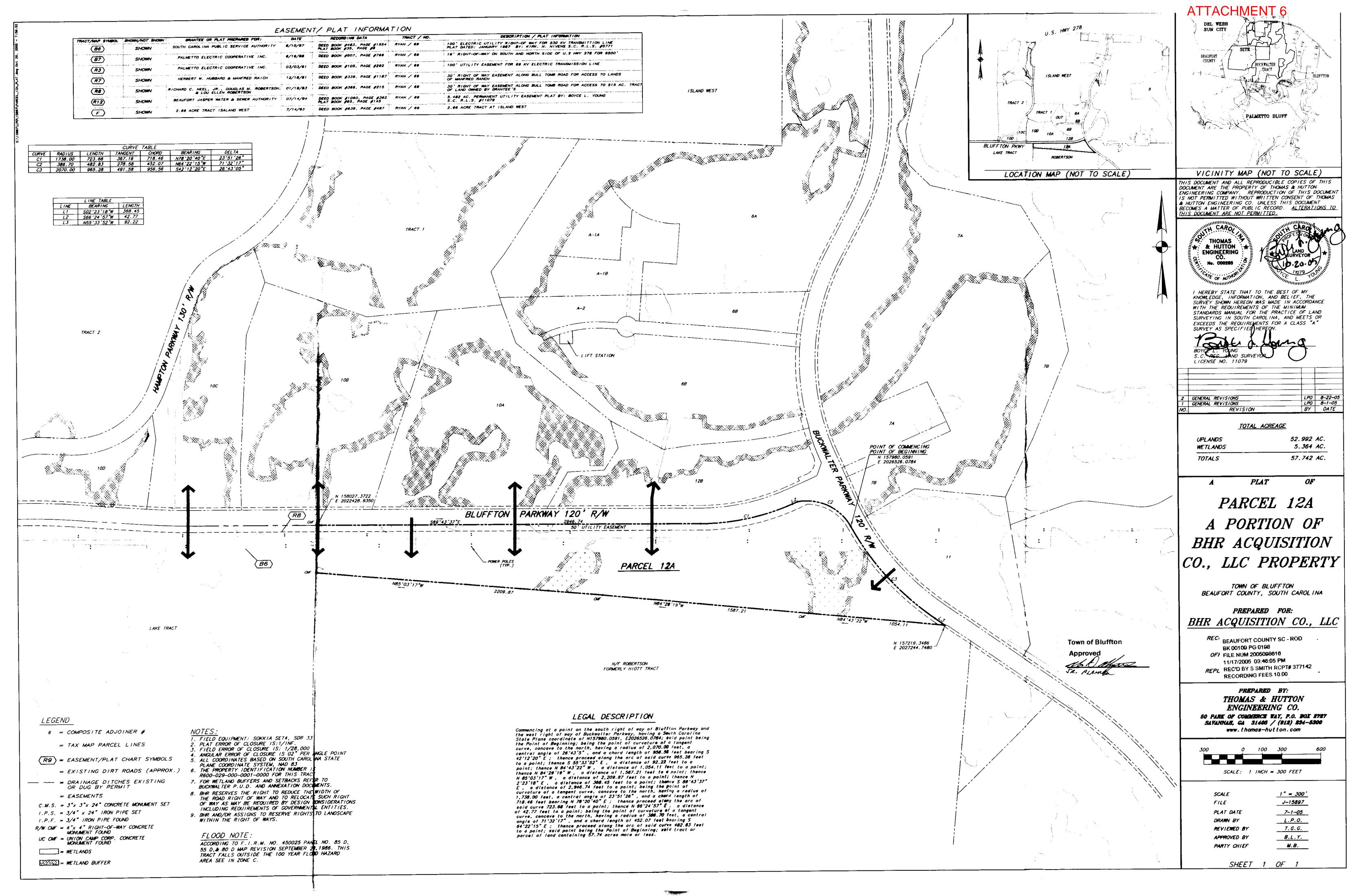
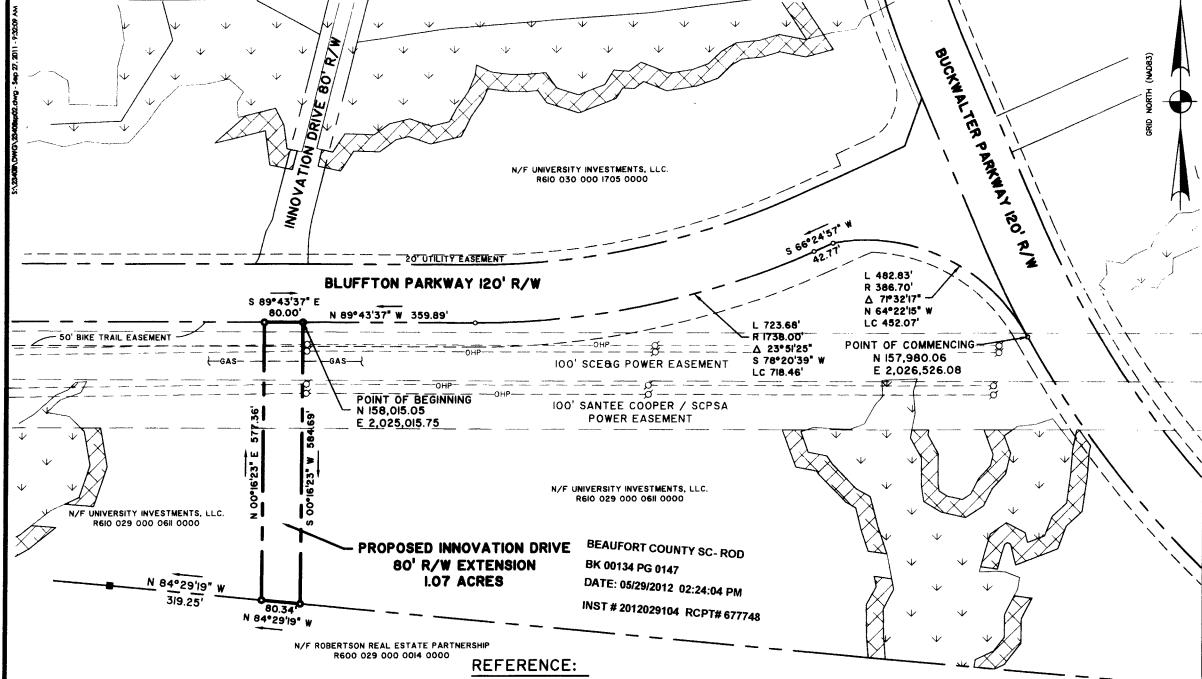


### Wetland Impact Plans of Parcels 12A, 12B, &12C

Vicinity Map 02/16/2023







IOTES

. TAX MAP NUMBER: R610 029 000 0611 0000

 ACCORDING TO F.I.R.M. MAP NO. 450025, PANEL 0085D, REVISED 9-29-1986, THE PROPERTY SHOWN ON THIS PLAT IS LOCATED IN FLOOD HAZARD ZONE C.

- 3. COORDINATES AND DIRECTIONS SHOWN ON THIS SURVEY ARE BASED ON SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM (NAD83). DISTANCES SHOWN ARE GROUND DISTANCES, NOT GRID DISTANCES.
- 4. THIS SURVEY IS VALID ONLY IF THE PRINT OF SAME HAS THE ORIGINAL SIGNATURE AND EMBOSSED SEAL OF THE LAND SURVEYOR.
- 5. A TITLE SEARCH WAS NOT PERFORMED BY THOMAS & HUTTON ENGINEERING COMPANY AT THE TIME OF THIS SURVEY.
- THE PROPERTY PLATTED HEREON IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
- 7. WETLANDS DEPICTED HAVE BEEN APPROVED BY THE U.S.ARMY CORPS OF ENGINEERS IN LETTER DATED 12-2-08, SAC:2007-1658-IJQ.



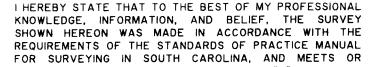
Approved Approved

- A SURVEY FOR SOUTH CAROLINA PUBLIC SERVICE AUTHORITY SHOWING LOCATION OF MCINTOSH-BLUFFTON 230 KV TRAMISSION LINE, DATED JUNE 1986, LAST REVISED JANUARY 1987, BY NIVENS ENGINEERING, INC.
- PLAT OF PARCEL 12A A PORTION OF BHR ACQUISITION CO., LLC PROPERTY, PREPARED BY THOMAS & HUTTON ENGINEERING CO., DATED 7-1-05, REVISED 11-14-05.
- RIGHT OF WAY ACQUISITION PLAT FOR BLUFFTON PARKWAY PREPARED BY THOMAS & HUTTON DATED 5-1-01, LAST REVISED 11-30-05.

#### **LEGEND**

- MEANDER POINT (NO MONUMENT)
- IRON PIPE (SET)
- CONCRETE MONUMENT FOUND
- Ø POWER POLE
- == EASEMENTS
- wetlands

WETLAND BUFFER



& HUTTON

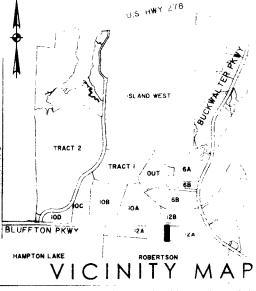
**ENGINEERING** 

CO.

No. C00285

EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

WRIGHT C. POWERS, JR. SOUTH CAROLINA PROFESSIONAL LAND SURVEYOR LICENSE NO. 19895



This document and all reproducible copies of property of Thomas & Hutton Reproducible not permitted without written consent of this document becomes a matter of public of TO THIS DOCUMENT ARE NOT PERMITTED

RIGHT OF WAY PLAT

# PROPOSED INNOVATION DRIVE 80' R/W EXTENSION

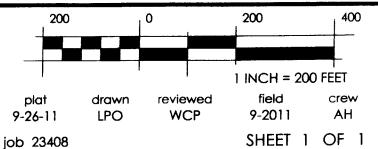
BEAUFORT COUNTY,
BLUFFTON, SOUTH CAROLINA

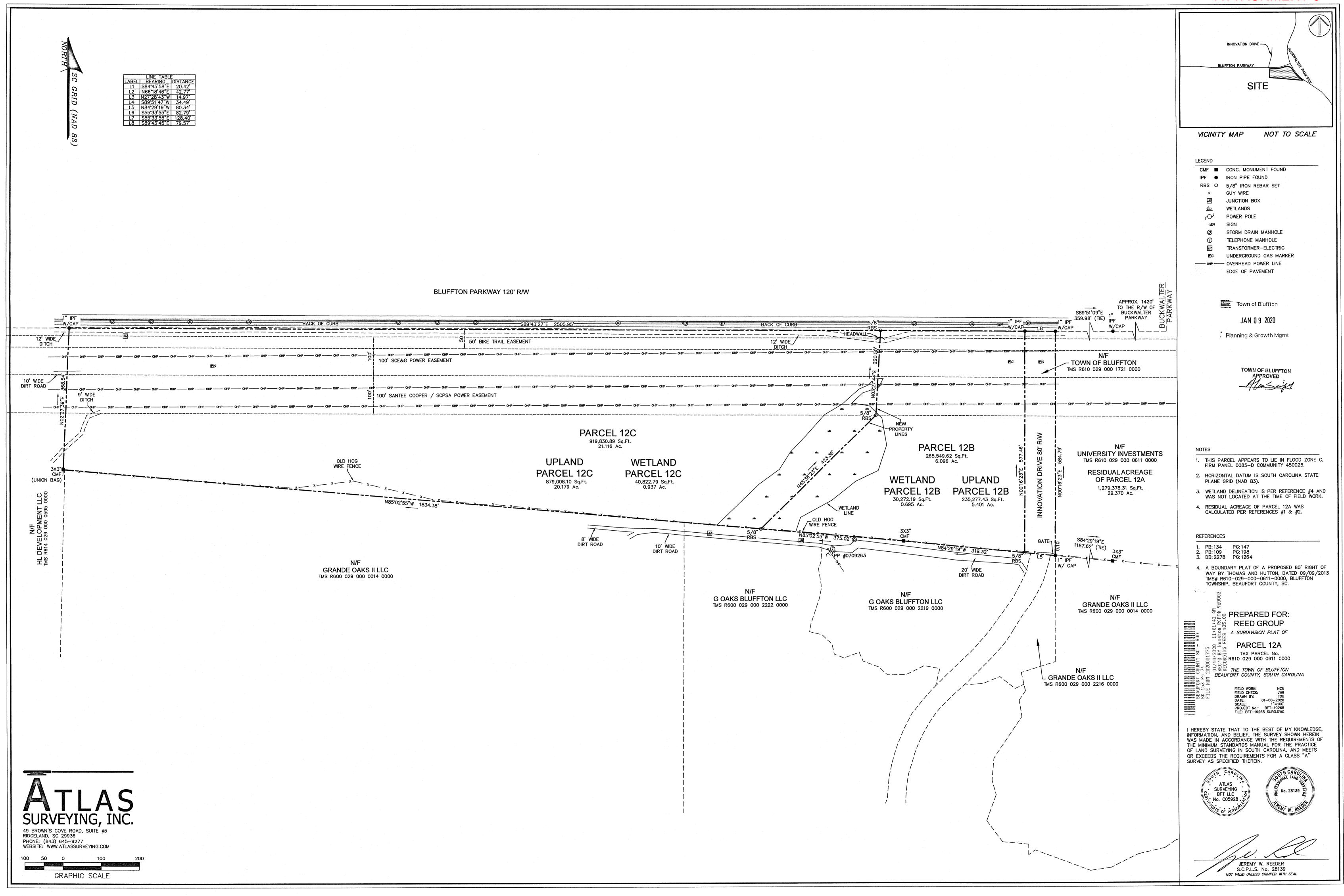
prepared for TOWN OF BLUFFTON

# THOMAS & HUTTON Engineering | Surveying | Planning | GIS | Consulting

50 Park of Commerce Way PO Box 2727 Savannah, GA 31402-2727 p 912.234.5300 f 912.234.2950

www.thomasandhutton.com







#### DEPARTMENT OF THE ARMY

CHARLESTON DISTRICT, CORPS OF ENGINEERS 69A Hagood Avenue CHARLESTON, SOUTH CAROLINA 29403-6107

April 21, 2004

Regulatory Division

BHR Acquisition Company, LLC & Winding River, BTS, 1, LC c/o Mr. Ed Blakely
192 East Bay Street, Suite 201
Charleston, SC 29401

Dear Mr. Blakely:

This is in response to your application requesting a Department of the Army permit.

Enclosed is your Department of the Army Permit #2003-1G-066. It authorizes you to perform the work specified on the attached drawings. This permit is issued under the provisions of the Federal laws for the protection and preservation of the navigable waters of the United States.

Please notify this office promptly, in writing, when you start and complete the work. The enclosed cards may be used for that purpose. You should also be aware that a special condition has been included in this permit which requires that a copy of the permit and drawings must be available at the work site during the entire time of construction.

Respectfully,

Tina B. Hadden Chief, Regulatory Division

**Enclosures** 



#### DEPARTMENT OF THE ARMY

CHARLESTON DISTRICT, CORPS OF ENGINEERS
65 A Hagood Avenue
CHARLESTON, SOUTH CAROLINA 29403-5107

#### REGULATORY DIVISION

#### TO WHOM IT MAY CONCERN:

In issuing this permit, this office has acted with reliance on the plans which you submitted: As you proceed with your project, please exercise every caution to ensure the work is performed exactly as shown on the approved plans and specifications, as deviations of any nature are expressly prohibited without the <u>prior</u> authorization of this office.

With this in mind, you will find this office cooperative in authorizing minor deviations if they are clearly within the scope of the original permit; however, you are place on any "unauthorized" deviation from the approved plans will be constructed as a violation of Federal law and, at a minimum, you will be required to submit as-built plans of any devietions. These as-built plans will have to be prepared by a registered land surveyor. You will not be required to submit as-built drawings unless an "unauthorized" deviation is detected by this office or such submittals are required by a special condition in the permit (i.e., certified as-built plans are commonly required for utility crossings and structures adjacent to Federal channels.) If, upon demand, you fail to provide this office with such drawings in the requisite format, this office will request the U.S. Attorney to seek appropriate civil or criminal sanctions in order to maintain the integrity of the Department of the Army permit program.

Please be assured that you will find the Corps of Engineers receptive to minor deviations from the approved plans as long as such deviations are approved <u>prior</u> to commencement of work.

## OF YORK AUTHORIZED BY PERKIT

			PERMIT <u>200</u>	
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#### DEPARTMENT OF THE ARMY PERMIT

Permittee: BHR ACQUISTION COMPANY, LLC &

WINDING RIVER BTS 1, LC

192 E. BAY ST. SUITE 201 CHARLESTON, SC 29401

Permit No: 2003-1G-066

Issuing Office: CHARLESTON DISTRICT

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

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

#### **Project Description:**

To place fill material in freshwater wetlands adjacent to tributary of Rose Dhu Creek, to create an economically viable, flexible, long term, master-planned residential community with associated amenities including golf course and commercial areas in accordance with the attached drawings entitled; Applicant: BHR Acquisition Co., LLC, Winding River BTS 1, L.C.; Location: Beaufort County, S.C., Town of Bluffton; Sheets 1 thru 3, 6 thru 8, 10 thru 16, and 19 thru 39 of 39 dated June 17, 2003. Sheets 4, 5, 9, 17, and 18 of 39 dated October 23, 2003.

#### Project Location:

The project is located south of U.S. Highway 278, east of State Road 170, west of the Buckwalter Parkway and north of SC Highway 46, in the Town of Bluffton, Beaufort County, South Carolina.

#### Permit Conditions:

#### General Conditions:

- 1. The time limit for completing the work authorized ends on 30 June 2024. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
- 2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
  - 3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

	4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit this office to validate the transfer of this authorization.
	5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as specified to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
	6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
	Special Conditions:
	SEE PAGE 4.
	Further Information:
	Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
	Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
	Section 404 of the Clean Water Act (33 U.S.C. 1344).
	Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
•	2. Limits of this authorization.
	a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
	b. This permit does not grant any property rights or exclusive privileges.
	c. This permit does not authorize any injury to the property or rights of others.
	d. This permit does not authorize interference with any existing or proposed Federal project.
	.  3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
	a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
r	b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public iterest.
	c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
	d. Design or construction deficiencies associated with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
- 4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- 5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
- Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.
  - 6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

request for an extension of this time finit.	
Your signature below, as permittee, indicates that you accept and agree to com	aply with the terms and conditions of this permit.
By: GBKR, LLC, menter	
Bui Day & Rove, member	4-20-04 (DATE)
(PERMITTEE)	(DATE)
BHR ACQUISITION COMPANY, LLC &	· ·
WINDING RIVER, BTS 1, LC	
This permit becomes effective when the Federal official, designated to act for the	e Secretary of the Army, has signed below.
A A	
1	APR 2 1 2004
(DISTRICT ENGINEER)	(DATE)
Alvin B. Lea LTC	
or his Designee	
Jina B. Hadden Chief, Regulatory Division	
Cittel, Regulatory Division	
1 No th to-common or continuous of the thirt special s	the time the apparatule transferred the torres and specificals of this permit will
When the structures or work authorized by this permit are still in existence at a continue to be binding on the new owner(s) of the property. To validate the tran	
its terms and conditions, have the transferee sign and date below.	•
	•
(TRANSFEREE)	(DATE)

#### CONDITIONS FOR PERMIT #2003-1G-066:

- a. That the permittee agrees to provide all contractors associated with construction of the authorized activity a copy of the permit and drawings. A copy of the permit will be available at the construction site at all times.
- b. That the permittee shall submit a signed compliance certification to the Corps within 60 days following completion of the authorized work and any required mitigation. The certification will include:
  - 1. A copy of this permit;
  - 2. A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions;
  - 3. A statement that any required mitigation was completed in accordance with the permit conditions;
  - 4. The signature of the permittee certifying the completion of the work and mitigation.
- c. That the permittee recognizes that its commitment to perform and implement the following conditions was a deciding factor towards the favorable and timely decision on this permit and that the permittee recognizes that a failure on its part to both actively pursue and implement these conditions may be grounds for modification, suspension or revocation of this Department of the Army authorization.
  - 1. That the permittee agrees, as compensation for the impacts associated with this authorization, to implement the "Buckwalter Southwest Tract Mitigation Plan", dated February 11, 2003, and last revised August 19, 2003. The above-discussed plan defines the type(s) of mitigation to be provided; the number of credits generated by implementing the mitigation work, and it sets forth the time frame(s) for completion of the mitigation activities. A declaration of restrictive covenants or conservation easement must be reviewed and approved by the Corps of Engineers, Regulatory Division prior to recording. A stamped, recorded copy of the declaration of restrictive covenants or conservation easement must be submitted to the Corps of Engineers, Regulatory Division within 60 days of 404 permit issuance or prior to any work commencing under the permit, whichever comes first. It is noted and recognized more credits are being provided than are needed to compensate for the impacts hereby permitted. It is further recognized and agreed that up to approximately 80 of the additional credits generated by implementing the plan are available and can be used, if needed, as mitigation for future permitted impacts on the Buckwalter North Tract. Should development of the Buckwalter North Tract not proceed as envisioned or not be permitted, the mitigation defined in the above referenced plan can not be revised or modified to remove any portion of the defined work and the excess credits can not be used on any other project.
  - 2. That the permittee agrees to submit final road locations that vary from those presented in this application to this office and South Carolina Department of Health and Environmental Control (DHEC) for review and approval prior to construction, to document that the revised plans are consistent with the intent of the permit.
  - 3. That the permittee agrees to avoid, to the maximum extent practicable, significant trees during trail and boardwalk layout and construction.

BCARD: Elizabeth M. Flagood Chairman Edwin H. Cooper, III Vice Chairman Steven G. Kaner Secretary



**MAY** g

BOARD; Henry C. Scott

Paul C. Aughtry, III

Glenn A. McCall

Cole nan F. Binckhouse, AID

C. Earl Hunter, Commissioner
Promoting and protecting the health of the public and the environment

May 8, 2007

Ms. Tina Hadden Charleston District U.S. Army Corps of Engineers 69A Hagood Avenue Charleston, SC 29403-5107

RE: Revision to 2003-1G-066; BHR Acquisition Co., LLC and Winding River BTS, LC (BHR) Town of Bluffton; Beaufort County, South Carolina

Dear Ms. Hadden:

The South Carolina Department of Health and Environmental Control (SCDHEC) received a request for a modification to P/N 2003-1G-066. The proposed modification includes an additional 0.39 acres of fill in an isolated wetland to accommodate development of a senior living facility. BHR also proposes to convert 1.34 acres of cleared shrub/scrub wetlands to emergent wetlands to provide a more productive wetland system and eliminate the need for constant maintenance. As part of the requested permit modification BHR also proposes to create 0.39 acres of wetlands and delete 0.71 acres of permitted stormwater impacts. The net result of the proposed modification is a reduction of 0.32 acres in overall impact and an increase of 0.71 acres in on site mitigation.

The staff of the Office of Ocean and Coastal Resource Management (OCRM) has reviewed the requested modifications to the above referenced project and finds them consistent with the S.C. Coastal Management Program. OCRM must be notified, in writing, prior to initiation of work authorized by this certification. Once OCRM is notified of the date work will commence, an "authorization to commence work" placard will be issued. This placard must be placed in a conspicuous place at the site. No work authorized under the OCRM wetland certification can commence until the placard is posted. This placard is in addition to any other required placards (land disturbance permit, critical area permit, etc.) and is not valid until all other required federal, state and local permits have been issued for the activity.

The Bureau of Water has no objection to the proposed revisions per the letter from Newkirk Environmental, Inc., dated April 17, 2007 provided that the compensatory mitigation plan, including calculations, meets guidelines stated in the U.S. Army Corps of Engineers' SOP. Additionally, the applicant must adhere to all conditions of the original state certification issued on August 17, 2004, and any subsequent modifications. If you have questions, please contact me at (803) 898-4261.

Sincerely,

Chris Beckham, Project Manager

Chris Bakkum

Water Quality Certification, Standards, and

Wetlands Program Section

cc: John Hensel, OCRM

Mr. Kenneth Hance Newkirk Environmental 1887 Clements Ferry Road Charleston, SC 29492





C Earl Hunter, Commissioner
Fromoting and protecting the health of the public and the environment.

April 26, 2007

Ms. Gina Kirkland
S. C. Department of Health and Environmental Control
Office of Environmental Quality Control
Water Quality Certification and Wetlands Programs Section
2600 Bull Street
Columbia, South Carolina 29201

Re: Bhr Acquisition Company LLC & Winding River, BTS 1, LC 2003-1G-066-C-REVISION

Beaufort County

Dear Ms. Kirkland:

The staff of the Office of Ocean and Coastal Resource Management (OCRM) has reviewed the proposed revisions to the above referenced project and finds them consistent with OCRM's previous consistency determination per the letter from Newkirk Environmental, Inc. dated April 17, 2007, and attached revised drawings, and provided all terms and conditions of the original consistency determination, and any previous modifications, are still in effect.

OCRM must be notified, in writing, prior to initiation of work authorized by this certification. Once OCRM is notified of the date work will commence, an "authorization to commence work" placard will be issued. This placard must be placed in a conspicuous place at the site. No work authorized under the OCRM wetland certification can commence until the placard is posted. This placard is in addition to any other required placards (land disturbance permit, critical area permit, etc.) and is not valid until all other required federal, state and local permits have been issued for the activity.

Sincerely,

John L. Hensel, Jr.

Manager, Federal Certification

JLH/bhracquisition

cc: Ms. Barbara Neale

Mr. Jeff Thompson

U.S. Army Corps of Engineers



## Office of Ocean and Coastal Resource Management

1362 McMillan Avenue. Suite 400 Charleston, SC 29405 843-744-5838 FAX 843-744-5847

January 26, 2007

Ms. Gina Kirkland
S. C. Department of Health and Environmental Control
Office of Environmental Quality Control
Water Quality Certification and Wetlands Programs Section
2600 Bull Street
Columbia, South Carolina 29201

Re: BHR Acquisition Company LLC & Winding River BTS, LLC 2003-1G-066-C (Modification)

Beaufort County

#### Dear Ms. Kirkland:

The staff of the Office of Ocean and Coastal Resource Management (OCRM) has reviewed the proposed revisions to the above referenced project and finds them consistent with the S. C. Coastal Management Program per the letter from Newkirk Environmental, Inc. dated November 20, 2006, the revised permit drawings dated September 28, 2006, and provided all terms and conditions of the original consistency determination, and any previous modifications, are still in effect.

OCRM must be notified, in writing, prior to initiation of work authorized by this certification. Once OCRM is notified of the date work will commence, an "authorization to commence work" placard will be issued. This placard must be placed in a conspicuous place at the site. No work authorized under the OCRM wetland certification can commence until the placard is posted. This placard is in addition to any other required placards (land disturbance permit, critical area permit, etc.) and is not valid until all other required federal, state and local permits have been issued for the activity.

Sincerely,

John L. Hensel, Jr.

Manager, Federal Certification Section

JLH/bhracquisitions50686 cc: Ms. Barbara Neale

Mr. Jeff Thompson

U.S. Army Corps of Engineers

BOARD Elizapeth W. Haggoo Chairman

Edwin B. Tooper III. Vice Chairman Strong G. S. on

Sec. 21.4



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SCARD Benn C. Scop

Paul C. Aughting III

Glenn & McCall

In mat P April 1991

March 26, 2007

Ms. Tina Hadden Charleston District U.S. Army Corps of Engineers 69A Hagood Avenue Charleston, SC 29403-5107

RE: Revision to 2003-1G-066; BHR Acquisition Co., LLC and Winding River BTS, LC (BHR) Town of Bluffton; Beaufort County, South Carolina

Dear Ms. Hadden:

The South Carolina Department of Health and Environmental Control (SCDHEC) received a request for a modification to P/N 2003-1G-066. The proposed modification includes additional road impacts within the approved 20% road contingency and the relocation of littoral shelves, wetland terrace, and upland buffers within the project area. The net result of the proposed modification is utilization of 0.29 acres of fill under the permitted 20% road contingency and an additional 0.15 acres of excavation. BHR proposes to utilize 7.5 mitigation credits previously authorized for use on the Buck Walter North Tract. The proposed mitigation for the modification exceeds the credits required in accordance with the USACE Standard Operating Procedure.

The Bureau of Water has no objection to the proposed revisions per the letter from Newkirk Environmental, Inc., dated November 20, 2006, with attached drawings. Additionally, the staff of the Office of Ocean and Coastal Resource Management (OCRM) has reviewed the requested modifications to the above referenced project and finds them consistent with the S.C. Coastal Management Program. Additionally, the applicant must adhere to all conditions of the original state certification issued on August 17, 2004, and any subsequent modifications. If you have questions, please contact me at (803) 898-4261.

Sincerely,

Chris Beckham, Project Manager

Bureau of Water

cc: John Hensel, OCRM

Mr. Keuneth Hance Newkirk Environmental 1887 Clements Ferry Road Charleston, SC 29492





#### Office of Ocean and Coastal Resource Management

1362 McMillan Avenue, Suite 400 Charleston, SC 29405 843-744-5838 FAX 843-744-5847

May 04, 2006

Ms. Vivianne Vejdani S. C. Department of Health and Environmental Control Office of Environmental Quality Control Water Quality Certification and Wetlands Programs Section 2600 Bull Street Columbia, South Carolina 29201

Re: BHR Acquisition Company LLC & Winding River BTS 1, LC

2003-1G-066-C-REVISED (April 2006 revision)

Beaufort County

Dear Ms. Vejdani:

The staff of the Office of Ocean and Coastal Resource Management (OCRM) has reviewed the proposed revision to the above referenced project and finds them consistent with OCRM's previous consistency determination per the letter from Newkirk Environmental, Inc. dated April 10, 2006, and revised project drawings (Sheets 4 & 8) dated April 6, 2006, and provided all terms and conditions of the original consistency determination, and any previous modifications, are still in effect.

OCRM must be notified, in writing, prior to initiation of work authorized by this certification. Once OCRM is notified of the date work will commence, an "authorization to commence work" placard will be issued. This placard must be placed in a conspicuous place at the site. No work authorized under the OCRM wetland certification can commence until the placard is posted. This placard is in addition to any other required placards (land disturbance permit, oritical area permit, etc.) and is not valid until all other required federal, state and local permits have been issued for the activity.

Sincerely,

John L. Hensel, Jr.

Manager, Federal Certification Section

JLH/bhracq&windingriver50686

co: Ms. Barbara Neale

Mr. Jeff Thompson.

U.S. Army Corps of Engineers

BOARI/ Elizabeth M. Hagood Chairma

Edwin H. Cooper III. Vice Chairman Sever G. Kiener



First Hinney Commissions

The South Control to Foreign Conditions of

SOARD Benn F. Scott

Ped C. Aughrey III

Glern V. McCall

Wern Dan Henry MD

June 2, 2006

Ken Hance Newkirk Envionmental, Inc. P.O. Box 746 Mt. Pleasant, South Carolina 29465

Re: BHR Acquistion Company, LLC P/N # 2003-1G-066

Dear Mr. Hance:

We have reviewed your request to modify the above referenced state certification, issued on November 30, 2004. The proposed modifications include:

The approval of an additional 0.27 acres of fill for a road crossing as requested per a letter from Newkirk Environmental, Inc. dated April 10, 2006, and the revised project drawings (sheets 4 & 8) dated April 6, 2006.

This additional fill is found to be consistent with the original certification, which allows for a 20% contingency for road impacts. Mitigation for this 20% contingency was included in the original certification and no additional mitigation is required. All terms and conditions of the original certification and any previous modifications, are still in effect. If you have any questions please feel free to call Jessica V. Artz at 803-898-4261 or e-mail at yenablia@dhec.sc.gov.

Sincerely,

M. Rheta Geddings, Director Division of Water Quality

Cc: Debbie King, ACOE



#### DEPARTMENT OF THE ARMY

CHARLESTON DISTRICT, CORPS OF ENGINEERS 69-A Hagood Avenue CHARLESTON, SOUTH CAROLINA 29403-5107

July 9, 2007

Regulatory Division

BHR Acquisition Company, LLC & Winding River BST 1, LC c/o Mr. Ken Hance Newkirk Environmental, Inc. Post Office Box 746 Mt. Pleasant, South Carolina 29465-0746

Dear Mr. Hance:

This is in response to your letters submitted on behalf of BHR Acquisition Company, LLC & Winding River BST 1, LC dated April 10, 2006, November 20, 2006, and April 17, 2007, requesting that their Department of the Army permit #2003-1G-066 issued on April 21, 2004, be modified to reflect the changes on the attached drawings (Sheets 8,13, and 25 of 39 revised September 28, 2006, Sheets 4, 5, 5A, 9,14,16,17,18 and 24 of 39 revised March 1, 2007) These changes include the following:

- The relocation of proposed roads in accordance with Special Condition #2 of the issued permit that reads as follows:
  - a. 2. That the permittee agrees to submit final road locations that vary from those presented in this application to this office and South Carolina Department of Health and Environmental Control (DHEC) for review and approval prior to construction, to document that the revised plans are consistent with the Intent of the permit.
  - 0.11 acres of road impacts at four locations within the project area as authorized under Special Condition c.2 of the permit. Road contingency impacts are indicated on revised permit drawing sheets 8 and 13 revised September 28, 2006, sheets 4, 14 and 25 revised March 1, 2007. A summary of impacts under the 20% road crossing contingency is provided on revised sheet 4 and indicates a balance of 0.69 acres remaining.
- 2. The road and water access to the west of Wetland DL involves filling 0.09 acres for road construction (included in 20% road crossing contingency described in item 1 above) that is currently permitted to be excavated and excavating an additional 0.24 acres of wetlands. The purpose of this proposed revision is to provide vehicular and water access to development west of Wetland DL.
- 3. The relocation of 0.23 acres of upland buffer, 1.54 acres of wetland terrace creation and 0.80 acres of littoral shelf creation within the lake to accommodate requested revisions

described in items 1) and 2) above as well as a design and engineering change of the lake shoreline within an upland area.

- 4. The additional 0.39 acres of fill in isolated jurisdictional Wetland Z as indicated on permit drawing sheets 5 and 9 revised March 1, 2007. Wetland Z was originally permitted to be filled but was mistakenly indicated as preserved, without a buffer, as part of the USACE permit modification of March 11, 2005. The requested impact of Wetland Z is to accommodate development of a senior living facility, offering both assisted living and skilled nursing care under one roof. An alternatives discussion prepared by National Health Care Corporation (NHC), who has a contract to purchase the property, is enclosed as an addendum to this correspondence.
- 5. To convert 1.34 acres of wetlands permitted to be cleared to be maintained as shrub/scrub to emergent wetlands. This will eliminate the need for constant maintenance and, BHR believes, provides a more productive wetland system as adequate hydrology will be assured by normal water levels in the lake.
- 6. To create 0.39 acres of wetlands adjacent to on site wetland preservation areas as indicated on permit drawings sheet 5 and 9.
- 7. To delete 0.71 acres of permitted stormwater impacts, including clearing and pipe installation.

This is to inform you that these three requests for modification are granted. Please attach this letter with the modified drawings to the original permit. All of the conditions to which the work is made subject remain in full force and effect. In that this work appears subject to the jurisdiction of the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management, it is highly recommended that you contact that agency to ascertain their requirements in this matter.

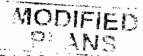
Respectfully,

for:

J. RICHARD JORDAN III Lieutenant Colonel, U.S. Army District Engineer

Tina B. Hadden Chief, Regulatory Division

Enclosures



#### #2003-1G-066

#### BHR Acquisition Co., LLC &Winding River BTS 1, LC Buckwalter Southwest Tract Development Modification Request of November 20, 2006

The following definition is reproduced here for ready reference.

Cumulative impact is an evaluation of the cumulative adverse impacts to aquatic sites for the overall project. This factor is proportional to the areas of impact. The formula used to calculate this value is  $0.05 \times \sum AA$ , where  $\sum AA$ , stands for the sum of the acres of adverse impacts to aquatic areas for the overall project. When computing this value, round to the nearest tenth decimal place using even number rounding. Thus 0.01 and 0.050 are rounded down to give a value of zero while 0.051 and 0.09 are rounded up to give 0.1 as the value for the cumulative impact factor.

<u>Note</u>: The cumulative impact factor for the <u>overall</u> project must be used in each area column on the Required Mitigation Credita Worksheet below.

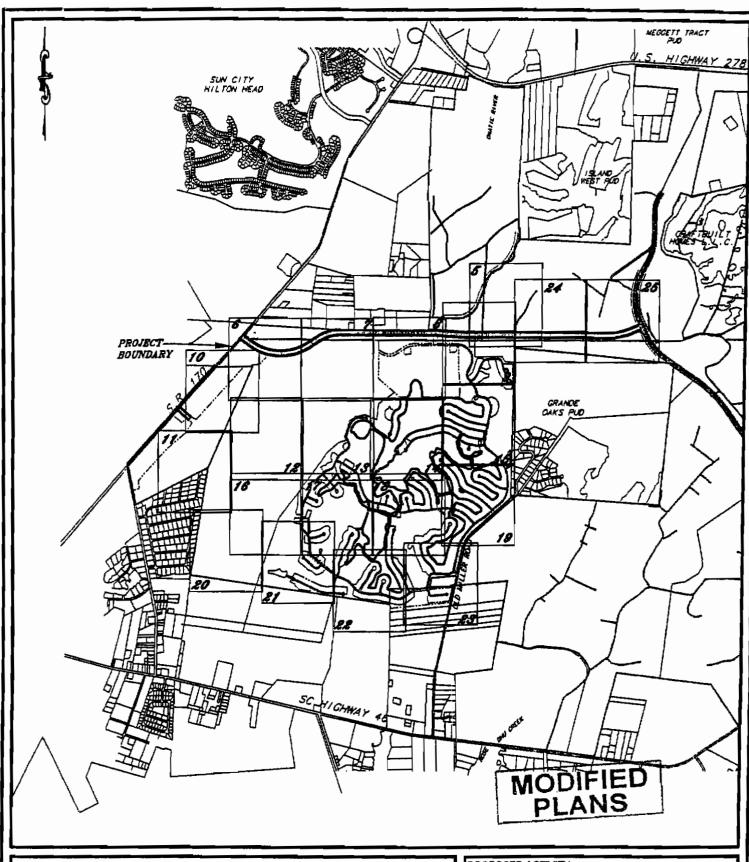
Required Mitigation Credits Sample Worksheet

Factor	Area 1	Area 2	Area 3	Area 4	Area 5
Lost Type	3.0				
Priority Category	0.5				
Existing Condition	1.0				
Duration	2.0				
Dominant Impact	1.5		****		
Cumulative Impact	2.5				
Sum of m Factors	$R_1 = 10.5$	R <sub>2</sub> =	R <sub>3</sub> =	R <sub>4</sub> =	R <sub>5</sub> =
Impacted Area	$AA_1 = 0.24$	AA2 =	AA <sub>3</sub> =	AA <sub>4</sub> =	AA, =
$R \times AA =$	2.5				

Total Required Credits =  $\sum (R \times AA) =$ 

 $2.5 \times 3 = 7.5$ 

Area 1 = Excavation in 404 Jurisdictional Wetlands



BUCKWALTER SOUTHWEST TRACT WETLANDS MASTER PLAN PERMIT # 2003-1G-066 ISSUED: 4-21-2004

DATUM: MEAN SEA LEVEL

DATE: MARCH 29, 2005 REVISION DATE: AUGUST 2, 2005

SHEET 1 OF 39 SCALE: NO SCALE

SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY:

WETLAND MODIFICATION FOR PROPOSED DEVELOPMENT

COUNTY: BEAUFORT COUNTY,S. C.
TOWN OF BLUFFTON



BUCKWALTER SOUTHWEST TRACT USGS QUADRANGLE- JASPER

#2003-1G-066-REVISED

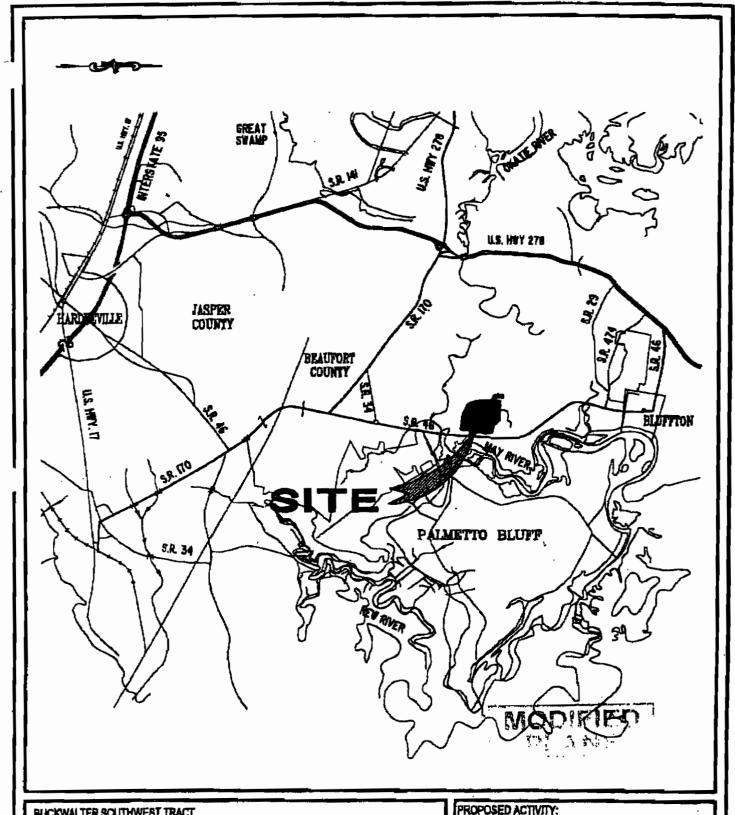
DATE: FEBRUARY 10, 2003 REVISION DATE: SEPTEMBER 21, 2004 SHEET 2 OF 39 NO SCALE SOURCE: THOMAS & HUTTON ENGINEERING CO.

DATUM: MEAN SEA LEVEL

PROPOSED ACTIVITY:

WETLAND MODIFICATION FOR PROPOSED DEVELOPMENT

COUNTY: BEAUFORT COUNTY S. C. TOWN OF BLUFFTON



**BUCKWALTER SOUTHWEST TRACT** WETLANDS MASTER PLAN (LOCATION MAP)

#2003-1G-066-REVISED

DATE: FEBRUARY 10, 2003 REVISION DATE: SEPTEMBER 21, 2004 SHEET 3 OF 39 SCALE: NO SCALE SOURCE: THOMAS & HUTTON ENGINEERING CO.

DATUM: MEAN SEA LEVEL

WETLAND MODIFICATION FOR PROPOSED DEVELOPMENT

COUNTY: BEAUFORT COUNTY, S. C. TOWN OF BLUFFTON

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**BUCKWALTER SOUTHWEST TRACT** WETLANDS MASTER PLAN (LEGEND) PERMIT # 2003-1G-066 ISSUED: 4-21-2004

OATUM: MEAN SEA LEVEL

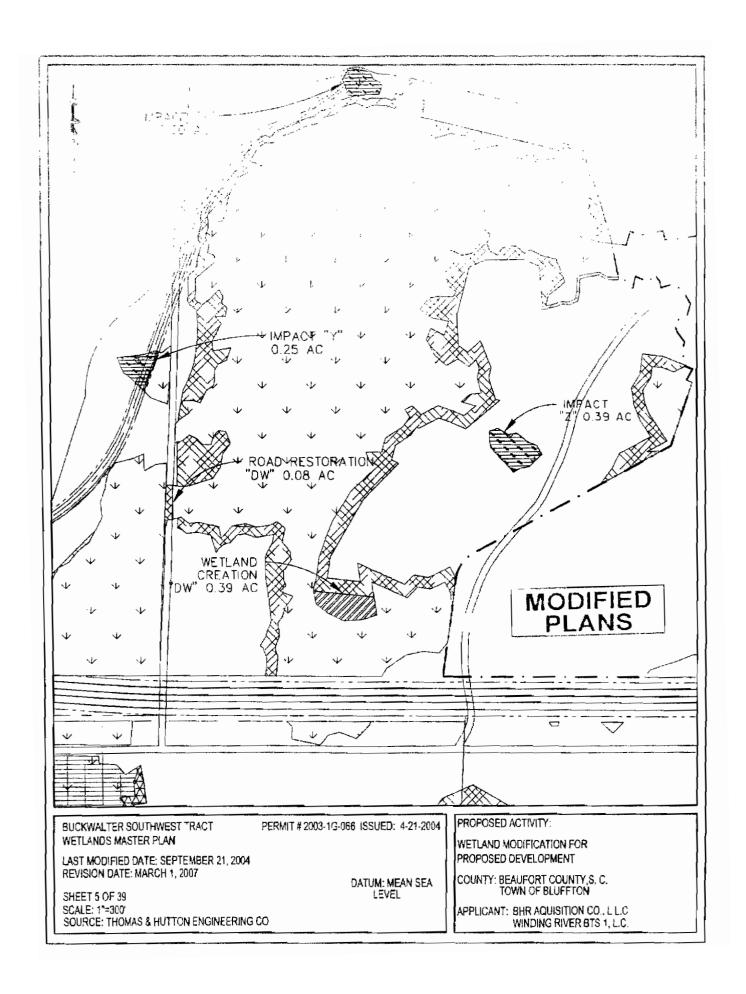
LAST MODIFIED DATE: SEPTEMBER 28, 2006 REVISION DATE: MARCH 1, 2007

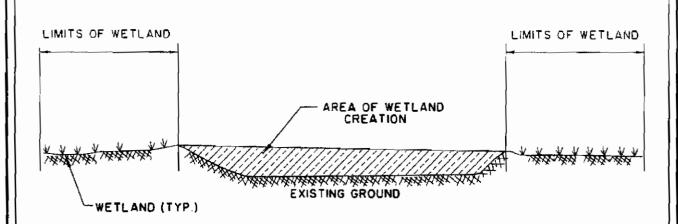
SHEET 4 OF 39 SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY:

WETLAND MODIFICATION FOR PROPOSED DEVELOPMENT

COUNTY: BEAUFORT COUNTY,S. C. TOWN OF BLUFFTON





## WETLAND CREATION NOT TO SCALE

MODIFIED PLANS

BUCKWALTER SOUTHWEST TRACT WETLANDS MASTER PLAN DATE: MARCH 1, 2007

SHEET 5A OF 39

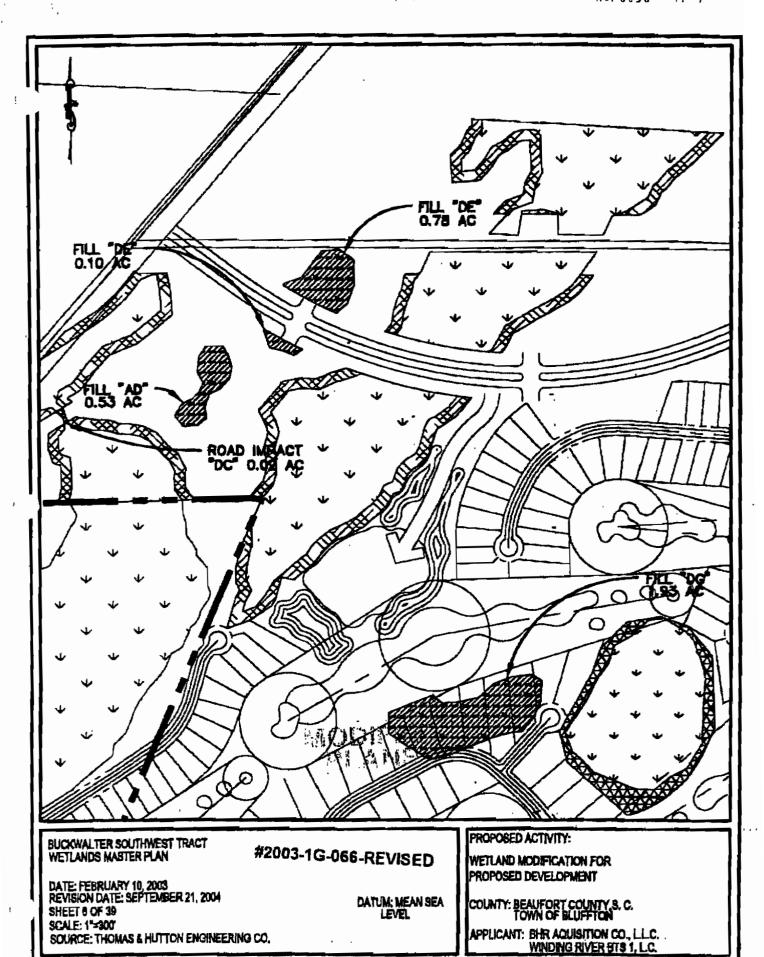
DATUM: MEAN SEA LEVEL

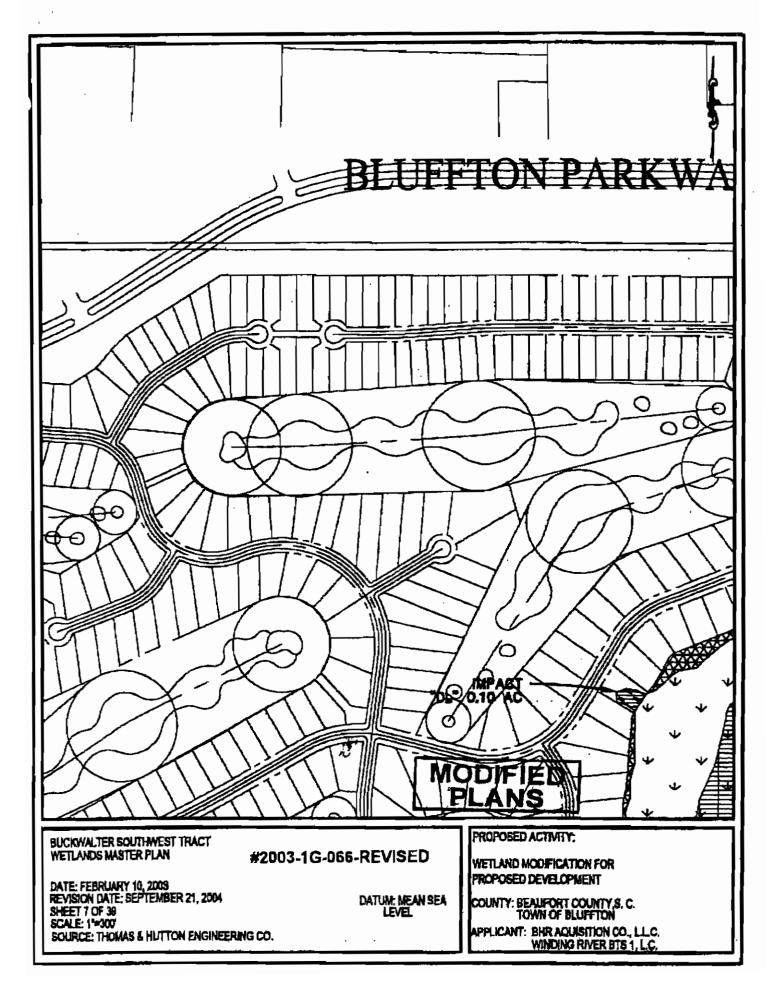
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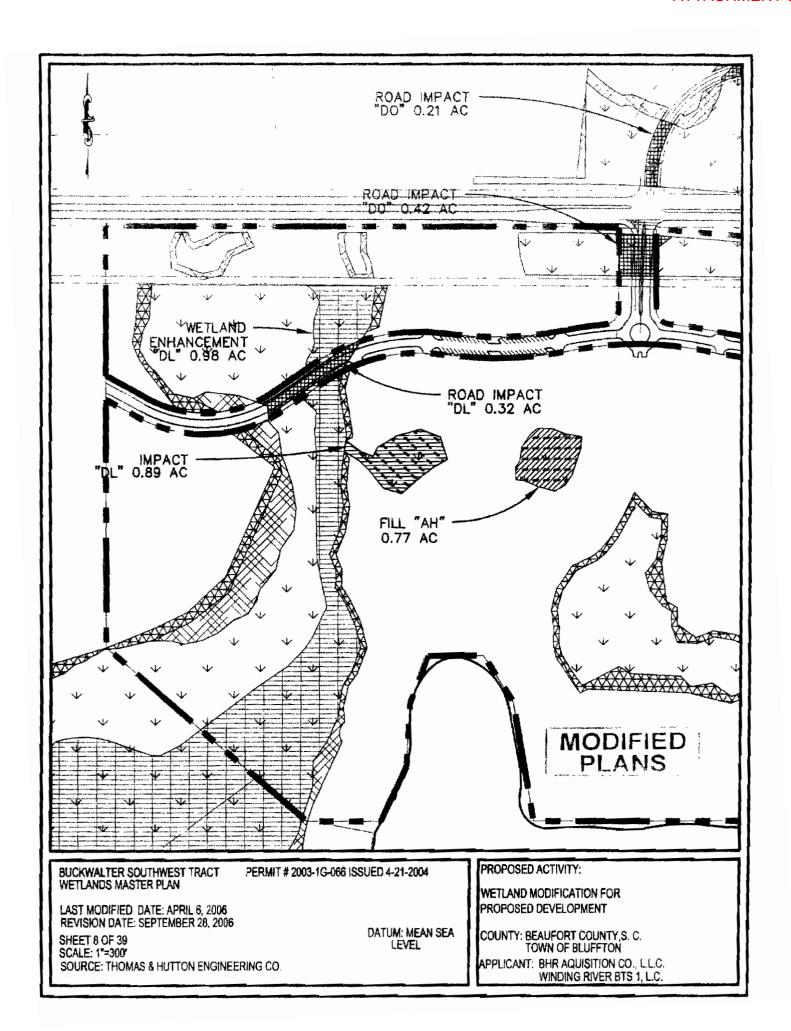
PROPOSED ACTIVITY:

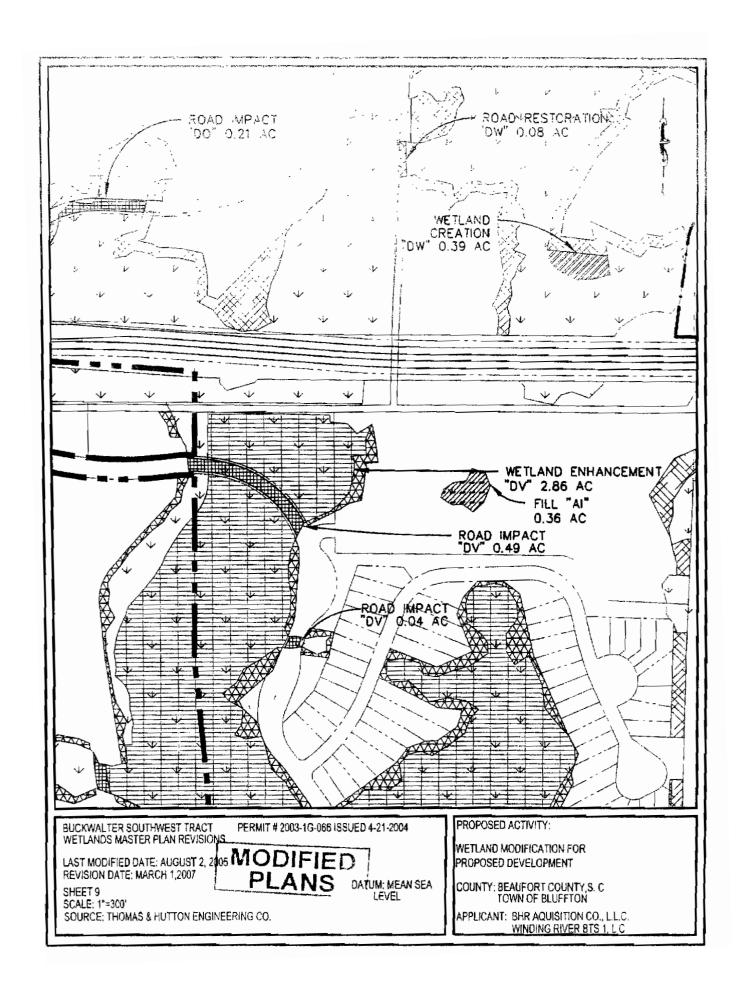
WETLAND MODIFICATION FOR PROPOSED DEVELOPMENT

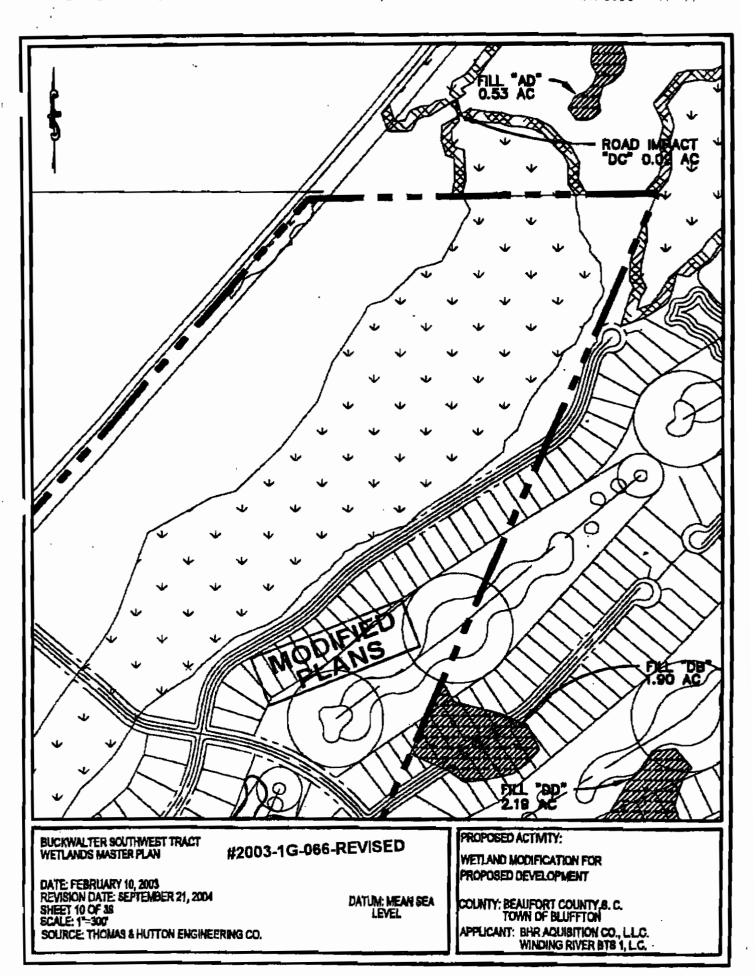
COUNTY: BEAUFORT COUNTY.S. C. TOWN OF BLUFFTON

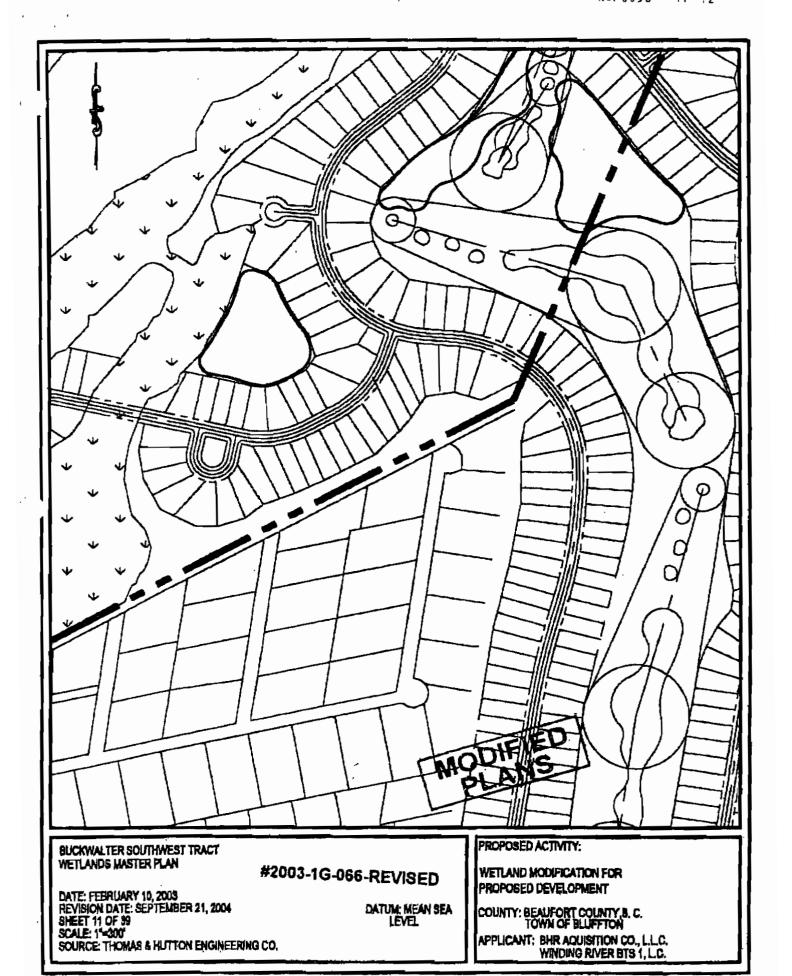


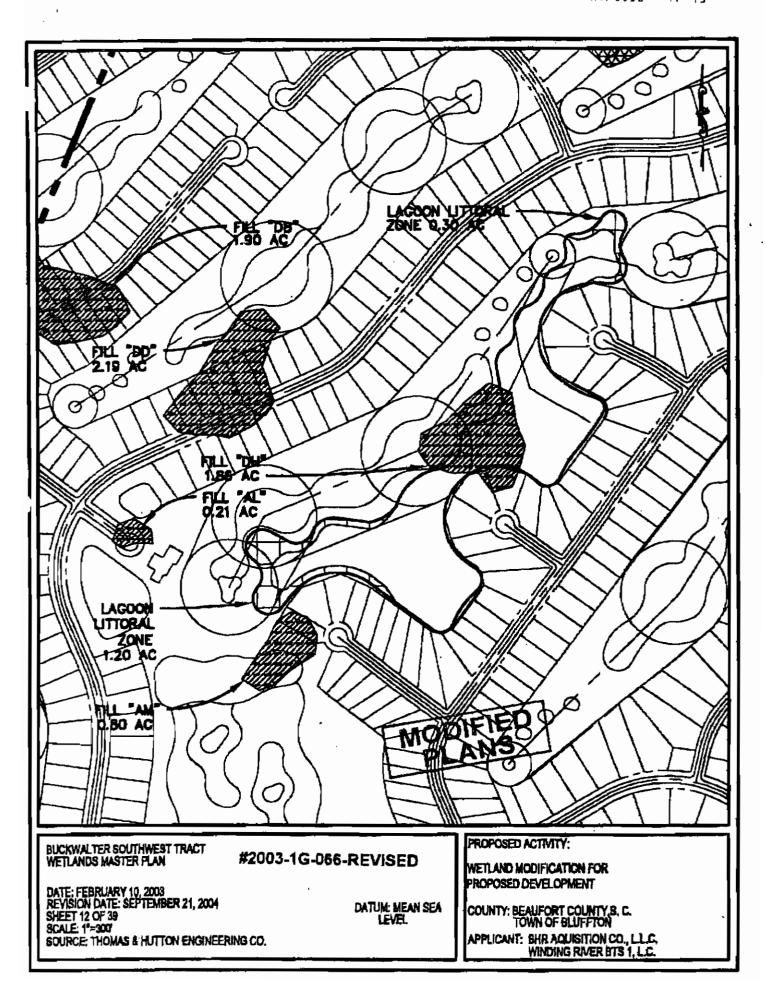


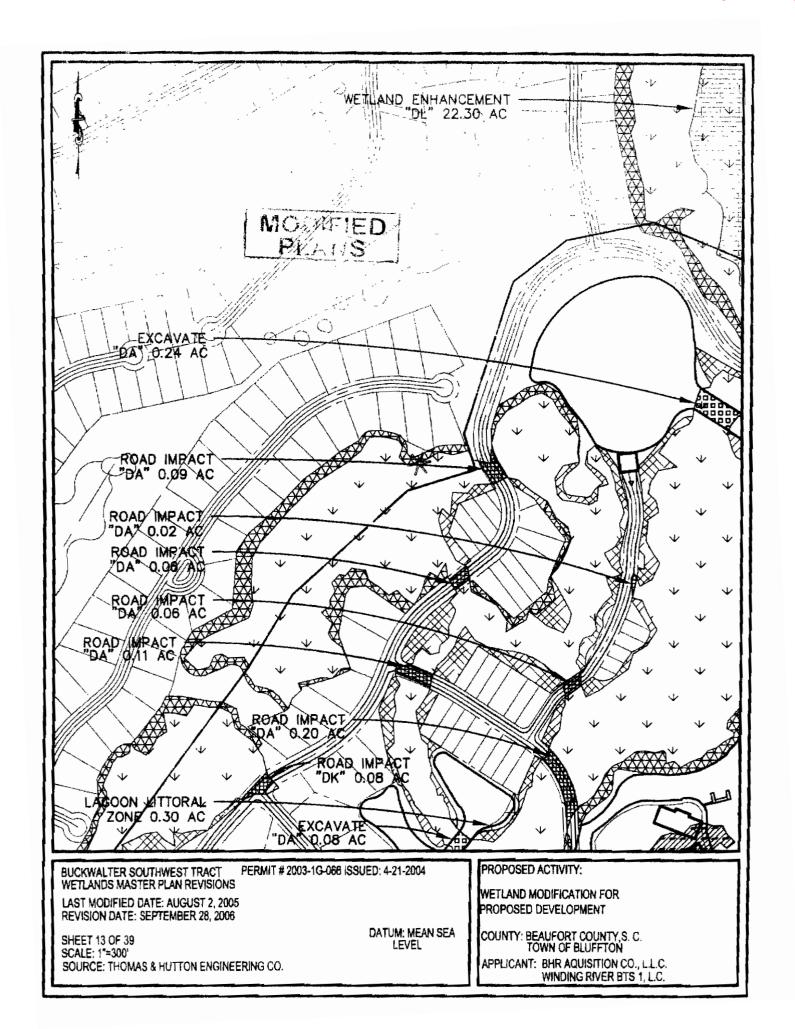


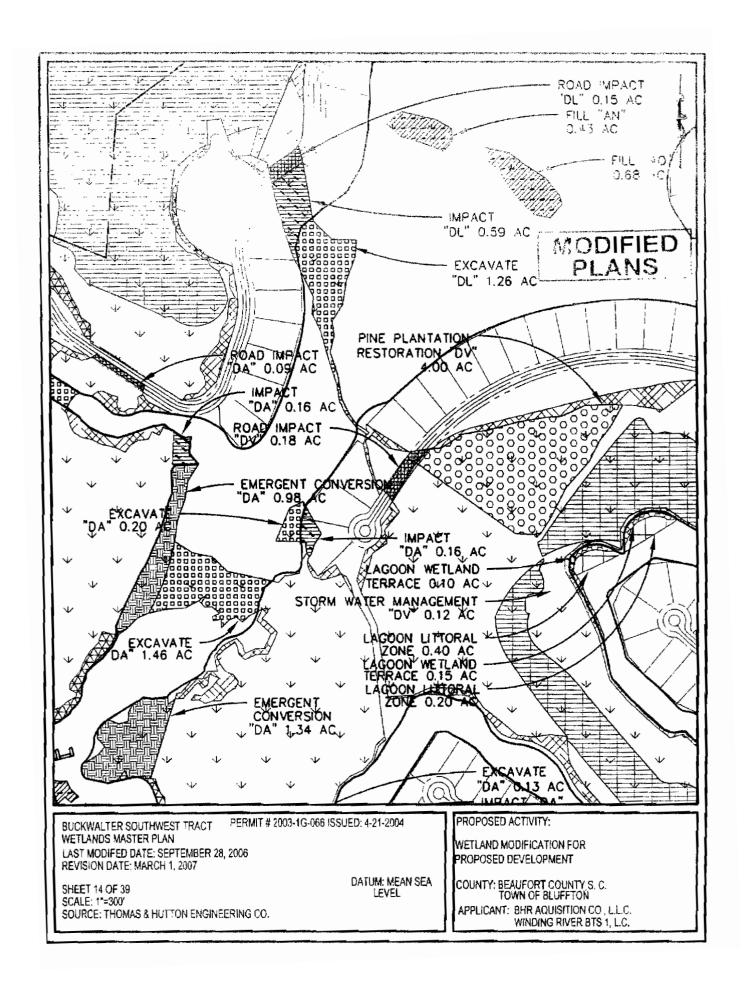




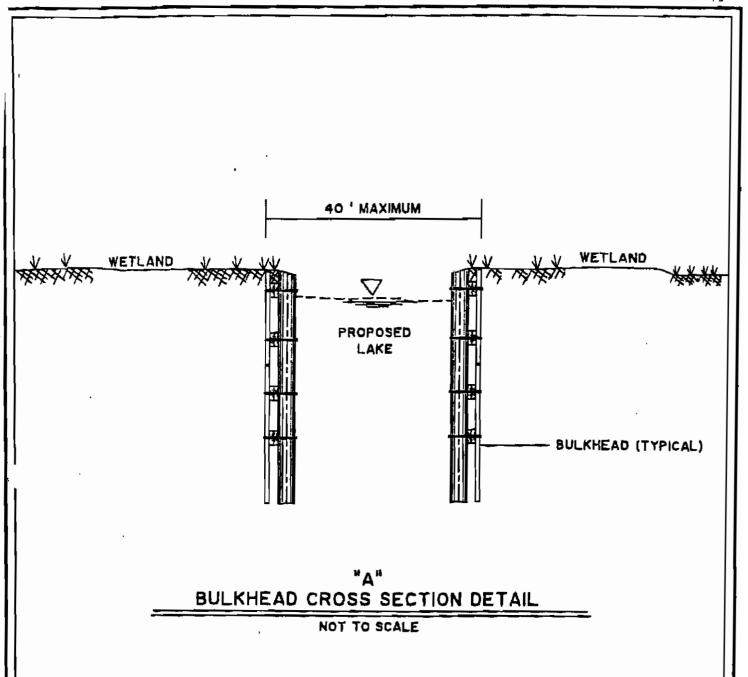








No. 6058 P. 16



## MODIFIED PLANS

PERMIT# 2003-IG-066 ISSUED: 4-21-2004

BUCKWALTER SOUTHWEST TRACT

WETLANDS MASTER PLAN

DATE: AUGUST 2, 2005

SHEET IAA OF 39

DATUM: MEAN SEA

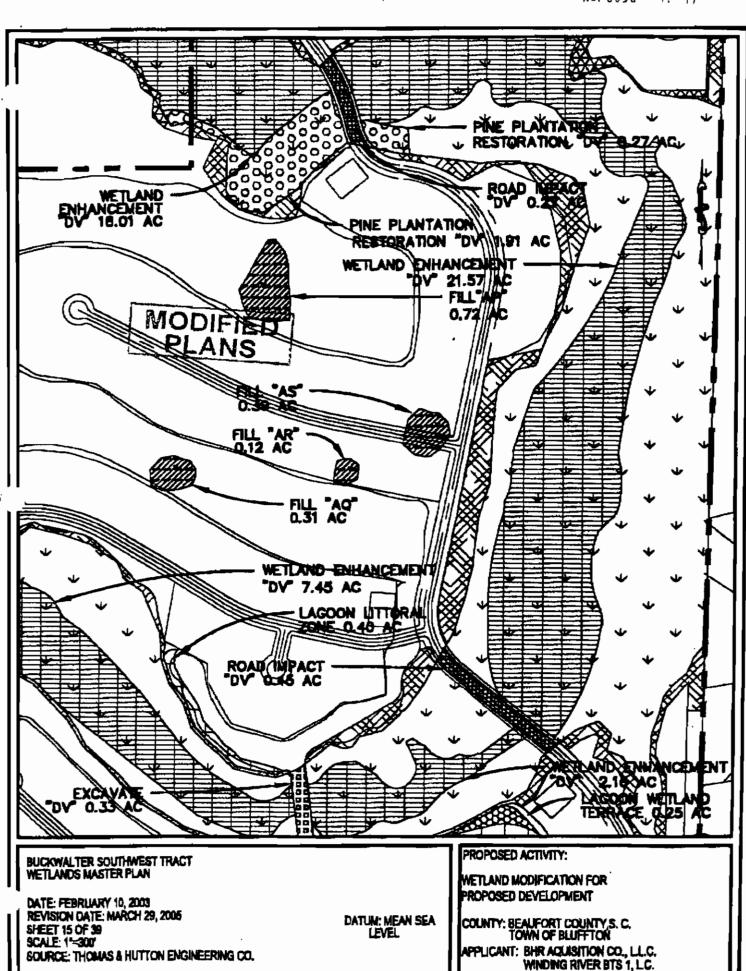
LEVEL

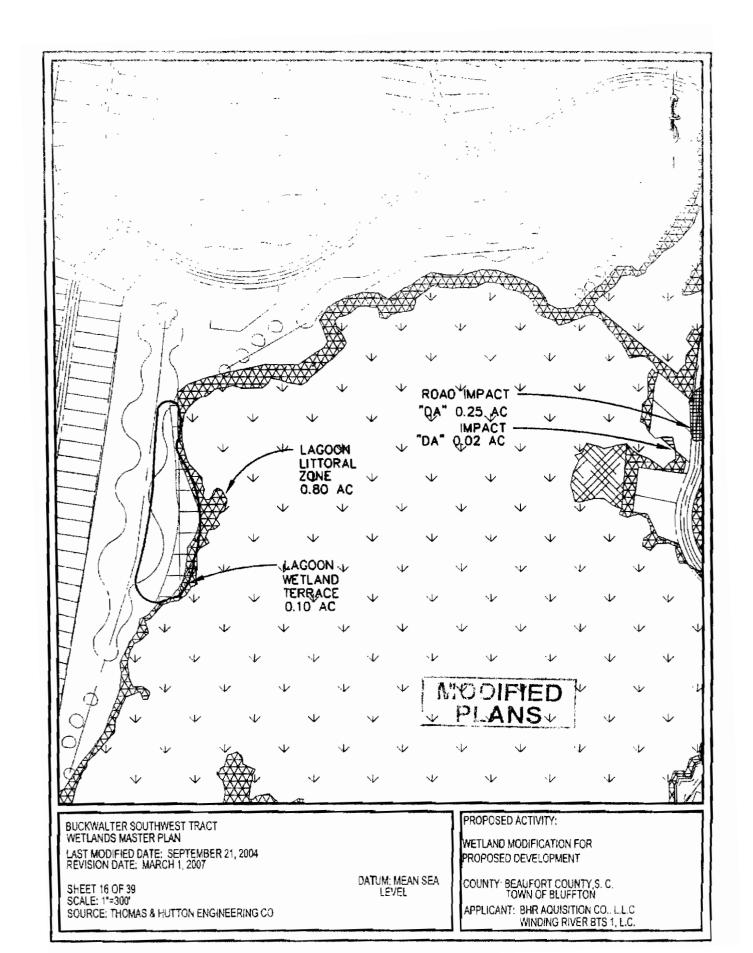
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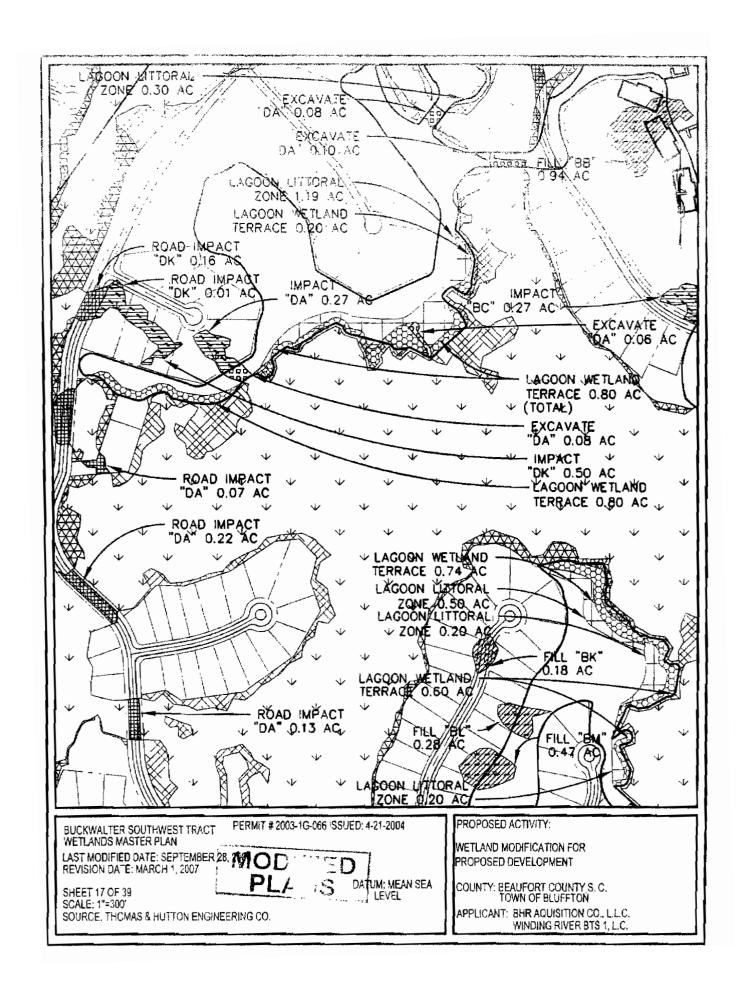
PROPOSED ACTIVITY:

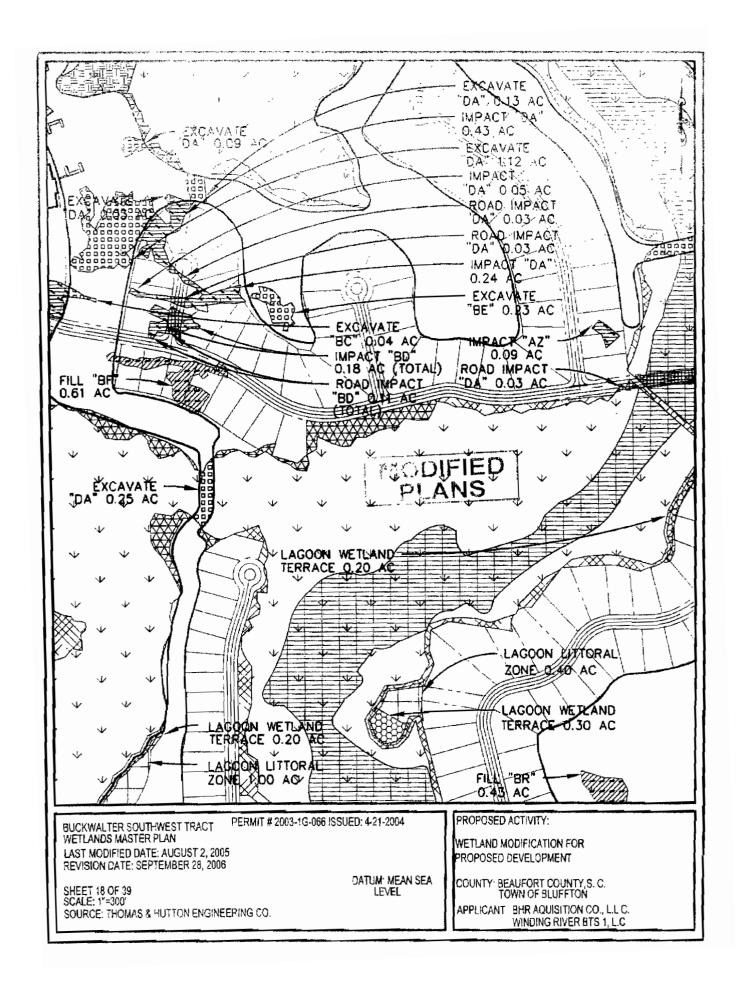
WETLAND MODIFICATION FOR PROPOSED DEVELOPMENT

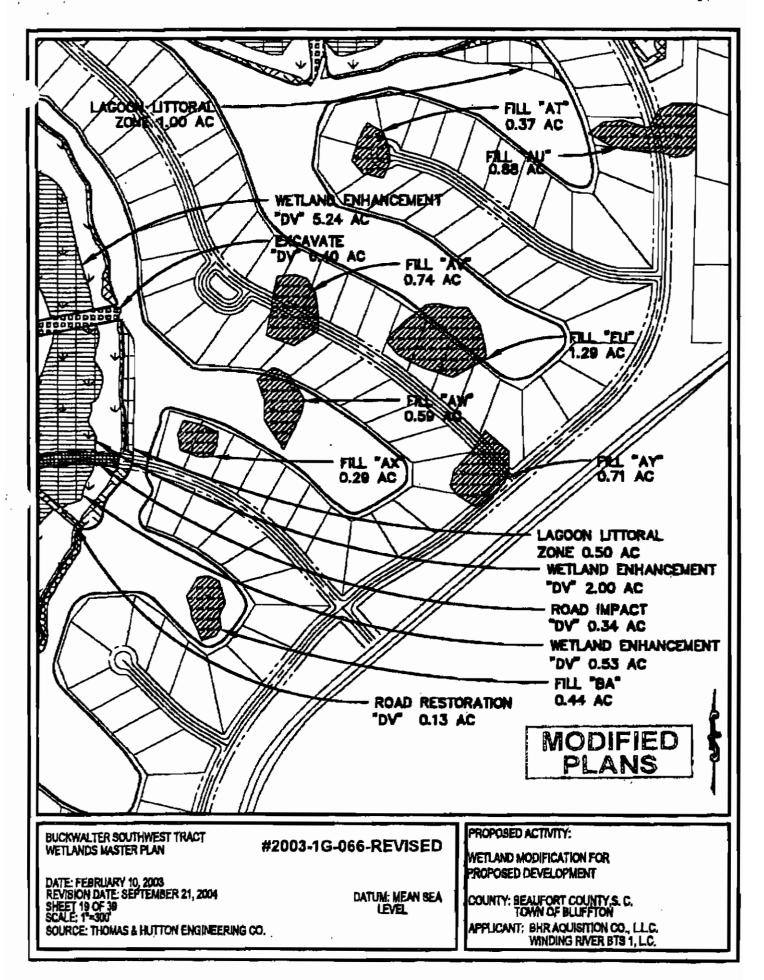
COUNTY: BEAUFORT COUNTY,S. C. TOWN OF BLUFFTON

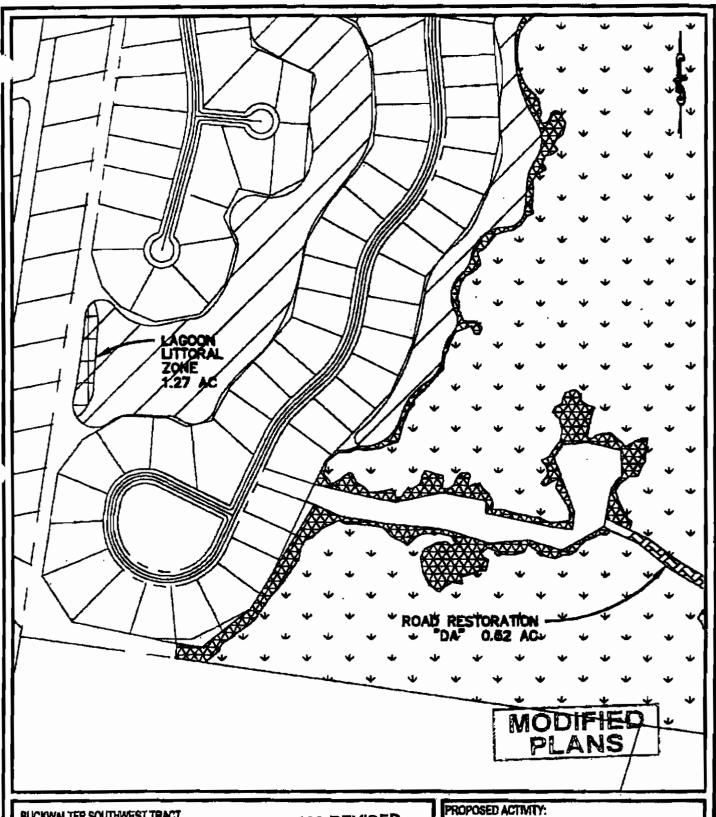












DATE: FEBRUARY 10, 2003 REVISION DATE: SEPTEMBER 21, 2004

SHEET 20 OF 39 SCALE: 1"=300"

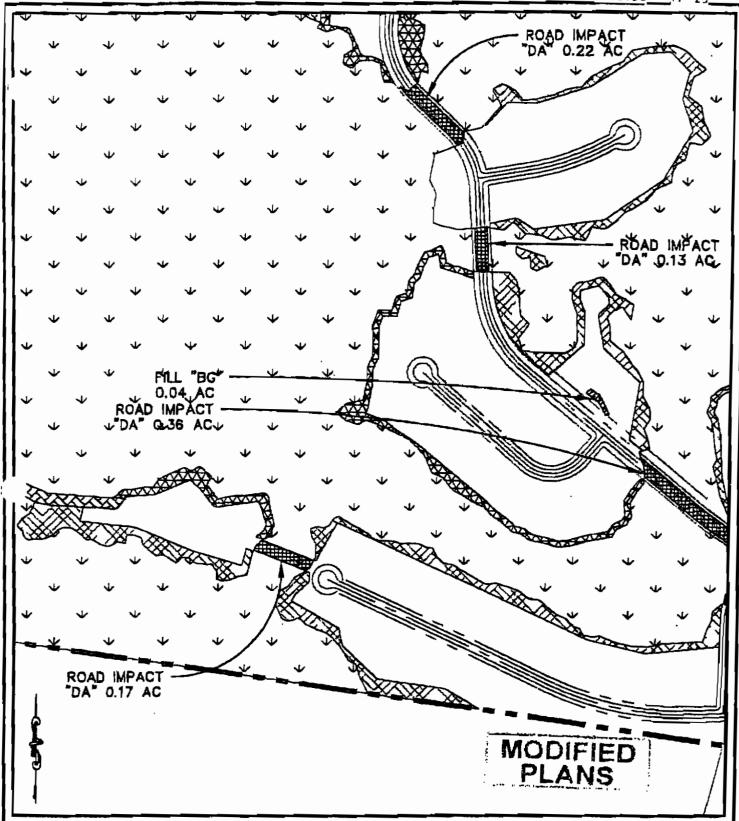
SOURCE: THOMAS & HUTTON ENGINEERING CO.

#2003-1G-066-REVISED

WETLAND MODIFICATION FOR PROPOSED DEVELOPMENT DATUM; MEAN SEA LEVEL

COUNTY: BEAUFORT COUNTY S. C. TOWN OF BLUFFTON

No. 6058\_\_\_P. 23\_



BUCKWALTER SOUTHWEST TRACT

WETLANDS MASTER PLAN DATE: SEPTEMBER 21, 2004 REVISED: AUGUST 2, 2005

SHEET 21 OF 39

SCALE: 1">300"

SOURCE: THOMAS & HUTTON ENGINEERING CO.

PERMIT # 2003-1G-066 ISSUED: 4-21-2004

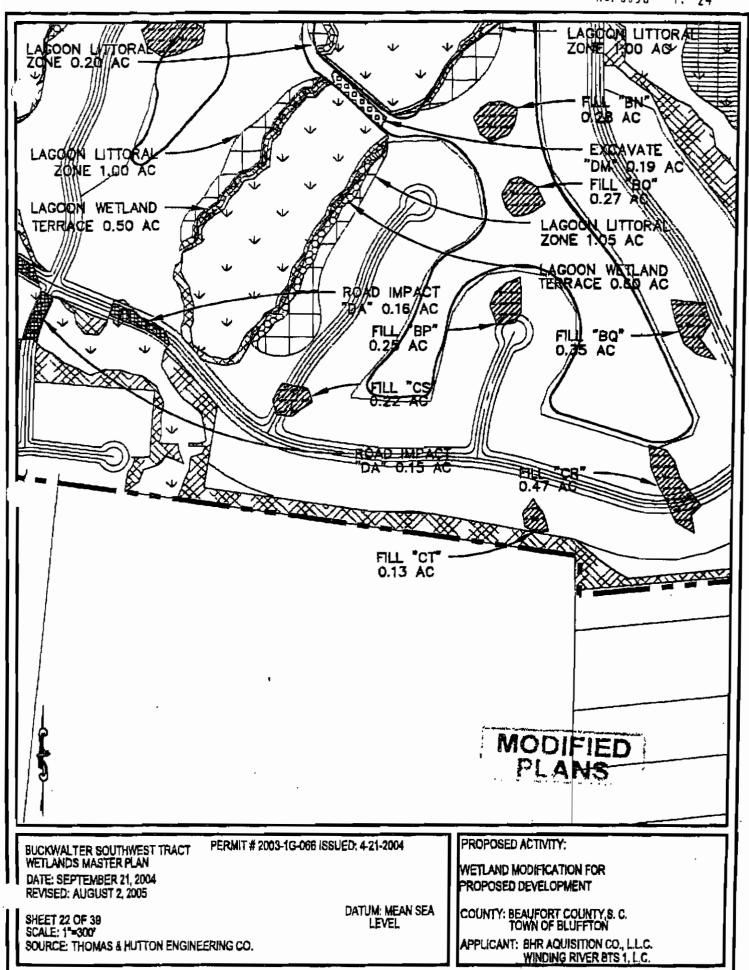
DATUM: MEAN SEA LEVEL

WETLAND MODIFICATION FOR PROPOSED DEVELOPMENT

PROPOSED ACTIVITY:

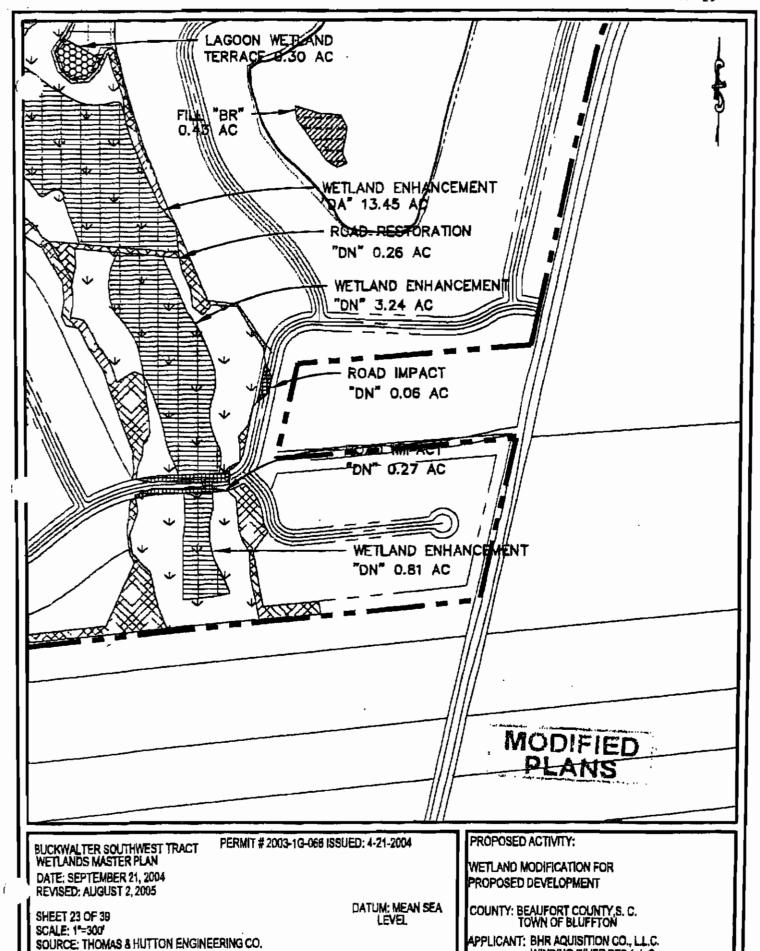
COUNTY: BEAUFORT COUNTY,S. C. TOWN OF BLUFFTON

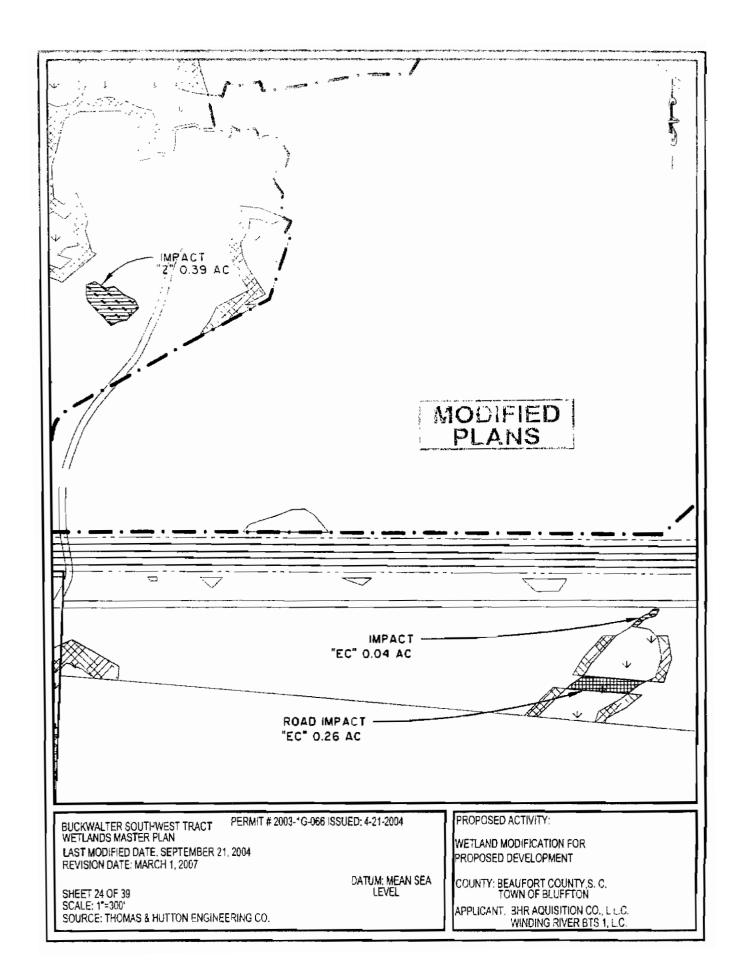
No. 6058 P. 24

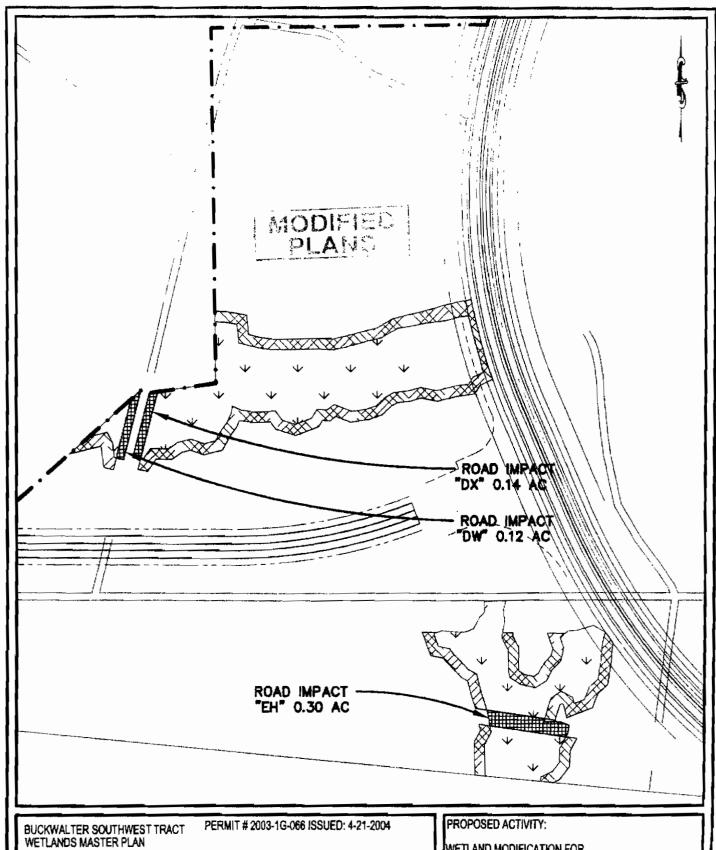


No. 6058 P. 25

WINDING RIVER BTS 1, L.C.







LAST MODIFIED DATE: SEPTEMBER 21 2004 REVISION DATE: SEPTEMBER 28, 2006 DATUM: MEAN SEA LEVEL

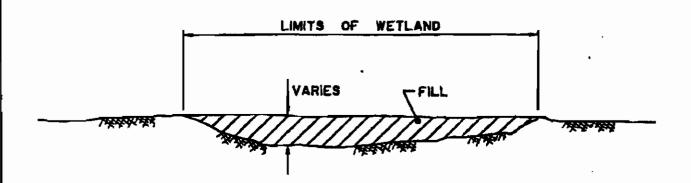
**SHEET 25 OF 39** SCALE: 1"=300"

SOURCE: THOMAS & HUTTON ENGINEERING CO.

WETLAND MODIFICATION FOR PROPOSED DEVELOPMENT

COUNTY: BEAUFORT COUNTY S. C. TOWN OF BLUFFTON

TOTAL CU. YDS. OF IMPACT = 25,071 CY. TOTAL CU. YDS. OF EXCAVATION = 58,564 CY.



WETLAND FILL SECTION NOT TO SCALE



BUCKWALTER SOUTHWEST TRACT #2003-1G-066-REVISED

DATE: FEBRUARY 10, 2003 REVISION DATE: SEPTEMBER 21, 2004 SHEET 26 OF 39

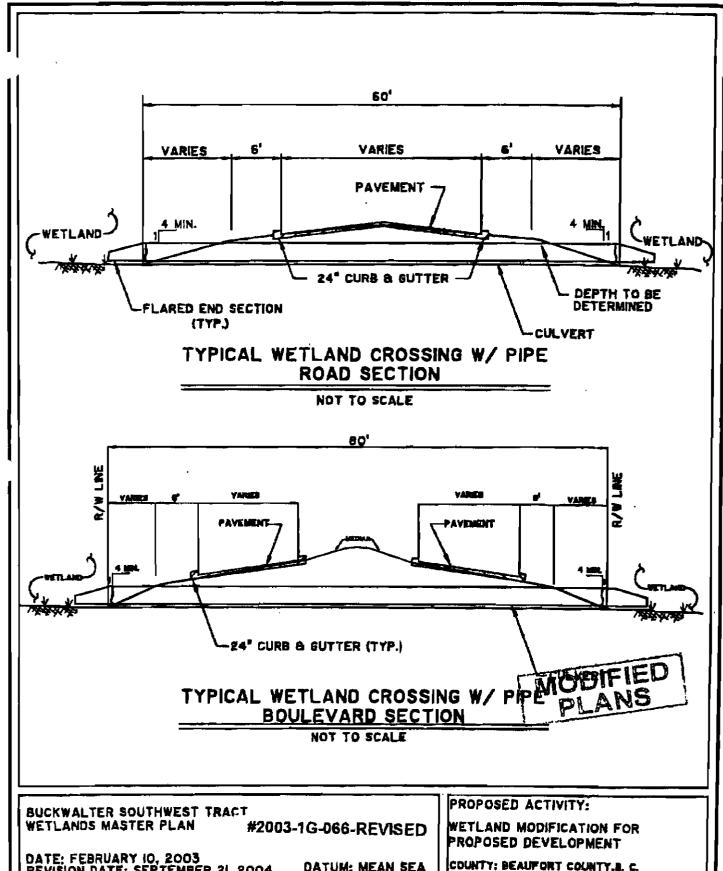
DATUM: MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY:

WETLAND MODIFICATION FOR PROPOSED DEVELOPMENT

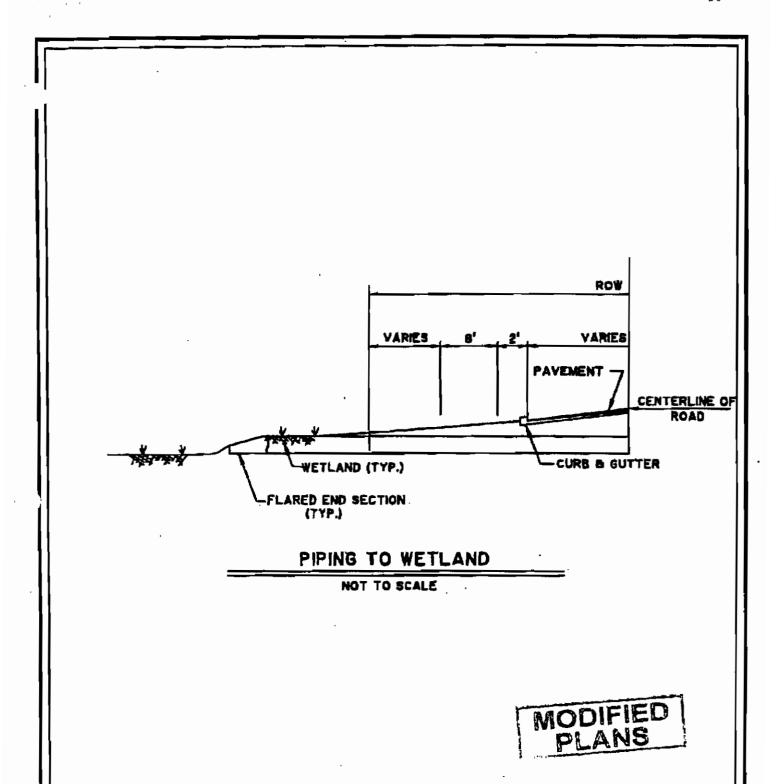
COUNTY: BEAUFORT COUNTY, S. C. TOWN OF BLUFFTON



DATE: FEBRUARY 10, 2003 REVISION DATE: SEPTEMBER 21, 2004 DATUM: MEAN SEA LEVEL **SHEET 27 OF 39** 

SOURCE: THOMAS & HUTTON ENGINEERING CO.

COUNTY; BEAUFORT COUNTY,B. C. TOWN OF BLUFFTON



#2003-1G-066-REVISED

DATE: FEBRUARY 10, 2003 REVISION DATE: SEPTEMBER 21, 2004 SHEET 28 OF 39

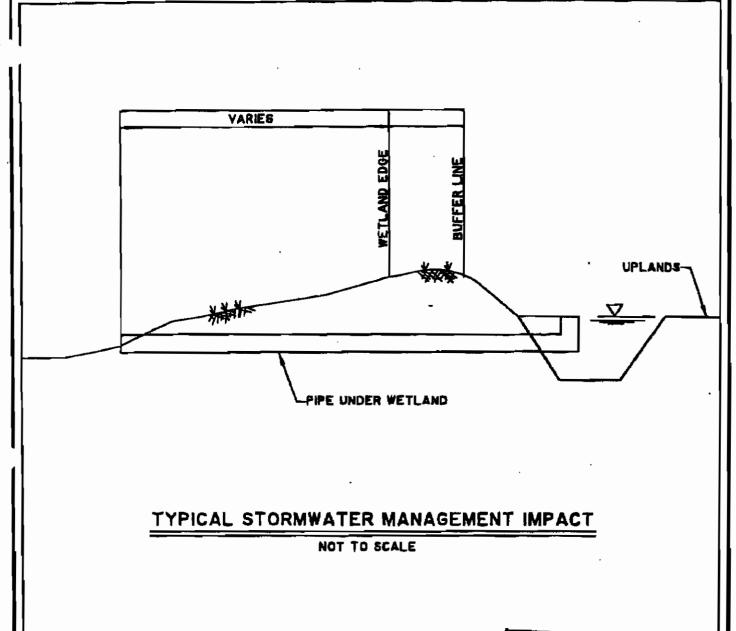
DATUM: MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY:

WETLAND MODIFICATION FOR PROPOSED DEVELOPMENT

COUNTY: BEAUFORT COUNTY, B. C. TOWN OF BLUFFTOR



#2003-1G-066-REVISED

DATE: FEBRUARY 10, 2003

DATUM: MEAN SEA REVISION DATE: SEPTEMBER 21, 2004 LEVEL

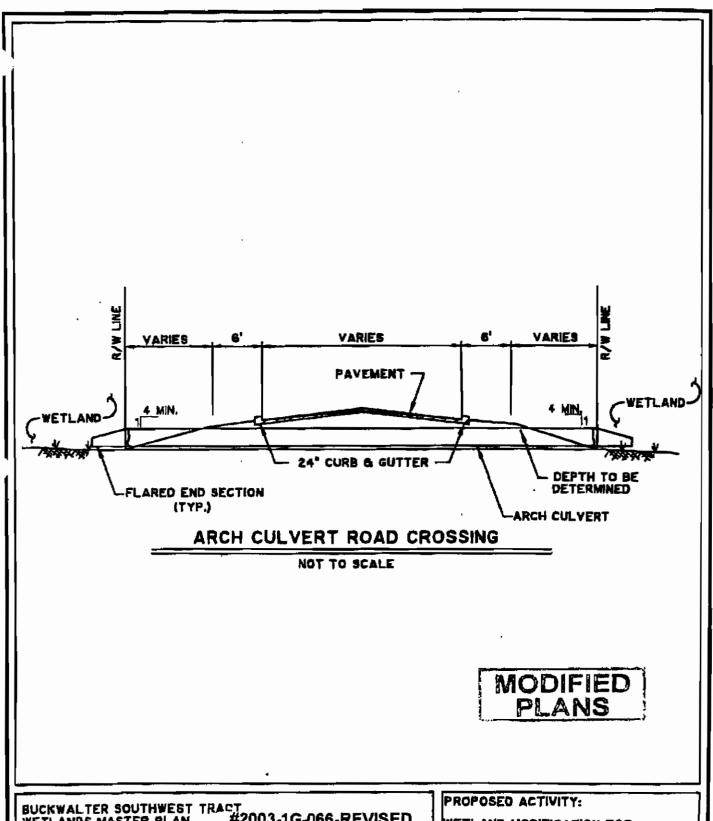
SHEET 29 OF 39

SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY:

WETLAND MODIFICATION FOR PROPOSED DEVELOPMENT

COUNTY: BEAUFORT COUNTY,S. C. TOWN OF BLUFFTON



BUCKWALTER SOUTHWEST TRACT
#2003-1G-066-REVISED

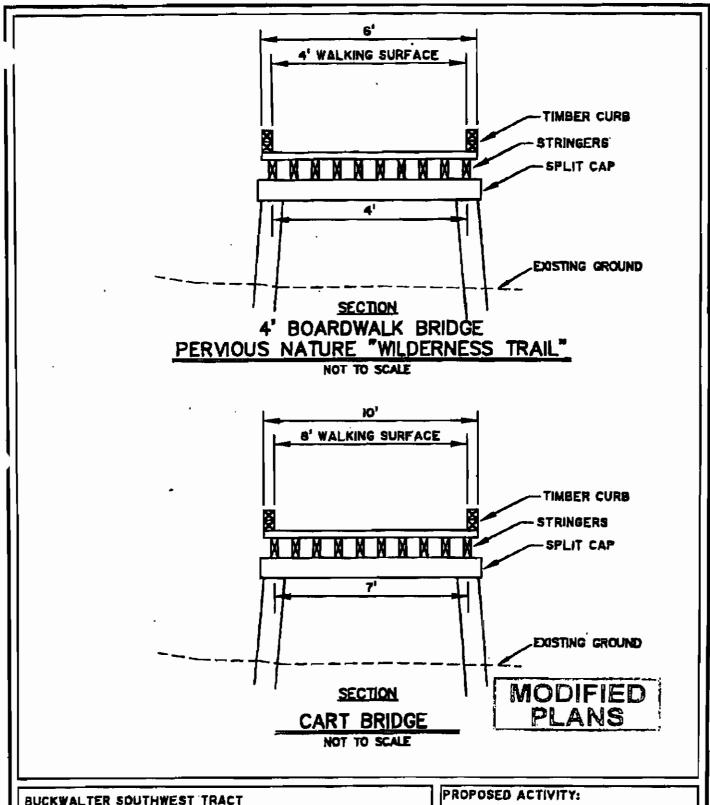
DATE: FEBRUARY 10, 2003 REVISION DATE: SEPTEMBER 21, 2004 SHEET 30 OF 39

DATUM: MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

WETLAND MODIFICATION FOR PROPOSED DEVELOPMENT

COUNTY: BEAUFORT COUNTY, S. C. TOWN OF BLUFFTON



#2003-1G-066-REVISED

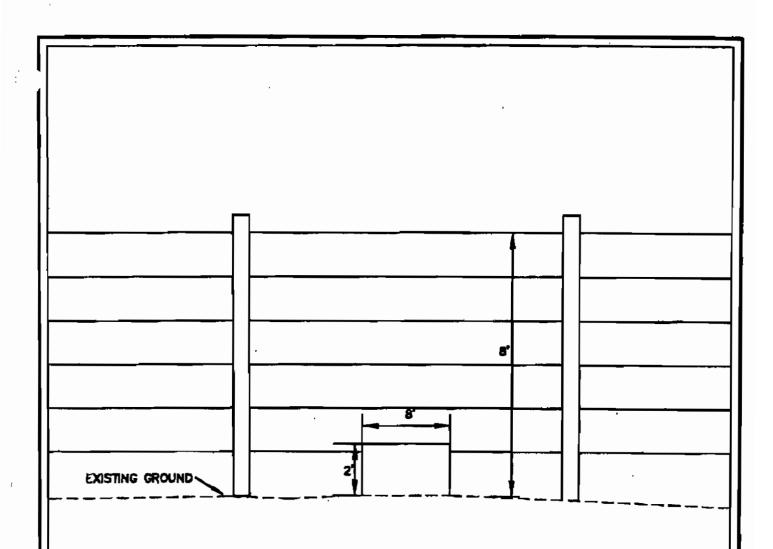
DATE: FEBRUARY 10, 2003 REVISION DATE: SEPTEMBER 21, 2004 SHEET 31 OF 39 DATUM: MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

WETLAND MODIFICATION FOR PROPOSED DEVELOPMENT

COUNTY: BEAUFORT COUNTY,S. C.

TOWN OF BLUFFTON



SECTION

FENCE DETAIL NOT TO SCALE

MODIFIED PLANS

BUCKWALTER SOUTHWEST TRACT WETLANDS MASTER PLAN

#2003-1G-066-REVISED

DATE: FEBRUARY IO, 2003 REVISION DATE: SEPTEMBER 21, 2004 8HEET 32 OF 39 DATUM: MEAN SEA LEVEL

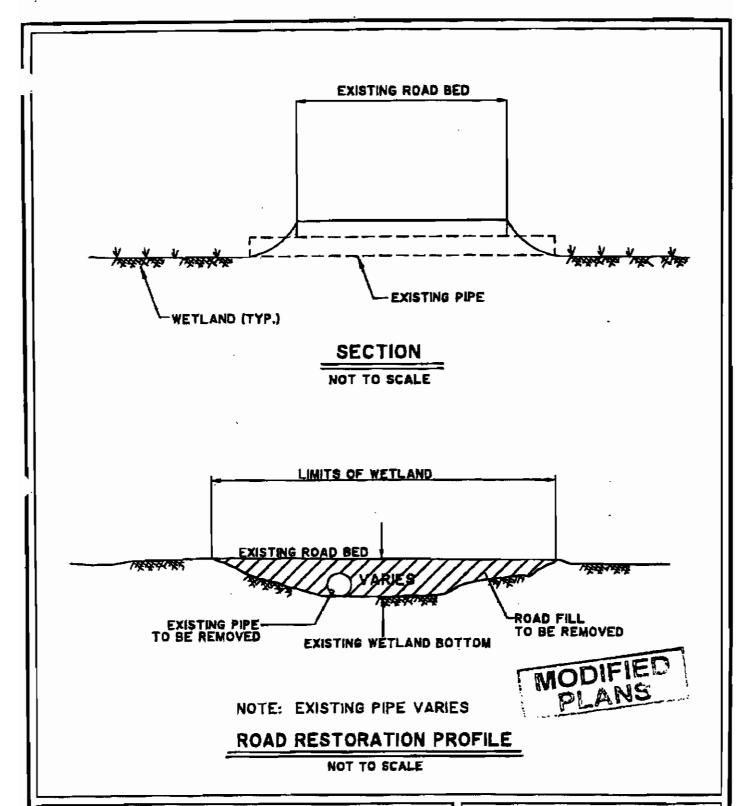
SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY:

WETLAND MODIFICATION FOR PROPOSED DEVELOPMENT

COUNTY: BEAUFORT COUNTY.S. C.

TOWN OF BLUFFTON



BUCKWALTER SOUTHWEST TRACT

WETLANDS MASTER PLAN

#2003-1G-066-REVISED

DATE: FEBRUARY 10, 2003 REVISION DATE: SEPTEMBER 21, 2004 SHEET 33 OF 39

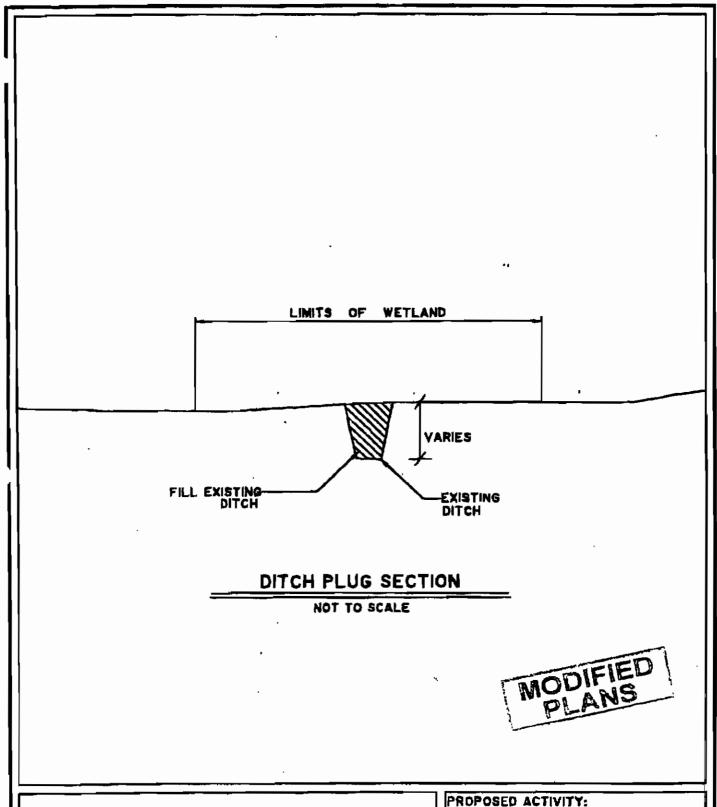
DATUM: MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY:

WETLAND MODIFICATION FOR PROPOSED DEVELOPMENT

COUNTY: BEAUFORT COUNTY, S. C. TOWN OF BLUFFTON



DATUM: MEAN SEA LEVEL

BUCKWALTER SOUTHWEST TRACT WETLANDS MASTER PLAN #2003-1G-066-REVISED

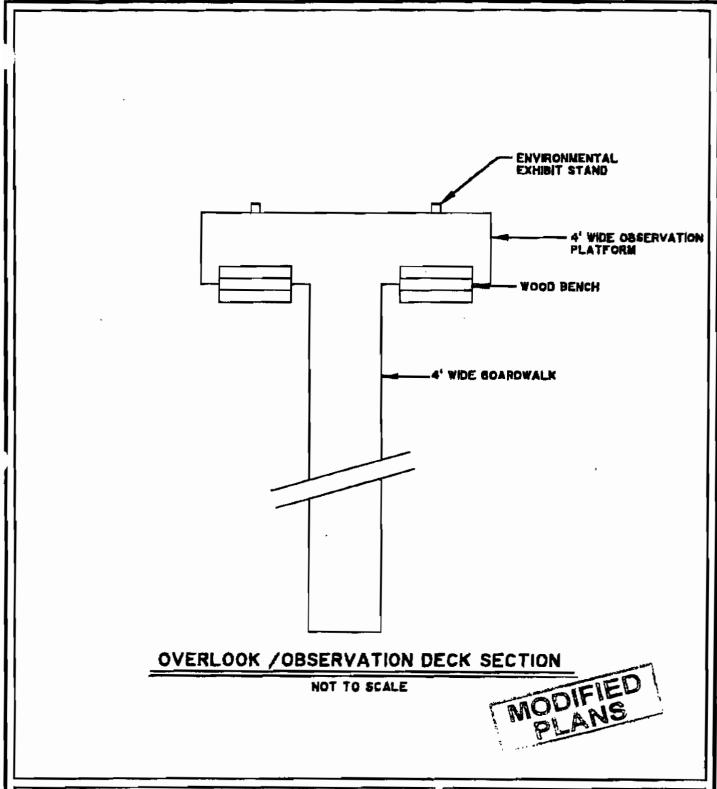
DATE: FEBRUARY IO, 2003 REVISION DATE: SEPTEMBER 21, 2004 SHEET 34 OF 39

SOURCE: THOMAS & HUTTON ENGINEERING CO.

WETLAND MODIFICATION FOR PROPOSED DEVELOPMENT

COUNTY: BEAUFORT COUNTY & C.

No. 6058 P. 37



BUCKWALTER SOUTHWEST TRACT #2003-1G-066-REVISED WETLANDS MASTER PLAN

DATE: FEBRUARY IO, 2003 REVISION DATE: SEPTEMBER 21, 2004 SHEET 35 OF 39

DATUM: MEAN SEA

LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

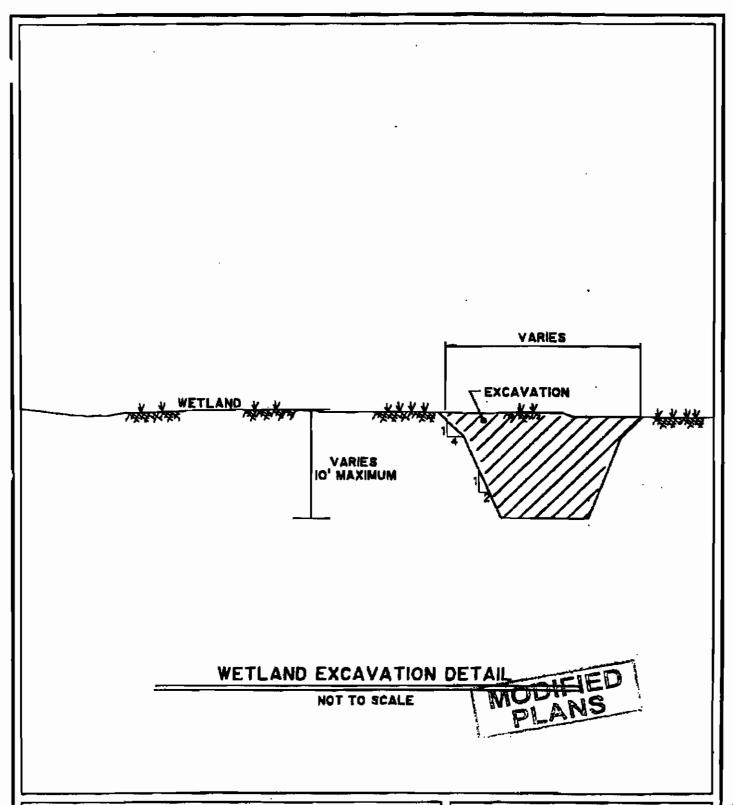
PROPOSED ACTIVITY:

WETLAND MODIFICATION FOR PROPOSED DEVELOPMENT

COUNTY: BEAUFORT COUNTY.S. C. TOWN OF BLUFFTON

APPLICANT: BHR AQUISITION CO., L.L.C.

WINDING RIVER BTS !, L.C.



BUCKWALTER SOUTHWEST TRACT

WETLANDS MASTER PLAN #2003-1G-066-REVISED

DATE: FEBRUARY ID, 2003 REVISION DATE: SEPTEMBER 21, 2004 SHEET 36 OF 39

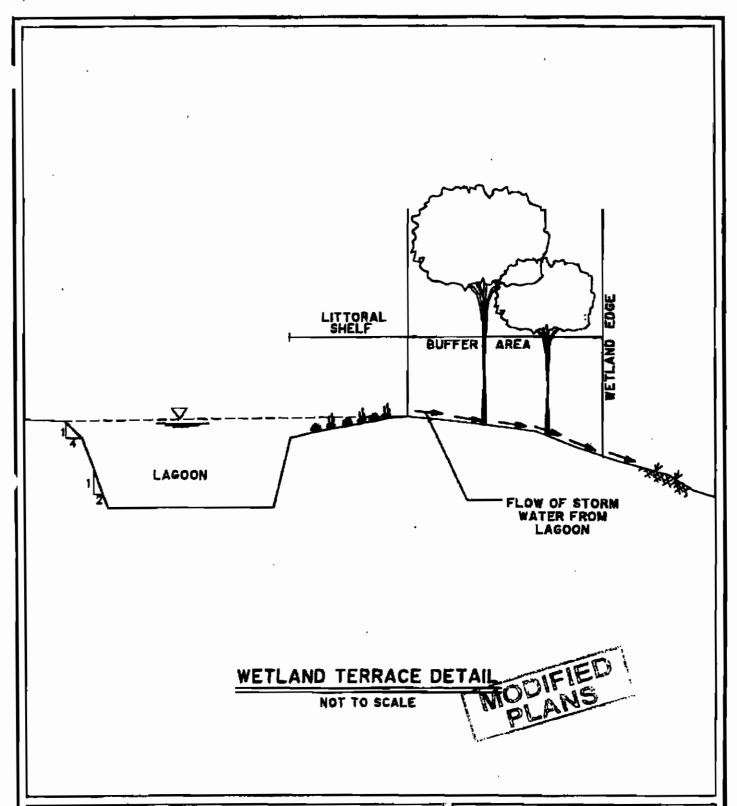
DATUM: MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY:

WETLAND MODIFICATION FOR PROPOSED DEVELOPMENT

COUNTY: BEAUFORT COUNTY,S. C. TOWN OF BLUFFTON



BUCKWALTER SOUTHWEST TRACT

WETLANDS MASTER PLAN

#2003-1G-066-REVISED

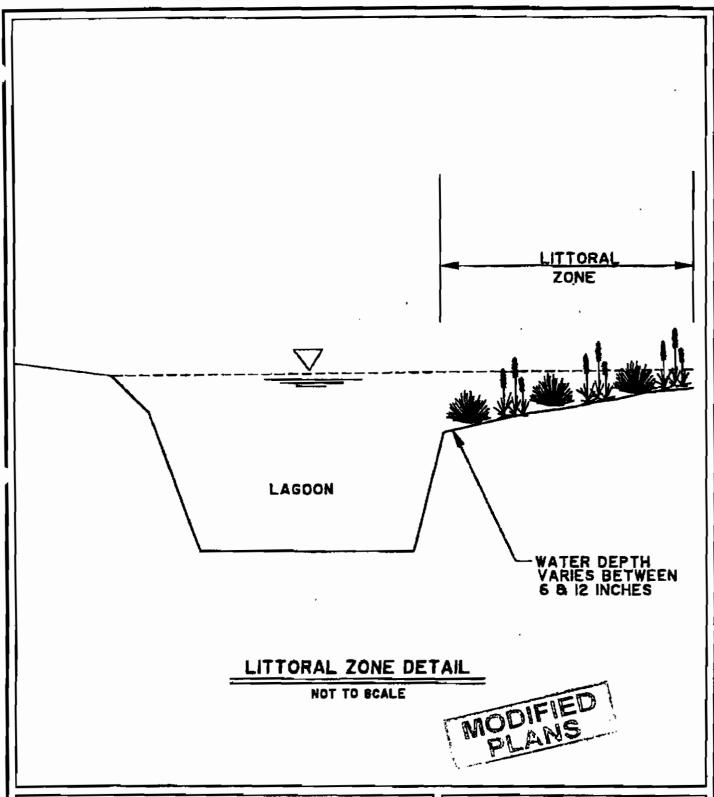
DATE: FEBRUARY 10, 2003 REVISION DATE: SEPTEMBER 21, 2004 SHEET 37 OF 39 DATUM: MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY:

WETLAND MODIFICATION FOR PROPOSED DEVELOPMENT

COUNTY: BEAUFORT COUNTY, B. C. TOWN OF BLUFFTON



#2003-1G-066-REVISED

DATE: FEBRUARY 10, 2003 REVISION DATE: SEPTEMBER 21, 2004 SHEET 38 OF 39

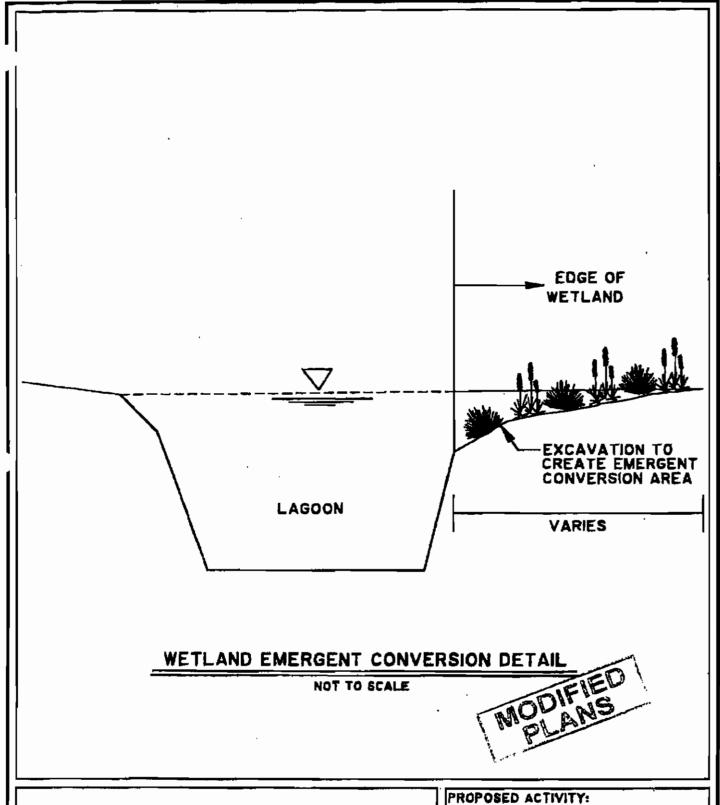
DATUM: MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY:

WETLAND MODIFICATION FOR PROPOSED DEVELOPMENT

COUNTY: BEAUFORT COUNTY, S. C. TOWN OF BLUFFTON



#2003-1G-066-REVISED

DATUM: MEAN SEA LEVEL

DATE: FEBRUARY 10, 2003 REVISION DATE: SEPTEMBER 21, 2004 SHEET 39 OF 39

SOURCE: THOMAS & HUTTON ENGINEERING CO.

WETLAND MODIFICATION FOR PROPOSED DEVELOPMENT

GOUNTY: BEAUFORT COUNTY.S. C. Town of Bluffton