



April 1, 2009

The Honorable William E. Sandifer, III, Chairman
House Labor Commerce and Industry Committee
407 Blatt Building
Columbia, SC 29201

**Re: House Labor Commerce and Industry-
Business and Commerce Subcommittee**

Dear Chairman Sandifer:

I am the President and Principal Engineer of DDC Engineers, Inc. Our firm provides land surveying, civil engineering, landscape architecture and environmental permitting services for our clients. We are a medium sized professional firm and have been in business, practicing primarily in the Coastal zone of South Carolina for more than twenty (20) years. I recently learned that the Business and Commerce subcommittee conducted a meeting entitled "*Public testimony on ways to improve the business climate by elimination of unnecessary burdensome and redundant state and local government regulations and policies.*" I was told that the subcommittee has invited written public comment and has left the record of the meeting open in order to receive additional information. I respectfully request that my comments be included in the record as I believe they are reflective of a serious problem with accountability within the Office of Ocean and Coastal Resource Management division of the South Carolina Department of Health and Environmental Control (SCDHEC/OCRM).

One of my Clients is a company called Main Street Commercial Partners, LLC (Main Street). Main Street purchased a 79± tract of land in late 2005 for the purpose of developing a major retail center with a Super Target store as the key anchor. On behalf of Main Street, our firm sought and received the appropriate zoning and completed the necessary tasks to make the site ready to develop. These tasks included boundary and topographic surveys, aerial photography, working with the SCDOT to facilitate a signalized access, wetlands studies, archaeological studies, a Phase I Environmental Audit and a Threatened and Endangered species study. All of this work was completed, including the rezoning, within nine (9) months after initiation. During the process, two (2) small isolated wetlands were found on the site. The wetlands measuring 2.79 and 1.39 acres, were flagged, surveyed and certified as non jurisdictional by the U. S. Army Corps of Engineers. Because of the location of these wetland areas relative to the proposed development plan, DDC filed a land disturbance activity permit application with Horry County and with SCDHEC/OCRM. Horry County approved the project, conditional on SCDHEC/OCRM approval shortly thereafter. Unfortunately, we were unable to secure approval from SCDHEC/OCRM. We have had two (2) meetings with SCDHEC/OCRM representatives in Charleston. We have provided information as requested and have offered mitigation through the Nature Conservancy even though mitigation is not required.

We had received every approval necessary to bring this project to fruition except land disturbance from SCDHEC/OCRM when Fletcher Bright notified our Client in October of 2008 that they were withdrawing from the contract because of the downturn in the economy. Had OCRM issued the permit in a timely manner, the sale would have been consummated in August. However, without the permit, the buyer would not close. The lack of action on the part of the staff of SCDHEC/OCRM caused the delay in closing which, ultimately, cost my Clients an \$18 million land sale. It should be noted that we have continued to pursue the approval of SCDHEC/OCRM through phone calls and e-mails. To date we have still not received approval. It has been sixteen (16) months since the application was first filed with SCDHEC/OCRM.

Consulting Engineers
Surveyors
Land Planners
Landscape Architects
Environmentalists

1298 Professional Drive
Myrtle Beach
South Carolina 29577

P. 843.692.3200
F. 843.692.3210

www.ddcinc.com

SCDHEC has taken jurisdiction over isolated wetlands in spite of the fact that the South Carolina legislature has never given them the authority to do so. In my opinion, SCDHEC has reached beyond their authority on this and many other issues with the attitude that, until the courts decide, they will continue. We refer to this as "regulatory creep."

The project discussed herein is just one example of the many projects which have been unnecessarily delayed by SCDHEC/OCRM. The problem has increased significantly over the past several years to a point where, as a consultant with thirty (30) years of experience in this arena, I cannot properly advise a Client as to whether or not permitting can be achieved and I certainly cannot provide a probable time frame for approval.

I write this at considerable risk to my firm and the clients we represent because there are often consequences associated with complaints. However, if we can't gain regulatory approval for a project after sixteen (16) months, it is difficult to foresee how much worse it could be.

I testified before members of the Agriculture Committee last year, hoping that SCDHEC/OCRM would be required to justify the policies they have enacted without approval of the legislature. Unfortunately, nothing came from that effort. Those of us in the development business can only hope that the legislature will bring this organization under control at some point before development along the Coast of our state grinds to a halt.

Thank you for the opportunity to provide my comments for the record. I look forward to any action by your committee toward improving the business climate in South Carolina and sincerely appreciate your interest in these important issues.

Respectfully submitted,
DDC ENGINEERS, INC.



James M. Wooten, PE, F, ASCE
President and Principal Engineer

JMW/bh