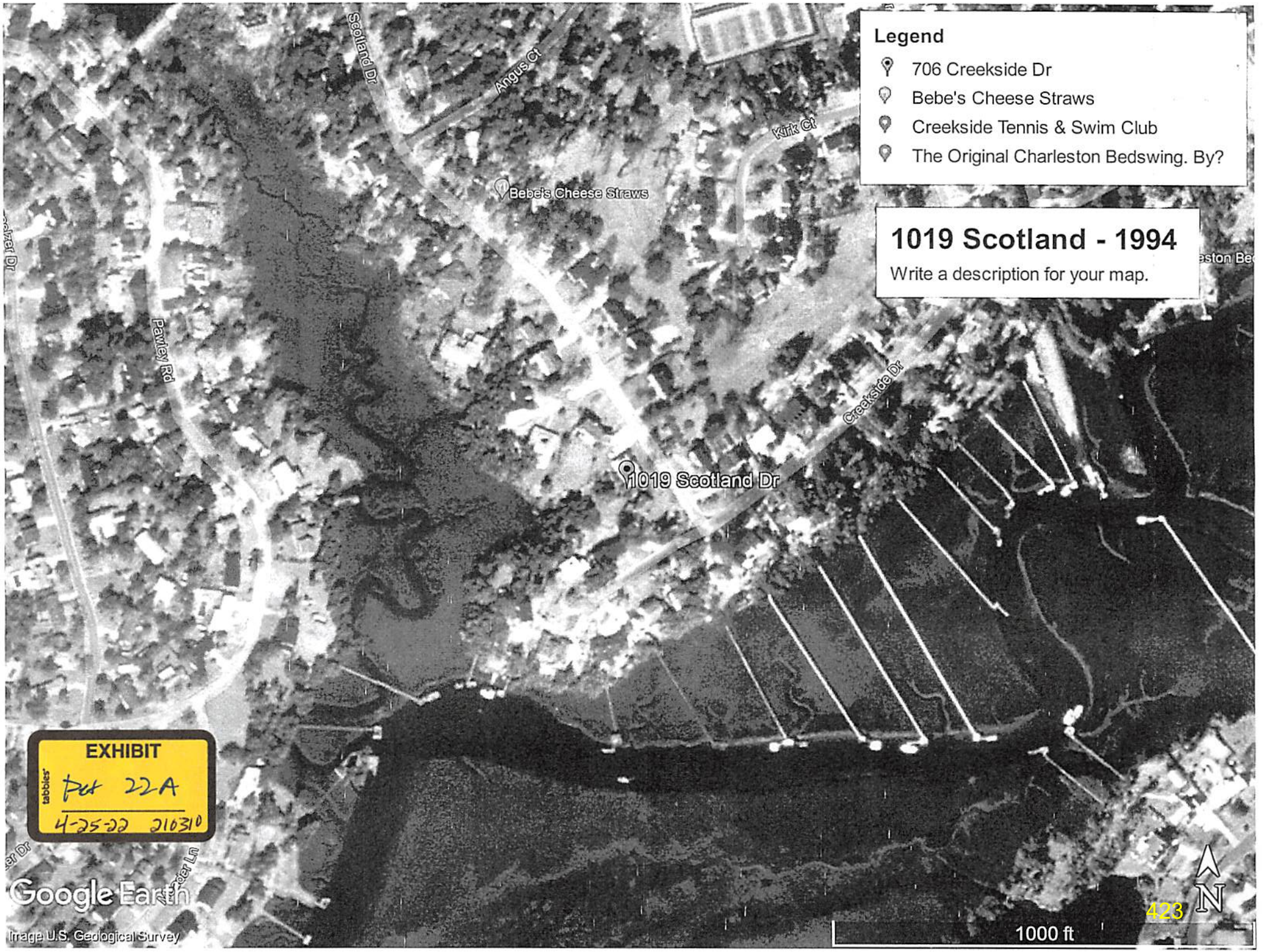

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Kirk Ct
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Pawley Rd
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Image © 2022 Maxar Technologies
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Creekside Tennis & Swim Club
The Original Charleston Bedswing. By?
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The Original Charleston Bedswing. By?
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Pelzer Dr
Pawley Rd
Creekside Dr
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Image © 2022 Maxar Technologies
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Angus Ct
Kirk Ct
Bebe's Cheese Straws
The Original Charleston Bedswing. By...
Pawley Rd
Creekside Dr
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Bebe's Cheese Straws
Creekside Tennis & Swim Club
The Original Charleston Bedswing. By?
1015 Scotland - 2021
Write a description for your map.
Scotland Dr
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Kirk Ct
Bebe's Cheese Straws
Pawley Rd
Creekside Dr
1015 Scotland Dr
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Image © 2022 Maxar Technologies
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Bebe's Cheese Straws
Creekside Tennis & Swim Club
The Original Charleston Bedswing. By?
1019 Scotland - 1994
Write a description for your map.
Scotland Dr
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Kirk Ct
Bebe's Cheese Straws
Pawley Rd
Creekside Dr
1019 Scotland Dr
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Legend
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Bebe's Cheese Straws
Creekside Tennis & Swim Club
The Original Charleston Bedswing. By?
1019 Scotland - 2021
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Kirk Ct
Pawley Rd
Creekside Dr
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Image © 2022 Maxar Technologies
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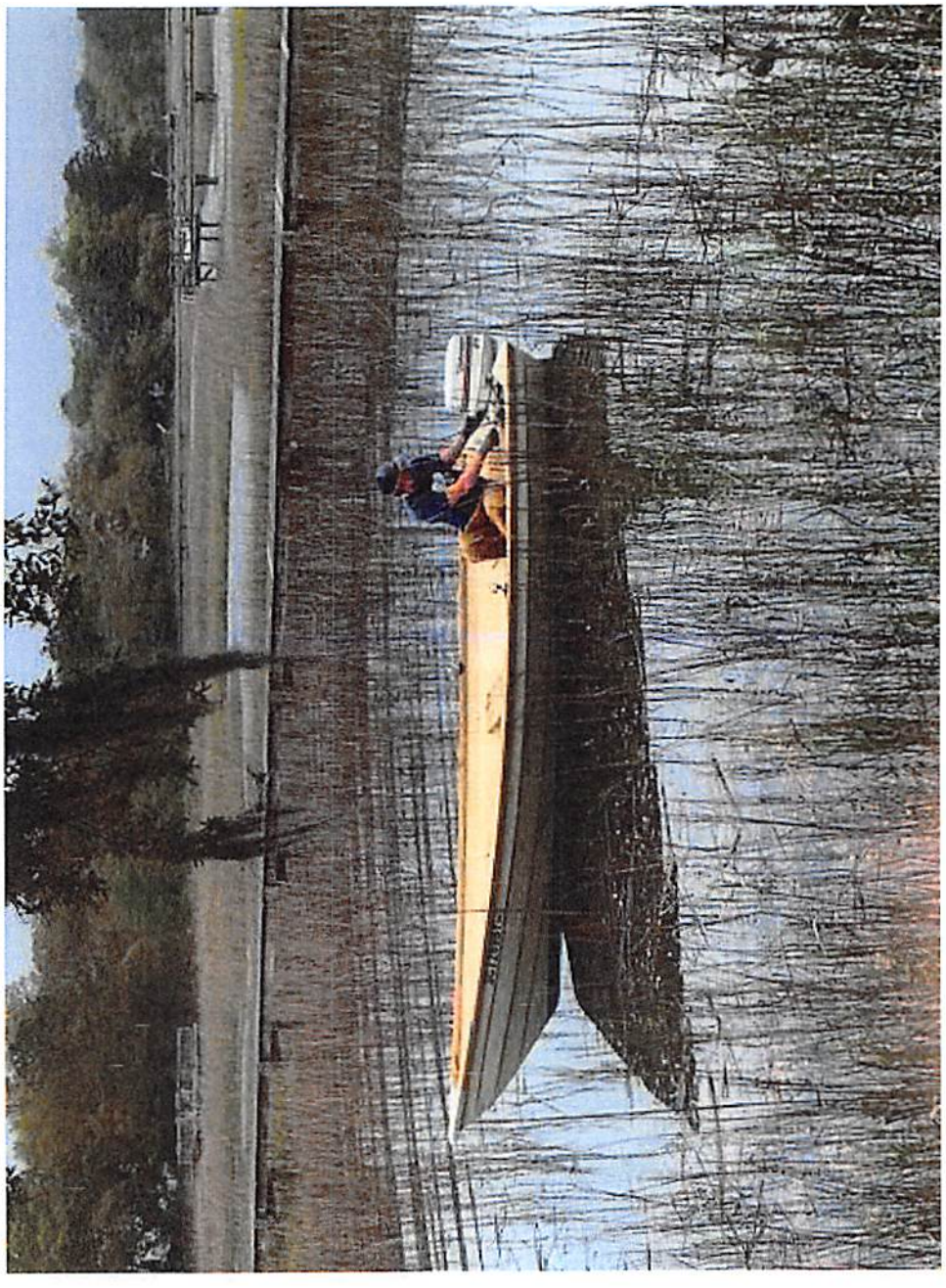


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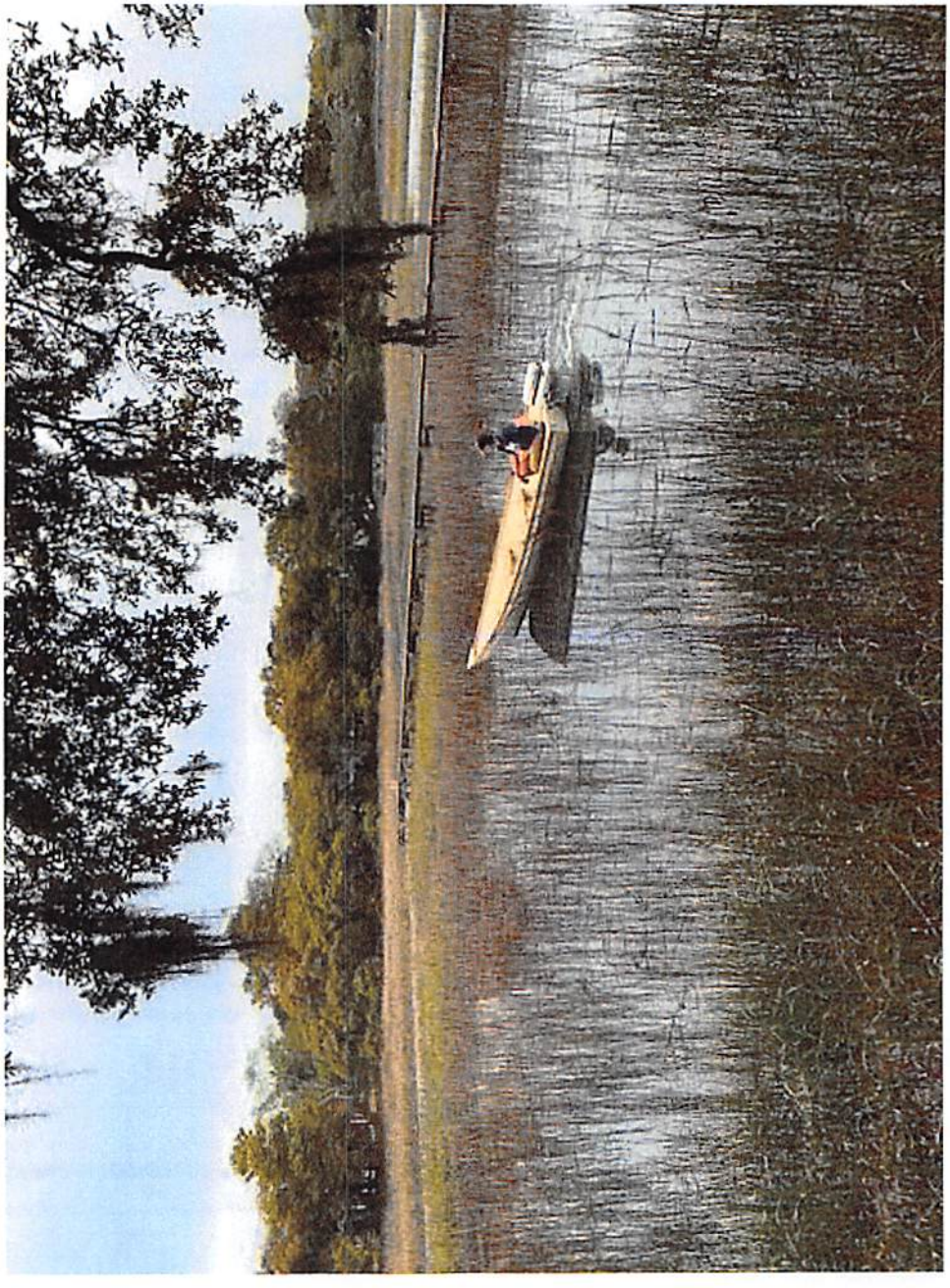
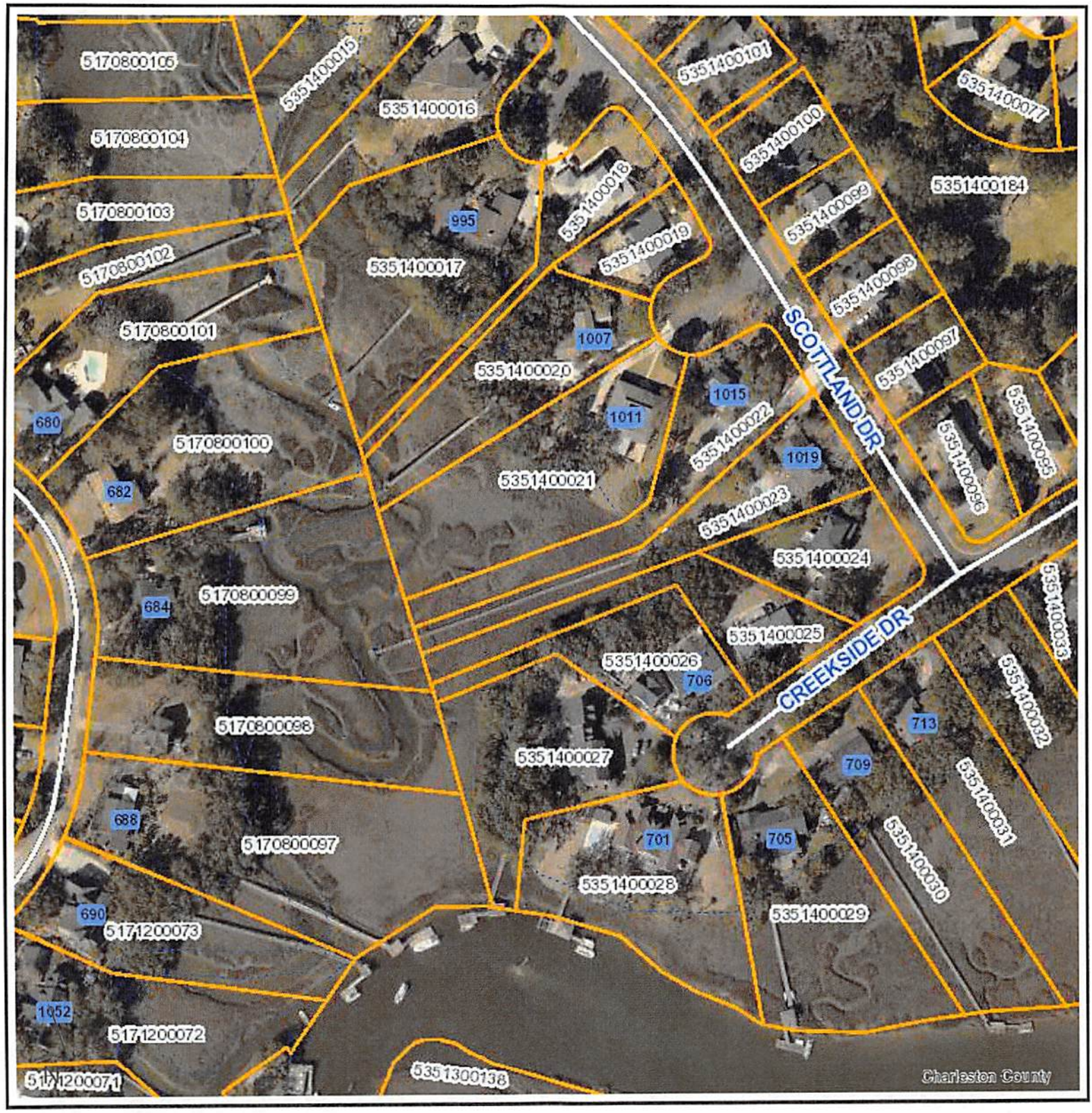


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4-25-22 210310

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Pl. 32c
4-25-23 21031

EXHIBIT
tabbies
Pet. 23B
H-25-23 01631D



Charleston County SC

#

0 105 210 420 ft

1 inch = 156 feet

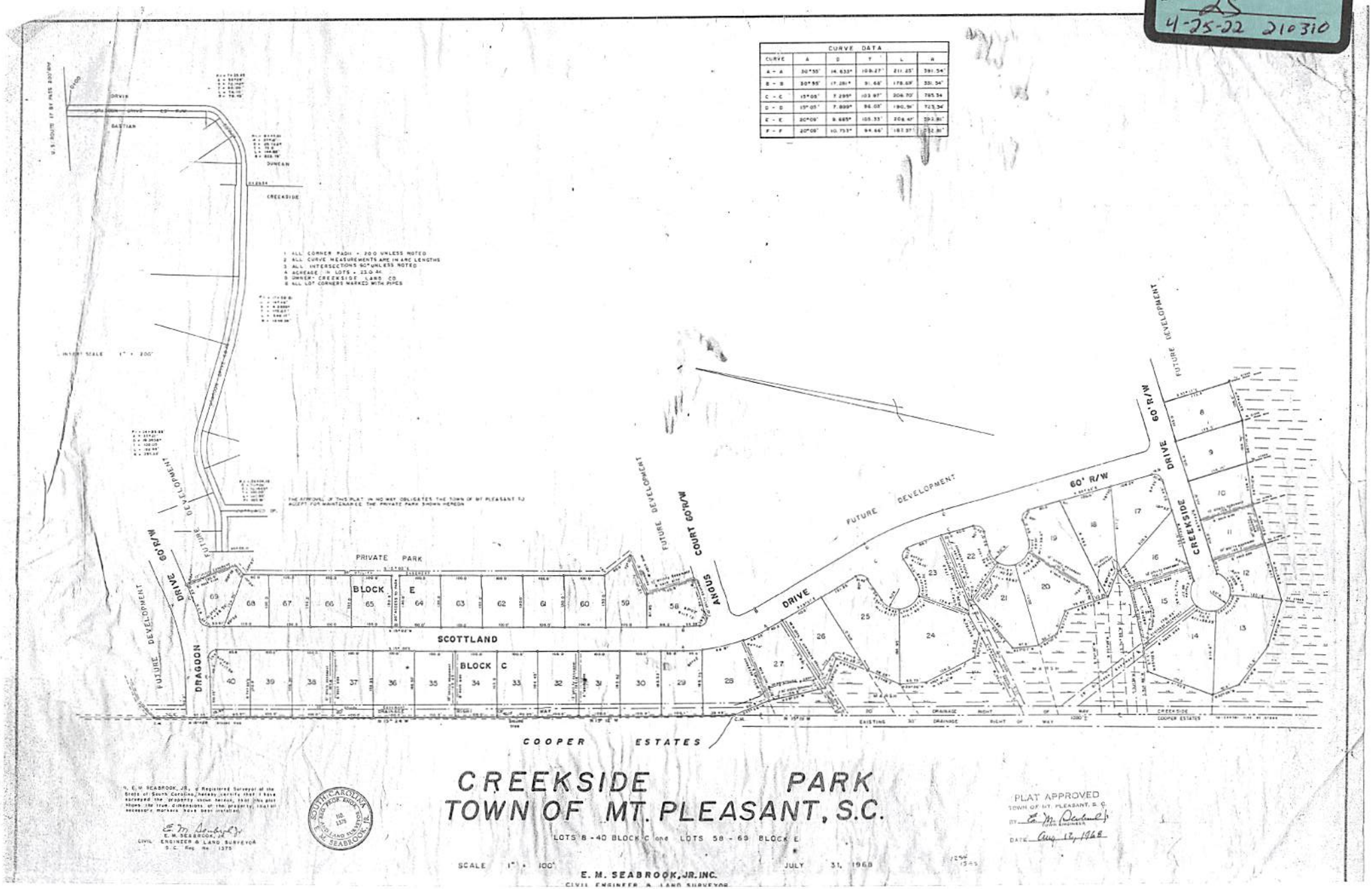
DEFENDANT'S EXHIBIT 24 4-25-22 21031O

CHARLESTON COUNTY SOUTH CAROLINA

Note: The Charleston County makes every effort possible to produce the most accurate information. The layers contained in the map service are for information purposes only. The Charleston County makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The County explicitly disclaims all representations and warranties. The reader agrees to hold harmless the Charleston County for any cause of action and costs associated with any causes of action which may arise as a consequence of the County providing this information.

Author: Charleston County SC
Date: 3/8/2022

DEFENDANT'S EXHIBIT
Pet 25
4-25-22 210310



CREEKSIDE PARK
TOWN OF MT. PLEASANT, S.C.

LOTS 8 - 40 BLOCK C and LOTS 58 - 69 BLOCK E

SCALE 1" = 100' JULY 31, 1968

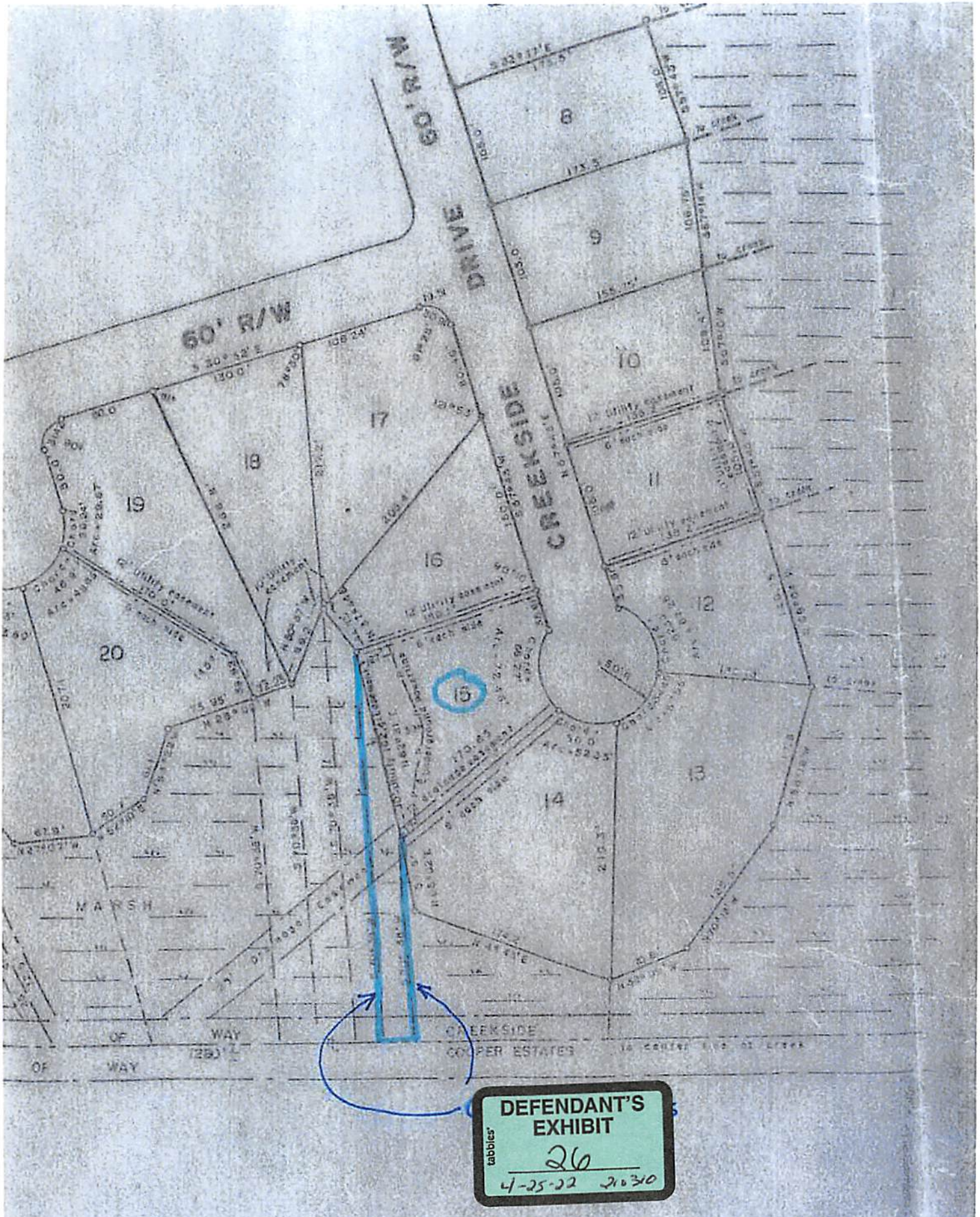
E. M. SEABROOK, JR. INC.
CIVIL ENGINEER & LAND SURVEYOR

I, E. M. SEABROOK, JR., a Registered Surveyor of the State of South Carolina, hereby certify that I have surveyed the property shown hereon, and that this plat shows the true dimensions of the property, and all necessary markers have been installed.

E. M. Seabrook, Jr.
E. M. SEABROOK, JR.
CIVIL ENGINEER & LAND SURVEYOR
S. C. Reg. No. 1375

SOUTH CAROLINA REGISTERED ENGINEER No. 1375 REGISTERED LAND SURVEYOR E. M. SEABROOK, JR.

PLAT APPROVED
TOWN OF MT. PLEASANT, S. C.
BY E. M. Seabrook Jr.
TOWN ENGINEER
DATE Aug 12, 1968


60' R/W
CREEKSIDE DRIVE
60' R/W
8
9
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MARSH
CREEKSIDE
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OF
WAY
DEFENDANT'S EXHIBIT
26
4-25-22 21030
PLAT APPROVED
TOWN OF MT. PLEASANT, S. C.

Robert Klomparens and Whitney Klomparens

v.

S.C. Dept. of Health and Environmental Control

Case #: 21-ALJ-07-0310-CC

DHEC's TRIAL EXHIBIT 1

(Regulatory File)



Digitally signed by:
nForm_nCore_SCEP_Ext_Cert
DHCEPMVPWPUB01.dhec.sc.gov
Date: 2020.09.08 14:46:16 -04:00
Reason: Copy Of Record
Location: Columbia, South Carolina

OCRM Critical Area Permit Application

version 1.21

(Submission #: HP2-M0K2-7NE9T, version 3)

Details

Submission ID	HP2-M0K2-7NE9T
Submission Reason	New
Status	Submitted

Fees

Minor Activity	$250.00
Payments/Adjustments	$0.00
Balannce Due	$250.00 (Due)

Form Input

Applicant Details

Is the applicant and individual or a company?
Individual

If the applicant is an individual, first and last name are required below. If the applicant is a company, only the company name is required below.

Applicant

Prefix
Mr.

First Name	**Last Name**
Rob	*Klomparens*

Title
NONE PROVIDED

Organization Name
NONE PROVIDED

Phone Type	**Number**	**Extension**
Other	843860-5606	

Email
rwkllc@gmail.com

Fax
NONE PROVIDED

706 Creekside Drive
Mt Pleasant, SC 29464
USA

DHEC Trial Exh 001

Additional Applicant

Prefix
NONE PROVIDED

First Name	Last Name
NONE PROVIDED	*NONE PROVIDED*

Title
NONE PROVIDED

Organization Name
NONE PROVIDED

Phone Type	Number	Extension
NONE PROVIDED		

Email
NONE PROVIDED

[NO STREET ADDRESS SPECIFIED]
[NO CITY SPECIFIED], SC [NO ZIP CODE SPECIFIED]
USA

Additional Contacts (1 of 1)

Contact Roles
Authorized Agent

Additional Contacts

Prefix
Mr.

First Name	Last Name
Lews	*Seabrook*

Title
PE/PLS

Organization Name
E. M. Seabrook Jr., Inc.

Phone Type	Number	Extension
Business	8438844496	

Email
engineers@emseabrook.com

Fax
NONE PROVIDED

PO Box 96
Mt Pleasant, SC 29465
USA

Project Details

Describe the dimensions, general specifications, and purpose of the project.
Applicant seeks to construct a private use recreational dock consisting of a 4'x198' walkway with handrails to a 10'x12' pierhead with a dual lift davit lift.

Is any portion of activity, for which authorization is sought, now complete?
No

If activity has already been completed, provide the reason and month/year that activity was completed.
NONE PROVIDED

Additional Remarks
NONE PROVIDED

Site Details

Site Address
706 CREEKSIDE DR
MT PLEASANT, SC 29464

Site County
Charleston

Tax Map Number
535-14-00-026

Local Governing Body with Jurisdiction Over Site
Town of Mount Pleasant

Provide the name(s) of any adjacent or affected waterways
Tributary of Shem Creek

Site Location
32.8006738,-79.8726124

Adjoining Property Owners (1 of 2)

Do you have more than 5 Adjoining Property Owners?
No

If the answer above is yes, please use the Required Documents section to upload the full list of Adjoining Property Owners.

Property Owner

Prefix
Mr.

First Name	Last Name
Robert	*Crawford*

Title
NONE PROVIDED

Organization Name
NONE PROVIDED

Phone Type	Number	Extension
NONE PROVIDED		

Email
NONE PROVIDED

Fax
NONE PROVIDED

710 CREEKSIDE DR
MT PLEASANT, SC 29464
USA

Adjoining Property Owners (2 of 2)

Do you have more than 5 Adjoining Property Owners?
No

DHEC Trial Exh 003

If the answer above is yes, please use the Required Documents section to upload the full list of Adjoining Property Owners.

Property Owner

Prefix
Dr.

First Name Mike
Last Name *Williams*

Title
NONE PROVIDED

Organization Name
Williams Trust

Phone Type **Number** **Extension**
NONE PROVIDED

Email
NONE PROVIDED

Fax
NONE PROVIDED

702 CREEKSIDE DR
MT PLEASANT, SC 29464
USA

Required Documents

Required Documentation:

1) Notarized Affidavit of Ownership or Control, including the legal description and/or copy of the certified plat of the property. A blank Affidavit can be found at the below link "Additional Requirements and Examples".

2) A certified copy of the deed, lease, easement, or other instrument under which the applicant claims title, or permission from the owner of the property to carry out the proposed activity. Please note that professional dock drawings do not satisfy the proof of ownership requirement.

3) Drawing depicting proposed activity. As of JULY 24, 2006, all drawings submitted as required by any application/amendment request must be produced, stamped and signed by one of the following professional groups: registered land surveyors, registered professional engineers, registered landscape architects. These individuals must be licensed in the state of South Carolina. OCRM will not accept hand drawings or other drawings not meeting these criteria. Applications with drawings judged to be inexact and unprofessional will not be placed on public notice and will be returned to the applicant.

4) A location map(s) showing the location of the proposed activity.

5) List of adjoining property owners if the list includes more than 5 contacts.

6) Affidavit of publication. The newspaper notice must run within fifteen days of the OCRM public notice. Affidavits of Publication outside of this window will be returned and a new ad will need to be placed in the appropriate newspaper.
Additional Requirements and Examples

Documents
Klomparens Dock.pdf - 09/08/2020 02:23 PM
Recorded Plat.pdf - 09/08/2020 02:43 PM
Deed.pdf - 09/08/2020 02:45 PM
Comment
NONE PROVIDED

Signatures

This submission must be certified by the applicant AND the authorized agent (if an authorized agent is being used). Use this section to upload a signature page with the signatures of BOTH parties. A blank copy of the signature page can be found through the below link.
Fillable Signature Page

Signature Page
Signature Page.pdf - 09/08/2020 12:17 PM
Comment
NONE PROVIDED

Status History

	User	Processing Status
9/8/2020 2:43:14 PM	E. M. Seabrook	Draft
9/8/2020 2:46:14 PM	E. M. Seabrook	Submitted

Revisions

Revision	Revision Date	Revision By
Revision 1	9/8/2020 10:37 AM	E. M. Seabrook
Revision 2	9/8/2020 12:27 PM	E. M. Seabrook
Revision 3	9/8/2020 2:43 PM	E. M. Seabrook

dhec	SIGNATURE PAGE	Office of Ocean and Coastal Resoure Management

APPLICATION IS HEREBY MADE FOR A PERMIT OR PERMITS TO AUTHORIZE THE ACTIVITIES DESCRIBED HEREIN. I CERTIFY THAT I AM FAMILIAR WITH THE INFORMATION CONTAINED IN THIS APPLICATION, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF SUCH INFORMATION IS TRUE, COMPLETE, AND ACCURATE. I FURTHER CERTIFY THAT I POSSESS THE AUTHORITY TO UNDERTAKE THE PROPOSED ACTIVITIES OR I AM ACTING AS THE DULY AUTHORIZED AGENT OF THE APPLICANT.

Signature of Applicant — Date: 9/8/2020

Signature of Agent (if agent has been listed) — Date: 9/8/2020

IMPORTANT!! THE APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE AUTHORIZED AGENT (IF AN AGENT HAS BEEN LISTED ON PAGE ONE OF THIS APPLICATION).

The applicant shall permit SCDHEC's Office of Ocean and Coastal Resource Management, the District Engineer, the State Law Enforcement Division, South Carolina Department of Natural Resources, and other State permit inspection agencies, or their representative(s) to make periodic inspection at any time deemed necessary in order to assure that the activity being performed is in accordance with the terms and conditions prescribed herein.

BP0430182

PGS: 5

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that, I, **Anna Kristina Mandell, as Personal Representative of the Estate of Gulli V. Falkehag A/K/A Gulli Viktoria Sevlin Falkehag**, in the State aforesaid, for/and in consideration of the sum of Five Hundred Twenty Five Thousand and 00/100 DOLLARS ($525,000.00), to me in hand paid at and before the sealing of these Presents by **Robert D. Klomparens and Whitney S. Klomparens**, the receipt whereof is hereby acknowledged, and subject to the exceptions contained herein, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said **Robert D. Klomparens and Whitney S. Klomparens, AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP (NOT AS TENANTS IN COMMON)** the following described property, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO
AND INCORPORATED HEREIN BY REFERENCE FOR LEGAL DESCRIPTION.

TMS Number: 535-14-00-026

Address of Grantee(s): 953 Cottingham Drive
Mt. Pleasant, SC 29464

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said **Robert D. Klomparens and Whitney S. Klomparens, AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP (NOT AS TENANTS IN COMMON)** , their heirs and assigns, forever.

AND subject to any exceptions set forth above, I, **Anna Kristina Mandell, as Personal Representative of the Estate of Gulli V. Falkehag A/K/A Gulli Viktoria Sevlin Falkehag** do hereby bind myself, my successors, executors, and administrators, to warrant and forever defend, all and singular, the premises before mentioned unto the said **Robert D. Klomparens and Whitney S. Klomparens, AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP (NOT AS TENANTS IN COMMON)**, theirs heirs and assigns, against , and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

DHEC Trial Exh 007

WITNESS this 16th day of September, in the year of our Lord Two Thousand Fourteen and in the Two Hundred and Thirty-Ninth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Witness #1

Anna Kristina Mandell, as Personal Representative of the Estate of Gulli V. Falkehag A/K/A Gulli Viktoria Sevlin Falkehag

Witness #2

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

The foregoing instrument was acknowledged before me by Anna Kristina Mandell, as Personal Representative of the Estate of Gulli V. Falkehag A/K/A Gulli Viktoria Sevlin Falkehag, this 16th day of September, 2014.

(SEAL)
Notary Public for South Carolina
My commission expires: 8/29/21

RYAN PATTERSON
Notary Public, South Carolina
My Commission Expires
August 29, 2021

EXHIBIT A

ALL that certain piece, parcel, or lot of land, together with any improvements thereon, situate, lying and being in CREEKSIDE PARK SUBDIVISION in the Town of Mount Pleasant, County of Charleston, State of South Carolina, and being known and designated as LOT NO. 15, BLOCK C, on a plat of said Subdivision by E.M. Seabrook, Jr., Inc., dated July 31, 1968 and duly recorded in the Office of the RMC for Charleston County, SC, in Plat Book X at Page 129. Said lot having such size, shape, metes, bounds, and dimensions as are shown on said plat, with reference thereto being craved for a more complete and full description.

AND

ALL of Grantor's right, title, and interest in and to the Marshland lying between Lot 15, Block C, and Shem Creek between the North, South, and West lines of said lot as projected to said Creek.

THIS CONVEYANCE IS SUBJECT TO all covenants, conditions, restrictions, easements, rights-of-way, and all other matters of record.

THIS BEING the same property conveyed to S. Ingemar Falkehag by Deed from Creekside Land Company, a Limited Partnership, dated January 30, 1970 and recorded on February 2, 1970 in the RMC Office for Charleston County, SC in Book Z-93 at Page 037; thereafter S. Ingemar Falkehag conveyed an undivided Seventy-Five Percent (75%) interest to Gulli V. Falkehag by Deed recorded in Book J-146 at Page 194, aforesaid records; AND thereafter S. Ingemar Falkehag conveyed an undivided Twenty-Five Percent (25%) interest to Gulli V. Falkehag by Deed recorded in Book N-265 at Page 470, aforesaid records.

DHEC Trial Exh 009

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON) **AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS**

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:
1. I have read the information on this Affidavit and I understand such information.

2. The property is being transferred is located at 706 Creekside Drive, Mount Pleasant bearing Charleston, County Tax Map Number 535-14-00-026, was transferred by **Anna Kristina Mandell, as Personal Representative of the Estate of Gulli V. Falkehag A/K/A Gulli Viktoria Sevlin Falkehag to Robert D. Klomparens and Whitney S. Klomparens** on September 19, 2014.

3. Check one of the following: The deed is

(a) X subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
(b) ____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
(c) _____ exempt from the deed recording fee because (See Information section of affidavit): _____ (If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes _____ or No _____

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See information section of this affidavit.):

(a) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of $525,000.00
(b) ____ The fee is computed on the fair market value of the realty which is $_____.
(c) ____ The fee is computed on the fair market value of the realty as established for property tax purposes which is $_.

5. Check YES ____ or NO X to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If YES, the amount of the outstanding balance of this lien or encumbrance is $ _____.

6. The deed recording fee is computed as follows:
(a) Place the amount listed in item 4 above here: 525,000.00
(b) Place the amount listed in item 5 above here: _____
(If no amount is listed, place zero here.)
(c) Subtract line 6(b) from Line 6(a) and place result here: 525,000.00

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: $1,942.50

8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Legal Representative for Grantee.

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

_____
Legal Representative
David F. Santos
Print Name

Sworn to before me this 19th
day of September, 2014.
_____
Notary Public for South Carolina
My Commission Expires: 10/30/22

DHEC Trial Exh 010

RECORDER'S PAGE

NOTE: This page MUST remain with the original document :

Filed By:

MCNAIR LAW FIRM, P.A.

100 CALHOUN ST.
CHARLESTON SC 29401 (BOX)

RECORDED

Date: September 19, 2014
Time: 3:48:04 PM

Book	Page	DocType
0430	182	Deed

Charlie Lybrand, Register
Charleston County, SC

MAKER:
FALKEHAG GULLI V EST AL

RECIPIENT:
KLOMPARENS ROBERT D AL

Original Book:

Original Page:

Note:

# of Pages: 5

Recording Fee	$	10.00
State Fee	$	1,365.00
County Fee	$	577.50
Extra Pages	$	-
Postage	$	-
Chattel	$	-
TOTAL	$	1,952.50

Drawer: Drawer 2
Clerk: JBA

AUDITOR STAMP HERE

RECEIVED From RMC

SEP 22 2014

PETER J. TECKLENBURG
Charleston County Auditor

PID VERIFIED BY ASSESSOR

REP MK

DATE 9/23/14

4

0430 — Book

182 — Page

09/19/2014 — Recorded Date

5 — # Pgs

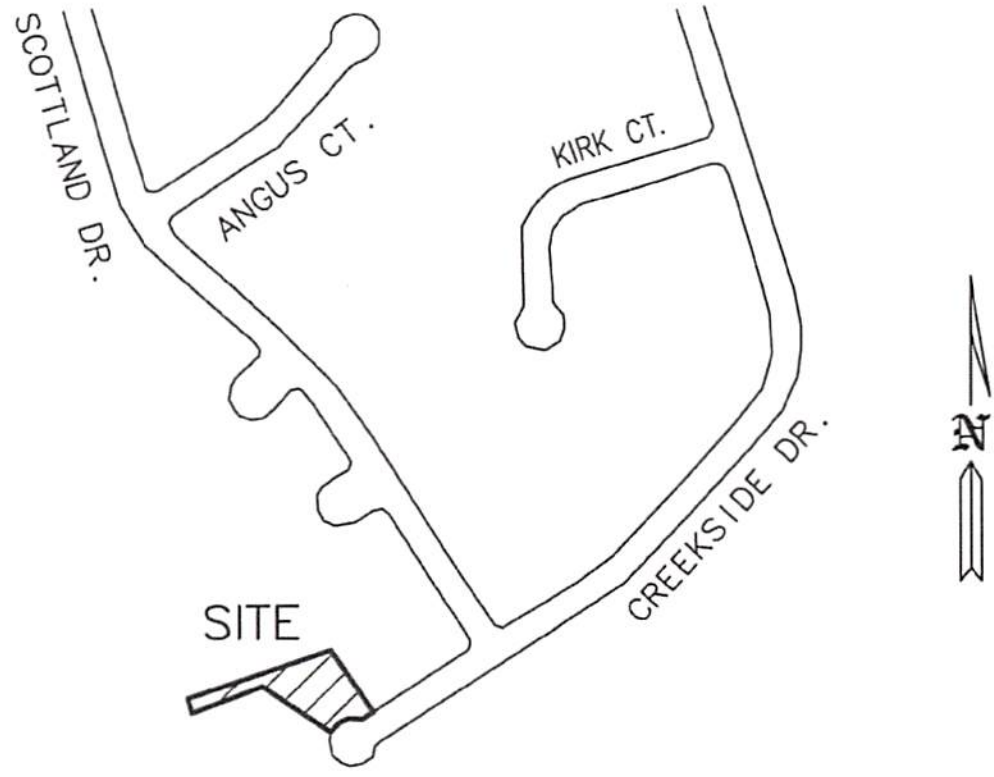
Original Book

Original Page

D — Doc Type

15:48:04 — Recorded Time

DHEC Trial Exh 011



SOUTH CAROLINA
E.M.SEABROOK JR., INC. NO. C00045
CERTIFICATE OF AUTHORIZATION

VICINITY MAP

NOT TO SCALE

SOUTH CAROLINA
REGISTERED PROFESSIONAL ENGINEER & LAND SURVEYOR 09860
LEWIS E. SEABROOK

PURPOSE: TO CONSTRUCT A PRIVATE DOCK

ADJACENT PROPERTY OWNERS:

1. ROBERT C. & CAROL K. CRAWFORD (TMS 535-14-00-027)
   710 CREEKSDE DR.
   MOUNT PLEASANT, S. C. 29464
2. WILLIAMS TRUST (TMS 535-14-00-027)
   702 CREEKSDE DR.
   MOUNT PLEASANT, S. C. 29464
3. JAMES R. LITTLETON, JR. & ELIZABETH ANN FEMIA (TMS 517-08-00-099)
   684 PAWLEY ROAD
   MOUNT PLEASANT, S. C. 29464
3. ROBERT B. LEMAN 2012 TRUST &. PATTI RUTH LEMAN (TMS 517-08-00-098)
   688 PAWLEY ROAD
   MOUNT PLEASANT, S. C. 29464

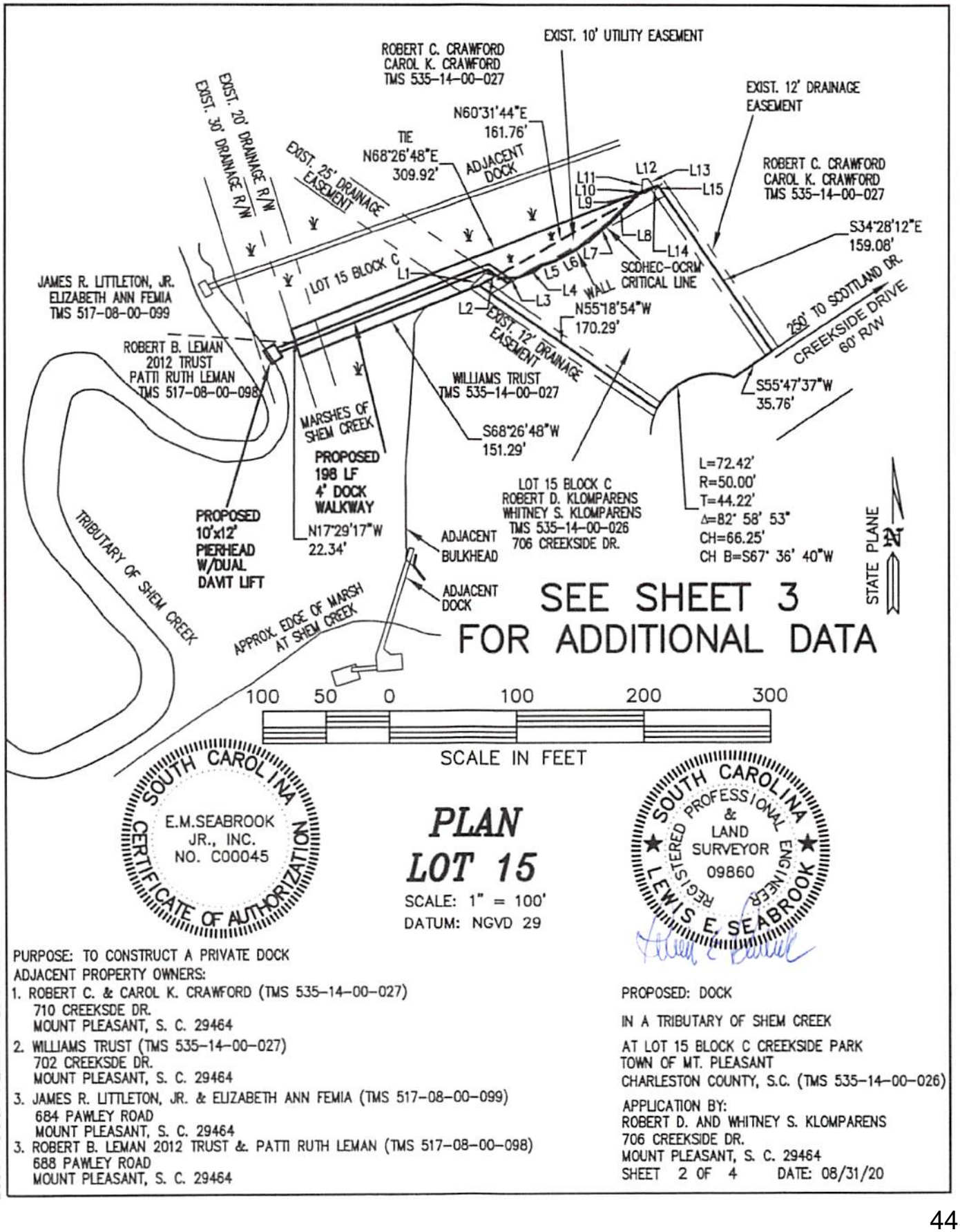
PROPOSED: DOCK

IN A TRIBUTARY OF SHEM CREEK

AT LOT 15 BLOCK C CREEKSIDE PARK
TOWN OF MT. PLEASANT
CHARLESTON COUNTY, S.C. (TMS 535-14-00-026)

APPLICATION BY:
ROBERT D. AND WHITNEY S. KLOMPARENS
706 CREEKSIDE DR.
MOUNT PLEASANT, S. C. 29464
SHEET 1 OF 4 DATE: 08/31/20

20067-DOCK PERMIT KLOMPARENS



PLAN
LOT 15

SCALE: 1" = 100'
DATUM: NGVD 29

PURPOSE: TO CONSTRUCT A PRIVATE DOCK
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IN A TRIBUTARY OF SHEM CREEK

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CHARLESTON COUNTY, S.C. (TMS 535-14-00-026)

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706 CREEKSIDE DR.
MOUNT PLEASANT, S. C. 29464
SHEET 2 OF 4 DATE: 08/31/20

20067-DOCK PERMIT KLOMPARENS

DHEC Trial Exh 013

Line Table		
Line #	Length	Bearing
L1	18.38	N45° 12' 12"E
L2	11.95	S76° 51' 12"E
L3	14.57	S89° 41' 36"E
L4	20.19	N59° 25' 48"E
L5	11.56	N72° 29' 19"E
L6	20.81	N61° 40' 00"E
L7	33.34	N50° 37' 09"E
L8	27.02	N44° 18' 53"E
L9	6.49	N69° 20' 00"E
L10	1.43	N03° 11' 12"E
L11	9.47	N03° 11' 12"E
L12	4.41	N83° 12' 43"E
L13	7.70	S35° 23' 45"E
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L15	3.37	N45° 46' 41"E

REFERENCES:

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4. PLAT BY JOHN E. WADE, JR., INC. DATED JULY 29. 2014, NOT RECORDED

SOUTH CAROLINA
E.M.SEABROOK JR., INC. NO. C00045
CERTIFICATE OF AUTHORIZATION

ADDITIONAL DATA LOT 15

SOUTH CAROLINA REGISTERED PROFESSIONAL ENGINEER & LAND SURVEYOR 09860 LEWIS E. SEABROOK

PURPOSE: TO CONSTRUCT A PRIVATE DOCK

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PROPOSED: DOCK

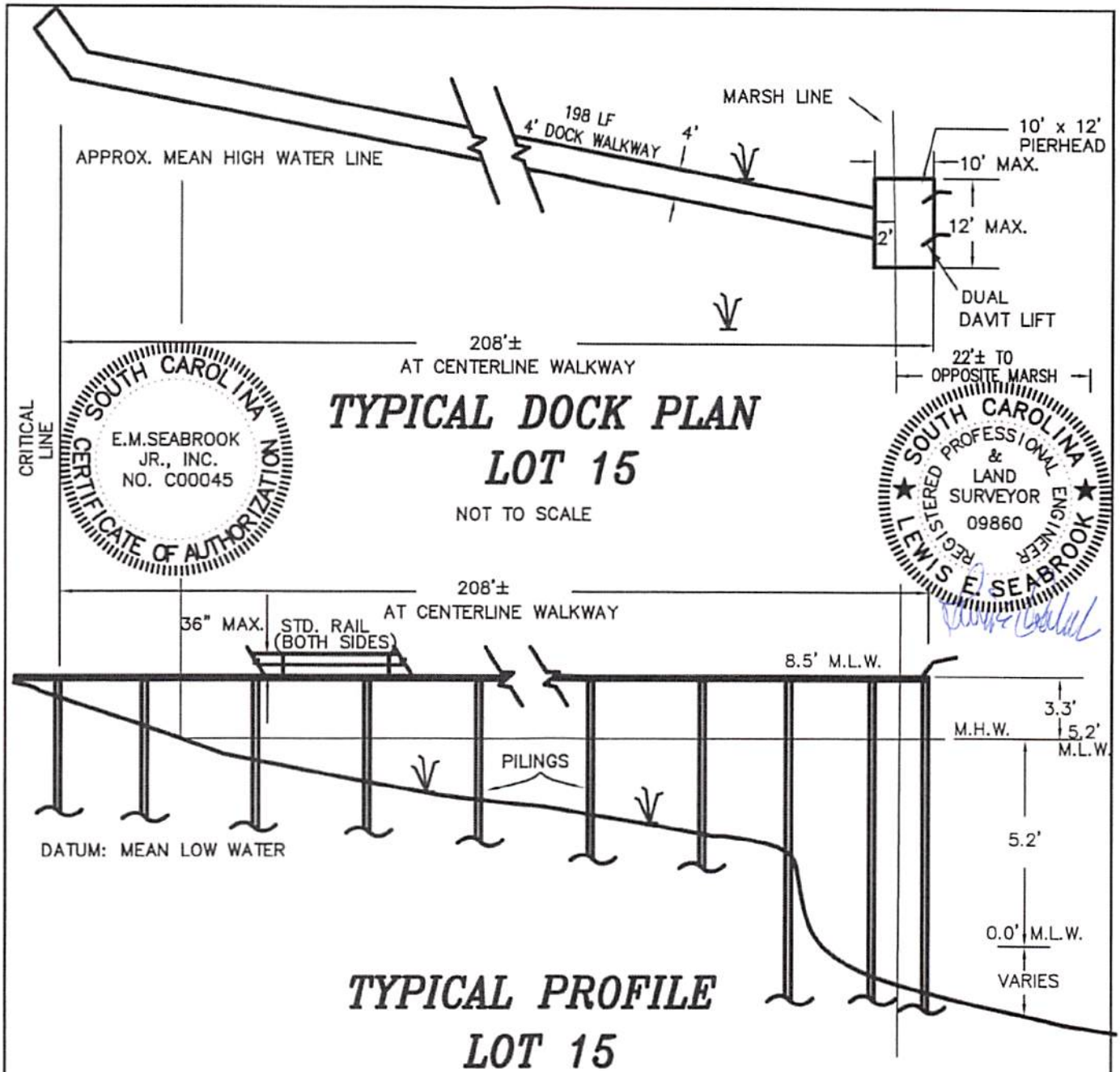
IN A TRIBUTARY OF SHEM CREEK

AT LOT 15 BLOCK C CREEKSIDE PARK
TOWN OF MT. PLEASANT
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APPLICATION BY:
ROBERT D. AND WHITNEY S. KLOMPARENS
706 CREEKSIDE DR.
MOUNT PLEASANT, S. C. 29464
SHEET 3 OF 4 DATE: 08/31/20

20067-DOCK PERMIT KLOMPARENS

DHEC Trial Exh 014



TYPICAL DOCK PLAN
LOT 15

NOT TO SCALE

TYPICAL PROFILE
LOT 15

NOT TO SCALE

PURPOSE: TO CONSTRUCT A PRIVATE DOCK

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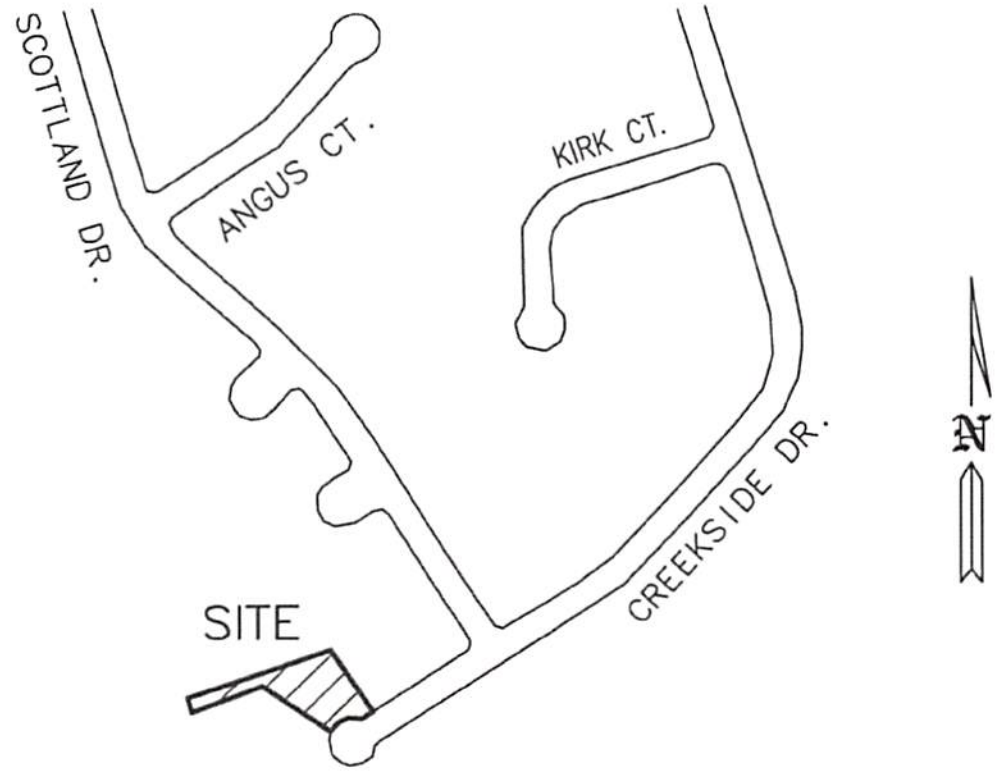
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20067-DOCK PERMIT KLOMPARENS



SOUTH CAROLINA
E.M.SEABROOK JR., INC. NO. C00045
CERTIFICATE OF AUTHORIZATION

VICINITY MAP

NOT TO SCALE

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09860
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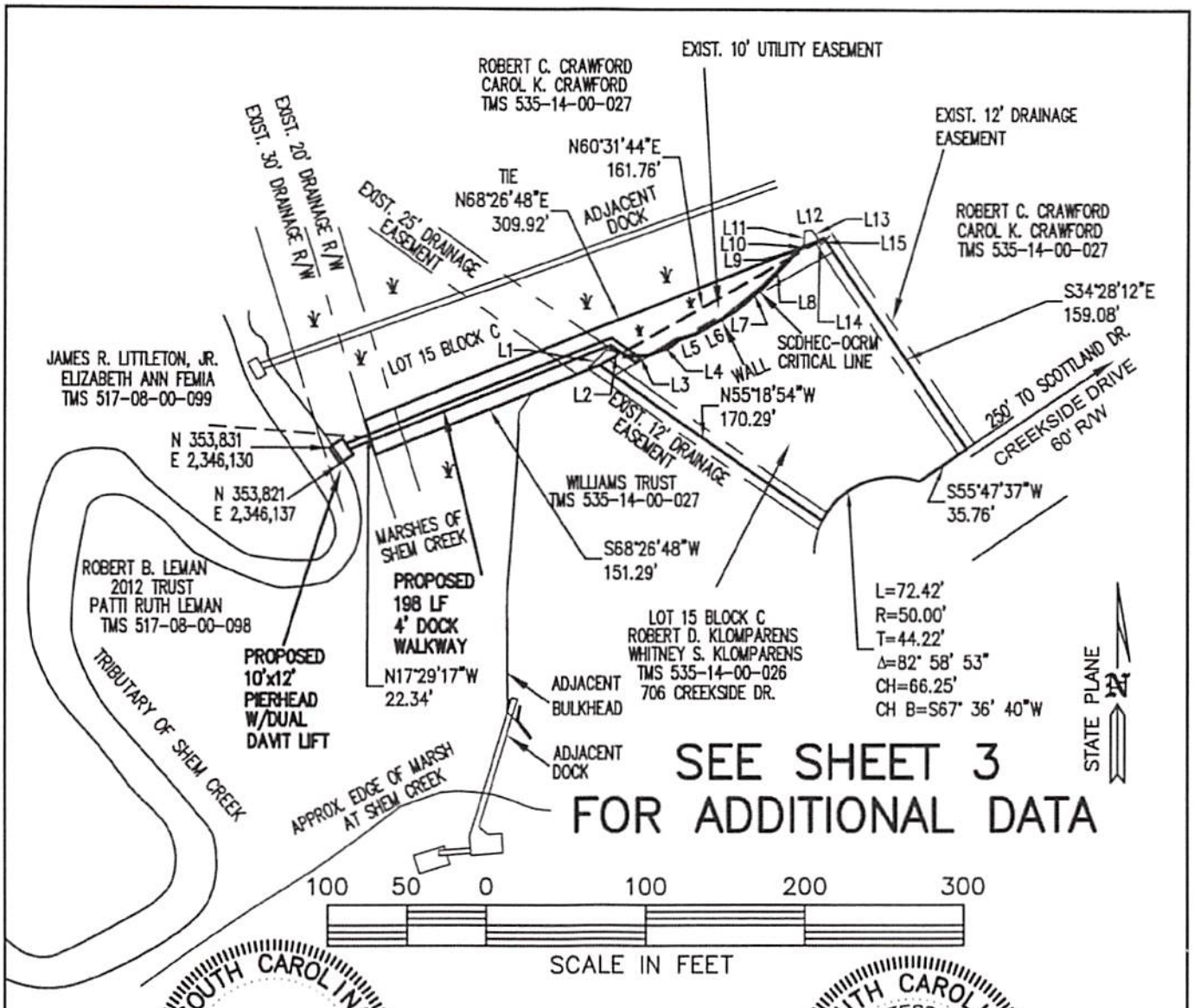
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20067-DOCK PERMIT KLOMPARENS



SOUTH CAROLINA
E.M.SEABROOK JR., INC.
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PLAN
LOT 15

SCALE: 1" = 100'
DATUM: NGVD 29

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DHEC Trial Exh 017

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E.M.SEABROOK JR., INC. NO. C00045
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ADDITIONAL DATA LOT 15

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09860
LEWIS E. SEABROOK

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PROPOSED: DOCK

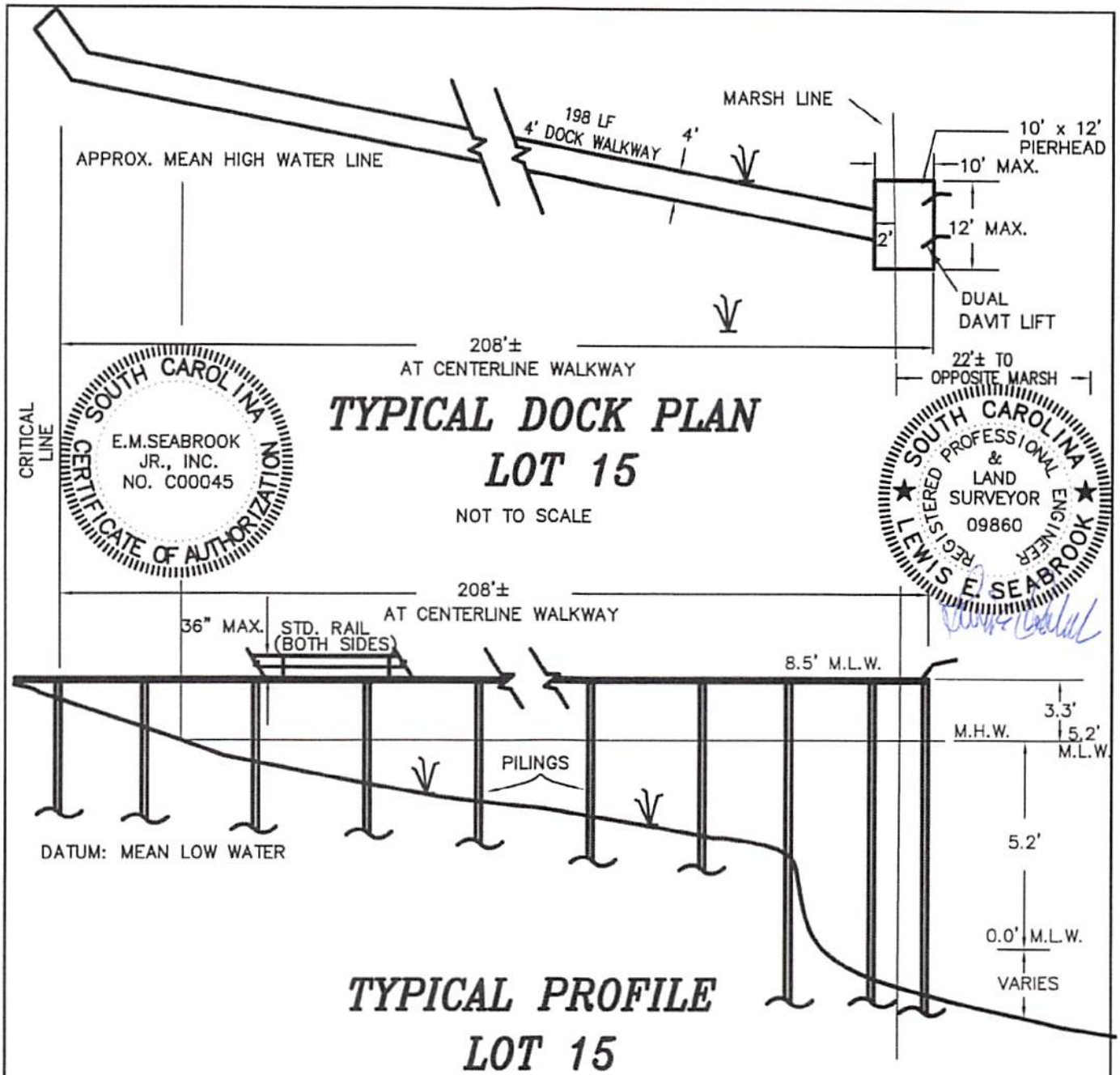
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AT LOT 15 BLOCK C CREEKSIDE PARK
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SHEET 3 OF 4 DATE: 08/31/20

20067-DOCK PERMIT KLOMPARENS

DHEC Trial Exh 018



TYPICAL DOCK PLAN
LOT 15

NOT TO SCALE

TYPICAL PROFILE
LOT 15

NOT TO SCALE

PURPOSE: TO CONSTRUCT A PRIVATE DOCK

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   MOUNT PLEASANT, S. C. 29464
3. JAMES R. LITTLETON, JR. & ELIZABETH ANN FEMIA (TMS 517-08-00-099)
   684 PAWLEY ROAD
   MOUNT PLEASANT, S. C. 29464
3. ROBERT B. LEMAN 2012 TRUST &. PATTI RUTH LEMAN (TMS 517-08-00-098)
   688 PAWLEY ROAD
   MOUNT PLEASANT, S. C. 29464

PROPOSED: DOCK

IN A TRIBUTARY OF SHEM CREEK

AT LOT 15 BLOCK C CREEKSIDE PARK
TOWN OF MT. PLEASANT
CHARLESTON COUNTY, S.C. (TMS 535-14-00-026)

APPLICATION BY:
ROBERT D. AND WHITNEY S. KLOMPARENS
706 CREEKSIDE DR.
MOUNT PLEASANT, S. C. 29464
SHEET 4 OF 4 DATE: 08/31/20

20067-DOCK PERMIT KLOMPARENS

DHEC Trial Exh 019

TOWN OF MOUNT PLEASANT AND CHARLESTON COUNTY USE ONLY:

PLAT APPROVED
Town of Mount Pleasant, SC

BY _____ TOWN ENGINEER

DATE 7/1/2020

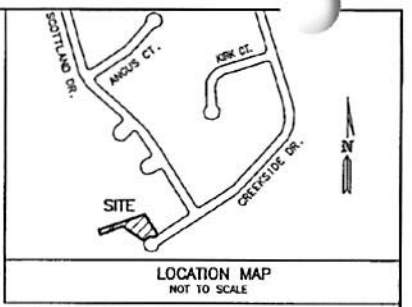
RECORDED
DATE: 7/29/2020 TIME: 2:28:47 PM
Book Page S20 0147 DocType Small Plat
Michael Miller, Register, Charleston County, SC

Record Fee $25.00
Postage $1.00
TOTAL $26.00
Drawer
Clerk

Paid by: E M SEABROOK JR INC
PO BOX 96
MT PLEASANT SC 29465

Location: CREEKSIDE PARK

The undersigned designee has authority to represent the owner(s) of this property for the purpose described herein. I understand South Carolina State Law Section 6-29-1145 and by certify compliance therewith by my signature below.
Print Name Robert D Klomparens
Signature
Date of Signature 7/1/20



LOCATION MAP
NOT TO SCALE



Line Table		
Line #	Length	Bearing
L1	18.36	N45° 12' 12"E
L2	11.95	S76° 51' 12"E
L3	14.57	S89° 41' 36"E
L4	20.19	N50° 25' 48"E
L5	11.56	N72° 29' 19"E
L6	20.61	N81° 40' 00"E
L7	33.34	N50° 37' 09"E
L8	27.02	N44° 18' 53"E
L9	6.49	N69° 20' 00"E
L10	1.43	N03° 11' 12"E
L11	9.47	N03° 11' 12"E
L12	4.41	N83° 12' 43"E
L13	7.70	S35° 23' 45"E
L14	2.81	S35° 23' 45"E
L15	3.37	N45° 46' 41"E

LEGEND
CMF CONCRETE MONUMENT FOUND
CP COMPUTED POINT
IPF IRON PIPE FOUND
IRF IRON REBAR FOUND
JB JUNCTION BOX
SSMH SANITARY SEWER MANHOLE
WM WATER METER
X5.1 EXISTING ELEVATION

TREE LEGEND
DW DOGWOOD
MAG MAGNOLIA
O OAK
PAL PALMETTO
PE PECAN

ZONING:
R-1 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS:
MINIMUM DENSITY: 1 DWELLING UNIT PER 10,000 SQ. FT.
MINIMUM LOT AREA: 10,000 SQ. FT.
MINIMUM LOT WIDTH: 80 FEET AT BUILDING LINE
MINIMUM LOT DEPTH: 110 FEET
MINIMUM SETBACKS:
FRONT/STREET SIDE: 30 FEET
SIDE YARD: 25 FEET (COMBINED WIDTH)
SIDE YARD: 10 FEET (WIDTH ON ONE SIDE)
REAR: 30 FEET
MAXIMUM HEIGHT: 35 FEET
(AND NO MORE THAN 2.5 STORIES), EXCEPT AS OTHERWISE PERMITTED IN § 156.102
MAXIMUM BLDG. COVER: NO MORE THAN 35% OF LOT MAY BE COVERED BY PRINCIPAL AND ACCESSORY BUILDINGS.
BUFFERYARD REQUIREMENTS: MINIMUM BUFFER-YARD REQUIREMENTS FOR, AND BETWEEN, PERMITTED USES IN THIS DISTRICT AND CONTIGUOUS USES ARE SET FORTH IN § 156.231.
REFERENCE TO ADDITIONAL REGULATIONS: IN ADDITION TO THE ABOVE, ALL APPLICABLE OFF-STREET PARKING, LOADING, SIGN, BUFFER AND SUPPLEMENTAL REGULATIONS SHALL APPLY TO USES WITHIN THIS DISTRICT.

CREEKSIDE PARK
TOWN OF MOUNT PLEASANT
CHARLESTON COUNTY, S. C.

SURVEY OF LOT 15 BLOCK C (TMS 535-14-00-026)
CONTAINING 0.58 ACRE (TOTAL)
OWNED BY ROBERT D. KLOMPARENS AND WHITNEY S. KLOMPARENS

SCALE: 1" = 30' JUNE 1, 2020

30 15 0 30 60 90
SCALE IN FEET

REFERENCES:
1. PLAT BY E. M. SEABROOK, JR., INC. DATED JULY 31, 1968, RECORDED IN CHARLESTON COUNTY ROD OFFICE IN PLAT BOOK X PAGE 129
2. PLAT BY E. M. SEABROOK, JR., INC. DATED OCT. 28, 1971, RECORDED IN CHARLESTON COUNTY ROD OFFICE IN PLAT BOOK AB PAGE 79
3. DEED DATED SEPT. 16, 2014, RECORDED IN CHARLESTON COUNTY ROD OFFICE IN DEED BOOK 0430 PAGE 182
4. PLAT BY JOHN E. WADE, JR., INC. DATED JULY 29, 2014, NOT RECORDED

NOTES:
1. AREA DETERMINED BY COORDINATES
2. BASED ON INTERPRETATION OF FEMA FLOOD INSURANCE RATE MAP NUMBER 45019C 0536 J DATED NOVEMBER 17, 2004, THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONE AR (ELEV. 12).
3. THE ABSENCE OR PRESENCE OF U. S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS HAS NOT BEEN DETERMINED BY THIS SURVEY.
4. THERE IS NO OBSERVABLE EVIDENCE OF THE LOCATION OF CEMETERIES OR BURIAL GROUNDS ON THIS PROPERTY. SUBSURFACE CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING ANY SUBSURFACE CONDITIONS THAT MAY AFFECT THE USE OR FURTHER DEVELOPMENT OF THIS PROPERTY.

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN.

Lewis E. Seabrook 7/1/20

LEWIS E. SEABROOK
CIVIL ENGINEER & LAND SURVEYOR
S. C. REG. NO. 09660
P. O. BOX 96
MT. PLEASANT, S. C. 29465
(843) 884-4496

SOUTH CAROLINA REGISTERED PROFESSIONAL ENGINEER & LAND SURVEYOR 09660 LEWIS E. SEABROOK

SOUTH CAROLINA E.M.SEABROOK JR., INC. NO. C00045 CERTIFICATE OF AUTHORIZATION

NGVD 29

E.M. SEABROOK
Engineers | Surveyors
1037 Chuck Dawley Blvd.
Building F - Suite 200
Post Office Box 96
Mount Pleasant, SC 29465
Phone (843) 884-4496
www.emseabrook.com

The area shown on this plat is a representation of department (SCDHEC OCRM) permit authority on the subject property. Critical areas by their nature are dynamic and subject to change over time. By delineating the permit authority of SCDHEC OCRM, SCDHEC OCRM in no way waives its right to assert permit jurisdiction at any time in any critical area on the subject property, whether shown hereon or not.

CERTIFIED BY OCRM STAFF MEREDITH B. WRYE _____ SIGNATURE
JUNE 25, 2020 DATE

The critical line shown on this plat is valid for five years from the date of this signature, subject to the cautionary language above.

20067-KLOMPARENS

E. M. SEABROOK, III E M SEABROOK JR, INC
PO BOX 96
MOUNT PLEASANT SC 29465

AFFIDAVIT OF PUBLICATION

The Post and Courier

State of South Carolina

County of Charleston

Personally appeared before me the undersigned advertising clerk of the above indicated newspaper published in the city of Charleston, county and state aforesaid, who, being duly sworn, says that the advertisement of

(copy attached)

appeared in the issues of said newspaper on the following day(s):

09/30/20 Wed PC
09/30/20 Wed CNW

Rob Klomparens has applied to the SCDHEC-OCRM for a permit to construct a private dock for recreational use on and adjacent to tributary of Shem Creek at 706 Creekside Dr., Mt. Pleasant, Charleston County, SC (TMS# 535-14-00-026). Specifically, the applicant seeks to construct a dock consisting of a 4'x198' walkway with handrails to a 10'x12' pierhead with a dual lift davit lift.
Comments will be received by the Office of Ocean & Coastal Resource Management, 1362 McMillan Ave. Suite 400, Charleston, SC 29405 by October 10, 2020.
AD#1899038

at a cost of **$53.14**
Account# **107468**
Order# **1899038**
P.O. Number:

Subscribed and sworn to before me this 30th day of September A.D. 2020

advertising clerk

SHELLY DUBERRY NOTARY My Comm. Exp. 09/24/2023 PUBLIC SOUTH CAROLINA

NOTARY PUBLIC, SC
My commission expires

DHEC Trial Exh 021

South Carolina Department of Health and Environmental Control
Office of Ocean and Coastal Resource Management
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

Healthy People. Healthy Communities.

September 28, 2020
Permit Application Public Notice

***Rob Klomparens*, HP2-M0K2-7NE9T**

The Department has received an application for a permit for the utilization/alteration of a critical area. The application was submitted pursuant to the Coastal Zone Management Act and the Coastal Division Regulations. The application in brief, is described as follows:

Location: **On and adjacent to Tributary of Shem Creek at 706 CREEKSIDE DR, MT PLEASANT, Charleston County, South Carolina TMS: 5351400026**

Work: **Applicant seeks to construct a private use recreational dock consisting of a 4'x198' walkway with handrails to a 10'x12' pierhead with a dual lift davit lift. The work described is for private recreational use.**

This public notice is being distributed to all known interested persons and agencies to assist in developing facts on which a decision by the Department can be based. Please visit **https://epermweb.dhec.sc.gov/publicnotice** to view plans depicting the proposed work and submit comments setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Enter either ***Rob Klomparens*** or **HP2-M0K2-7NE9T** into the appropriate search field to access details associated with this notice.

Comments regarding this application must be received by the Department on or before **October 13, 2020.** For more information, please contact **Jacqueline A Adams** at **843-953-7809** or via email at **adamsja@dhec.sc.gov.**

DHEC Trial Exh 022

9/28/2020

I, Jo-Ann Danner, as an employee of DHEC-OCRM certify that I have on this day mailed the Public Notice to the following. Jo Ann Danner

Mike Williams, Williams Trust
702 CREEKSIDE DR
MT PLEASANT, SC 29464

Robert Crawford
710 CREEKSIDE DR
MT PLEASANT, SC 29464

KLOMPARENS / PUBLIC NOTICE IN YOUR AREA

Danner, Jo-Ann <dannerJH@dhec.sc.gov>

Mon 9/28/2020 3:19 PM

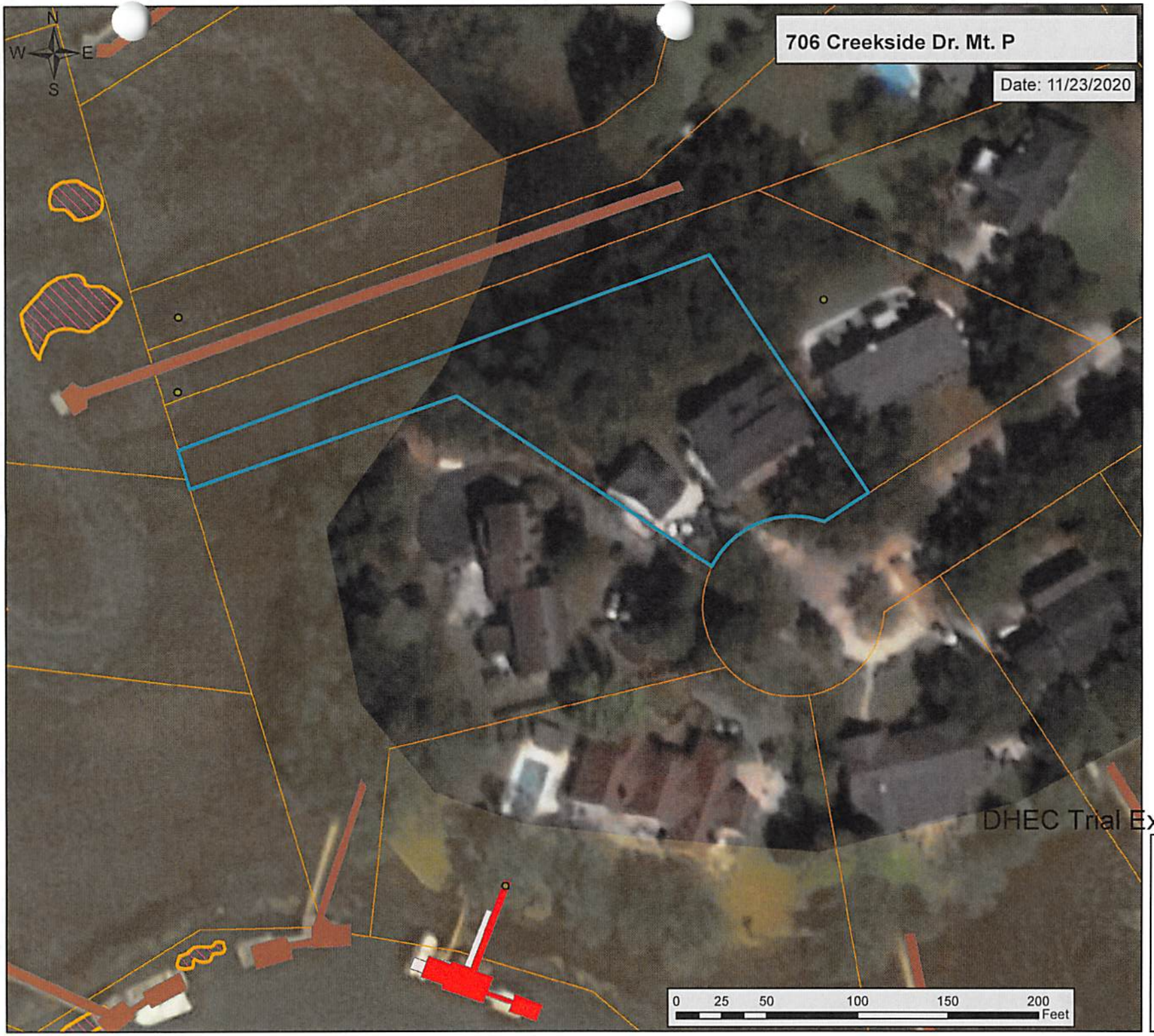
To: Jennifer Werking <JWerking@charlestoncounty.org>; BTUTEN@CHARLESTONCOUNTY.ORG <BTUTEN@CHARLESTONCOUNTY.ORG>; edemoura@tompsc.com <edemoura@tompsc.com>; Austin Rutherford <rRutherford@tompsc.com>; engineers@emseabrook.com <engineers@emseabrook.com>; rwkllc@gmail.com <rwkllc@gmail.com>
Cc: Danner, Jo-Ann <dannerJH@dhec.sc.gov>

https://epermweb.dhec.sc.gov/ncore/external/publicnotice/info/-7583908978903600537/details

Jo-Ann Danner
Program Coordinator
Critical Area Permitting Section
Ocean Coastal Resource Management
SC Department of Health and Environmental Control-OCRM
1362 McMillan Ave., Suite 400
Charleston, SC 29405
dannerjh@dhec.sc.gov
843-953-0711 Office

Connect: www.scdhec.gov




706 Creekside Dr. Mt. P
Date: 11/23/2020
N
W
E
S
DHEC Trial Exh 025
0 25 50 100 150 200
Feet
Legend
CAP_ARCHIVE
DOCK_BRIDGE_MARINA
STATUS
APPLIED FOR
CONSTRUCTED
UNKNOWN
CRITICAL_AREA_BOUND
LIVE_OYSTER
SFCLASS
CUR_CLASS
P
CHARLESTON_PARCELS

RE: Comments for Dock Permit Application Submitted by Rob Klomparens, 706 Creekside Dr., Mt. Pleasant

Bob Crawford <bob@crawfordcommercial.com>
Wed 10/14/2020 9:51 AM
To: Adams, Jacqueline <adamsja@dhec.sc.gov>

*** Caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. ***

Jacqueline,

Thank you for this acknowledgement. If it is possible, and or appropriate, to share with us any of the measurements between the 3 adjacent extended lots we would appreciate them. The measurements we cobbled together are probably not exact due to the lack of a plat showing all 3 extensions.

Bob

Robert C. Crawford, Jr., CCIM
Crawford Commercial Real Estate Services, Inc.
710 Creekside Dr.
Mt. Pleasant, SC 29464
Cell: 540.797.1579

www.crawfordcommercial.com

From: Adams, Jacqueline <adamsja@dhec.sc.gov>
Sent: Tuesday, October 13, 2020 5:36 PM
To: Bob Crawford <bob@crawfordcommercial.com>
Cc: 'Carol Crawford' <ccarol35@yahoo.com>
Subject: Re: Comments for Dock Permit Application Submitted by Rob Klomparens, 706 Creekside Dr., Mt. Pleasant

Thank you, Mr. Crawford. Your comments have been received and documented. They will be included as part of my review of the application.

Kind Regards,
Jacqueline Adams

Jacqueline Adams

Critical Area Project Manager

Ocean and Coastal Resource Management

S.C. Dept. of Health & Environmental Control

1362 McMillan Avenue, Suite 400

Charleston, SC 29405

Office: 843-953-7809

adamsja@dhec.sc.gov

Connect: www.scdhec.gov Facebook Twitter

From: Bob Crawford <bob@crawfordcommercial.com>
Sent: Tuesday, October 13, 2020 9:32 AM
To: Adams, Jacqueline <adamsja@dhec.sc.gov>
Cc: 'Carol Crawford' <ccarol35@yahoo.com>
Subject: Comments for Dock Permit Application Submitted by Rob Klomparens, 706 Creekside Dr., Mt. Pleasant

*** Caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. ***

Jacqueline,

Pursuant to our previous conversations concerning the above referenced application our comments/ questions are as follows:

1. It does not appear to be waterfront property by DHEC definition.

2. After reviewing the application schematics, ground observations (VanTiem's dock, etc.) and aerial views (Google Earth), it does seem to block our ability to build a future dock to the marsh given the close proximity of the 3 extended lot boundaries (pipe stems), including ours (710 Creekside Dr.) the Klomparents (706 Creekside Dr.), and the VanTiems (which has an existing dock at 1019 Scotland Dr.). In our opinion, this apparent problem needs to be verified by the study of a plat including all 3 properties, especially the proximity of the extended lot boundaries (actual linear measurements). Since Creekside Park was developed before dock master planning was initiated, we see no other way to verify our findings.

3. We have heard from nearby sources that an earlier application for this property was denied in the past.

Given the above concerns, we would like to submit this email as documentation of our objection to the application.

Thank you for your attention to this matter and look forward to receiving any questions you may have.

Bob

Robert C. Crawford, Jr., CCIM
Crawford Commercial Real Estate Services, Inc.
710 Creekside Dr.
Mt. Pleasant, SC 29464
Cell: 540.797.1579

www.crawfordcommercial.com

FW: KLOMPARENS / PUBLIC NOTICE IN YOUR AREA

Austin Rutherford <rRutherford@tompsc.com>

Tue 9/29/2020 8:21 AM

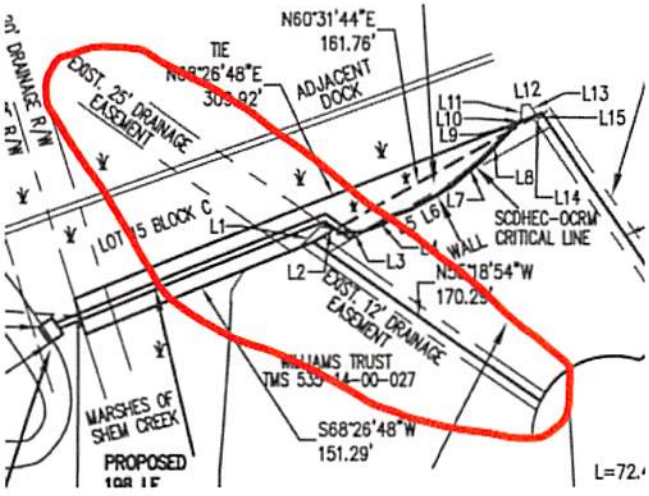
To: Adams, Jacqueline <adamsja@dhec.sc.gov>

*** Caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. ***

Hello Jackie,

We are reaching out to provide comments based on the documents for this proposed dock.

This dock appears to cross a Town drainage easement and potentially conflicts with a stormwater pipe:



Here in the pipe inlet on Creekside Drive:



Since this does cross our drainage easement, they are required to obtain a Stormwater Encroachment Permit from our Stormwater Division of Public Services:

https://www.tompsc.com/DocumentCenter/View/20708/ENCROACH-PERMIT---PSD-FILL-IN?bidId=

They will need to return this completed form to Town Hall with a $25 check (the fee for review).

Thank you,

Austin Rutherford, AICP
Senior Planner
100 Ann Edwards Lane
Mount Pleasant, SC 29464
rrutherford@tompsc.com

- Historic District Preservation Commission Info

- Annexation or Annexation Covenant Info

From: Danner, Jo-Ann <dannerJH@dhec.sc.gov>
Sent: Monday, September 28, 2020 3:19 PM
To: Jennifer Werking <JWerking@charlestoncounty.org>; BTUTEN@CHARLESTONCOUNTY.ORG; Eric DeMoura <EDeMoura@tompsc.com>; Austin Rutherford <rRutherford@tompsc.com>; engineers@emseabrook.com; rwkllc@gmail.com
Cc: Danner, Jo-Ann <dannerJH@dhec.sc.gov>
Subject: KLOMPARENS / PUBLIC NOTICE IN YOUR AREA

This message originated outside our organization. Use caution when clicking links or opening attachments.

https://epermweb.dhec.sc.gov/ncore/external/publicnotice/info/-7583908978903600537/details

Jo-Ann Danner

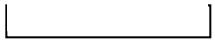
Program Coordinator

Critical Area Permitting Section

Ocean Coastal Resource Management

SC Department of Health and Environmental Control-OCRM
1362 McMillan Ave., Suite 400
Charleston, SC 29405
dannerjh@dhec.sc.gov
843-953-0711 Office

Connect: www.scdhec.gov



Klomparens Dock Permit Review

Ben Le Clercq <ben@leclercqlaw.com>

Tue 9/29/2020 4:57 PM

To: Adams, Jacqueline <adamsja@dhec.sc.gov>

1 attachments (19 KB)

Ben Whaley Le Clercq, J.D., LL.M. 6.vcf;

*** Caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. ***

Dear Ms. Adams,

I live at 701 Creekside Drive, in Mt. Pleasant. I understand that my good friend and neighbor, Rob Klomparens, has applied for a dock permit to access the creek behind his house. I am familiar with Rob's plans, having discussed it with him on several occasions. I fully support the application, and hope that it will be approved by DHEC/OCRM. I think Rob's proposed dock would be a wonderful addition to the property. Knowing Rob as I do, I can assure you the dock will be well built, frequently used and greatly enjoyed by Rob, his wife Whitney, and their children (all of whom love to fish). I think the dock will increase their property value as well as that of adjacent landowners.

Please contact me with questions or comments.

With kind regards, I am

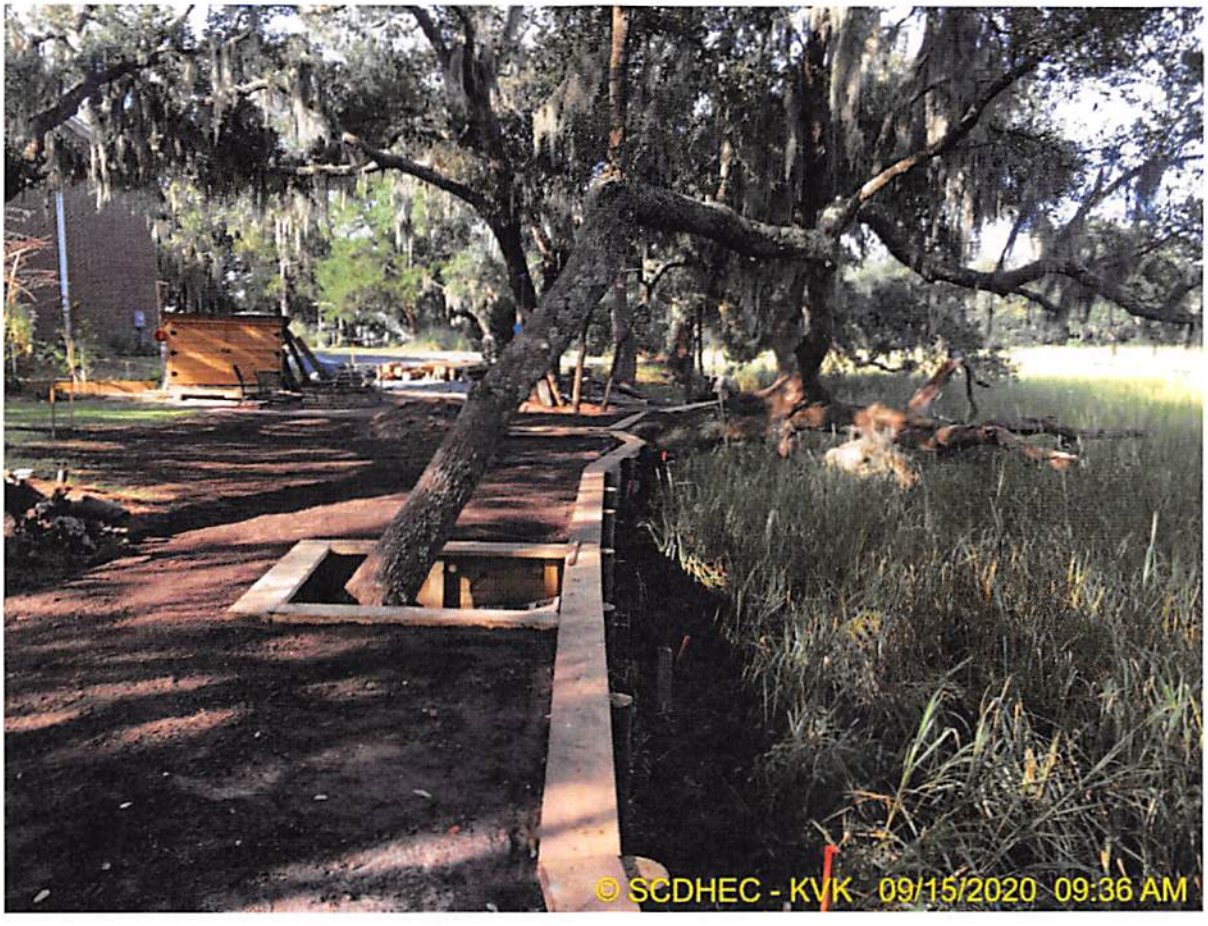
Respectfully,

Ben Whaley Le Clercq, J.D., LL.M.
708 South Shelmore Boulevard Suite 202
Mount Pleasant, South Carolina 29464
(843) 722-3523
(843) 352-2977 fax
www.LeClercqlaw.com



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IRS Circular 230 Disclosure: To comply with Treasury Department regulations, we inform you that, unless otherwise expressly indicated, any tax advice contained in this communication (including any attachments or enclosures) is not intended or written to be used, and cannot be used, for the purpose of (i)avoiding penalties that may be imposed under the Internal Revenue Code or any other applicable tax law, or (ii) promoting, marketing or recommending to another party any entity, investment, plan, transaction, arrangement, or other tax related matter.



DHEC Trial Exh 033

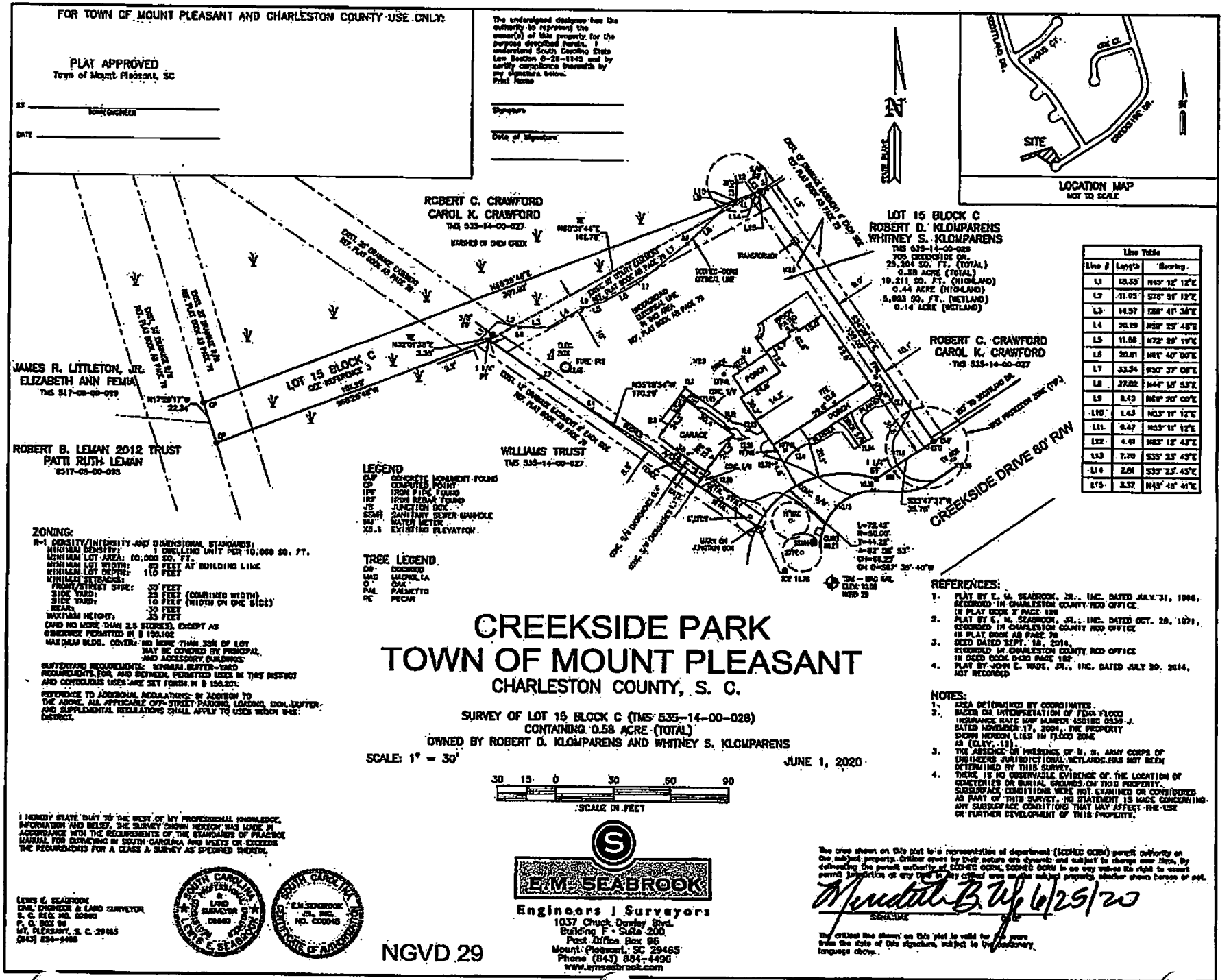

© SCDHEC - KVK 09/15/2020 09:37 AM



DHEC Trial Exh 035


© SCDHEC - KVK 09/15/2020 09:37 AM


© SCDHEC - KVK 09/15/2020 09:37 AM



Line Table		
Line #	Length	Bearing
L1	18.38'	N69° 12' 12"E
L2	11.95'	S70° 58' 12"E
L3	14.57'	S88° 41' 34"E
L4	20.19'	N59° 25' 48"E
L5	11.58'	N72° 29' 19"E
L6	20.81'	N61° 40' 00"E
L7	33.34'	N30° 27' 00"E
L8	27.22'	N44° 18' 53"E
L9	8.49'	N69° 20' 00"E
L10	1.43'	N03° 11' 12"E
L11	9.47'	N03° 11' 12"E
L12	4.61'	N83° 12' 43"E
L13	7.79'	S35° 23' 45"E
L14	2.81'	S35° 23' 45"E
L15	3.37'	N43° 48' 41"E

DHEC Trial Exh 038

Robert D Klomparens : 68MQ-FGCG-B64

OCRM Inspection Form

Inspector: Kathy Kowalchick
Start Date: 09/15/2020 Completed Date: 09/15/2020

Inspection Details

1. Property Owner	Robert D Klomparens
2. Is this activity associated with a permit?	☐ Yes ☑ No ☐ NA
3. Permit Number	
4. Purpose of Inspection	Complaint
5. TMS/EID/PIN	5351400026
6. Site Address	706 CREEKSIDE DR, MT PLEASANT, SC 29464
7. County	Charleston
8. Provide a description of your findings. Complaint that the property owner has recently installed what appears to be an unpermitted wooden bulkhead. Findings: bulkhead is located landward of the critical area	
9. What is the progress of the construction activity?	N/A
10. If activity, or any portion thereof, is not in compliance with the Act, Regulations, or specified conditions of the permit, describe the inconsistencies.	
11. Was the property owner present during this inspection?	☑ Yes ☐ No
12. If the property owner was notified, when?	
Date . **Time**	
13. Is a construction placard posted?	☐ Yes ☐ No ☑ NA
14. Provide a drawing, if applicable.	
15. What is the result of the inspection?	Satisfactory
16. Inspector's Signature	KVK

Robert D Klomparens : 68MQ-FGCG-B64
OCRM Inspection Form

Inspector: Kathy Kowalchick
Start Date: 09/15/2020 Completed Date: 09/15/2020

Inspection Details



Photo Taken: 9/15/2020 9:36:53 AM
GPS Latitude: 32.8008277777778
GPS Longitude: -79.8723444444444



Photo Taken: 9/15/2020 9:37:00 AM
GPS Latitude: 32.8009222222222
GPS Longitude: -79.8725055555555



Photo Taken: 9/15/2020 9:37:12 AM
GPS Latitude: 32.8011583333333
GPS Longitude: -79.8731611111111

Robert D Klomparens : 68MQ-FGCG-B64
OCRM Inspection Form

Inspector: Kathy Kowalchick
Start Date: 09/15/2020 Completed Date: 09/15/2020

Inspection Details



Photo Taken: 9/15/2020 9:37:22 AM
GPS Latitude: 32.8008638888889
GPS Longitude: -79.8728861111111



Photo Taken: 9/15/2020 9:37:27 AM
GPS Latitude: 32.8008916666667
GPS Longitude: -79.8725583333333

Robert D Klomparens (68MQ-FGCG-B64)

Violation List

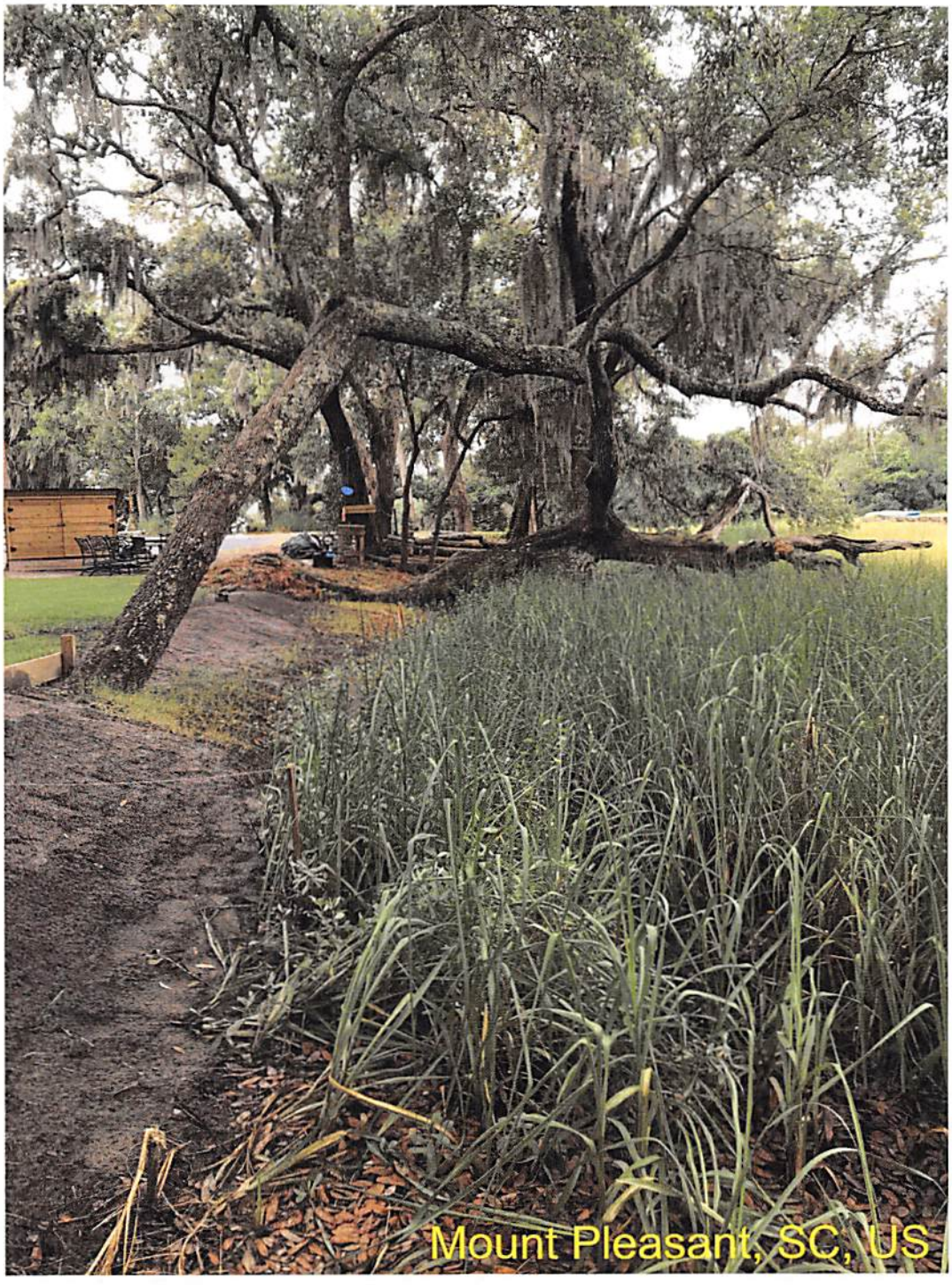
No Violations Found



DHEC Trial Exh 043



DHEC Trial Exh 044



DHEC Trial Exh 045



DHEC Trial Exh 046



DHEC Trial Exh 047

Re: RE: Mount Pleasant Dock

Shaw, Trent D. <shawtd@dhec.sc.gov>
Fri 2/21/2020 8:48 AM
To: Judson Goff <jagoff@redbayenvironmental.com>; Adams, Jacqueline <adamsja@dhec.sc.gov>

1 attachments (520 KB)
Creekside Drive Aerial.pdf;

Morning Judd,

I apologize, I failed to add the attachment that I referenced in my previous email. Please see attached.

Thanks,
Trent

Trent D. Shaw
Team Lead/Special Projects Manager, Critical Area Permitting Section
Ocean and Coastal Resource Management
SC Dept. of Health and Environmental Control
1362 McMillan Ave, Suite 400
Charleston, SC 29405
(843) 953-0236 *(office)*
shawtd@dhec.sc.gov

From: Shaw, Trent D. <shawtd@dhec.sc.gov>
Sent: Friday, February 21, 2020 8:37 AM
To: Judson Goff <jagoff@redbayenvironmental.com>; Adams, Jacqueline <adamsja@dhec.sc.gov>
Subject: Re: RE: Mount Pleasant Dock

Morning Judd,

Hope you are staying dry this morning!

It looks like there is some permitting history in that area. I pulled a couple of the old files and it appears that there was a permit applied for, and subsequently denied for the lot immediately adjacent to the lot in question (the lot to the right when facing the marsh).

The hurdle that exists for the lot in question would be our current regulatory definition of waterfront property. In order to be eligible for a dock a lot must meet the waterfront property definition which states, "[f]or purposes of these regulations, waterfront property will generally be defined as upland sited where a straight-line extension of both, generally shore perpendicular, upland property lines reaches a navigable watercourse within 1000' 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." I've attached an aerial which depicts a general sense of where the current extended property lines run for the property in question. The orange area is my best guess of where the critical area line would fall on this property based on the tree cover. The yellow lines represent a straight

line extension of the upland property lines. With the current alignment of the upland property lines this property does not appear to meet the Department's regulatory definition of waterfront property. Waterfront property hurdles are significant and they have been identified in this area by prior staff as evidenced by the previous denial on the adjacent lot based on similar concerns. Please let me know if you have any questions or if you'd like to discuss.

Thanks and have a great weekend,
Trent

Trent D. Shaw
Team Lead/Special Projects Manager, Critical Area Permitting Section
Ocean and Coastal Resource Management
SC Dept. of Health and Environmental Control
1362 McMillan Ave, Suite 400
Charleston, SC 29405
(843) 953-0236 *(office)*
shawtd@dhec.sc.gov

From: Judson Goff <jagoff@redbayenvironmental.com>
Sent: Friday, February 21, 2020 8:06 AM
To: Shaw, Trent D. <shawtd@dhec.sc.gov>; Adams, Jacqueline <adamsja@dhec.sc.gov>
Subject: Fwd: RE: Mount Pleasant Dock

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Hope y'all made it through the deluge this week! I'm just circling back around with you on the prospect of getting this dock authorized. Wanted to see if you've made any headway into the background search on your end.

Thanks!

Judd

Sent from TypeApp
On Nov 18, 2019, at 2:48 PM, Judson Goff <jagoff@redbayenvironmental.com> wrote:

> Trent & Jacquie:
>
> Thank y'all again for your time on Thursday morning. I've attached the lot plat, subdivision plat and the tax map aerial that I had with me on Thursday.
>
> THANKS!
>
> Judd
>
> ---
>
> **From:** Shaw, Trent D. <shawtd@dhec.sc.gov>
> **Sent:** Tuesday, November 12, 2019 4:44 PM

To: Judson Goff <jagoff@redbayenvironmental.com>
Cc: Adams, Jacqueline <adamsja@dhec.sc.gov>
Subject: Re: Mount Pleasant Dock

Great, see you then!

Trent D. Shaw
Team Lead/Special Projects Manager, Critical Area Permitting Section
Ocean and Coastal Resource Management
SC Dept. of Health and Environmental Control
1362 McMillan Ave, Suite 400
Charleston, SC 29405
(843) 953-0236 (office)
shawtd@dhec.sc.gov

From: Judson Goff <jagoff@redbayenvironmental.com>
Sent: Tuesday, November 12, 2019 4:42:55 PM
To: Shaw, Trent D. <shawtd@dhec.sc.gov>; Williams, Blair <WILLIABN@dhec.sc.gov>
Cc: Trumbull, Mary <trumbumt@dhec.sc.gov>; Adams, Jacqueline <adamsja@dhec.sc.gov>
Subject: RE: Mount Pleasant Dock

*** Caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. ***
Trent:

9 on Thursday would work fine by me. I'm heading to Lancaster that day and can swing by there on my way out of town. THANKS!!

From: Shaw, Trent D. <shawtd@dhec.sc.gov>
Sent: Tuesday, November 12, 2019 4:06 PM
To: Judson Goff <jagoff@redbayenvironmental.com>; Williams, Blair <WILLIABN@dhec.sc.gov>
Cc: Trumbull, Mary <trumbumt@dhec.sc.gov>; Adams, Jacqueline <adamsja@dhec.sc.gov>
Subject: Re: Mount Pleasant Dock

Afternoon Judd,

Jacquie and I are free most of the morning on Thursday (11/14). We can meet at 9 or 10 if either of those times work for you. If those times do not work just let me know and we can look at some other options.

Thanks,
Trent

Trent D. Shaw
Team Lead/Special Projects Manager, Critical Area Permitting Section
Ocean and Coastal Resource Management
SC Dept. of Health and Environmental Control
1362 McMillan Ave, Suite 400
Charleston, SC 29405
(843) 953-0236 *(office)*
shawtd@dhec.sc.gov

From: Judson Goff <jagoff@redbayenvironmental.com>
Sent: Tuesday, November 12, 2019 3:29 PM
To: Williams, Blair <WILLIABN@dhec.sc.gov>
Cc: Trumbull, Mary <trumbumt@dhec.sc.gov>; Shaw, Trent D. <shawtd@dhec.sc.gov>; Adams, Jacqueline <adamsja@dhec.sc.gov>
Subject: RE: Mount Pleasant Dock

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Thank you Blair! Jacquie or Trent, I'll make my schedule work with yours. I don't think it will take more than a few minutes. Want to make sure that these folks aren't barking up the wrong tree.

THANKS!
-Judd

Judd Goff
Red Bay Environmental
720 Hawksbill Court
Mount Pleasant, SC 29464
(843) 810-3311
jagoff@redbayenvironmental.com

From: Williams, Blair <WILLIABN@dhec.sc.gov>
Sent: Tuesday, November 12, 2019 3:26 PM
To: Judson Goff <jagoff@redbayenvironmental.com>
Cc: Trumbull, Mary <trumbumt@dhec.sc.gov>; Shaw, Trent D. <shawtd@dhec.sc.gov>; Adams, Jacqueline <adamsja@dhec.sc.gov>
Subject: Re: Mount Pleasant Dock

Judd,

Thank you for your email. I am looping in Jacquie Adams who is the newly assigned project manager for that area and Trent Shaw our team lead. Trent and Jacquie will be able to assist you with your questions. Please coordinate with them on your inquiry.

Thanks,
Blair

Blair N. Williams
Manager, Critical Area Permitting Section
Ocean and Coastal Resource Management
SC Dept. of Health and Environmental Control
1362 McMillan Avenue, Suite 400
Charleston, SC 29405
(843) 953-0232 *office*
(843) 953-0201 *fax*
(843) 592-0200 *cell*
williabn@dhec.sc.gov

From: Judson Goff <jagoff@redbayenvironmental.com>
Sent: Tuesday, November 12, 2019 3:22 PM
To: Trumbull, Mary <trumbumt@dhec.sc.gov>; Williams, Blair <WILLIABN@dhec.sc.gov>
Subject: Mount Pleasant Dock

*** Caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. ***

Tess & Blair:

Hope your week is going well so far. I've got a non-typical potential dock situation over in Mount Pleasant. Could either of you spend a few minutes with me to take a look at it (I've got info I came bring to your office) to see if it's a feasible approach?

THANKS!!

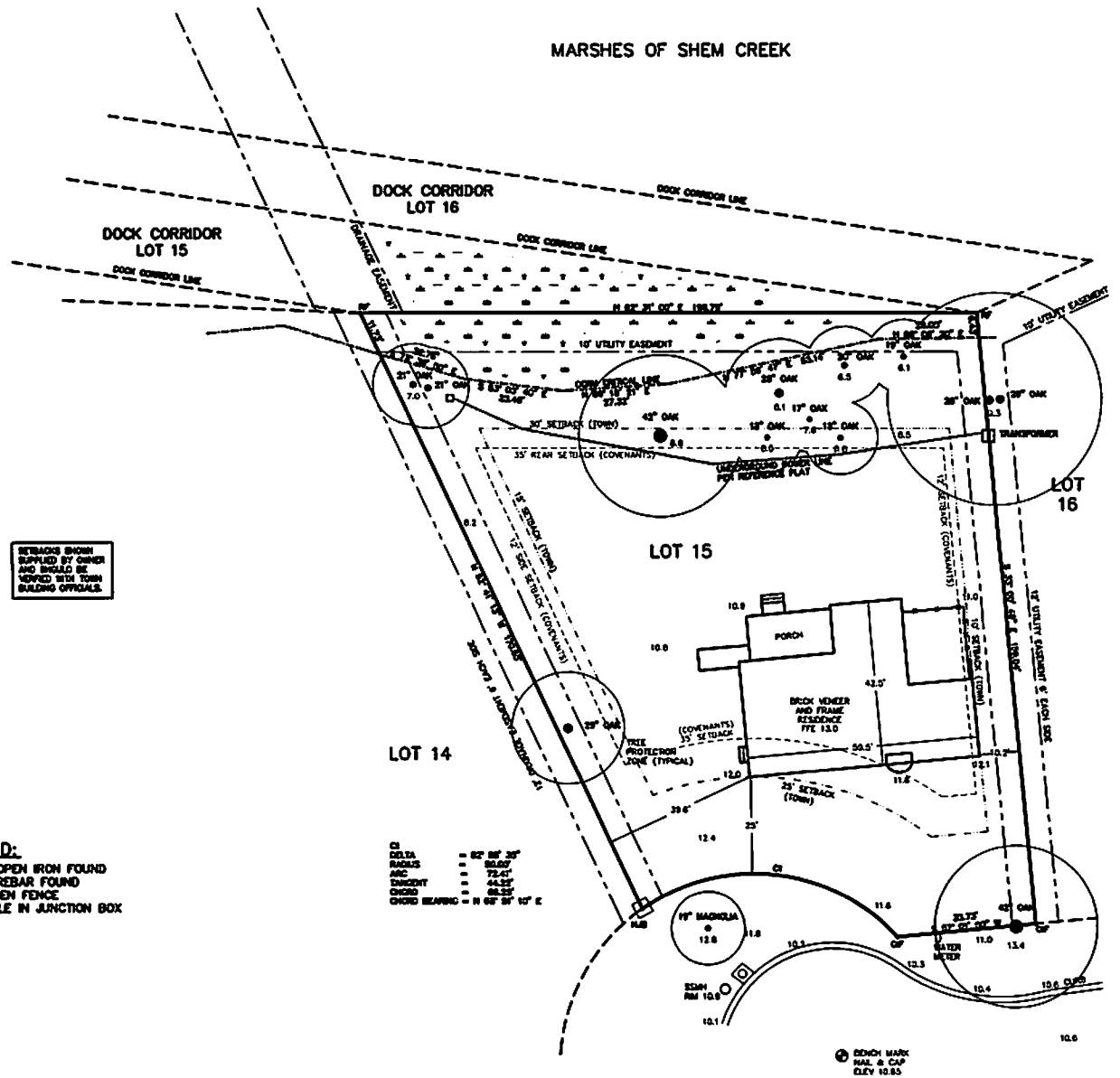
Judd

CONNECTEXPLORER



map: Auto (Ortho) | Dates: Latest | image 1 of 15 | 02/15/2019

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RETREATS SHOWN SUPPLIED BY OWNER AND SHOULD BE VERIFIED WITH TOWN BUILDING OFFICIALS.

LEGEND:
OF 1" OPEN IRON FOUND
RF #5 REBAR FOUND
X WOODEN FENCE
H.B HOLE IN JUNCTION BOX

DELTA = 62° 58' 30"
RADIUS = 66.00'
ARC = 72.51'
TANGENT = 40.15'
CHORD = 68.92'
CHORD BEARING = N 69° 59' 10" E

NOTES:
1) TMS# 535-14-00-026
2) REFERENCE PLAT AB-079
3) FLOOD ZONE AE ELEV 12 FIRM 45019C-0536-J (11-17-2004)
4) SURVEY REQUESTED BY ROB KLOMPARENS

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

JOHN E. WADE JR., R.L.S.
S.C. REG. NO. 13172

SOUTH CAROLINA PROFESSIONAL LAND SURVEYOR NO. 13172 JOHN E. WADE JR.

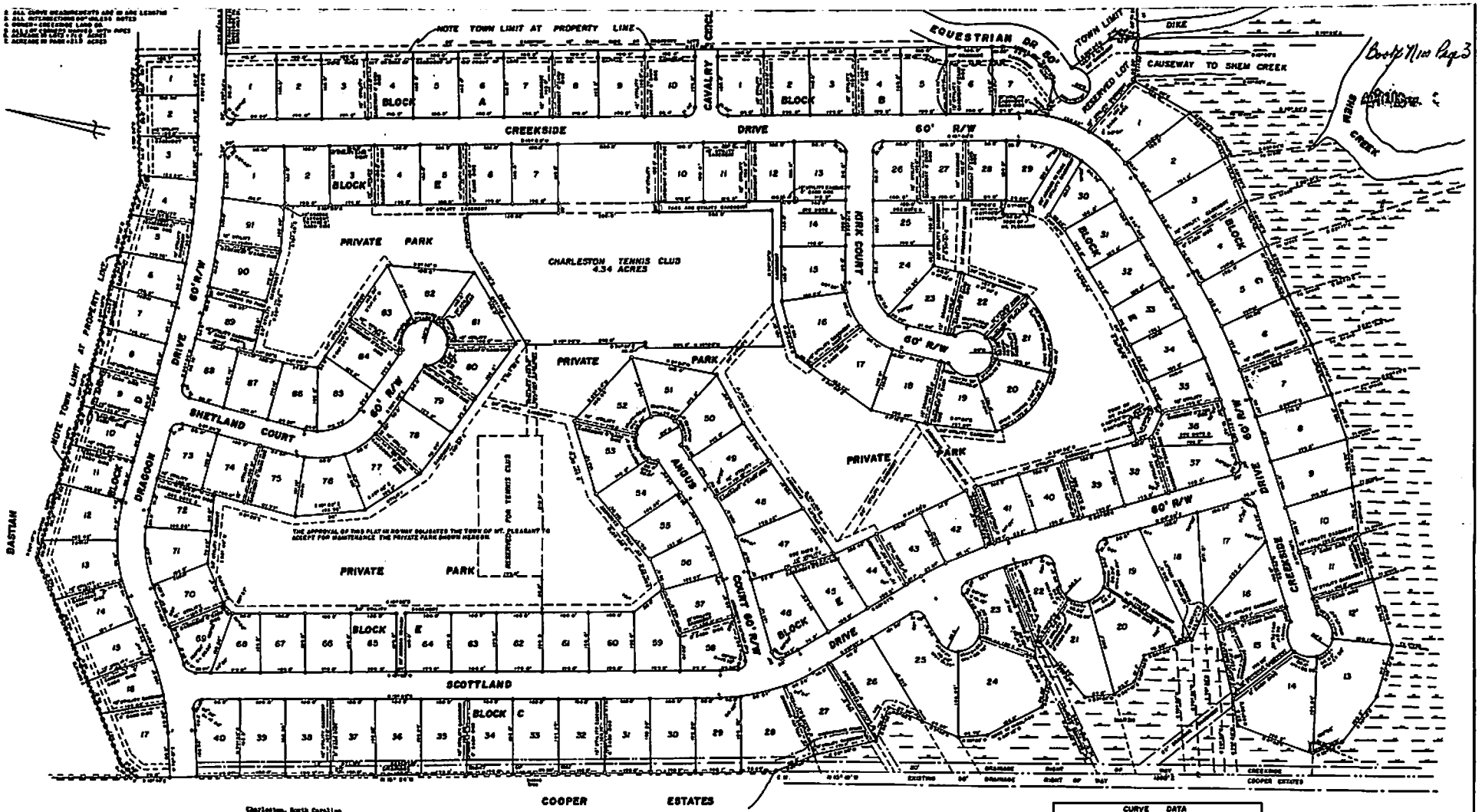
DATE: JULY 28, 2014
SCALE: 1" = 20'
40 20 0 20

706 CREEKSIDE DR
LOT 15 BLOCK C
LOCATED IN THE
TOWN OF MOUNT PLEASANT
CHARLESTON COUNTY
SOUTH CAROLINA

JOHN E. WADE JR., RLS
POST OFFICE BOX 686
ISLE OF PALMS
SOUTH CAROLINA
29451
(843) 886-6282
FILE #129-14

THIS SURVEY IS SUBJECT TO ANY EASEMENTS KNOWN AND DOES NOT CONSTITUTE A TITLE SEARCH. THE EASEMENTS SHOWN ARE MADE(UNLESS STATED OTHERWISE) AND ARE SUBJECT TO LOCAL ATTACHING AUTHORITY OVERSEE THE PREMISES.
PROVIDED IN DIGITAL FOR DESCRIPTIVE PURPOSES ONLY

DHEC Trial Exh 054



CREEKSIDE PARK
TOWN OF MT. PLEASANT, S.C.

COMPOSITE PLAT OF CREEKSIDE PARK – SEE PLATS BY E.M. SEABROOK JR., INC. DATED

JULY 31, 1968 RECORDED BOOK X PAGE 129
FEB. 21, 1969 RECORDED BOOK Z PAGE 98
AUG. 30, 1969 RECORDED BOOK Z PAGE 8
AUG. 21, 1968 RECORDED BOOK X PAGE 151
MAR. 19, 1971 RECORDED BOOK O PAGE 27

SCALE 1" = 100'

OCT. 28, 1971

E. M. SEABROOK, JR., INC.
CIVIL ENGINEER & LAND SURVEYOR

Charleston, South Carolina
Office of Register Mesne Conveyance
I do Plat recorded this 9th day of March, A.D. 19 72 at 4:15 o'clock in Plat Book ... Page 77 ... and tracing cloth copy filed in File ... Drawer ... Folder No. ... Drawing No. ...
Witness my hand and seal of office as Register Mesne Conveyance

Register Mesne Conveyance

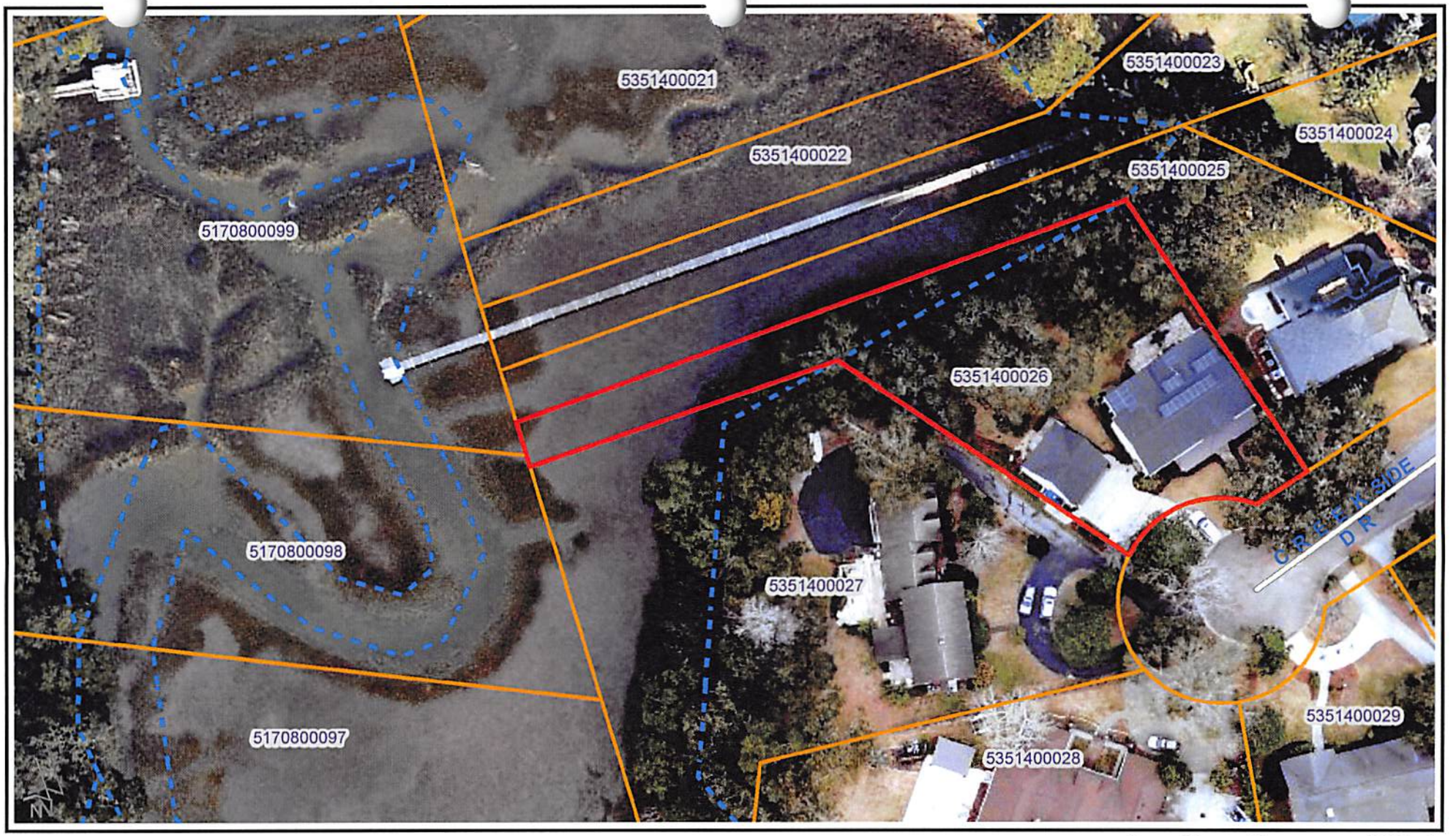
I, E M SEABROOK, JR., a duly licensed Surveyor of the State of South Carolina, hereby certify that above mortgage the property shown hereon, that this plat shows the true dimensions of the property, that all necessary monuments have been installed

E M SEABROOK, JR.
CIVIL ENGINEER & LAND SURVEYOR
S.C. REG. NO. 1379

CURVE DATA					
CURVE	Δ	D	T	L	R
A – A	90°03'	19.833°	159.27'	251.22'	285.04'
B – B	34°59'	17.889°	91.65'	170.66'	320.64'
C – C	101°03'	7.258°	105.97'	200.70'	789.04'
D – D	101°03'	7.258°	106.07'	200.70'	789.04'
E – E	20°02'	5.083°	106.12'	205.47'	1124.01'
F – F	20°02'	10.750°	84.55'	167.57'	532.01'
G – G	21°	12.083°	114.15'	219.96'	474.01'
H – H	21°01'	24.083°	88.25'	173.71'	237.00'
I – I	141°49'	4.833°	171.15'	240.33'	1185.90'
J – J	14°00'	4.083°	170.92'	288.06'	1374.30'
K – K	20°47'	15.000°	82.30'	288.48'	288.04'
L – L	20°01'	24.000°	118.32'	224.06'	239.04'
M – M	17°00'	4.00°	82.44'	288.52'	1338.10'
N – N	21°02'	4.083°	114.54'	221.02'	1278.01'
O – O	19°39'	3.000°	104.92'	207.06'	620.01'
P – P	19°39'	3.000°	98.92'	188.43'	574.01'
Q – Q	76°00'	22.00°	126.00'	261.07'	172.01'
R – R	90°00'	20.000°	110.00'	157.79'	90.01'
S – S	77°00'	20.000°	123.00'	208.23'	108.71'
T – T	77°00'	20.000°	118.23'	226.63'	98.71'

PLAT APPROVED
TOWN OF MT. PLEASANT, S. C.
BY Lloyd Town Manager
DATE Nov 9, 1972

DHEC Trial Exh 055



Charleston County SC

Parcel ID: 5351400026
OWNER1: KLOMPARENS ROBERT D
ACREAGE: 0.51
PLAT_BOOK_PAGE: X-129
DEED_BOOK_PAGE: 0430-182
Jurisdiction: TOWN OF MT PLEASANT

0 30 60 120 Feet

1 inch = 66 feet

Note: The Charleston County makes every effort possible to produce the most accurate information. The layers contained in the map service are for information purposes only. The Charleston County makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The County explicitly disclaims all representations and warranties. The reader agrees to hold harmless the Charleston County for any cause of action and costs associated with any causes of action which may arise as a consequence of the County providing this information.

CHARLESTON COUNTY
SOUTH CAROLINA

Author: Charleston County SC
Date: 11/18/2019

DHEC Trial Exh 056

dhec
Healthy People. Healthy Communities.

December 16, 2020

Rob Klomparens
706 Creekside Drive
Mt Pleasant, SC 29464
c/o E.M. Seabrook Jr. Inc, Agent

Re: Recent Application, HP2-M0K2-7NE9T

Dear Rob Klomparens:

Staff has initiated the Department's technical review of your project; however, there are deficiencies with your submittal. You have 30 days from the date of this letter to address the following:

1. Regulation 30-12.A(1)(a) of the Critical Area Permitting Regulations, *as amended*, states "[d]ocks and piers shall be limited to one structure per parcel or lot and in all instances, parcels or lots must be waterfront as defined by 30.D.(53), shall not restrict the reasonable navigation or public use of State lands and waters.

2. Regulation 30-1.D(53) of the Critical Area Permitting Regulations, as amended, states "[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 1000' 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.

    a. With the current alignment of the upland property lines (not the marsh lines) this property does not meet the Department's regulatory definition of waterfront property. Specifically, the eastern extension of the upland property lines intersects with upland from neighboring properties.

    b. There is no dock master plan for this area that designates differing dock corridor lines from upland lines.

    c. Waterfront property issues have been identified in this area by the Department as evidenced by a previous denial on the adjacent lot based on similar concerns.

3. Please provide a detailed description and any supporting documentation to demonstrate that the property located at 706 Creekside Drive meets the Department's regulatory definition of "Waterfront Property" as described above.

The permit application processing time schedule for your application shall be tolled from the date of this letter and shall resume when the Department receives the requested information. If you fail to respond to this request within 30 days from the date of this letter, the Department will deem this application withdrawn and the fee forfeited. If the deficiencies are addressed within the 30-day period, the time schedule will resume and the application will be processed to a conclusion pursuant to the regulatory timeframe outlined in S.C. Code Ann. Regs. 30-4(C); which requires staff to render a decision on an application within 30 days for minor activities and 90 days for major activities from the date of administrative and technical completeness.

Thank you for your understanding. Please feel free to call me at 843-953-7809 or email me at adamsja@dhec.sc.gov if you have any questions regarding the permitting process.

Sincerely,

Jacqueline A Adams
Project Manager
Critical Area Permitting Section

Cc: Lewis Seabrook, E.M. Seabrook Jr., Inc, Authorized Agent

Re: HP2-M0K2-7NE9T

Adams, Jacqueline <adamsja@dhec.sc.gov>
Wed 12/16/2020 12:42 PM
To: tom@emseabrook.com <tom@emseabrook.com>

1 attachments (312 KB)
706 Creekside Letter.pdf;

Good afternoon, Tom.

Please see the attached letter outlining the Department's concerns, as mentioned previously. I have sent the hard copy through the mail. Should you have any questions regarding the letter, please do not hesitate to contact me.

Kind Regards,
Jacqueline

Please note that I will be out of the office starting Monday, December 21st and will return Tuesday, December 29th.

Jacqueline Adams
Critical Area Project Manager
Ocean and Coastal Resource Management
S.C. Dept. of Health & Environmental Control
1362 McMillan Avenue, Suite 400
Charleston, SC 29405
Office: 843-953-7809
adamsja@dhec.sc.gov

Connect: www.scdhec.gov Facebook Twitter



From: tom@emseabrook.com <tom@emseabrook.com>
Sent: Wednesday, December 9, 2020 12:55 PM
To: Adams, Jacqueline <adamsja@dhec.sc.gov>
Subject: Re: HP2-M0K2-7NE9T

*** Caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. ***
Thank you for your explanation. I was unaware the neighbor had been denied a permit in the past and had never seen the actual OCRM definition. I have forwarded this to Mr. Klomparens and we will await a response from Blair.
Thank you,

Tom Seabrook
Project Manager

E. M. Seabrook Jr., Inc.
Post Office Box 96
Mount Pleasant, SC 29465
1037 Chuck Dawley Boulevard
Building F - Suite 200
(843) 884-4496
(843) 881-7609 (fax)

On 2020-12-09 12:28, Adams, Jacqueline wrote:

Good afternoon, Tom.

The permit application has been forwarded to Blair for review. As mentioned during our past phone conversation, the hurdle that exists for the lot would be our current regulatory definition of waterfront property. In order to be eligible for a dock a lot must meet the waterfront property definition which states, "[f]or 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 1000' 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.

With the current alignment of the upland property lines (not the marsh lines) this property does not appear to meet the Department's regulatory definition of waterfront property. I pulled the permitting history in the area and there was a permit applied for, and subsequently denied for the lot immediately adjacent to this property with the same layout and characteristics. Waterfront property hurdles are significant, and they have been identified in this area by prior staff as evidenced by the previous denial on the adjacent lot based on similar concerns. I will touch base with him this afternoon as to the review. Please let me know if you have any questions.

Thank you

Kind Regards,

Jacqueline

Jacqueline Adams
Critical Area Project Manager
Ocean and Coastal Resource Management
S.C. Dept. of Health & Environmental Control
1362 McMillan Avenue, Suite 400
Charleston, SC 29405
Office: 843-953-7809

adamsja@dhec.sc.gov

Connect: www.scdhec.gov Facebook Twitter



From: tom@emseabrook.com <tom@emseabrook.com>
Sent: Wednesday, December 9, 2020 7:28 AM
To: Adams, Jacqueline <adamsja@dhec.sc.gov>
Cc: rwkllc@gmail.com <rwkllc@gmail.com>
Subject: HP2-M0K2-7NE9T

*** Caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. ***

Jacquelin,
Please let me know the current status of the Klomparens dock permit application. If this has been referred to Blair, please have him respond. This permit was submitted in September and we have already received the USACE permit. I have prepared the encroachment permit to address the town's concerns but I am waiting to submit it until I get official direction from OCRM on where it stands on this permit.
Thank you,
--
Tom Seabrook
Project Manager

E. M. Seabrook Jr., Inc.
Post Office Box 96
Mount Pleasant, SC 29465
1037 Chuck Dawley Boulevard
Building F - Suite 200
(843) 884-4496
(843) 881-7609 (fax)

NEXSEN|PRUET

Mary D. Shahid
Member
Admitted in SC

January 14, 2021

VIA E-MAIL ADAMSJA@DHEC.SC.GOV

Jacqueline A. Adams, Project Manager
Critical Area Permitting Section
SCDHEC- OCRM
1362 McMillan Avenue
Suite 400
Charleston, SC 29405

Re: HP2-MOK2-7NE9T – 706 Creekside Drive Mt. Pleasant, S. C. (Klomparens)

Dear Ms. Adams:

This office represents Rob and Whitney Klomparens, owners of 706 Creekside Drive, Charleston County TMS 535-14-00-026. This letter is in response to your correspondence of December 16, 2020 regarding alleged deficiencies in the Klomparens' permit application.

By way of background, the Klomparens acquired 706 Creekside Dr. in 2014. A copy of their deed of conveyance is attached to this letter as Exhibit A. Please note that the property description includes the marsh adjacent to the lot.[1] While we understand the restraints upon marsh ownership, the property description dictates how a surveyor depicts the property. I am attaching as Exhibit B a plat that was approved by the Town of Mt. Pleasant and recorded with the Charleston County Register of Deeds. The plat is consistent with Charleston County's depiction of 706 Creekside as depicted on Exhibit C. Importantly, there are other lots on Shem Creek within Creekside Park where docks are constructed within the narrow corridors of the lots lines located in the marsh. (*See* docks adjacent to Scottland Dr. at 109, 1007, 995, 991, 979. Also at 678 and 680 Pawley Rd.) Exhibit D.

[1] "All of Grantor's right, title, and interest in and to the Marshland lying between Lot 15, Block C, and Shem Creek between the North, South, and West lines of said lot as projected to said Creek."

Charleston
Charlotte
Columbia
Greensboro
Greenville
Hilton Head
Myrtle Beach
Raleigh

205 King Street
Suite 400 (29401)
PO Box 486
Charleston, SC 29402
www.nexsenpruet.com

T (843) 720-1788
F 843.414.8242
E MShahid@nexsenpruet.com
Nexsen Pruet, LLC
Attorneys and Counselors at Law

1. Rebuttal of Alleged Deficiency – R. 30-12(A)(1)(a)

OCRM questions whether the application for construction of a dock at 706 Creekside Dr. satisfies Reg. 30-12(A)(1)(a) requiring all parcels seeking a dock to satisfy the regulatory definition of "waterfront property." See rebuttal to 2(a),(b) and (c) below. With regard to the requirement in Reg. 30-12(A)(1)(a) that a dock "shall not restrict the reasonable navigation or public use of State lands and waters," the permit application describes a dock very similar in size and extension to surrounding docks located on the tributary of Shem Creek adjacent to Creekside and Scottland Drive. The Klomparens have advised neighbors of their plans to construct a dock and their neighbors have expressed support. We are not aware of any letters of objection to the permit application submitted to OCRM. We believe the lack of objection would indicate that there is no expectation that the proposed dock will restrict navigation or public use of the tributary.

2. Rebuttal of Alleged Deficiency – Definition of Waterfront Property

706 Creekside Drive satisfies the regulatory definition of Waterfront Property. The definition requires "straight line extension of generally shore perpendicular, upland property lines" to reach navigable water within 1,000 feet. The two "generally shore perpendicular, upland property lines" are depicted on Exhibit B and shown with courses and distances as "N6826'48"E" and "S6826'48"W." Both lines originate in upland and follow straight-line extensions into the tributary. The distance between these lines is less than 75' but the subdivision of Creekside Park occurred before 1993 and 706 Creekside Drive is exempt from the requirement of 75' width at critical line and at water's edge.

The test created for implementation of OCRM's definition is applied here in the same fashion that it is applied to a lot that relies on property line extensions instead of platted property lines. The only difference is that the "straight line extension" already exist as platted lines. Importantly the points where these lines originate are landward of the critical line (see L13 and L1 with points behind the line.) The extensions are in the critical area and there is no discretion as to the length and location of the extensions since they are already platted.

2(a). Eastern extension of the upland property line intersects with upland from neighboring properties.

It is unclear where the intersection with upland referenced in OCRM's comments is located. The properties on either side, 710 and 702, are platted to the creek's edge and have similar extensions in to the marsh rendering those properties potentially waterfront depending on the location of the critical line in relationship to the point of mhmhan encroachment onto neighboring properties.

2(b). No reference to a dock master plan.

The development of Creekside Park occurred before OCRM promulgated regulations and policies related to dock master planning. However, the creation of lots extending to the tributary, and the configuration of the platted corridors, indicates an intent to establish riparian rights for certain lots. Review of Exhibits C and D and the configuration of many of the lots with docks reflects an intent expressed fifty years ago to establish dock corridors. The applicant is not claiming that this intent amounts to a dock master plan as an alternative to qualify as a waterfront property. The applicant does not need to establish that alternative, as the design of 706 Creekside Drive provides two upland property lines with established extensions that satisfy the regulatory definition. A review of Google Earth imagery indicates that the docks at 991 and 1019 Scottland Drive were added after promulgation of the definition of waterfront property. These lots are comparable to 706 Creekside Drive with regard to the creation of a corridor located in the marsh. Otherwise, upland extensions of the existing corners at the critical lines would have intersected in the marsh and would have disqualified these properties.

2(c). Previous denial of permit for adjacent lot.

The properties adjacent to 706 Creekside are 702 and 710. 702 (TMS 535-14-00-027), owned by the Williams Trust, has a dock located within a "corridor" created by platted property lines into the marsh. 710 (TMS 535-14-00-025), owned by Crawford, is designed similarly to 706 and, based on its design, the developer apparently intended for it to have water access. This property could satisfy the definition in the same manner as 706 if the extensions into the marsh originate in upland. The applicant has demonstrated straight-line extensions of generally shore perpendicular lines originating in upland. It is possible that, upon learning that OCRM did not consider 710 to be waterfront, decided not to consult with a surveyor or rebut OCRM's conclusions. Each application must be reviewed and considered on its own merits and the actions taken by OCRM regarding 710 Creekside Drive are not material in determining the application submitted by the Klomparens.

3. Detailed description and supporting documentation.

The attachments to this response and the general discussion herein is intended to provide a demonstration that 706 Creekside Drive is a waterfront property in accord with OCRM's definition. The required analysis differs slightly from the analysis when the property owner and OCRM are required to create the extensions into the marsh to demonstrate compliance with the definition. Here the developer, decades ago, designed the lot to incorporate a dock corridor and the property owner and OCRM do not need to create the extension. OCRM's concern is whether the lot qualifies. This requires positive response to the following questions. Do the extensions originate in upland?

Do the extensions originate from two generally shore perpendicular boundary lines? Does the corridor created by the extensions reach navigable water within 1,000 feet? Here, 706 Creekside Drive satisfies that analysis. With regard to 710 Creekside Drive, it is possible the extensions do not originate in upland. It is further possible that the applicant failed to provide OCRM an updated and approved plat of the property wherein the surveyor focused on the property description to confirm the configuration of the lot.

Please do not hesitate to contact me if additional information is needed. We look forward to a favorable response to this application.

Very truly yours,

Mary D. Shahid

cc: Rob Klomparens
Lewis Seabrook



STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that, I, **Anna Kristina Mandell, as Personal Representative of the Estate of Gulli V. Falkehag A/K/A Gulli Viktoria Sevlin Falkehag**, in the State aforesaid, for/and in consideration of the sum of Five Hundred Twenty Five Thousand and 00/100 DOLLARS ($525,000.00), to me in hand paid at and before the sealing of these Presents by **Robert D. Klomparens and Whitney S. Klomparens**, the receipt whereof is hereby acknowledged, and subject to the exceptions contained herein, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said **Robert D. Klomparens and Whitney S. Klomparens, AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP (NOT AS TENANTS IN COMMON)** the following described property, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO
AND INCORPORATED HEREIN BY REFERENCE FOR LEGAL DESCRIPTION.

TMS Number: 535-14-00-026

Address of Grantee(s): 953 Cottingham Drive
Mt. Pleasant, SC 29464

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said **Robert D. Klomparens and Whitney S. Klomparens, AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP (NOT AS TENANTS IN COMMON) ,** their heirs and assigns, forever.

AND subject to any exceptions set forth above, I, **Anna Kristina Mandell, as Personal Representative of the Estate of Gulli V. Falkehag A/K/A Gulli Viktoria Sevlin Falkehag** do hereby bind myself, my successors, executors, and administrators, to warrant and forever defend, all and singular, the premises before mentioned unto the said **Robert D. Klomparens and Whitney S. Klomparens, AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP (NOT AS TENANTS IN COMMON)**, theirs heirs and assigns, against , and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS this 16th day of September, in the year of our Lord Two Thousand Fourteen and in the Two Hundred and Thirty-Ninth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Witness #1

Anna Kristina Mandell, as Personal Representative of the Estate of Gulli V. Falkehag A/K/A Gulli Viktoria Sevlin Falkehag

Witness #2

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

The foregoing instrument was acknowledged before me by Anna Kristina Mandell, as Personal Representative of the Estate of Gulli V. Falkehag A/K/A Gulli Viktoria Sevlin Falkehag, this 16th day of September, 2014.

(SEAL)
Notary Public for South Carolina
My commission expires: 8/29/21

RYAN PATTERSON
Notary Public, South Carolina
My Commission Expires
August 29, 2021

EXHIBIT A

ALL that certain piece, parcel, or lot of land, together with any improvements thereon, situate, lying and being in CREEKSIDE PARK SUBDIVISION in the Town of Mount Pleasant, County of Charleston, State of South Carolina, and being known and designated as LOT NO. 15, BLOCK C, on a plat of said Subdivision by E.M. Seabrook, Jr., Inc., dated July 31, 1968 and duly recorded in the Office of the RMC for Charleston County, SC, in Plat Book X at Page 129. Said lot having such size, shape, metes, bounds, and dimensions as are shown on said plat, with reference thereto being craved for a more complete and full description.

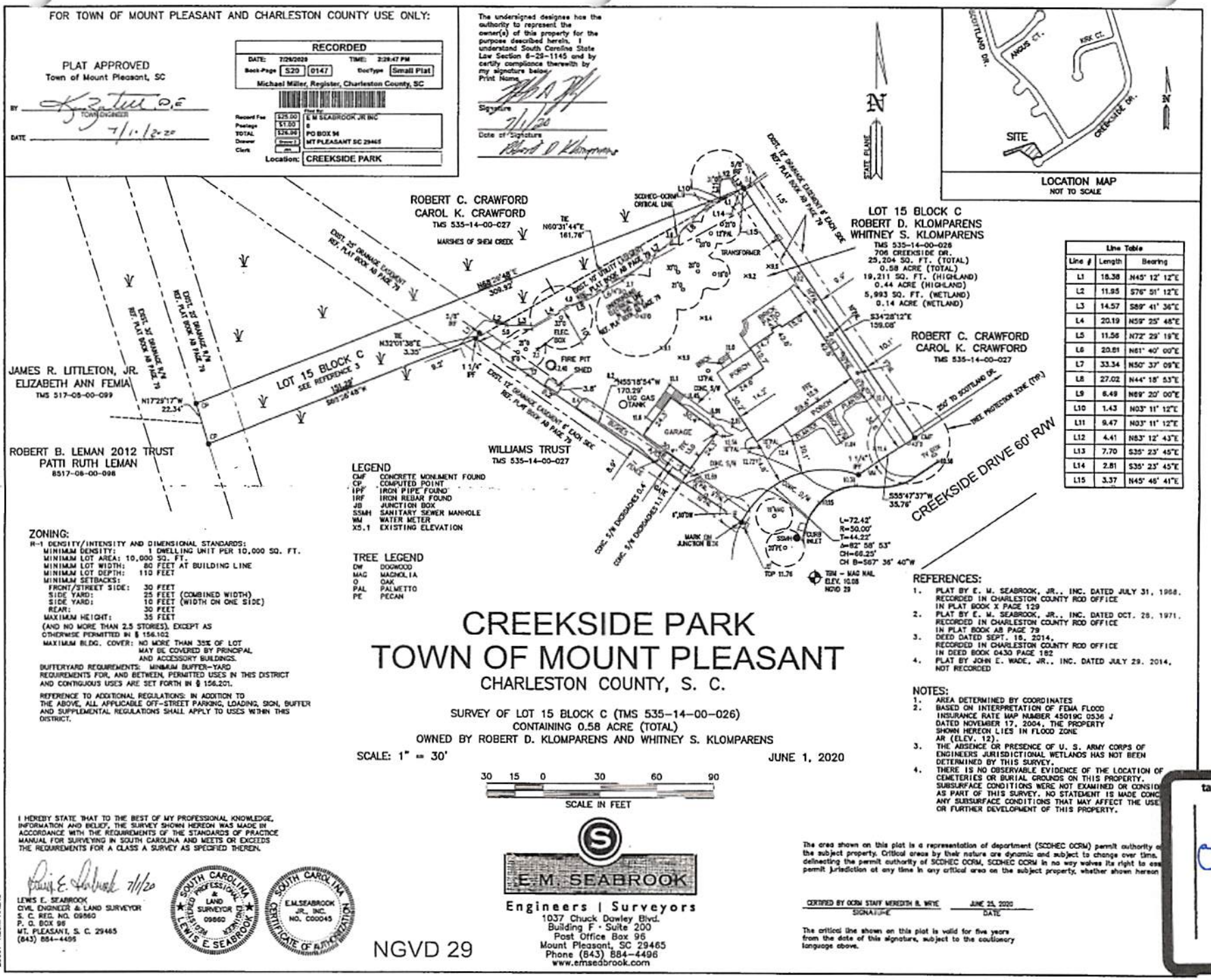
AND

ALL of Grantor's right, title, and interest in and to the Marshland lying between Lot 15, Block C, and Shem Creek between the North, South, and West lines of said lot as projected to said Creek.

THIS CONVEYANCE IS SUBJECT TO all covenants, conditions, restrictions, easements, rights-of-way, and all other matters of record.

THIS BEING the same property conveyed to S. Ingemar Falkehag by Deed from Creekside Land Company, a Limited Partnership, dated January 30, 1970 and recorded on February 2, 1970 in the RMC Office for Charleston County, SC in Book Z-93 at Page 037; thereafter S. Ingemar Falkehag conveyed an undivided Seventy-Five Percent (75%) interest to Gulli V. Falkehag by Deed recorded in Book J-146 at Page 194, aforesaid records; AND thereafter S. Ingemar Falkehag conveyed an undivided Twenty-Five Percent (25%) interest to Gulli V. Falkehag by Deed recorded in Book N-265 at Page 470, aforesaid records.

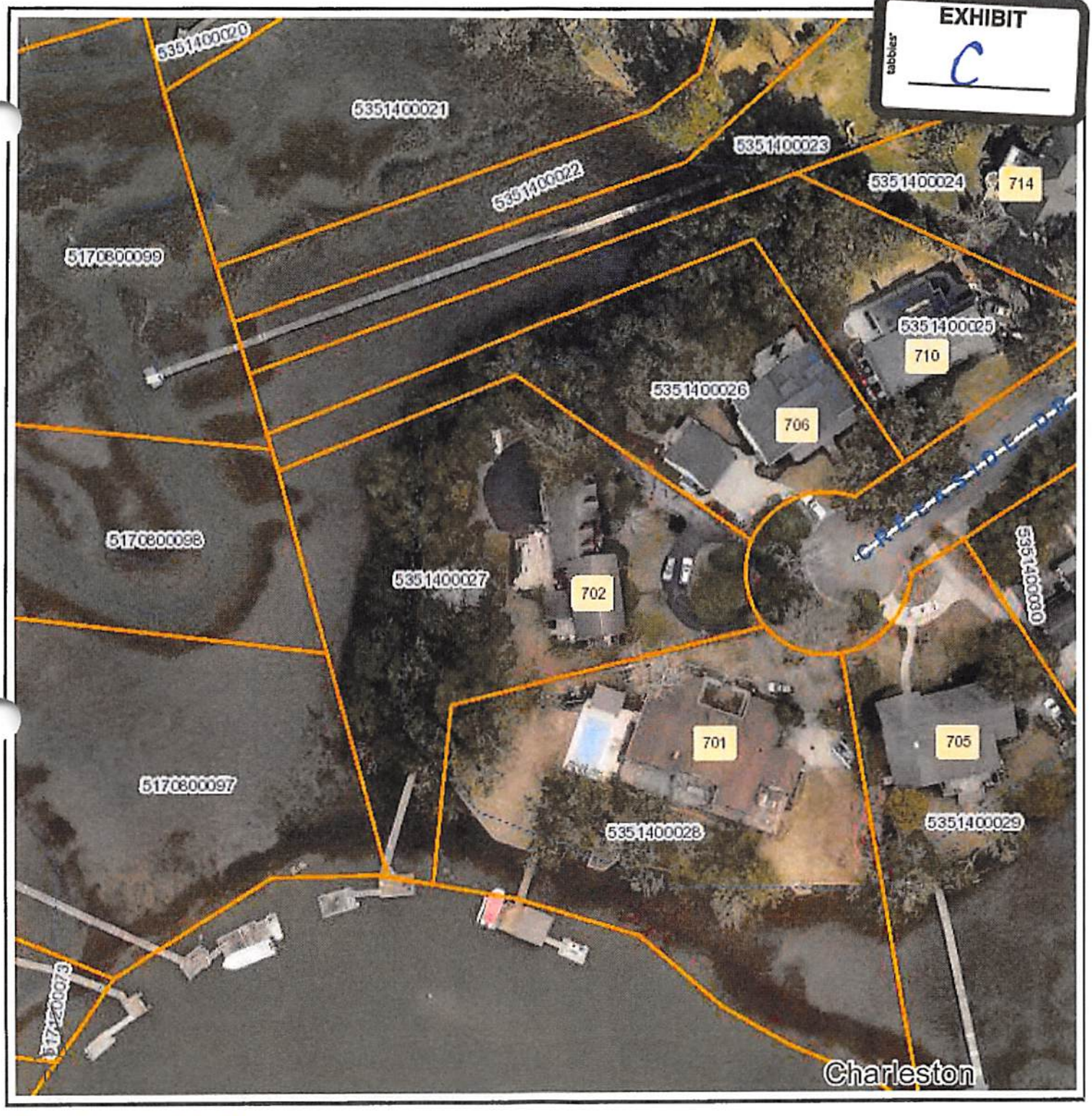
DHEC Trial Exh 068



DHEC Trial Exh 069

tabbies

EXHIBIT B



706 Creekside Dr.

#

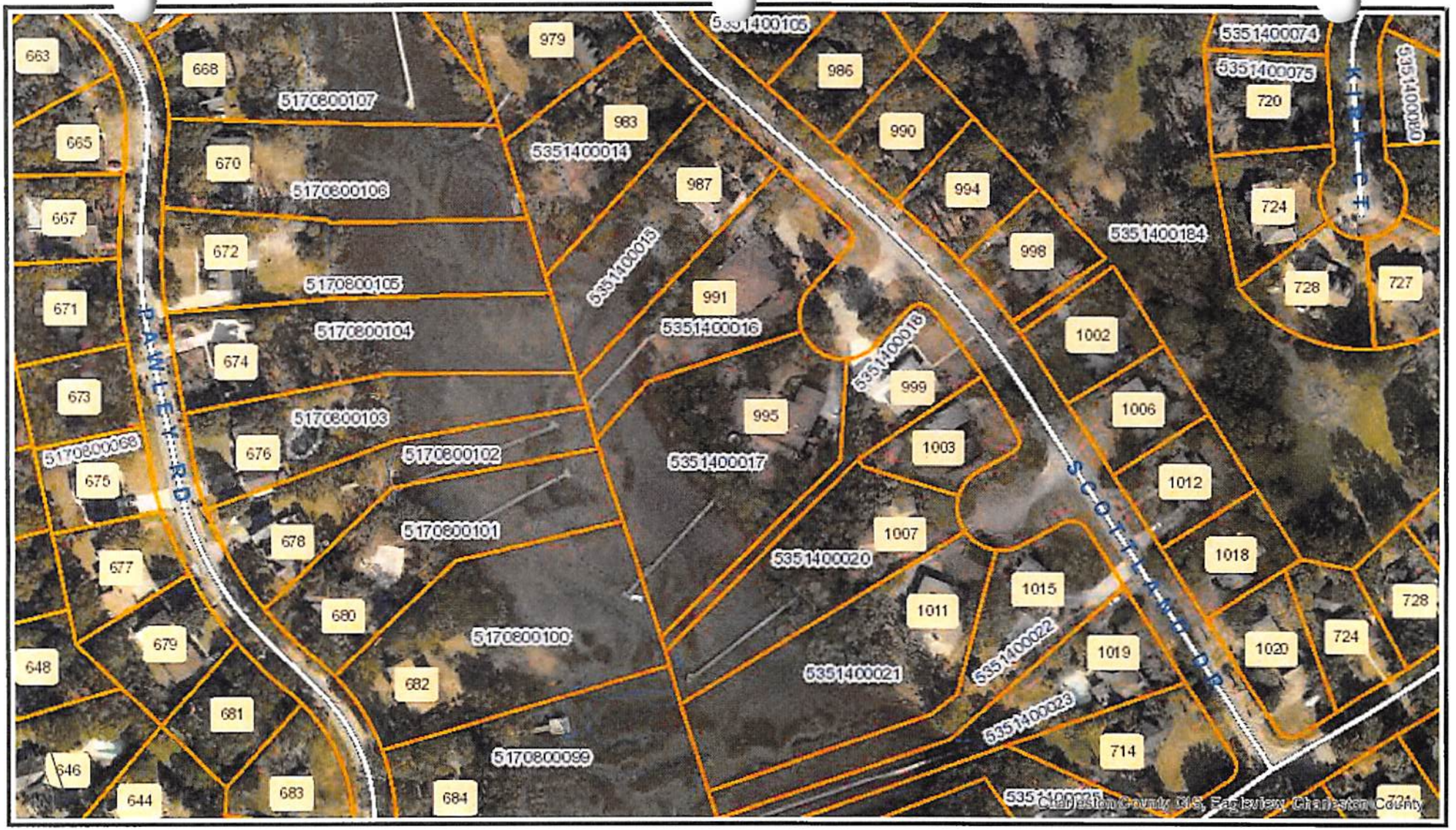
0 50 100 200 ft

1 inch = 79 feet

CHARLESTON COUNTY
SOUTH CAROLINA

Author: Charleston County SC
Date: 4/8/2021

Note: The Charleston County makes every effort possible to produce the most accurate information. The layers contained in the map service are for information purposes only. The Charleston County makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The County explicitly disclaims all representations and warranties. The reader agrees to hold harmless the Charleston County for any cause of action and costs associated with any causes of action which may arise as a consequence of the County providing this information.



Creekside Park Mt. Pleasant

0 80 160 320 ft

1 inch = 157 feet

DHEC Trial Exh 67

Note: The Charleston County makes every effort possible to produce the most accurate information. The layers contained in the map service are for information purposes only. The Charleston County makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The County explicitly disclaims all representations and warranties. The reader agrees to hold harmless the Charleston County for any cause of action and costs associated with any causes of action which may arise as a consequence of the County providing this information.

tabbies

EXHIBIT

D

Author: C C

1

TECHNICAL SUMMARY OF REVIEW

Permit Name: Robert D. Klomparens

Decision:

Permit:	
Permit with Conditions:	
Deny:	X

I. Background Information: Database ID# HP2-M0K2-7NE9T

Permit Number: OCRM02693

P/N Date: September 28, 2020 Date Received: September 28, 2020

Permit Type: Direct Critical Area Minor Other Agency Permits: None

County: Charleston

Location Description: On and adjacent to Tributary of Shem Creek at 706 CREEKSIDE DR, MT PLEASANT, Charleston County, South Carolina
TMS# 535-14-00-026

II. Project Description and Stated Purpose:

Description:
Applicant seeks to construct a private use recreational dock consisting of a 4'x198' walkway with handrails to a 10'x12' pierhead with a dual lift davit lift. The work described is for private recreational use.

Purpose: **Private Recreational Use**

III. Summary of Public and Agency Comments (List by name, date & comment summary; if none, so indicate):

Federal or other State Agencies: **There were no comments received.**

Local Agencies: **Comments received from the Town of Mt. Pleasant in concerns of the drainage easement being crossed by the proposed walkway.**

Public Comment (Include all names from Public Hearing): **None**

Adjoining Property Owners (Include all names of those who commented):
Comments received from Robert Williams (702 Creekside) with no objections.
Comments received from Ben Le Clercq (701 Creekside) in favor of the dock proposal.
Comments received from the APO, Mr. Crawford (710 Creekside). Concerned with the distance between extended property lines and the possibility of any future dock proposed at their property. Is the property waterfront

IV. Environmental Assessment:

A. Describe the coastal resources (i.e., vegetation, habitat, etc.), which will be impacted: **The marsh vegetation consists mostly of *Spartina alterniflora* and *Borrichia frutescens.* A recent critical area line was established 6/25/2020.**

DHEC Trial Exh 072

B. Watershed and vicinity information (include watershed name & size, classification; any impaired waters listed within impaired parameter; and shellfish status): **This is a tributary of Shem Creek which flows into the Cooper River then empties into the Atlantic Ocean.**

1. Vicinity information (include information on developments within watershed within 3-mile radius):
   This project is for private recreational use. The surrounding area is highly developed with residential homes. There are small private recreational docks in the vicinity that are relative to the proposed size requested. Town of Mount Pleasant and the Shem Creek Commercial area is within a 3-mile radius.

2. Existing system conditions (i.e. shellfish closures, 303d, and shellfish lease name and #):
   Shellfish harvest is prohibited. (Shellfish Area 10B)
   No lease holders

3. Name and width of waterbody: **Tributary of Shem Creek approximately 22 feet at dock location as measured by surveyor.**

4. Any small tributary issue, width, change in grade: **None**

5. List total square footage:

   Requested:
   Fixed pierhead: 10' x 12' = 120 sq. ft.
   Dual Davit Lift on pierhead
   Total Requested: 120 sq. ft.
   Total Requested that counts against allowable = 120 sq. ft

   Per Section 30-12(A)(2)(c)(ii) – "On creeks between 20 and 50 feet, as measured from marsh vegetation on each side, total allowable dock square footage shall be restricted to 120 square feet unless special geographic circumstances and land uses warrant a larger structure."

6. Any geographic circumstances to consider or boat storage sq. ft considerations:

   Special geographic circumstances were not requested or evaluated at this time.

7. Any corridor or extended property line issues; is there a harm allowing a crossing of lines:
   The proposed dock would be located between the extended property lines where the total width is measured at 22.4 feet. The proposed dock at 10' x 12' would be 5 feet from the extended property lines on both sides. The APO (Crawford) has expressed concerns about the location of the proposed dock from their extended property lines.

8. If roof requested, any roofs in the area:
   A roof is not being requested.

9. Property width and width of spacing at edge of creek/river:
   Property width is approximately 150 feet at the critical line; however, the width illustrated on the plat is only 22 feet at the dock location. The lot was subdivided prior to May 23, 1993.

C. GAPC Review (List any GAPC's present on or adjacent to project site; include agency comments; attach GIS printout; and outline treatment methods):
   None See GIS Review

V. Policy Assessment:

A. Regulatory History:

1) Previous OCRM authorizations (Critical Area Permits, land disturbance, Federal cert.):
OCRM-98-717 (710 Creekside) Denied
OCRM-06-324 (1019 Scotland)
OCRM-06-238 (1015 Scotland)
OCRM-06-100 (991 Scotland)
CC-94-057 (979 Scotland)
OCRM-00-292 (1007 Scotland)

2) Previous Enforcements (is project in compliance w/all previous permits, etc.): **None**
3) Dock Master Plan and was it required to be recorded: **None**
4) Shellfish lease area number: **None**

5) Marsh ownership claim: **None**

B. Applicable Regulations and Policies (list those that apply only):

1) CZMA: **48-39-150**

2) Regulations (General Guidelines, Further Guidelines, Specific Project Standards):
   a) **General Guidelines: R.30-11(B)**
   b) **Further Guidelines: R.30-11(C)**
   c) **Specific Project Standards: R.30-12(A)**

3) CZ Policies (Management Program Document): **Chapter III. Section VI. C & General Guidelines and Evaluations of All Projects**

C. Does the project contravene any coastal zone regulations?

☒ YES ☐ NO

(If No, skip to section VII; if Yes, complete Section VI.)

VI. Modifications for bringing the project into compliance with regulations:

A. Modifications required to minimize impacts (list avoidance & minimization measures; buffers; size and/or use restrictions; additional treatment measures; deed restrictions; and agency agreements):

C. If Permit is denied, explain contraventions of regulations and/or Coastal Zone Management Program

1. **Regulation 30-12.A(1)(a) of the Critical Area Permitting Regulations, *as amended*, states "[d]ocks and piers shall be limited to one structure per parcel or lot and in all instances, parcels or lots must be waterfront as defined by 30.D.(53), shall not restrict the reasonable navigation or public use of State lands and waters.**

2. **Regulation 30-1.D(53) of the Critical Area Permitting Regulations, as amended, states "[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 1000' 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.**

   a. **The current alignment of the upland property lines for 706 Creekside (observed on Charleston GIS and the submitted plat) are shore parallel and do not meet the Department's regulatory definition of waterfront property. Utilizing specific plotted points landward of the critical line to extend to the tributary does not make the property waterfront, nor does it fall in line with current regulations.**

b. **There is no dock master plan for this area that designates differing dock corridor lines from platted upland lines. Although the Charleston GIS illustrates lines that extend through the marsh to the tributary, they do not dictate the decisions for dock permits by the Department in this area, nor indicate marsh ownership has been established. The surrounding lots in this area that have permitted dock structures are lots that face the water and where the upland line extensions are generally shore perpendicular.**

3. **Waterfront property issues have been identified in this area by the Department as evidenced by a previous denial on the adjacent lot (710 Creekside) based on similar concerns. This property has the same layout characteristic as the applicant's property.**

VIII: Reviewed By:

1. Project Manager: **Jacqueline A. Adams** **December 12, 2021/ May 21, 2021**

(Signature) **(Date)**

IX. Notes

An application was received by the Department for a private recreational dock for 706 Creekside Drive, Mount Pleasant. Based on the plat and the property lines, the property was determined that it did not meet the Department's definition of "waterfront." A technical deficiency letter was sent to the property owner and agent (attached). A response was received from Mary Shahid providing examples of properties in the vicinity that the Department permitted docks, and an explanation of why the applicant believes the property meets waterfront based on surveyed points behind the critical line on the plat.

Permitting history of the docks mentioned in the response:

The adjacent property 710 Creekside – Permit was denied in 1998 for not being waterfront. This lot has the same characteristic of the applicant's property.

678 Pawley – Issued in 1997

680 Pawley -Issued in 1994

979 Scotland Drive- Dock permit issued in 1994

1007 Scotland – Dock permit issued in 2000

991, 995, 1015, and 1019 Scotland dock permits were issued in 2006. These applications were received around the same time as they were reviewed together.

The adjacent property owner at 710 Creekside is objecting to the dock due to their ability to possibility obtain a dock now and accessibility. They would not be willing to have a joint use dock for personal reasons.

X. Attachments Required:

GIS Review (See Section IV.C. above)
Site photos
Technical Deficiency Letter
Response Letter

South Carolina
DHEC
Department of Health and Environmental Control
1362 McMillan Avenue, Suite 400
Charleston, SC 29405
(803)744-5838 Fax (803)744-5847

Commissioner: Douglas E. Bryant

Board: John H. Burriss, Chairman
William M. Hull, Jr., MD, Vice Chairman
Roger Leaks, Jr., Secretary

Richard E. Jabbour, DDS
Cyndi C. Mosteller
Brian K. Smith
Rodney L. Grandy

Promoting Health, Protecting the Environment

Office of Ocean and Coastal Resource Management
Christopher L. Brooks, Bureau Chief

January 22, 1999

Ms. Teresa C. Hsu
710 Creekside Drive
Mount Pleasant, South Carolina 29464

Re: P/N# OCRM-98-717-B

Dear Ms. Hsu:

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, seeks to construct a private recreational dock at 710 Creekside Drive, Mount Pleasant, Charleston County, South Carolina. The stated purpose for the property owner's private, recreational use.

The lot for the proposed dock is not waterfront, as an extension of the upland property lines does not reach the water.

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

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

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

Regulation 30-11(B)(5): The extent to which the development could affect existing public access to tidal and submerged lands, navigable waters and beaches, or other recreational coastal resources.

Regulation 30-11(C)(1) The extend 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 30-12(A)(2)(c): The size and extension of a dock or pier must be limited to that which is reasonable for the intended use.

Regulation 30-12(A)(2)(d): Docks and piers should use the least environmentally damaging alignment.

recycled paper

DHEC Trial Exh 076

Regulation 30-12(A)(2)(e): All applications for docks and piers should accurately illustrate the alignment of property boundaries with adjacent owners and show the distance of the proposed dock from such extended property boundaries. For the purpose of this section, the extension of these boundaries will be an extension of the high ground property line. The Department may consider an alternative alignment if site specific characteristics warrant or in the case of dock master plans, when appropriate.

Section 38-49-150(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 this Bureau within fifteen (15) days of receipt of this letter.

If you would like a copy of the Coastal Zone Management Act or the OCRM's Regulations please feel free to contact this Bureau or one of our regional Bureaus (Myrtle Beach at 626-7217 or Beaufort at 524-6885 or Columbia 803-737-0880). If I can be of any further assistance, please do not hesitate to call.

Sincerely,

Richard Chinnis
Director of Permitting

Denial99.doc\1-2
cc: Mr. Billy Bryan

dhec
Healthy People. Healthy Communities.

June 11, 2021

91 7199 9991 7030 0138 7568

Robert D. Klomparens
706 Creekside Drive
Mt Pleasant, SC29464

Re: Robert D Klomparens
OCRM Critical Area Permit Application - HP2-M0K2-7NE9T

Dear Mr. Klomparens:

In accordance with the provisions of the 1977 Coastal Zone Management Act, S.C. Code Ann. Sections 48-39-10 *et seq.*, a review of your permit application has been completed. The work, as proposed: Constructing a private recreational dock consisting of 4' x 198' walkway with handrails leading to a 10' x 12' fixed pierhead with dual davit lift. The Office of Ocean and Coastal Resource Management (OCRM), through its Permitting staff, has determined that this permit request 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), (B)(1) and (B)(2): (Legislature's policies for permitting structures in the critical area);

- Regulation 30-12.A(1)(a) of the Critical Area Permitting Regulations, as amended, states "[d]ocks and piers shall be limited to one structure per parcel or lot and in all instances, parcels or lots must be waterfront as defined by 30.D.(53), shall not restrict the reasonable navigation or public use of State lands and waters.

- Regulation 30-1.D(53) of the Critical Area Permitting Regulations, as amended, states "[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 1000' 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.

The Department has determined your property does not meet the regulatory definition of waterfront property and therefore is not eligible for a dock. Any applicant having a permit request denied or any person adversely affected by the granting of a permit has the right to appeal the agency's decision as outlined in the enclosed "Guide to Board Review." Any applicant having a permit denied may challenge the validity of any or all reasons given for denial.

If you would like a copy of the Coastal Zone Management Act or OCRM's Regulations, please contact this office or one of our regional offices (Myrtle Beach at 238-4528 or Beaufort at 846-9400). If I can be of any further assistance, please do not hesitate to call.

Sincerely,

Jacqueline A Adams

Jacqueline A Adams
Project Manager
Critical Area Permitting Section

Cc: Blair Williams, Critical Area Permitting Section Manager
Lewis Seabrook, E.M. Seabrook Jr., Inc, Authorized Agent

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.

South Carolina DHEC
Department of Health and Environmental Control
1362 McMillan Avenue, Suite 400
Charleston, SC 29405
(803)744-5838 Fax (803)744-5847

Commissioner: Douglas E. Bryant

Board: John H. Burriss, Chairman
William M. Hull, Jr., MD, Vice Chairman
Roger Leaks, Jr., Secretary

Richard E. Jabbour, DDS
Cyndi C. Mosteller
Brian K. Smith
Rodney L. Grandy

Promoting Health, Protecting the Environment

Office of Ocean and Coastal Resource Management
Christopher L. Brooks, Bureau Chief

January 22, 1999

Ms. Teresa C. Hsu
710 Creekside Drive
Mount Pleasant, South Carolina 29464

Re: P/N# OCRM-98-717-B

Dear Ms. Hsu:

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, seeks to construct a private recreational dock at 710 Creekside Drive, Mount Pleasant, Charleston County, South Carolina. The stated purpose for the property owner's private, recreational use.

The lot for the proposed dock is not waterfront, as an extension of the upland property lines does not reach the water.

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

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

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

Regulation 30-11(B)(5): The extent to which the development could affect existing public access to tidal and submerged lands, navigable waters and beaches, or other recreational coastal resources.

Regulation 30-11(C)(1) The extend 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 30-12(A)(2)(c): The size and extension of a dock or pier must be limited to that which is reasonable for the intended use.

Regulation 30-12(A)(2)(d): Docks and piers should use the least environmentally damaging alignment.

recycled paper

PENGAD 800-631-6989
RESPONDENT'S EXHIBIT 2. 210310
Hommarens v. DHEC
4/25/22

Regulation 30-12(A)(2)(e): All applications for docks and piers should accurately illustrate the alignment of property boundaries with adjacent owners and show the distance of the proposed dock from such extended property boundaries. For the purpose of this section, the extension of these boundaries will be an extension of the high ground property line. The Department may consider an alternative alignment if site specific characteristics warrant or in the case of dock master plans, when appropriate.

Section 38-49-150(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 this Bureau within fifteen (15) days of receipt of this letter.

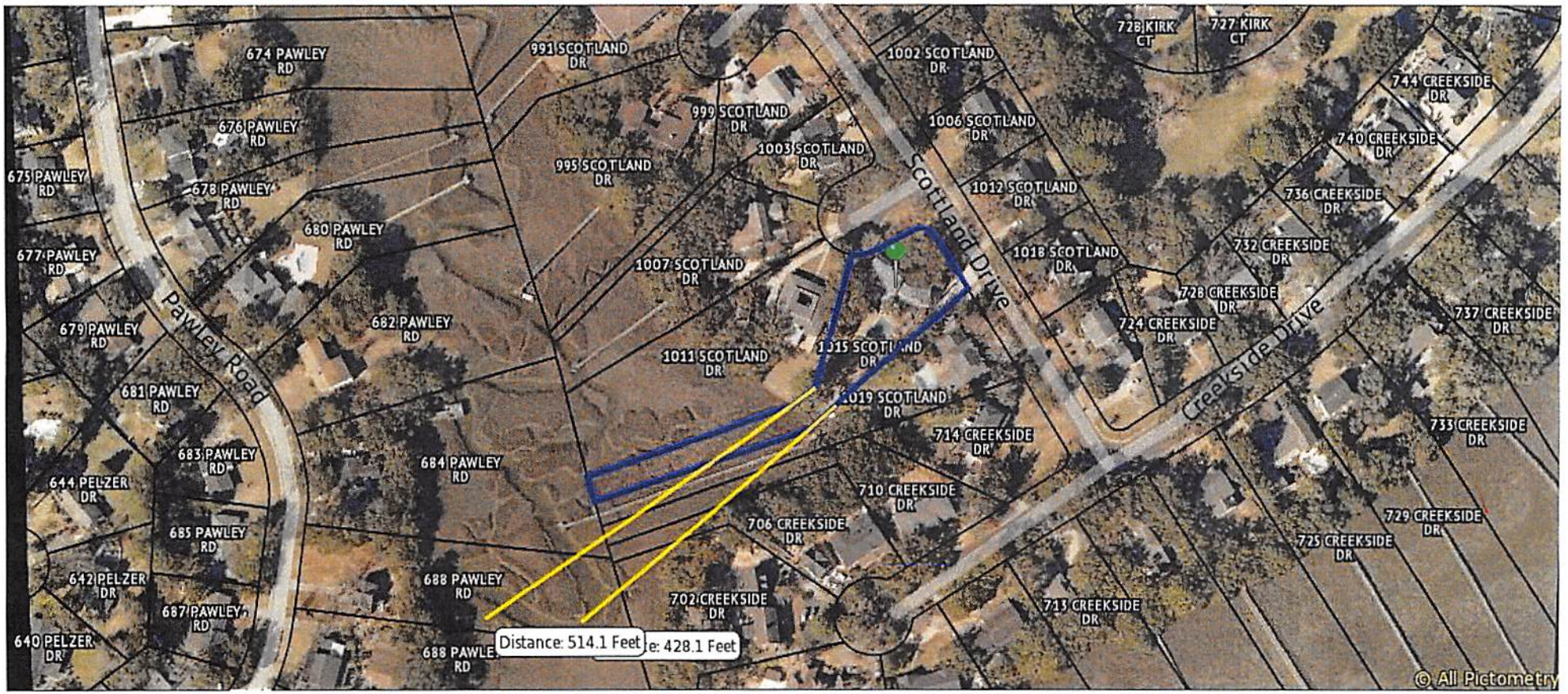
If you would like a copy of the Coastal Zone Management Act or the OCRM's Regulations please feel free to contact this Bureau or one of our regional Bureaus (Myrtle Beach at 626-7217 or Beaufort at 524-6885 or Columbia 803-737-0880). If I can be of any further assistance, please do not hesitate to call.

Sincerely,

Richard Chinnis
Director of Permitting

Denial99.doc\1-2
cc: Mr. Billy Bryan

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RESPONDENT'S EXHIBIT
3 Klomparens
V. DTEC
2/10310 4/25/22
PENGAD 800-631-6989

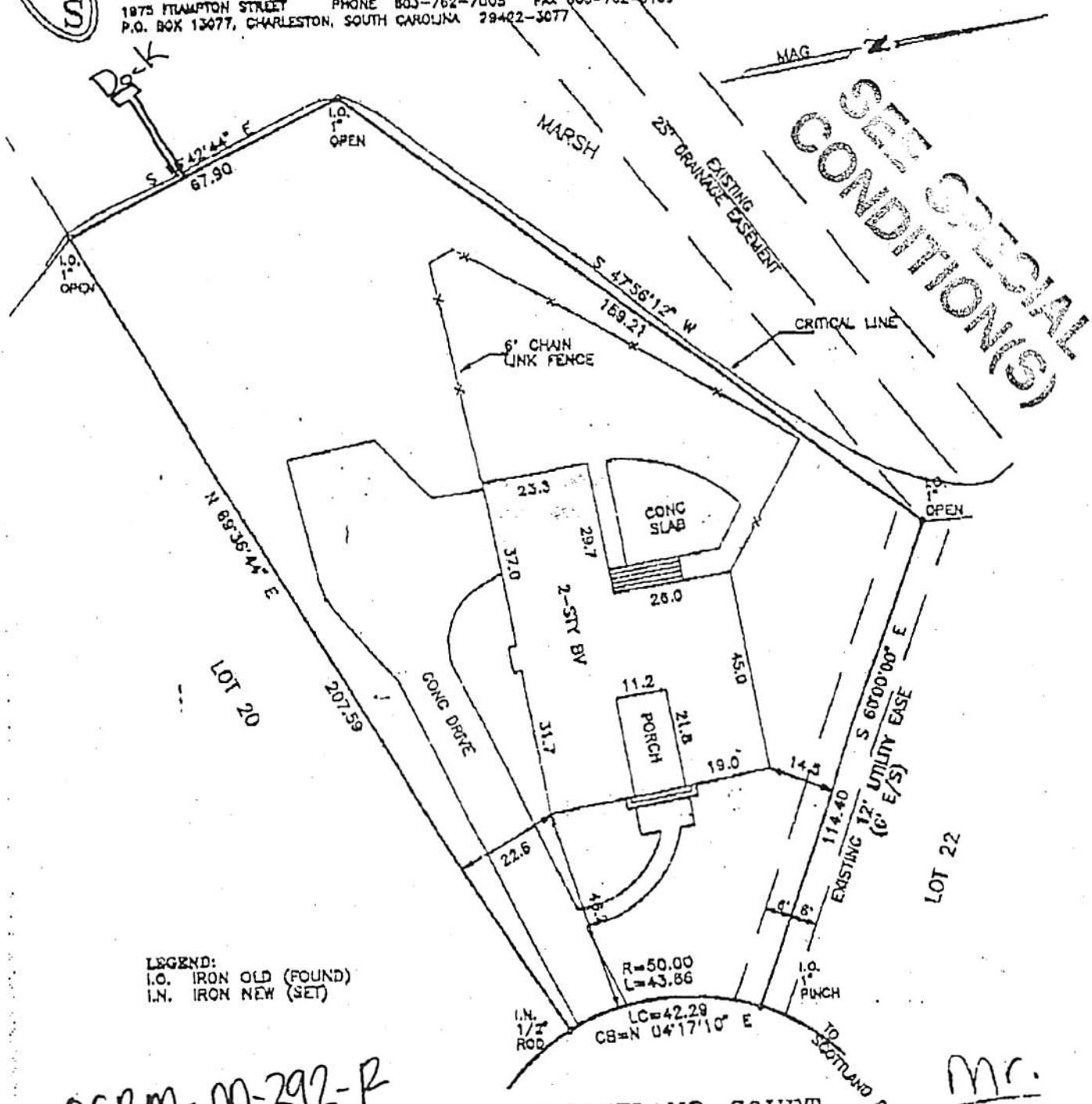


PENGAD 800-631-6989

RESPONDENT'S EXHIBIT 4

4/25/22

A.H. SCHWACKE & ASSOCIATES, INC.
LAND SURVEYING & CONSTRUCTION LAYOUT
1975 HAMPTON STREET PHONE 803-762-7005 FAX 803-762-0109
P.O. BOX 13077, CHARLESTON, SOUTH CAROLINA 29402-3077



LEGEND:
I.O. IRON OLD (FOUND)
I.N. IRON NEW (SET)

REFERENCE:
PLAT BY E.M. SEABROOK, JR.

OCRM-00-292-R

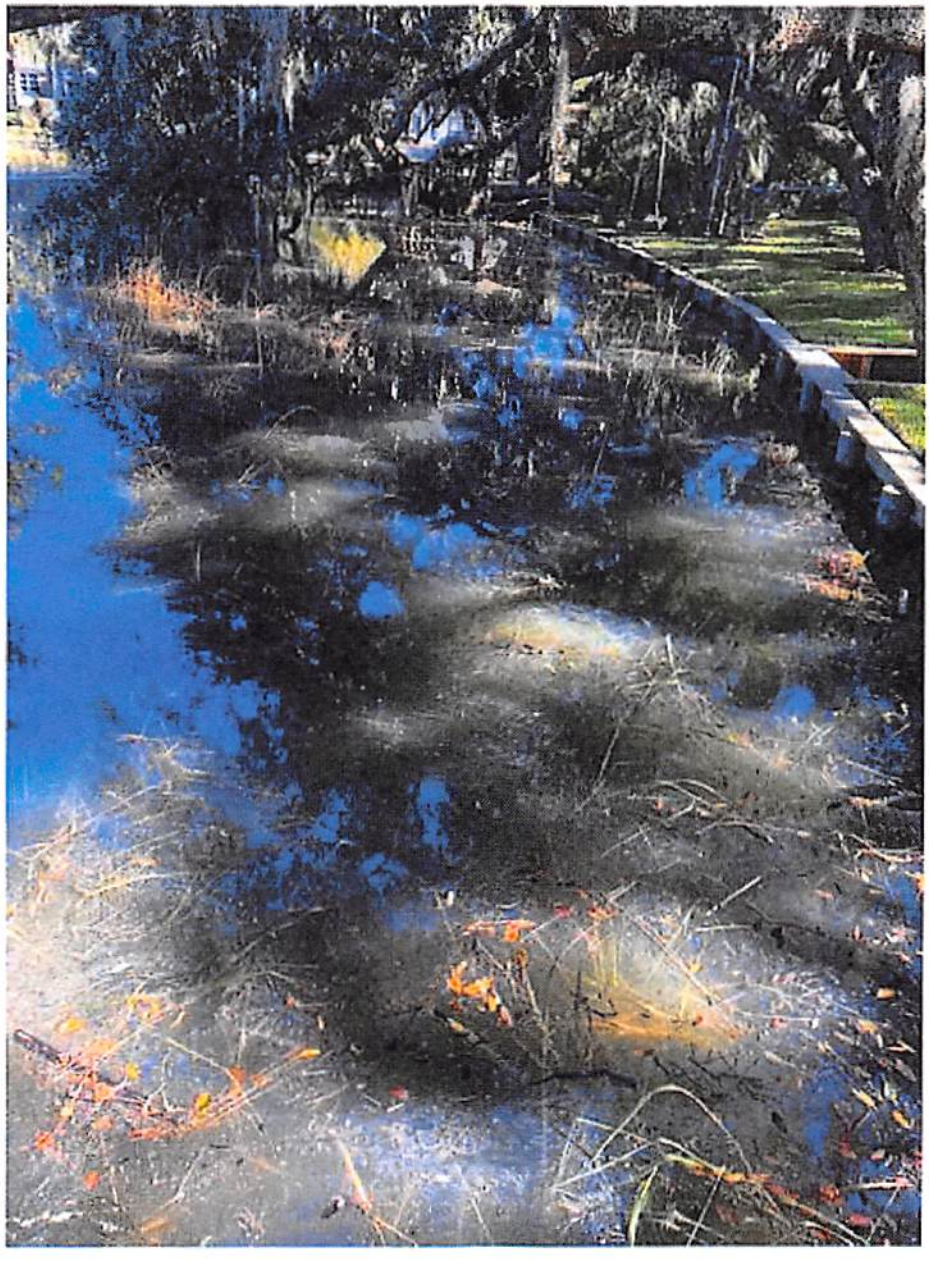
SCOTTLAND COURT
50' RAD

TM#:535-14-00-020

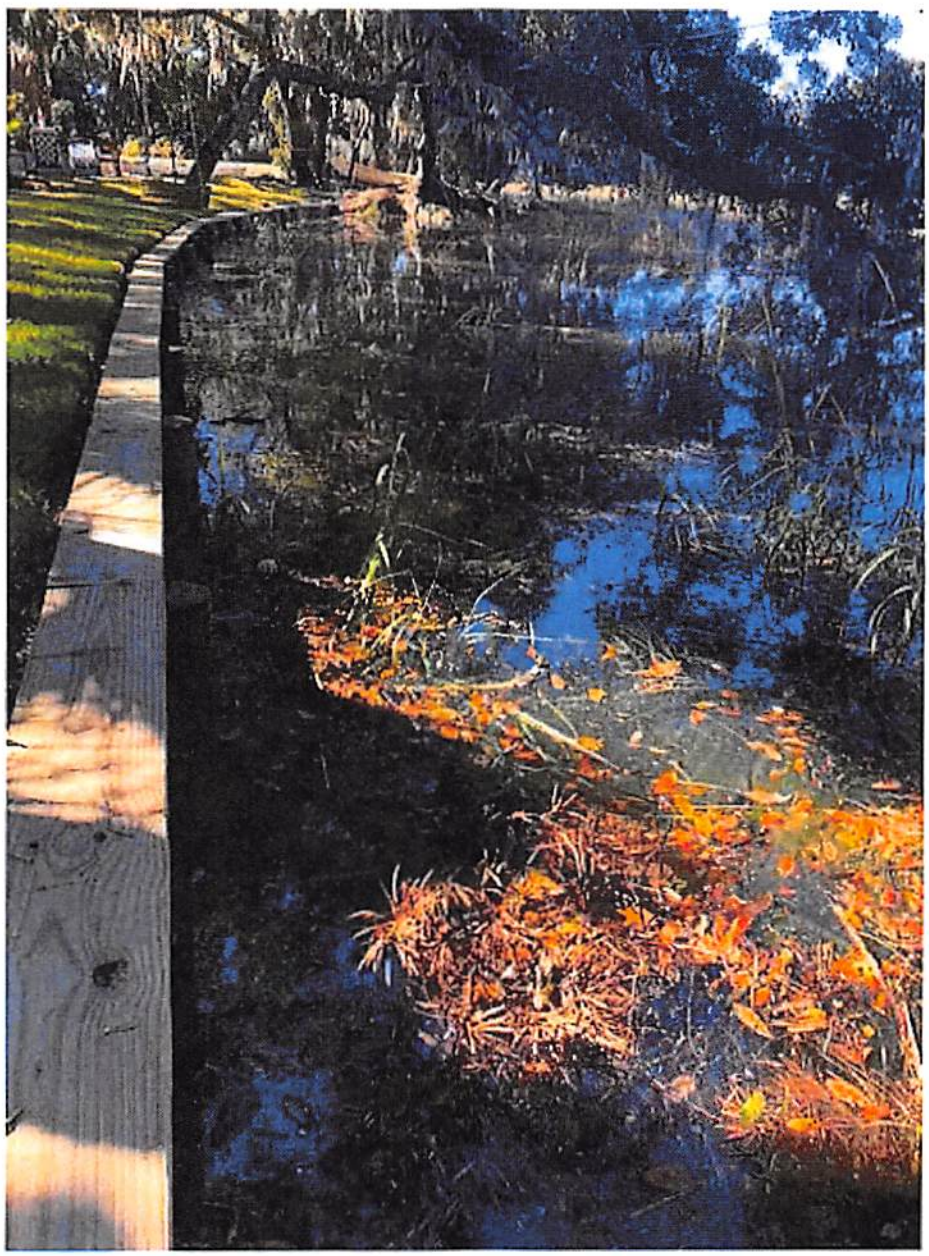
Mr. Bernstein

6 OF 6

RESPONDENT'S EXHIBIT 5 Klompyens v DHEC 4/25/22
PENGAD 800-631-6989



RESPONDENT'S EXHIBIT
6a Klompanens v. DHEC
4/25/22
PENGAD 800-631-6989



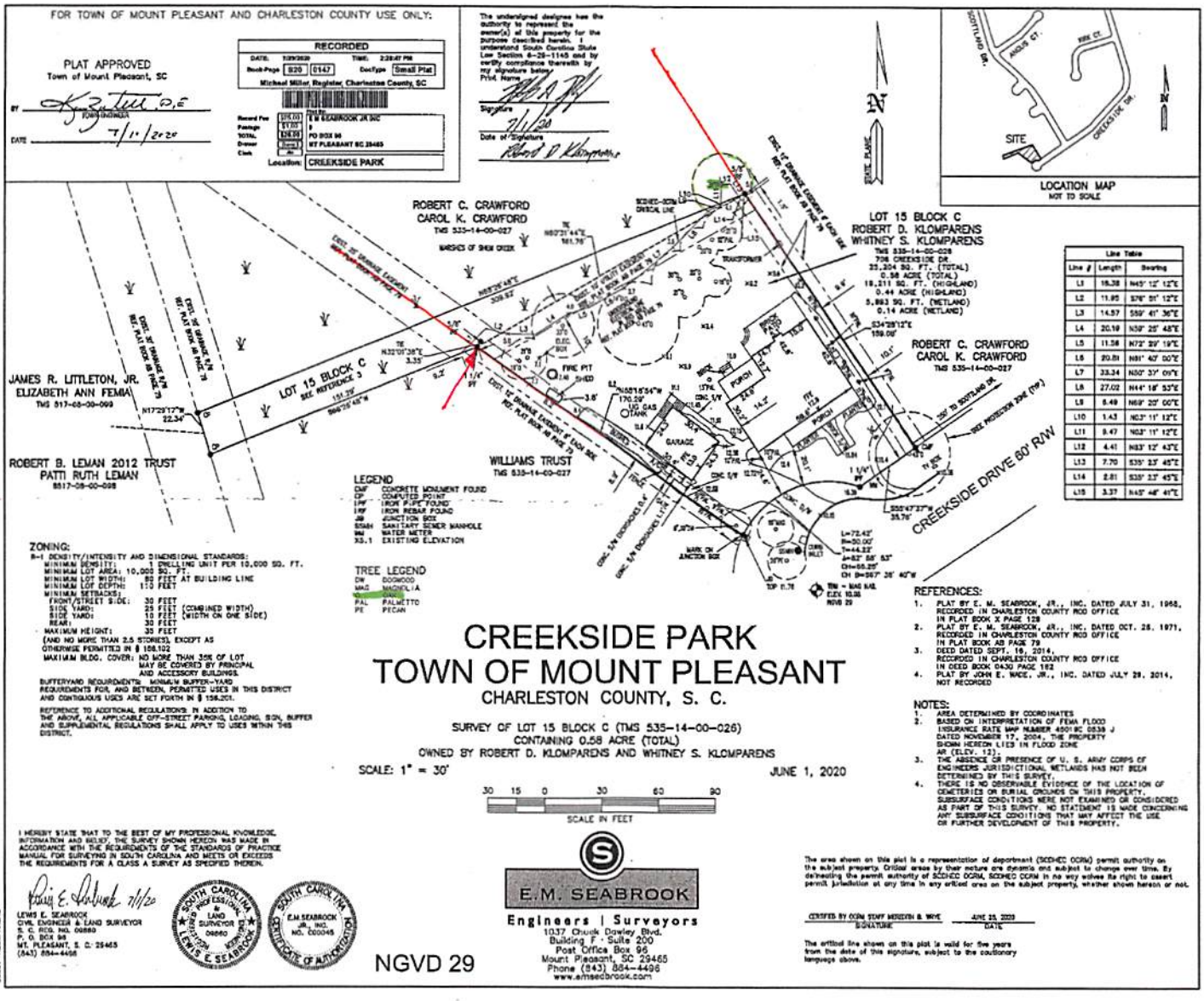
PENGAD 800-631-6989
RESPONDENT'S EXHIBIT
6B Klomparens V. Patel
4/25/22

RESPONDENT'S
EXHIBIT
Lee Kemp
PENGAD 800-631-6989



RESPONDENT'S
EXHIBIT
PENGAD 800-631-6989





Line Table		
Line #	Length	Bearing
L1	16.38	N45° 12' 12"E
L2	11.95	S76° 21' 12"E
L3	14.57	S59° 41' 36"E
L4	20.19	N30° 25' 48"E
L5	11.58	N72° 29' 19"E
L6	20.81	N81° 42' 00"E
L7	33.34	N00° 37' 09"E
L8	27.02	N14° 18' 53"E
L9	6.49	N69° 20' 00"E
L10	1.43	N03° 11' 12"E
L11	9.47	N03° 11' 12"E
L12	4.41	N83° 12' 43"E
L13	7.70	S35° 23' 45"E
L14	2.81	S35° 23' 45"E
L15	3.37	N45° 46' 41"E

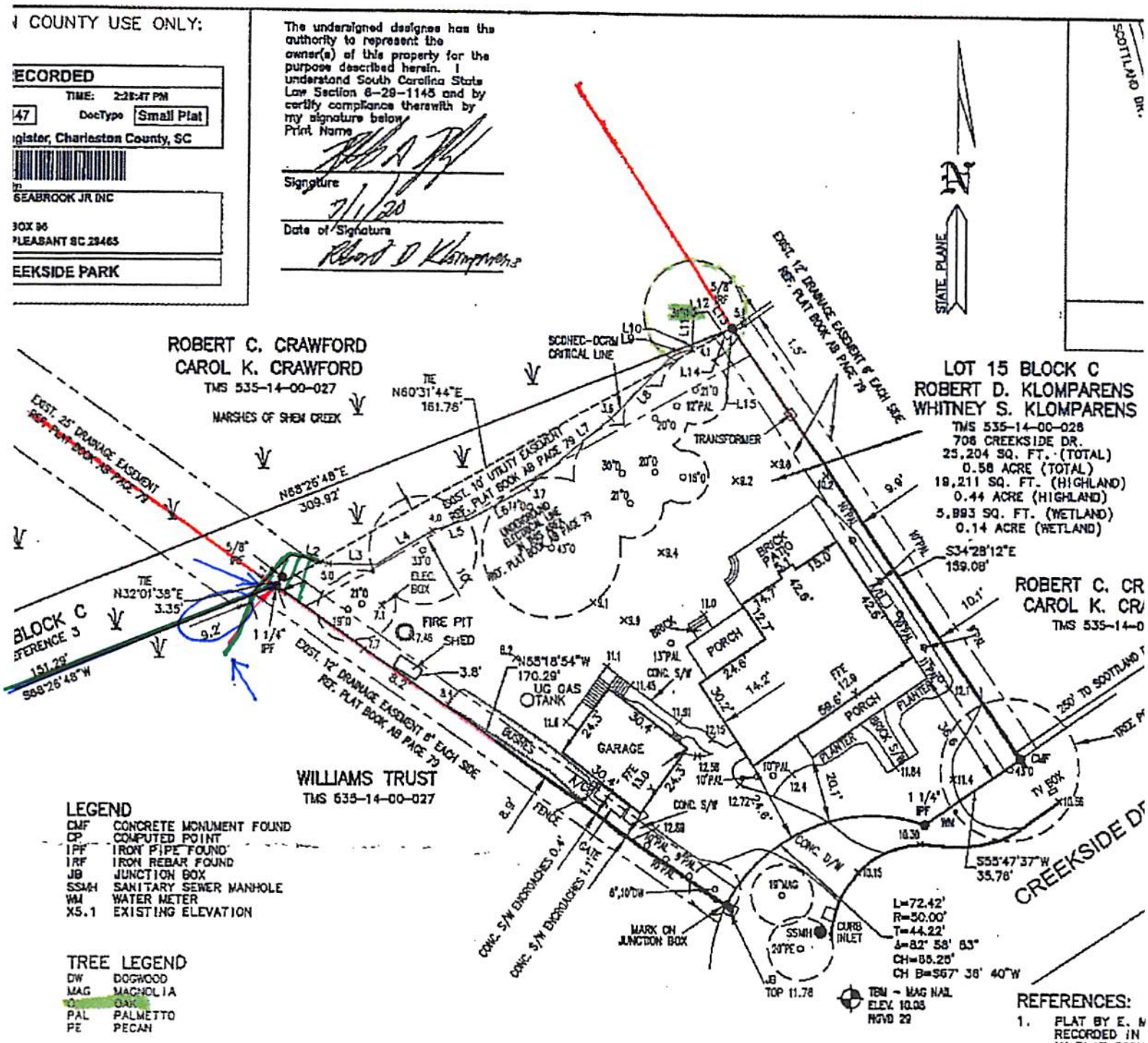
RESPONDENT'S EXHIBIT 7 Klomparens v. DHEC 21-0310 4/25/22
EXHIBIT 5 Deponent Seabrook 4/6/22 Rptr. MW
WWW.DEPOBOOKPRODUCTS.COM

N COUNTY USE ONLY:

ECORDED
TIME: 2:28:47 PM
47 DocType Small Plat
gister, Charleston County, SC

n
SEABROOK JR INC
BOX 96
PLEASANT SC 29465
EEKSIDE PARK

The undersigned designee has the authority to represent the owner(s) of this property for the purpose described herein. I understand South Carolina State Law Section 6-29-1145 and by certify compliance therewith by my signature below.
Print Name
Signature
Date of Signature



LEGEND

CMF	CONCRETE MONUMENT FOUND
CP	COMPUTED POINT
IPF	IRON PIPE FOUND
IRF	IRON REBAR FOUND
JB	JUNCTION BOX
SSMH	SANITARY SEWER MANHOLE
WM	WATER METER
X5.1	EXISTING ELEVATION

TREE LEGEND

DW	DOGWOOD
MAG	MAGNOLIA
O	OAK
PAL	PALMETTO
PE	PECAN

REFERENCES:
1. PLAT BY E. M RECORDED IN IN PLAT BOOK
2. PLAT BY E. M RECORDED IN IN PLAT BOOK
3. DEED DATED S RECORDED IN IN DEED BOOK
4. PLAT BY JOHN NOT RECORDED

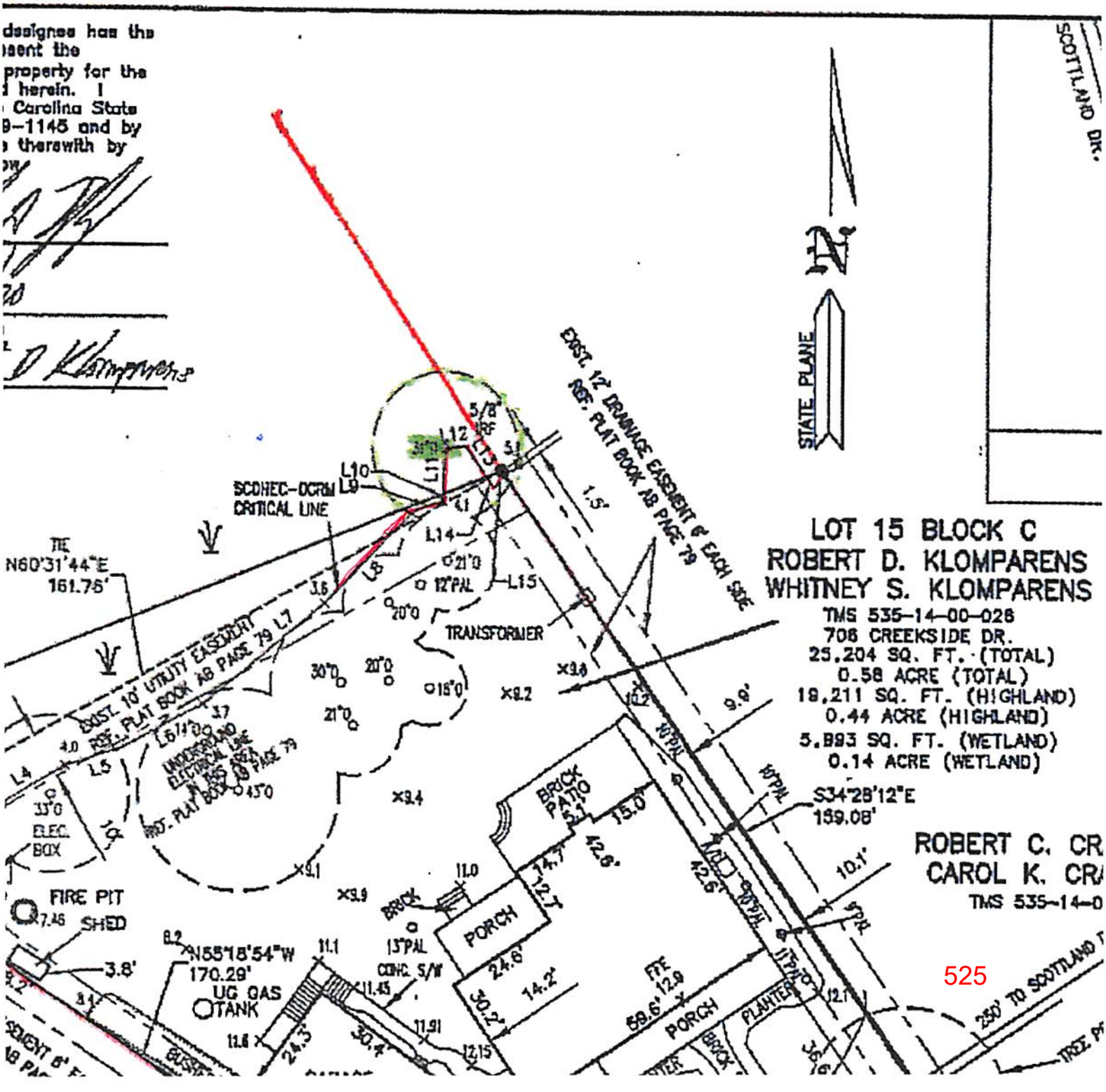
NOTES:
1. AREA DETERMI
2. BASED ON INT INSURANCE RA

CREEKSIDE PARK
TOWN OF MOUNT PLEASANT
CHARLESTON COUNTY, S. C.

SURVEY OF LOT 15 BLOCK C (TMS 535-14-00-026)

524

designee has the
sent the
property for the
herein. I
Carolina State
9-1145 and by
therewith by



RECEIVED
Oct 05 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT

The Honorable Deborah Brooks Durden, Administrative Law Judge

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Docket No.: 21-ALJ-07-0310-CC
Appellate Case No.: 2022-001641

Robert Klomparens and Whitney Klomparens,……Respondents,

v.

South Carolina Department of Health and Environmental Control,…….Appellant.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Bradley D. Churdar
Bradley D. Churdar (SC Bar #12829)
Associate General Counsel
South Carolina Department of Health and Environmental Control
1362 McMillian Ave, Suite 400
Charleston, SC 29405
churdabd@dhec.sc.gov

October 5, 2023

Charleston, South Carolina