

DEPARTMENT OF THE ARMY PERMIT

Permittee: BERKELEY COUNTY

**1003 HIGHWAY 52
MONCK'S CORNER, SC 29461**

Permit No: SAC- 2015-0476-SIR

Issuing Office: CHARLESTON DISTRICT

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

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

Project Description:

The proposed work consists of placing 670,705 cubic yards of clean fill material in 192.94 acres, land clearing of 16.90 acres, excavating of 2.65 acres, and shading of 2.91 acres of wetlands and other waters to construct Phases 1 and 2 of the proposed project. As mitigation for the proposed impacts to wetlands and waters, the applicant proposes the Project Soter—Landscape Mitigation Plan to preserve, enhance, and ecologically restore approximately 1,533 acres of wetlands within approximately 2,496 acres of property to be permanently protected in the Dean Swamp and Walnut Branch watersheds, tributaries of Four Hole Swamp that are defined by the National Audubon Society as critical priority areas in need of protection in accordance with the attached drawings entitled: Project Soter; Project Activity: Wetland fill; Client: Berkeley County Economic Development; Location: Berkeley County, SC. Sheets 1 thru 35 of 35 dated April 2, 2015.

Project Location:

The proposed project is located in waters near and adjacent to Timothy Creek at a location near Interstate 26 Exit 187 at US Highway 27 N in Berkeley County, South Carolina. Latitude North: 33.138333°, Longitude West: -80.248333°

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **30 September 2050**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

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

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

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

Special Conditions:

SEE PAGES 4 AND 5.

Further Information:

1. 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.

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

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

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

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

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

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.

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



(PERMITTEE)

BERKELEY COUNTY

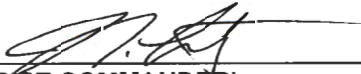
7/9/15

(DATE)



PRINT NAME

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



(DISTRICT COMMANDER)

JOHN T. LITZ, PMP, LTC

or his designee

Tina B. Hadden

Chief, Regulatory Division

09 JUL 15

(DATE)

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

(TRANSFEREE)

(DATE)

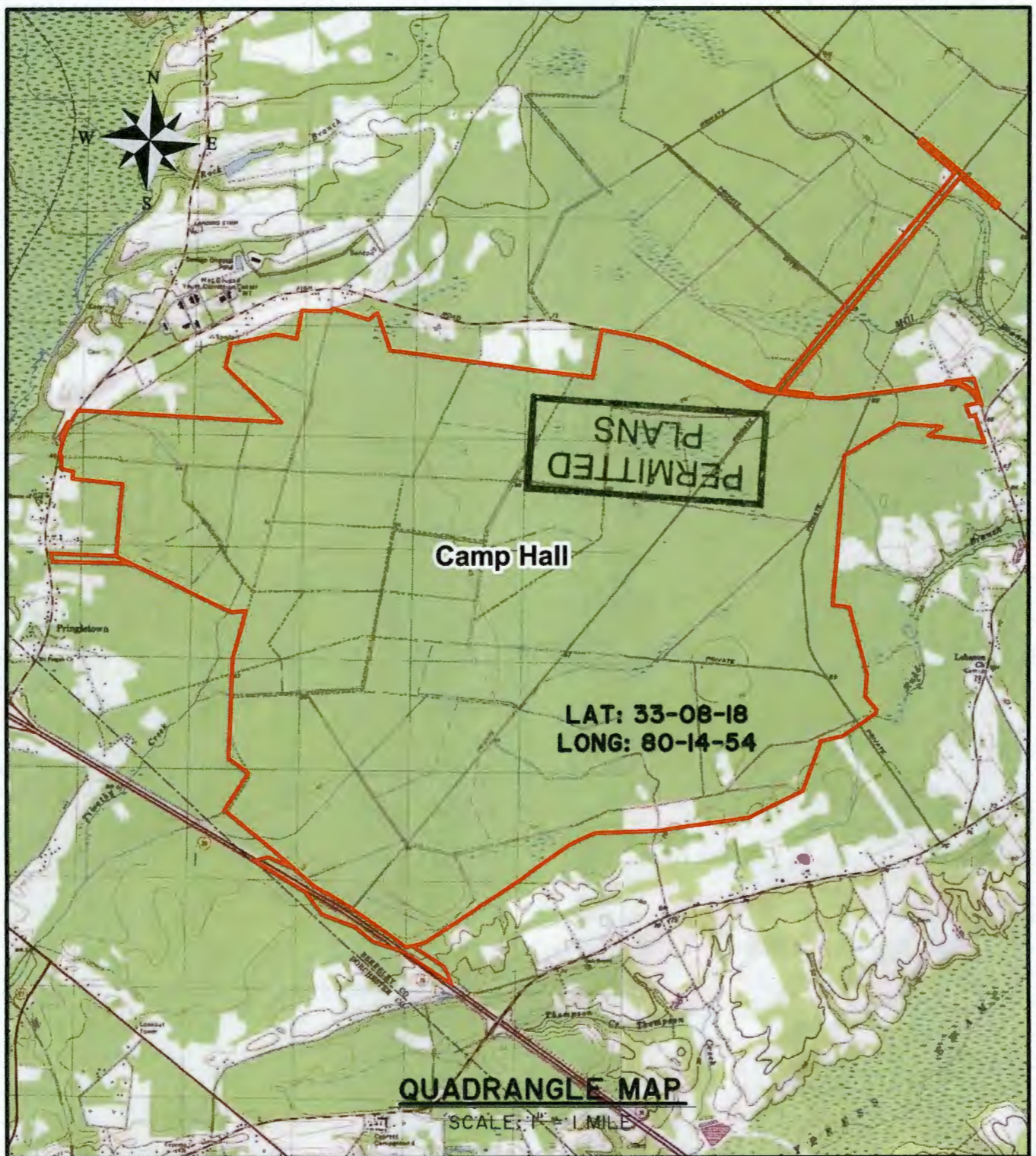
CONDITIONS FOR PERMIT #: SAC-2015-0476-SIR

- 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 toward 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 as compensatory mitigation to offset impacts to aquatic resources, the permittee will implement and fully comply with the "Project Soter – Landscape Mitigation Plan" dated April 10, 2015 (revised July 8, 2015) (the Plan), including the provision to provide \$1.5 million into an escrow account to be held by Lord Berkeley Conservation Trust, and to also provide a Corps-approved performance bond as financial assurance for the mitigation activities proposed in the Plan. Your responsibility to complete the Plan as set forth in this Special Condition will not be considered fulfilled until you have demonstrated mitigation success and have received written verification from the U.S. Army Corps of Engineers (Corps).
 2. The permittee understands and agrees that a Corps-approved performance bond must be in place prior to commencement of the authorized work, and may not be terminated until the Corps verifies in writing that the compensatory mitigation requirement for the proposed project has been satisfied.
 3. That the permittee must submit evidence of execution and recording of the Corps-approved conservation easements and surveyed plat of the mitigation area to both the Corps and DHEC not later than 180 days from the effective date of this authorization, or prior to commencement of the authorized work, whichever is later.
- d. That the permittee agrees to utilize best management practices during construction and perform the work as proposed. The permittee must implement practices that will minimize erosion and migration of sediments on and off the project site during and after construction. These practices should include

the use of appropriate grading and sloping techniques, mulches, silt fences, or other devices capable of preventing erosion, migration of sediments and bank failure. All disturbed land surfaces and sloped areas affected by the project must be stabilized.

1. All necessary steps must be taken to prevent oil, tar, trash, debris, and other pollutants from entering the adjacent waters or wetlands.
 2. Land disturbing activities must avoid encroachment into any wetland areas outside the permitted impact area.
 3. Upon completion of construction activities, all disturbed areas, which are not paved, must be permanently stabilized with a vegetative cover. This may include sprigging trees, shrubs, vines or ground cover.
- e. That the permittee agrees that the drainage/conveyance system shall be designed by a licensed Professional Engineer (PE) and constructed by the permittee (or his designated assignee) to provide for the proper drainage of surface water of the drainage area of which it is a part, to permit the flow of natural or manmade watercourses, and to maintain positive drainage for adjacent properties. In addition, the drainage/conveyance system shall be sufficient to prevent any appreciable increase in water surface elevations or expansion/increases of the flood hazard area.
- f. That the permittee agrees to stop work and to notify this office immediately if any previously unknown historic or archaeological remains are discovered while accomplishing the activity authorized by this permit. The Corps will initiate the Federal, State, and/or Tribal 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.

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PROJECT SOTER

PROPOSED ACTIVITY:
WETLAND FILL

CLIENT:
BERKELEY COUNTY ECONOMIC DEVELOPMENT

LOCATION: BERKELEY COUNTY, SC

DATE: APRIL 2, 2015

JOB NUMBER: 25492

DRAWN BY: MAM

REVIEWED BY: MBS

SHEET: 1 of 35

SCALE: 1" = 1'

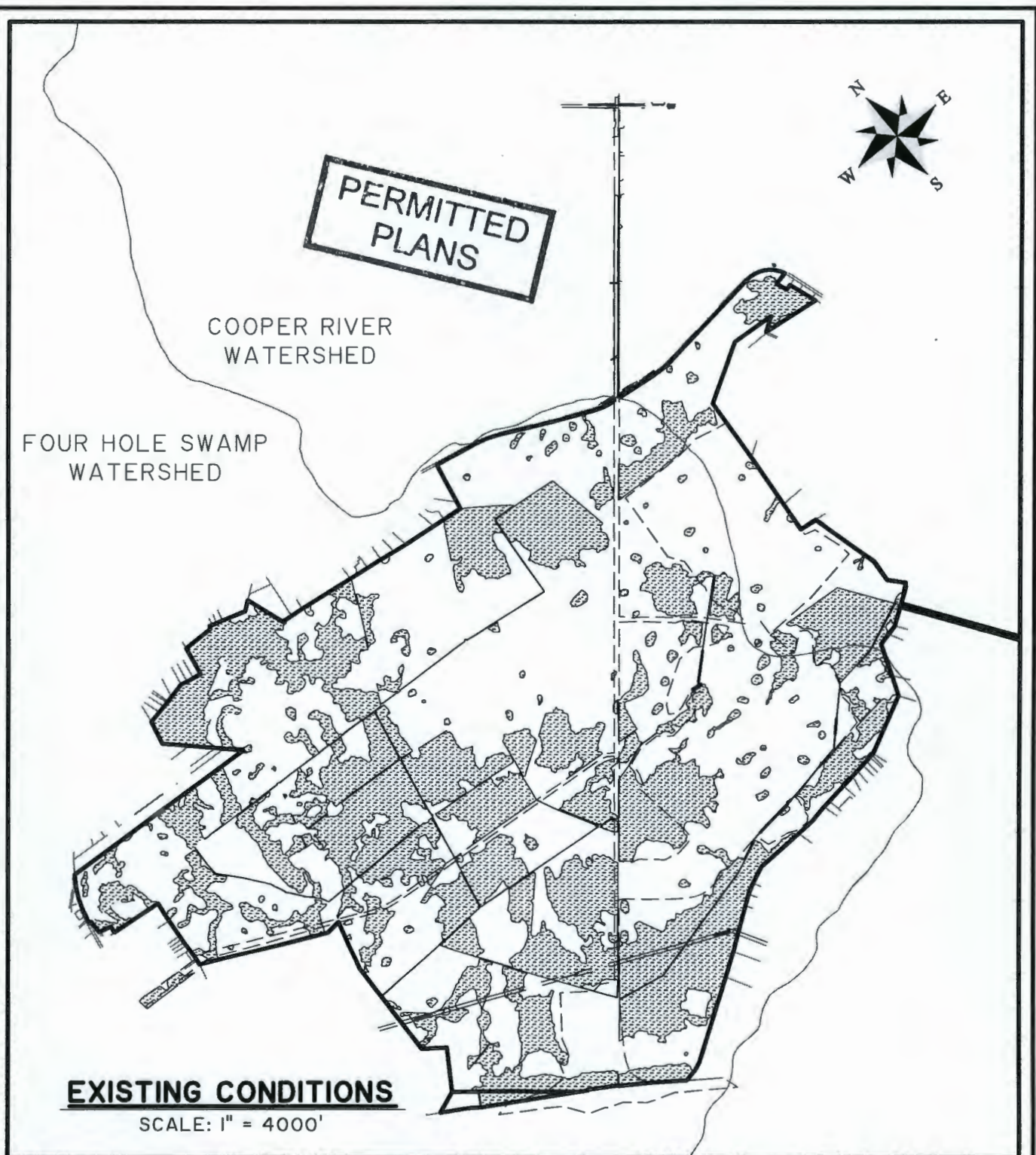


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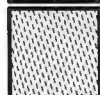
SHEET: 2 of 35
SCALE: 1" = 4000'



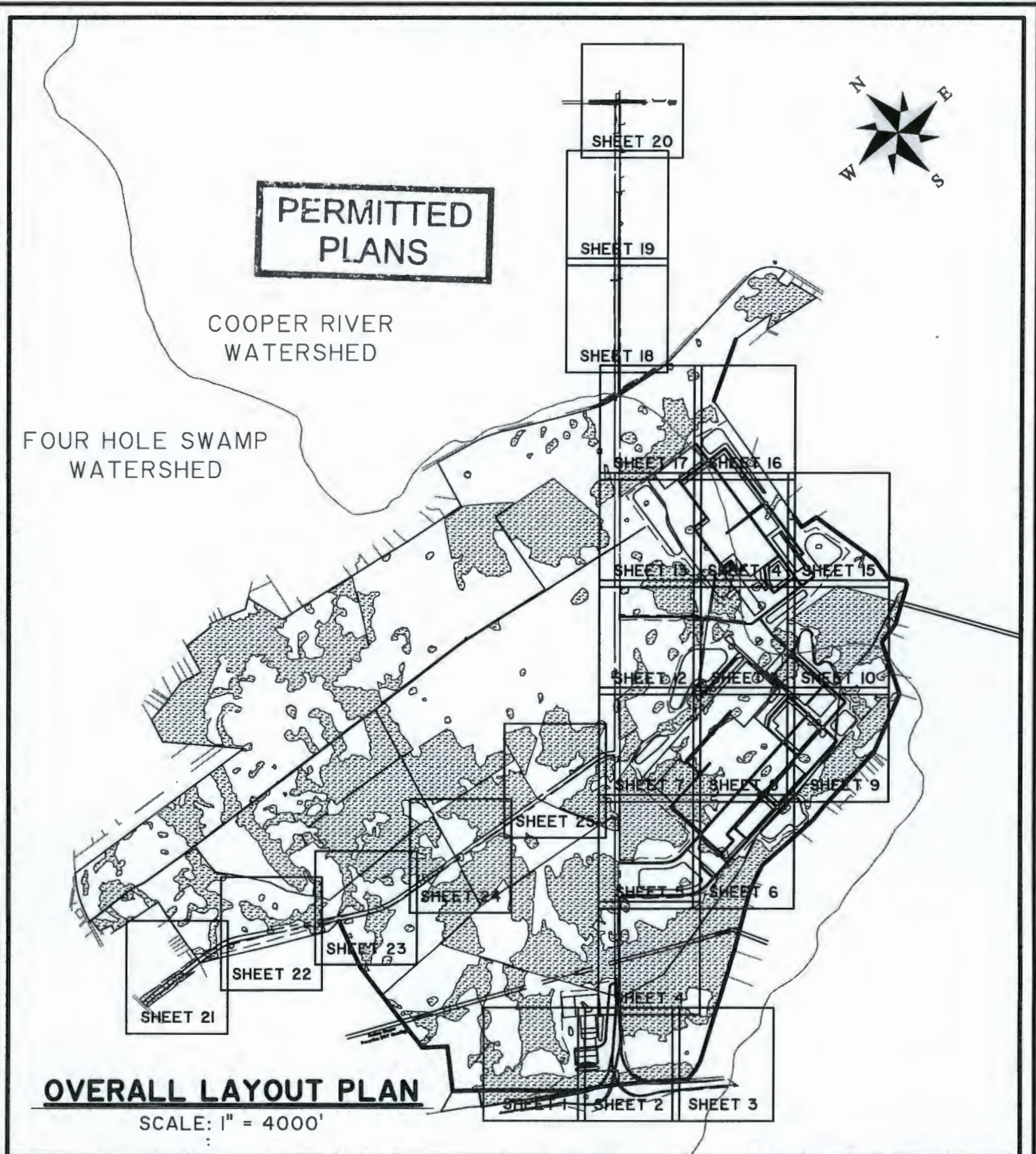
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**FILL
AREA****WATERS OF THE US IMPACT SUMMARY****EXCAVATION****NON JURISDICTIONAL****2.65 ACRES****JURISDICTIONAL****0 ACRES****TOTAL****2.65 ACRES****LAND CLEARING****0 ACRES****16.90 ACRES****16.90 ACRES****RPW FILL****0 ACRES****1.23 ACRES****1.23 ACRES****RPW EXCAVATION****0 ACRES****0.62 ACRES****0.62 ACRES****SHADING****0 ACRES****2.91 ACRES****2.91 ACRES****SITE DEVELOPMENT FILL****20.49 ACRES****171.22 ACRES****191.71 ACRES****TOTAL****23.14 ACRES****192.88 ACRES****216.02 ACRES****PROJECT SOTER****PROPOSED ACTIVITY:
WETLAND FILL****CLIENT:
BERKELEY COUNTY ECONOMIC DEVELOPMENT****LOCATION: BERKELEY COUNTY, SC****DATE: APRIL 2, 2015****JOB NUMBER: J-25492****DRAWN BY: MAM****REVIEWED BY: MBS****SHEET: 3 of 35****SCALE: N/A****THOMAS & HUTTON****Engineering | Surveying | Planning | GIS | Consulting****1501 Main Street • Suite 760
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REVIEWED BY: MBS

SHEET: 4 of 35

SCALE: 1" = 4000'

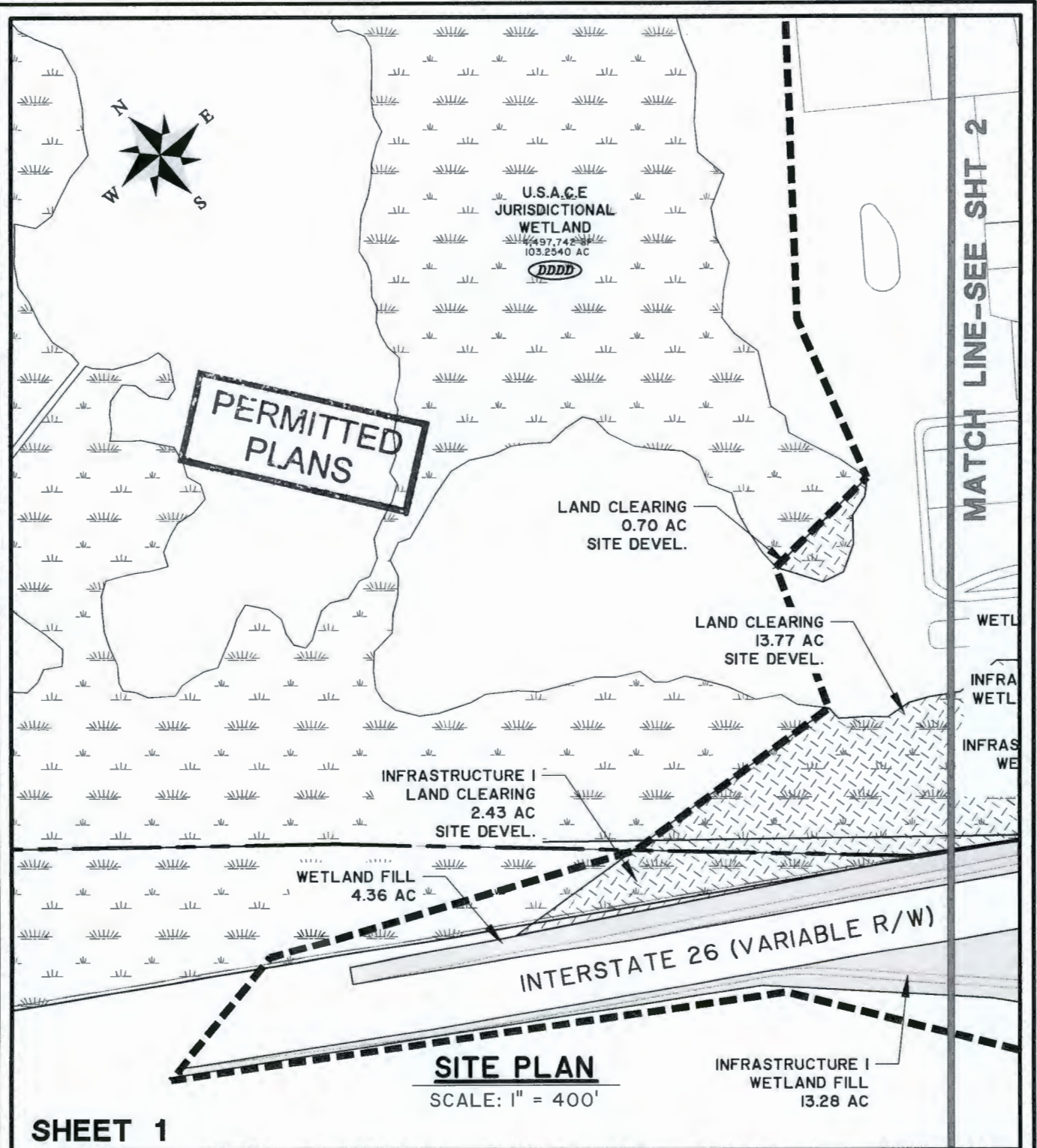


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SHEET 1

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REVIEWED BY: MBS

SHEET: 5 of 35

SCALE: 1" = 400'

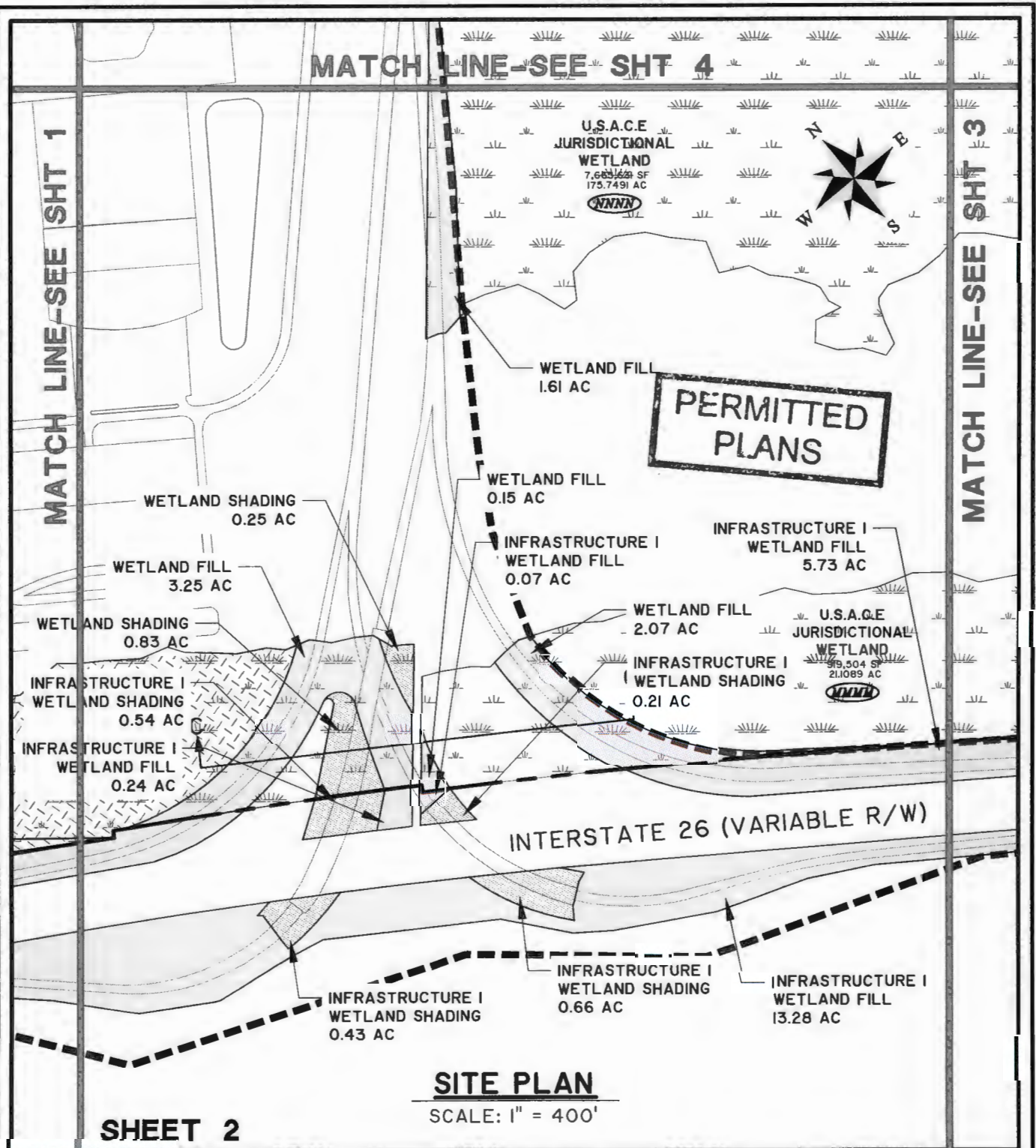


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SHEET: 6 of 35
SCALE: 1" = 400'

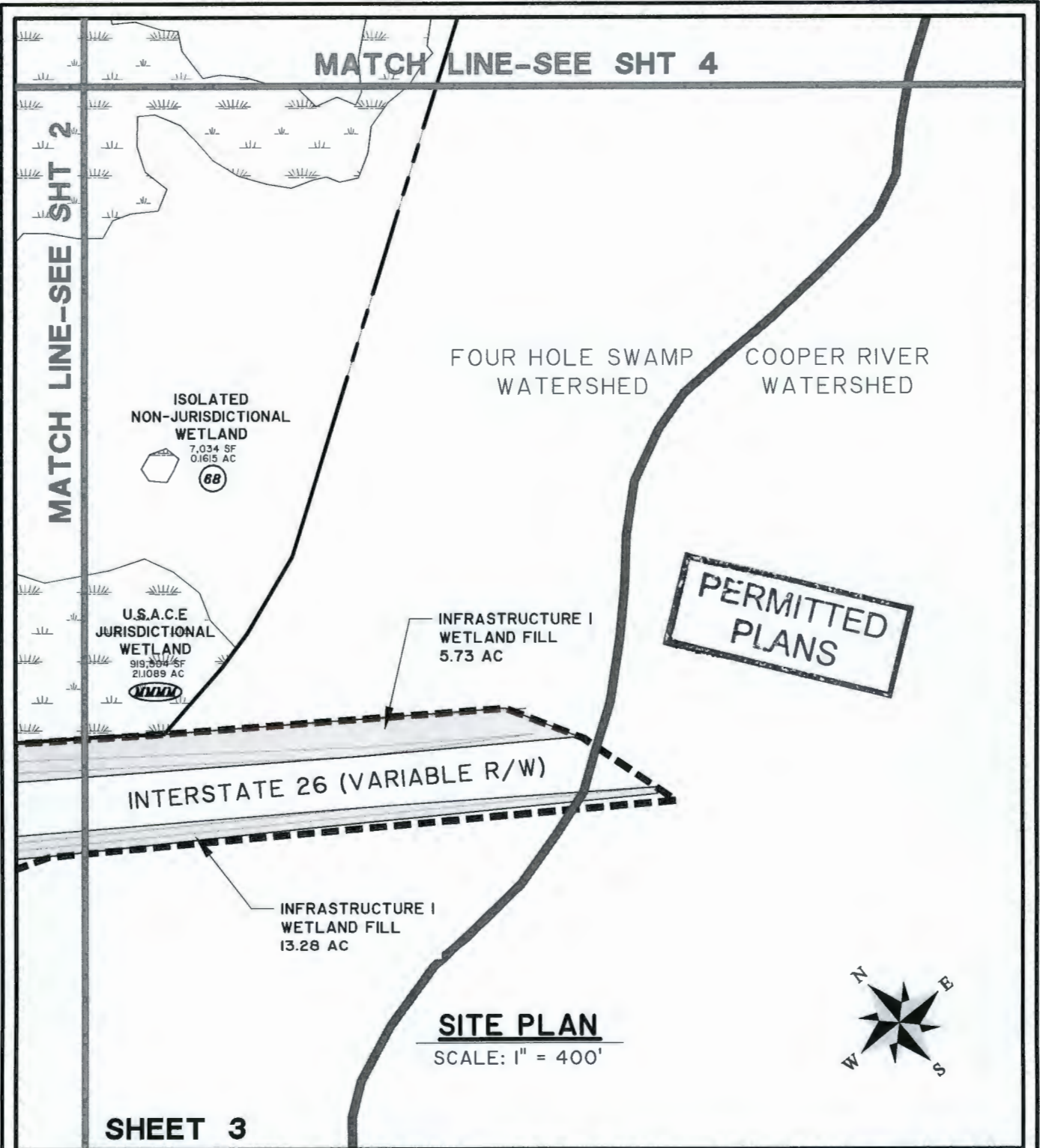


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SHEET: 7 of 35

SCALE: 1" = 400'

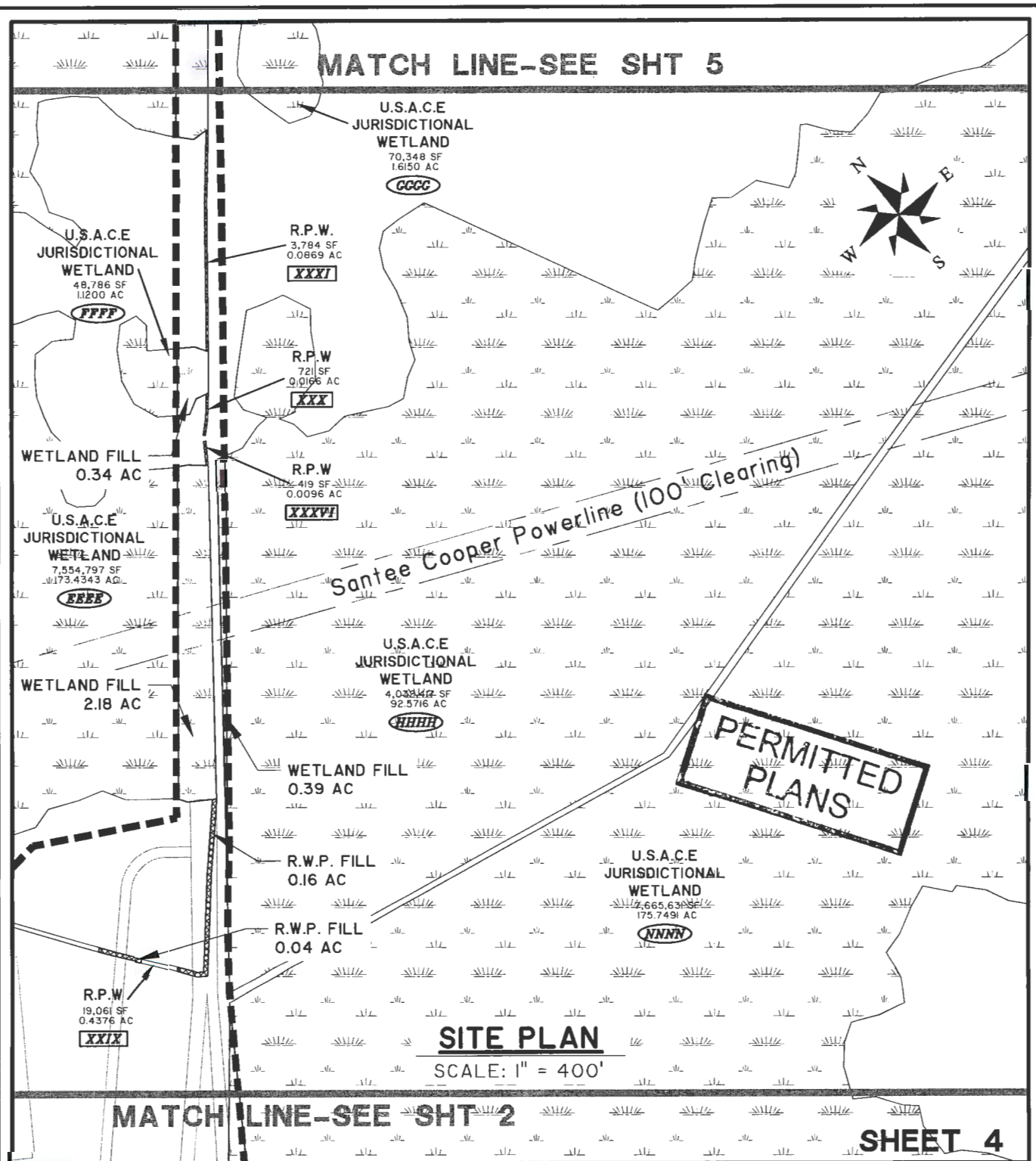


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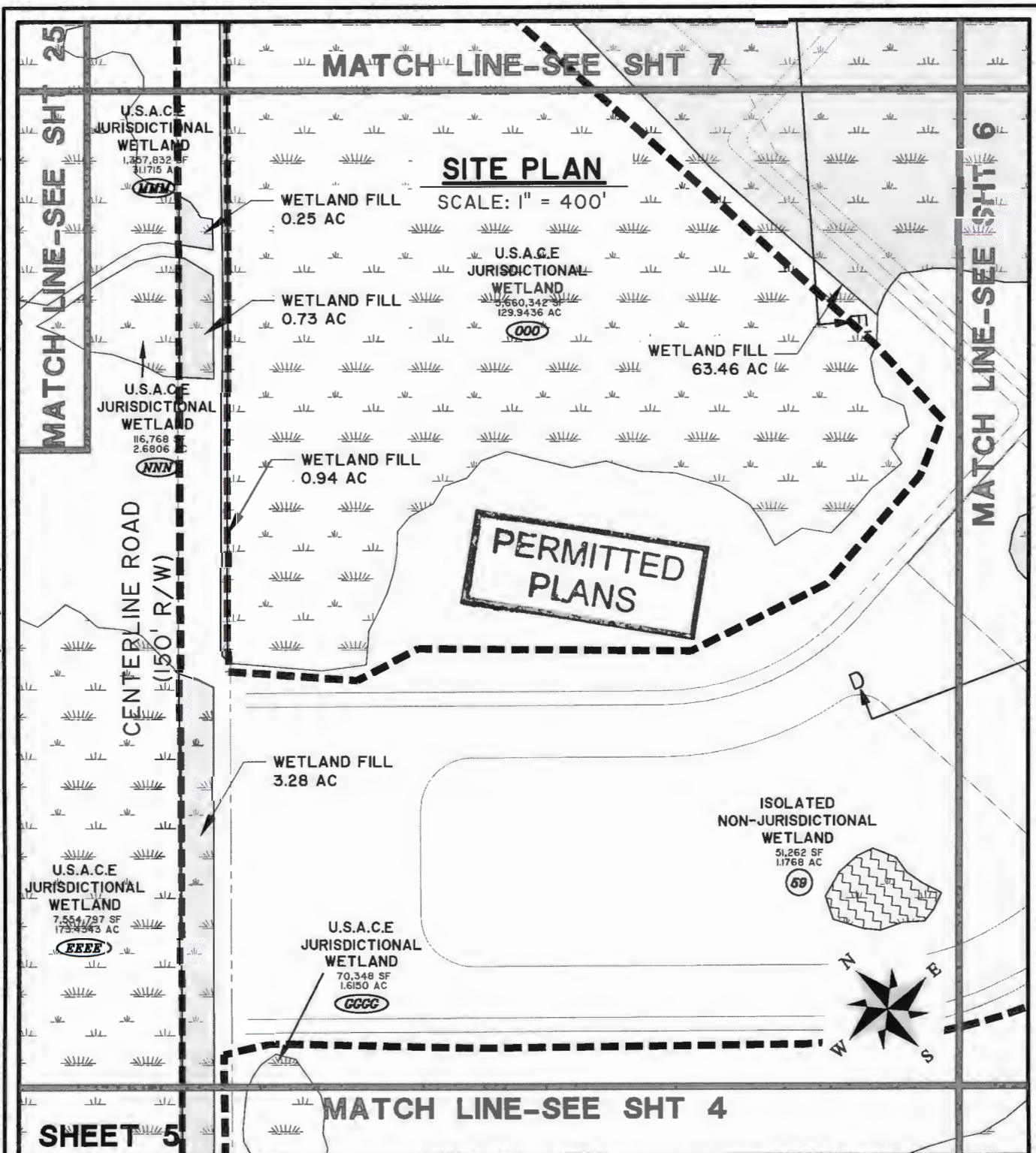
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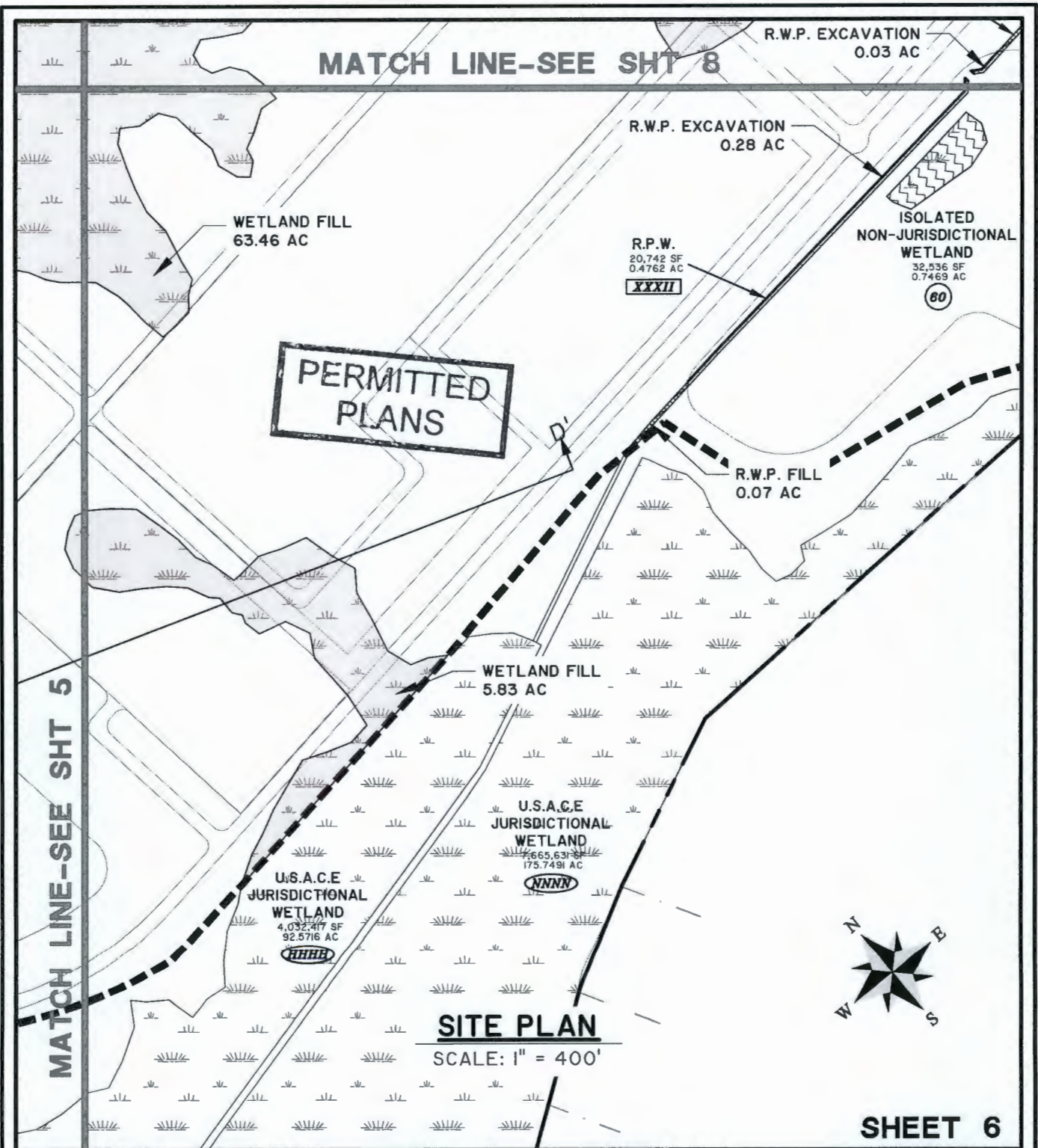


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SHEET: 10 of 35

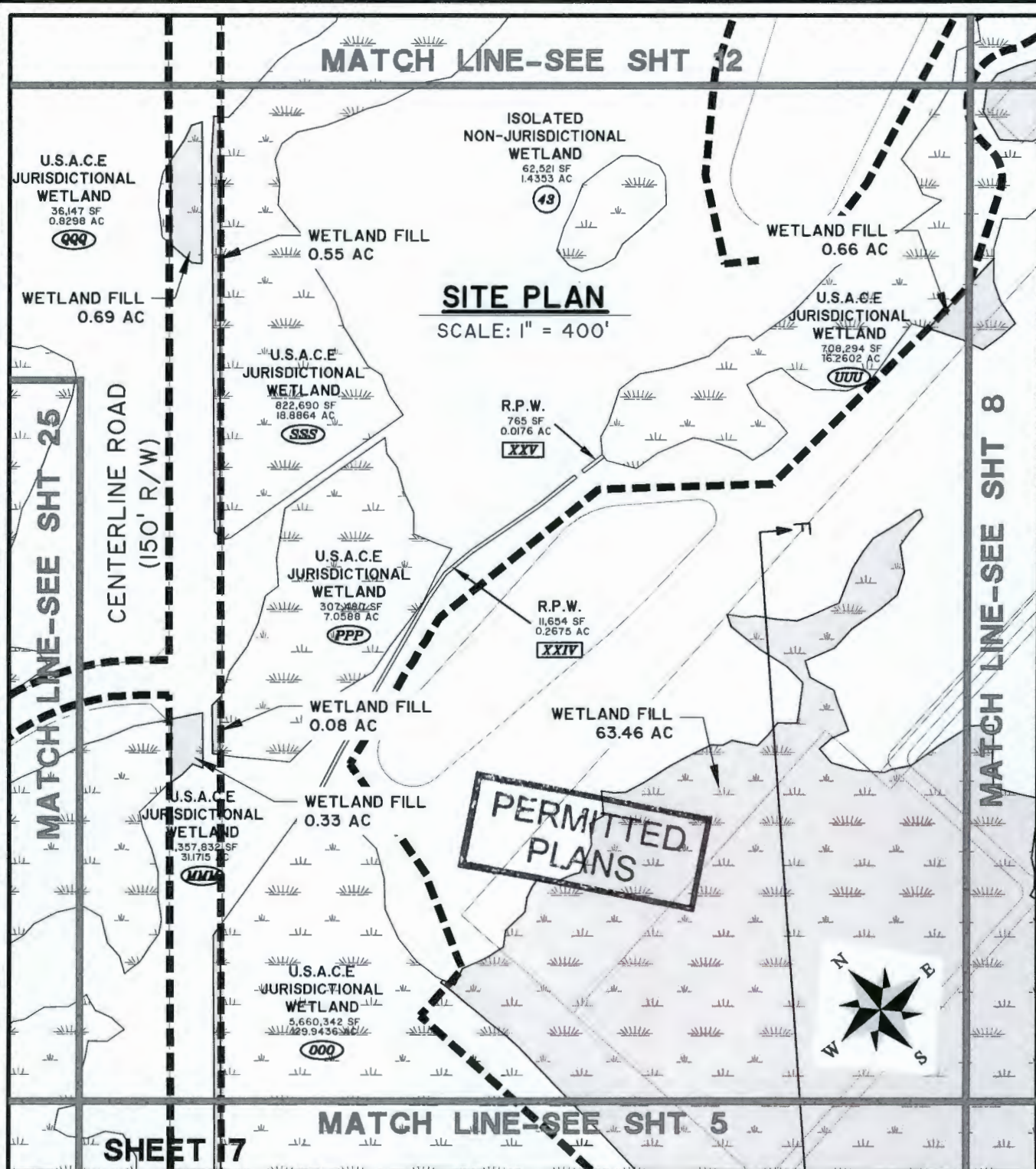
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SHEET: 11 of 35

SCALE: 1" = 400'

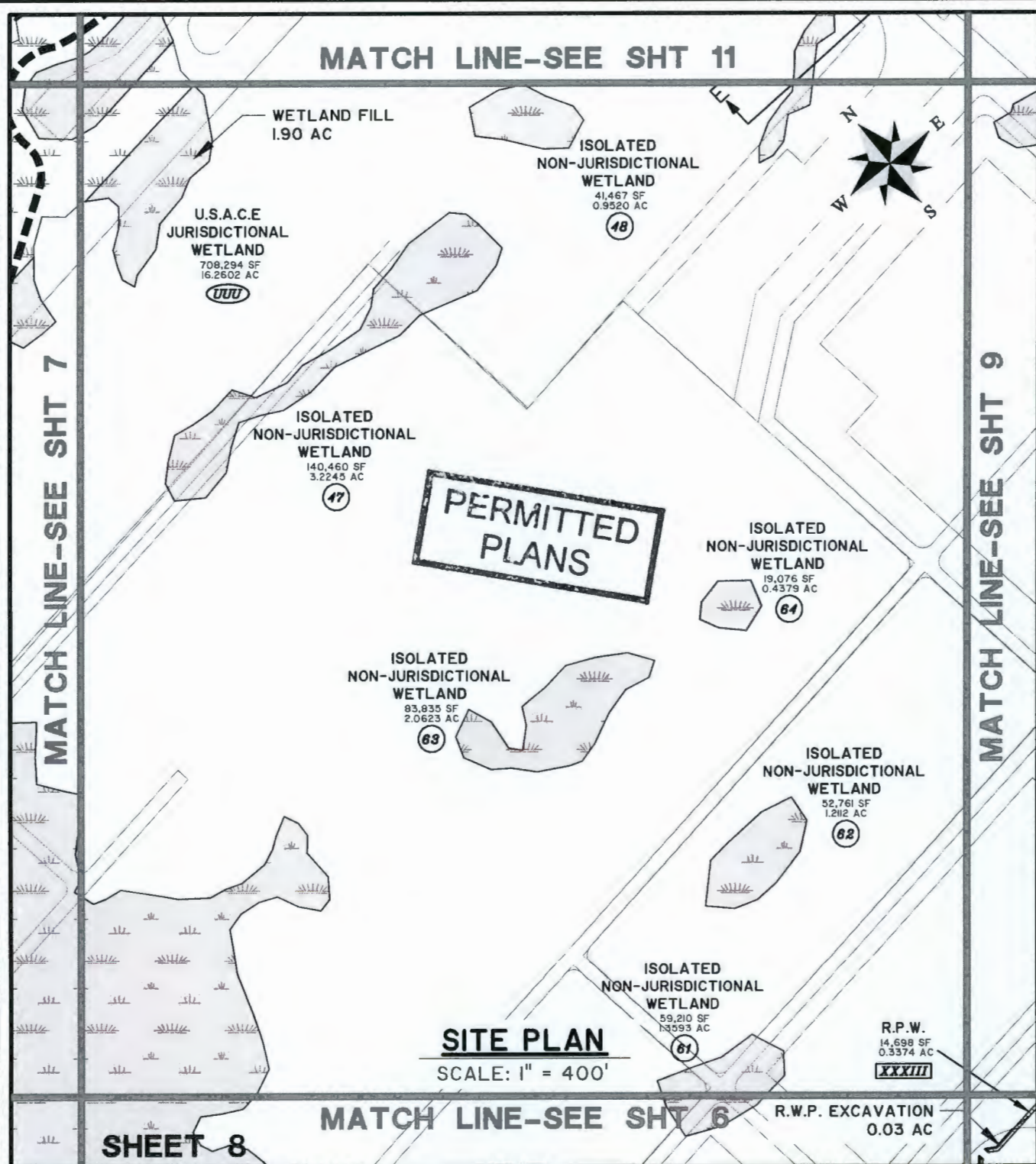


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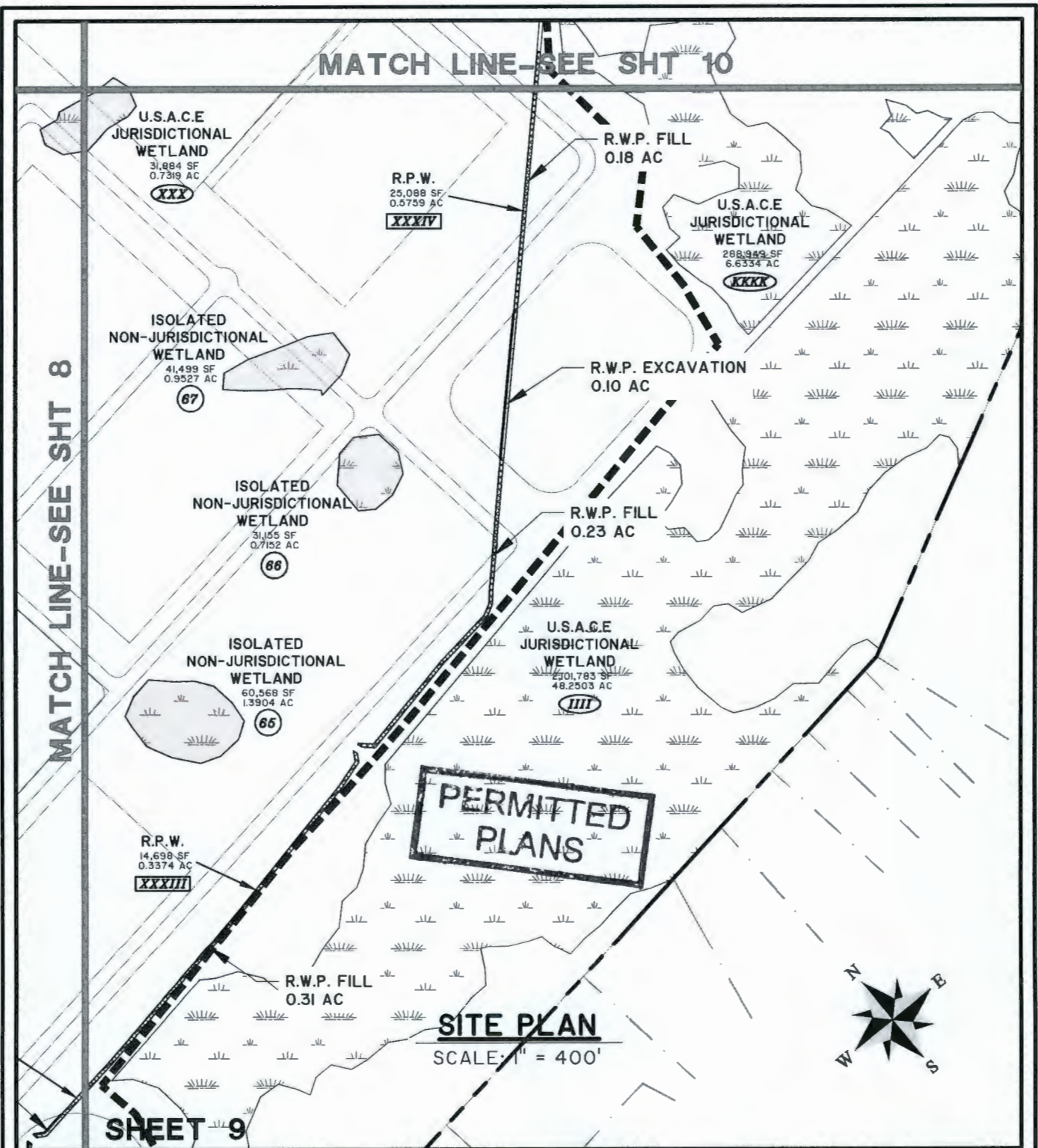
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SHEET: 13 of 35

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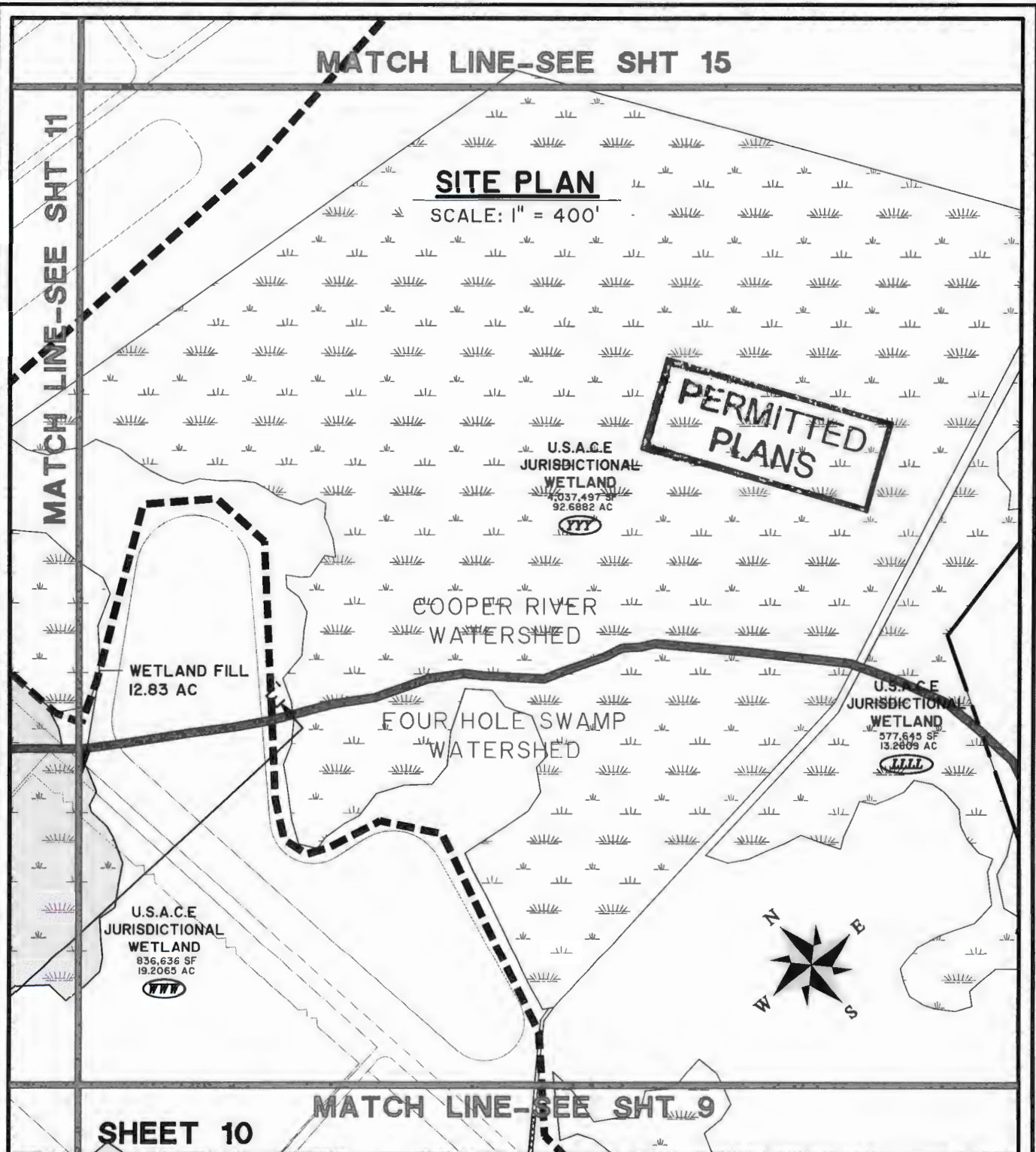


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SHEET: 14 of 35

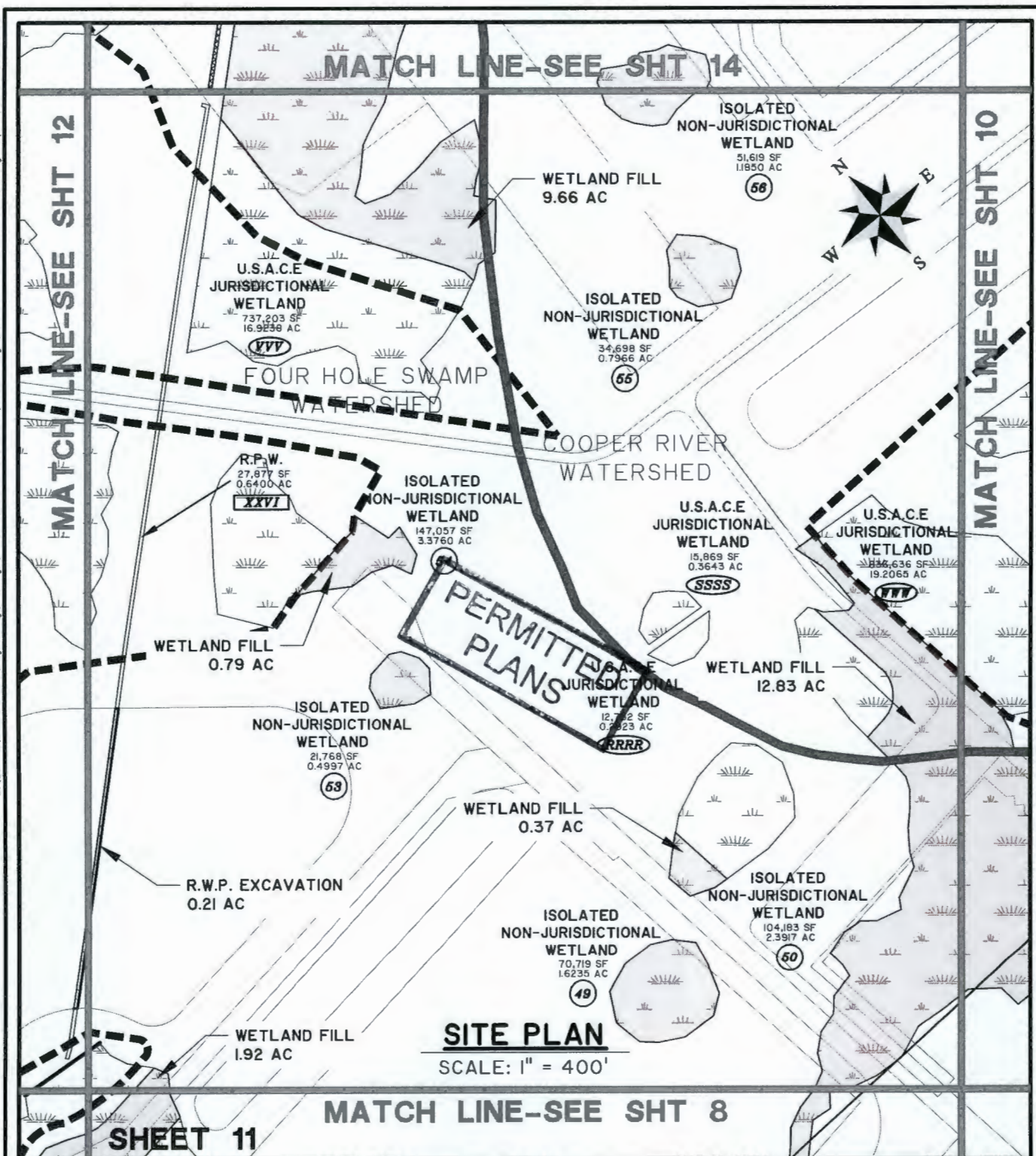
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SHEET: 15 of 35

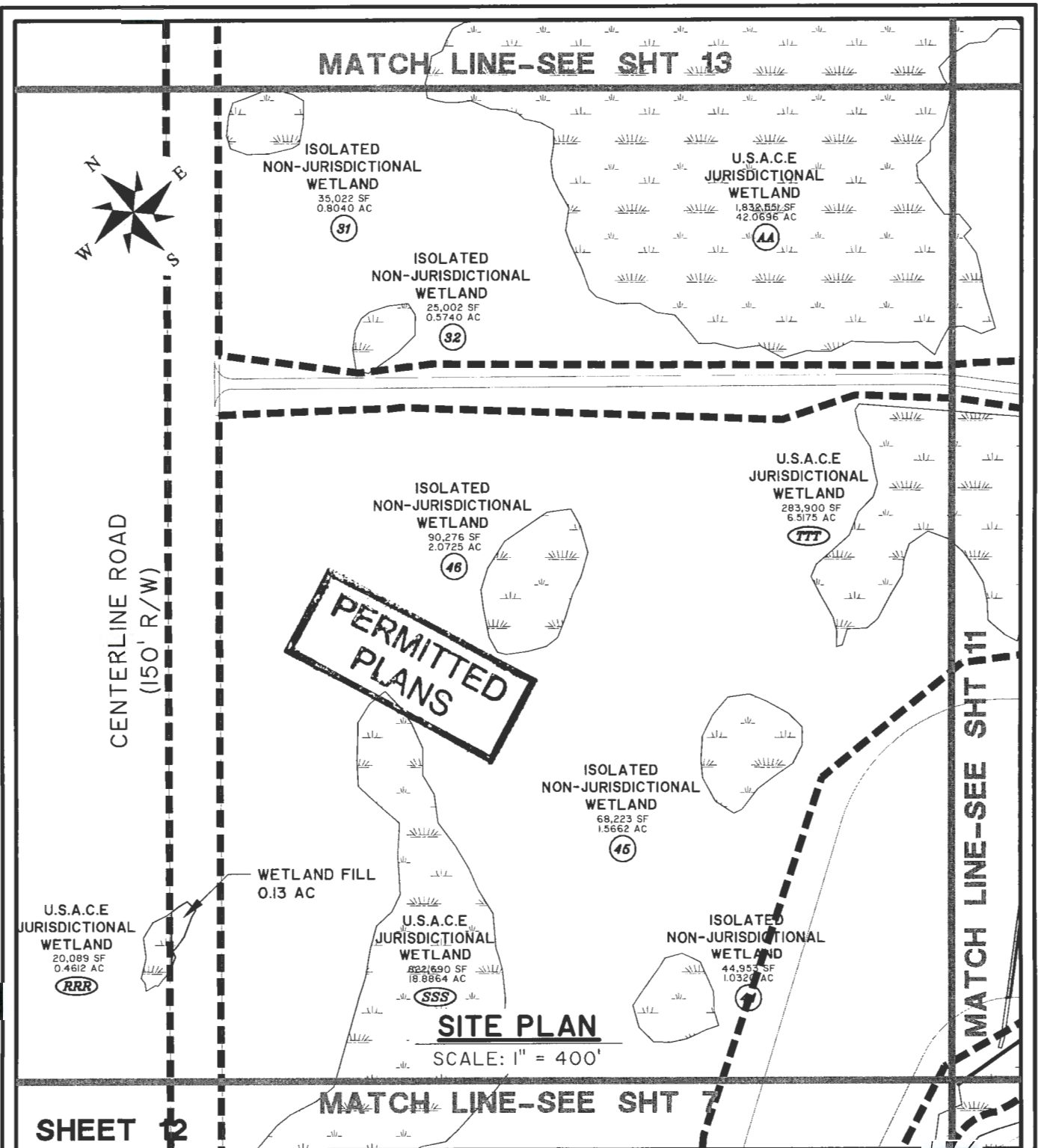
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SHEET: 16 of 35

SCALE: 1" = 400'

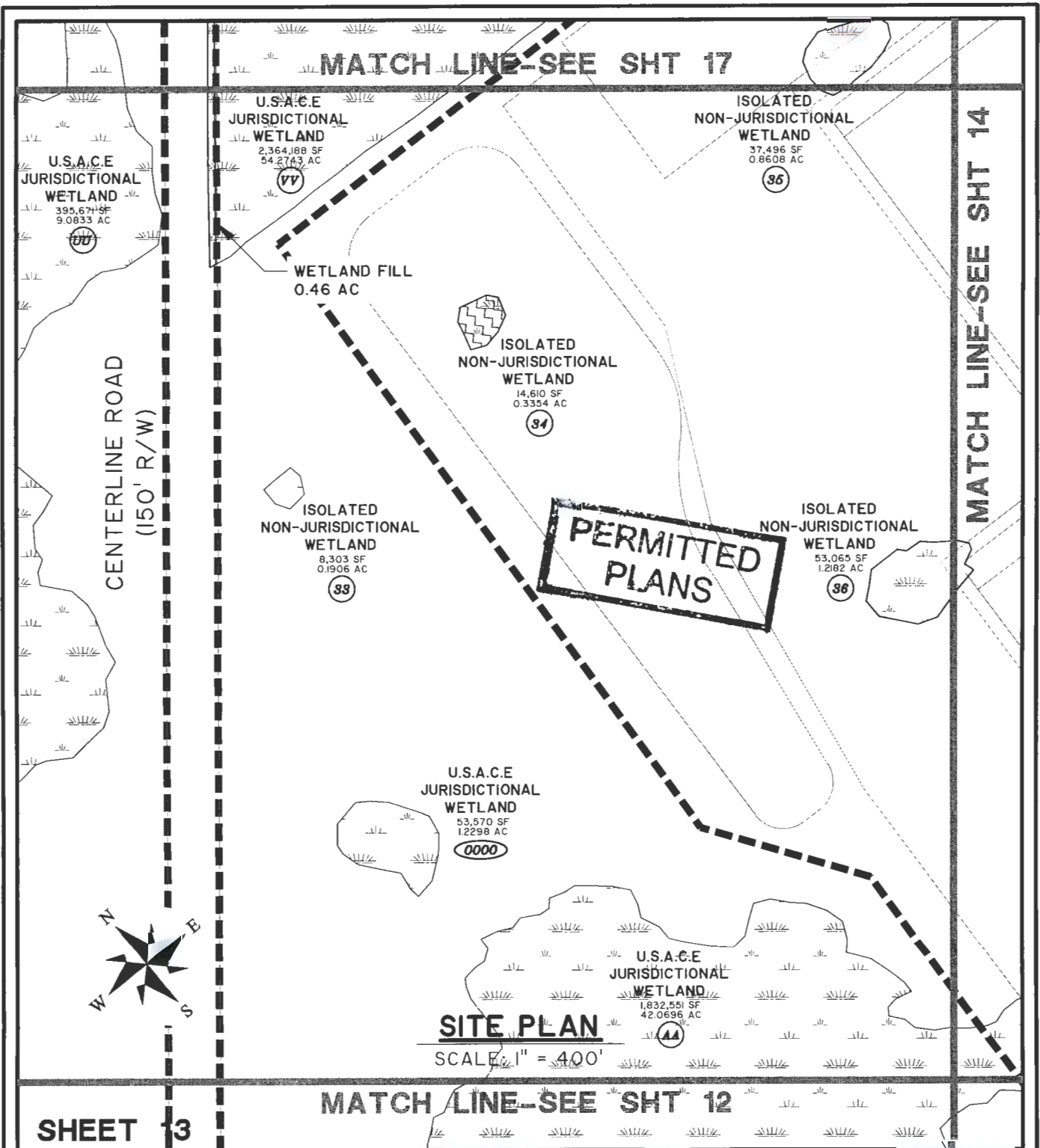


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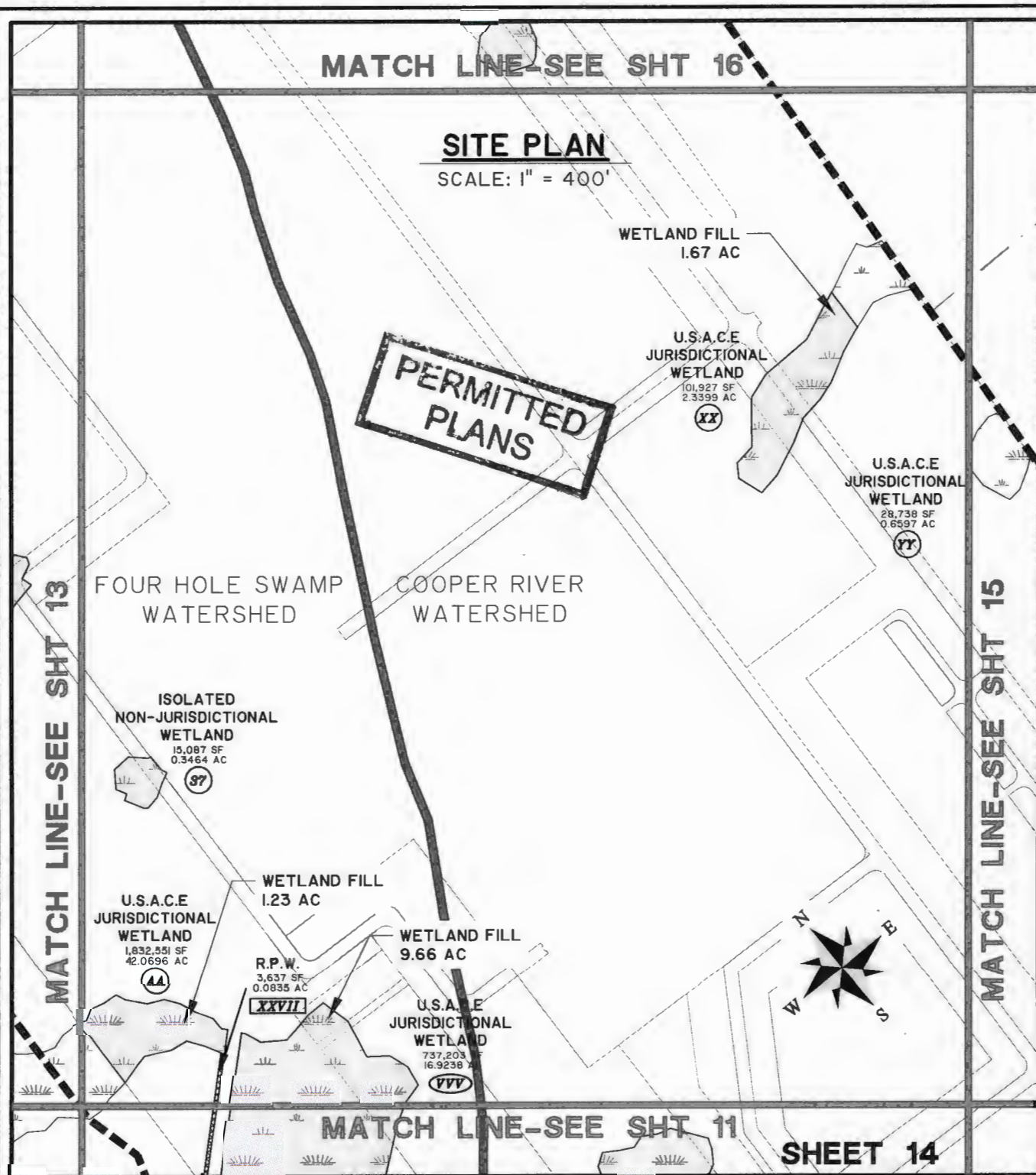
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SCALE: 1" = 400'



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SITE PLAN

SCALE: 1" = 400'



PERMITTED
PLANS

MATCH LINE-SEE SHT 14

ISOLATED
NON-JURISDICTIONAL
WETLAND
17,161 SF
0.3940 AC
67

U.S.A.C.E
JURISDICTIONAL
WETLAND
46,054 SF
1.0573 AC
222

MATCH LINE-SEE SHT 10

SHEET 15

PROJECT SOTER

PROPOSED ACTIVITY:
WETLAND FILL

CLIENT:
BERKELEY COUNTY ECONOMIC DEVELOPMENT

LOCATION: BERKELEY COUNTY, SC

DATE: APRIL 2, 2015

JOB NUMBER: 25492

DRAWN BY: MAM

REVIEWED BY: MBS

SHEET: 19 of 35

SCALE: 1" = 400'



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MATCH LINE-SEE SHT 17

SITE PLAN

SCALE: 1" = 400'



PERMITTED
PLANS

ISOLATED
NON-JURISDICTIONAL
WETLAND
21,339 SF
0.4853 AC

38

U.S.A.C.E
JURISDICTIONAL
WETLAND
45,803 SF
1.0515 AC

SHEET 16

MATCH LINE-SEE SHT 14

PROJECT SOTER

PROPOSED ACTIVITY:
WETLAND FILL

CLIENT:
BERKELEY COUNTY ECONOMIC DEVELOPMENT

LOCATION: BERKELEY COUNTY, SC

DATE: APRIL 2, 2015

JOB NUMBER: 25492

DRAWN BY: MAM

REVIEWED BY: MBS

SHEET: 20 of 35

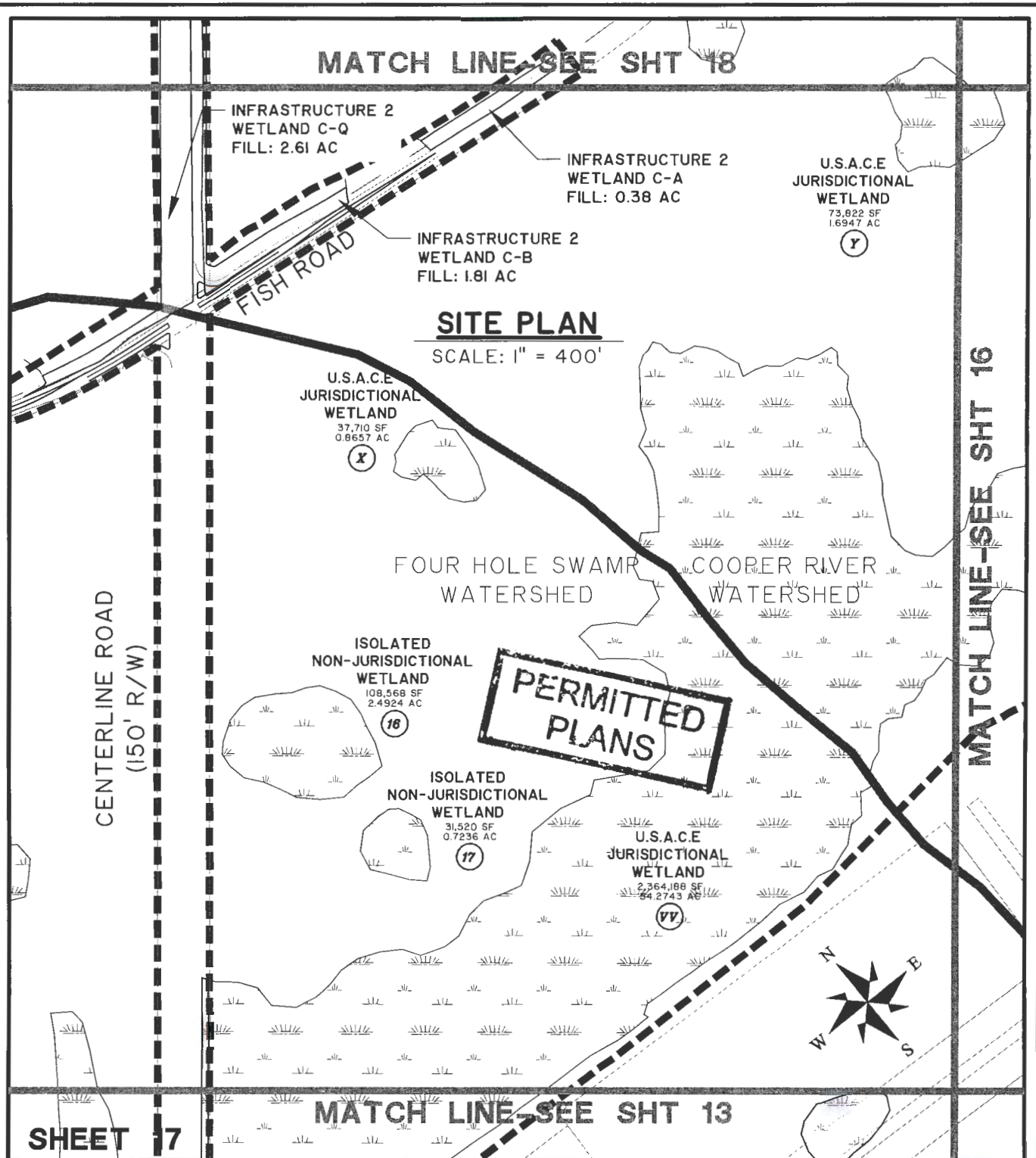
SCALE: 1" = 400'



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PROJECT SOTER

PROPOSED ACTIVITY:
WETLAND FILL

CLIENT:
BERKELEY COUNTY ECONOMIC DEVELOPMENT

LOCATION: BERKELEY COUNTY, SC

DATE: APRIL 2, 2015
JOB NUMBER: 25492

DRAWN BY: MAM
REVIEWED BY: MBS

SHEET: 21 of 35
SCALE: 1" = 400'

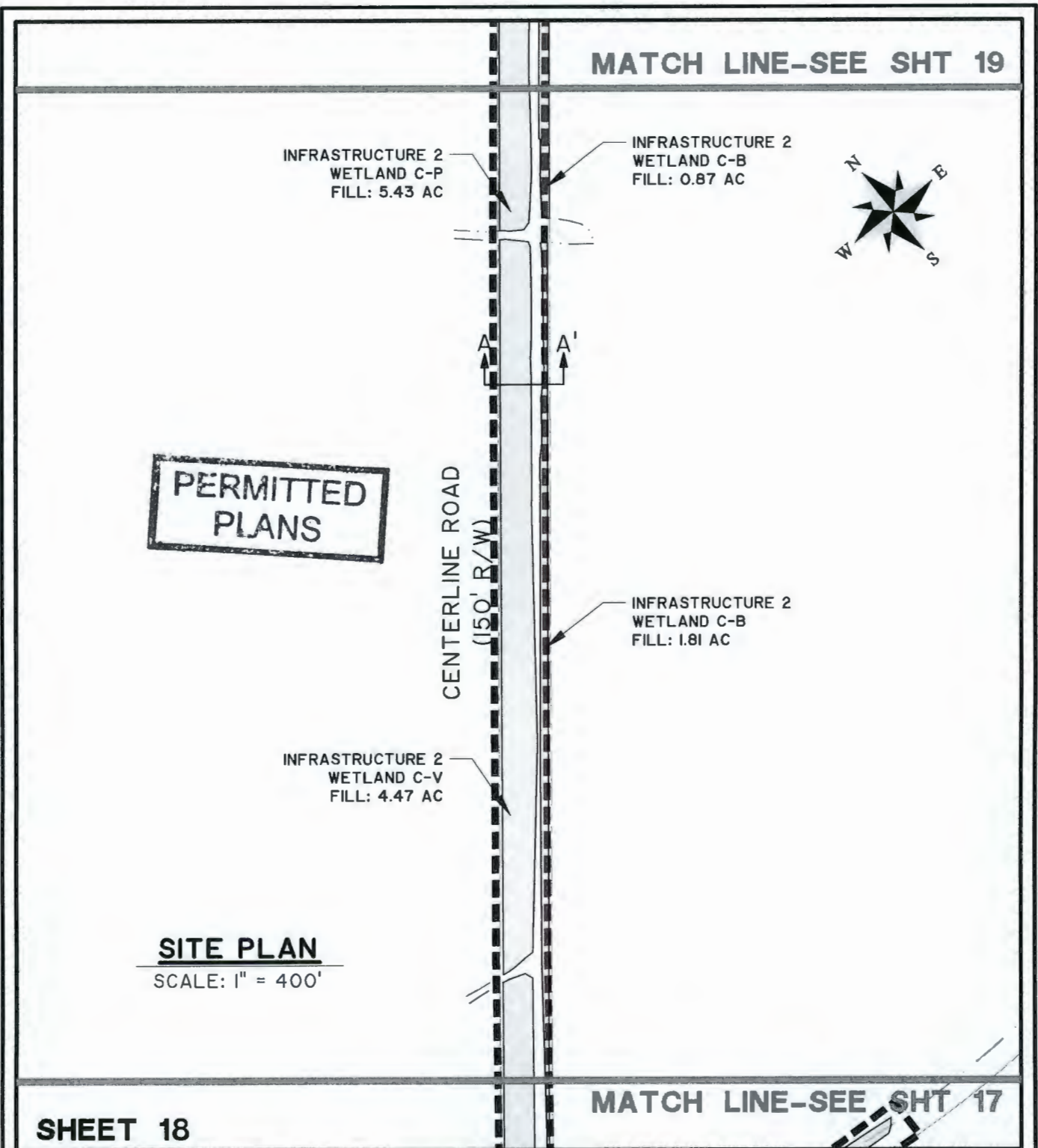


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PROJECT SOTER

PROPOSED ACTIVITY:
WETLAND FILL

CLIENT:
BERKELEY COUNTY ECONOMIC DEVELOPMENT

LOCATION: BERKELEY COUNTY, SC

DATE: APRIL 2, 2015

JOB NUMBER: 25492

DRAWN BY: MAM

REVIEWED BY: MBS

SHEET: 22 of 35

SCALE: 1" = 400'

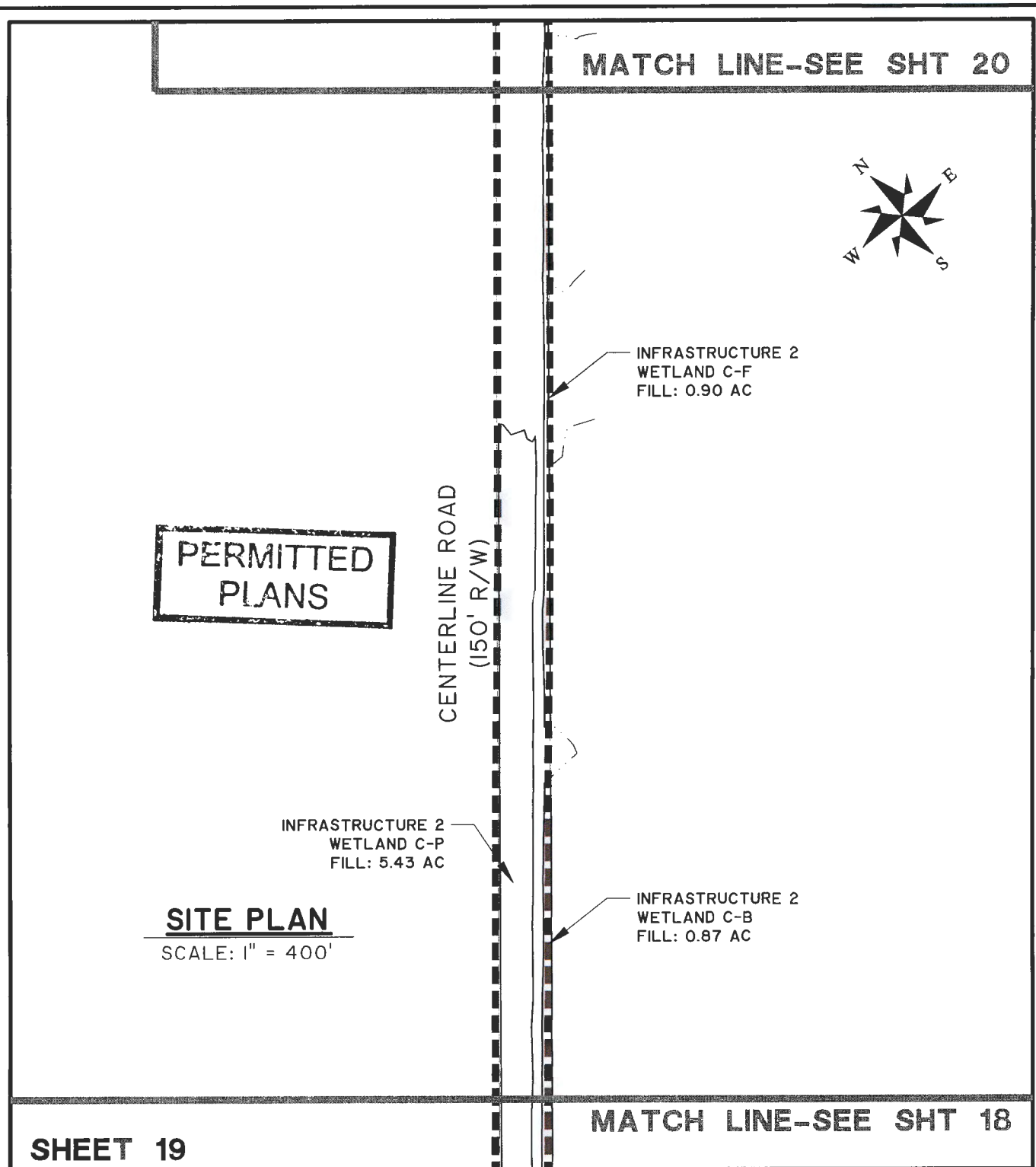


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PROJECT SOTER

PROPOSED ACTIVITY:
WETLAND FILL

CLIENT:
BERKELEY COUNTY ECONOMIC DEVELOPMENT

LOCATION: BERKELEY COUNTY, SC

DATE: APRIL 2, 2015
JOB NUMBER: 25492

DRAWN BY: MAM
REVIEWED BY: MBS

SHEET: 23 of 35
SCALE: 1" = 400'



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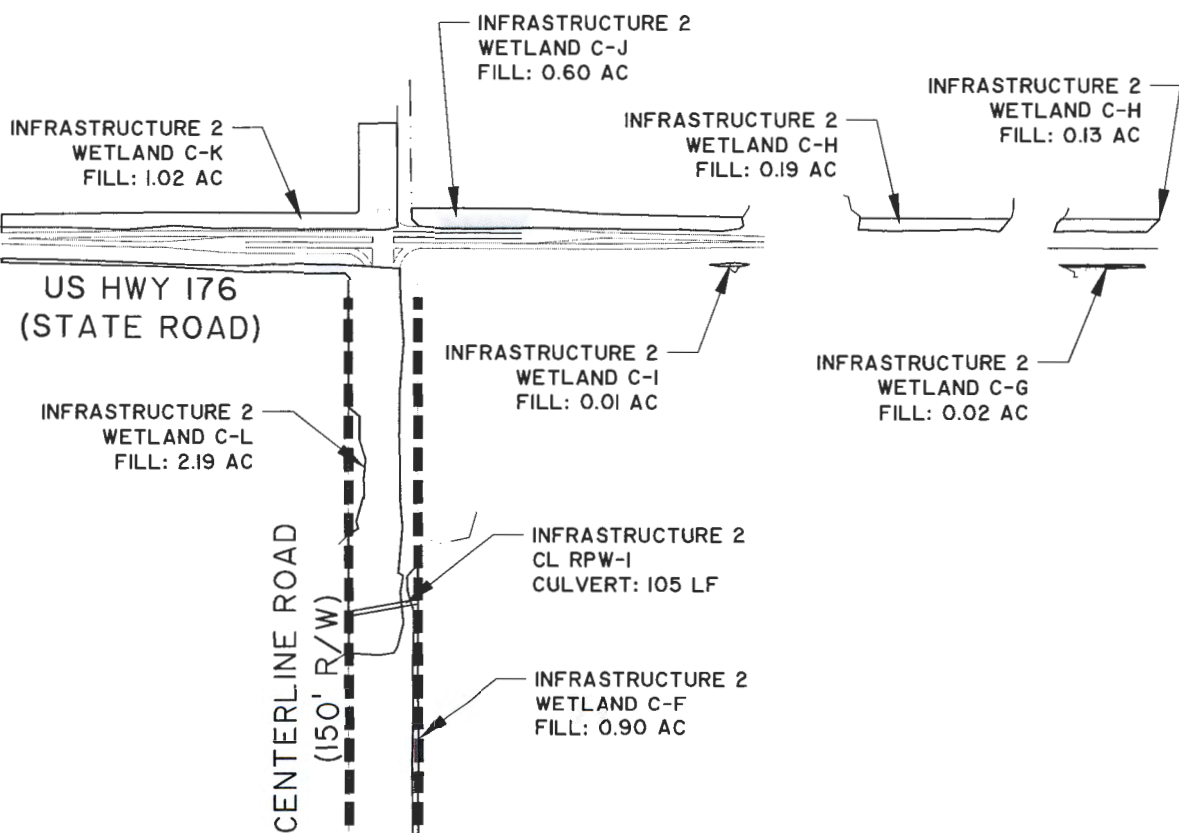
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SITE PLAN

SCALE: 1" = 400'



**PERMITTED
PLANS**



SHEET 20

MATCH LINE--SEE SHT 19

PROJECT SOTER

PROPOSED ACTIVITY:
WETLAND FILL

CLIENT:
BERKELEY COUNTY ECONOMIC DEVELOPMENT

LOCATION: BERKELEY COUNTY, SC

DATE: APRIL 2, 2015
JOB NUMBER: 25492

DRAWN BY: MAM
REVIEWED BY: MBS

SHEET: 24 of 35
SCALE: 1" = 400'



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INFRASTRUCTURE I
WETLAND FILL
1.96 AC

INFRASTRUCTURE I
WETLAND FILL
1.34 AC

WETLAND FILL
1.00 AC

U.S.A.C.E
JURISDICTIONAL
WETLAND
1,636,086 SF
37.5594 AC
(PP)

SC HWY 27 (OLD GILLIARD RD)

LOWER WESTVICO ROAD
(120' R/W)

PERMITTED
PLANS

SITE PLAN
SCALE: 1" = 400'

U.S.A.C.E
JURISDICTIONAL
WETLAND
1,636,086 SF
37.5594 AC
(PP)

MATCH LINE-SEE SHEET 22

SHEET 21

PROJECT SOTER

PROPOSED ACTIVITY:
WETLAND FILL

CLIENT:
BERKELEY COUNTY ECONOMIC DEVELOPMENT

LOCATION: BERKELEY COUNTY, SC

DATE: APRIL 2, 2015
JOB NUMBER: 25492

DRAWN BY: MAM
REVIEWED BY: MBS

SHEET: 25 of 35
SCALE: 1" = 400'



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MATCH LINE-SEE SHT 21

U.S.A.C.E
JURISDICTIONAL
WETLAND
1,636,086 SF
37.5594 AC



U.S.A.C.E
JURISDICTIONAL
WETLAND
956,431 SF
21.9566 AC



LOWER WESTVACO ROAD
(120' R/W)

WETLAND FILL
1.31 AC

WETLAND FILL
0.37 AC

U.S.A.C.E
JURISDICTIONAL
WETLAND
16,422 SF
0.3778 AC



PERMITTED
PLANS

SITE PLAN

SCALE: 1" = 400'



MATCH LINE-SEE SHT 23

SHEET 22

PROJECT SOTER

PROPOSED ACTIVITY:
WETLAND FILL

CLIENT:
BERKELEY COUNTY ECONOMIC DEVELOPMENT

LOCATION: BERKELEY COUNTY, SC

DATE: APRIL 2, 2015

JOB NUMBER: 25492

DRAWN BY: MAM

REVIEWED BY: MBS

SHEET: 26 of 35

SCALE: 1" = 400'



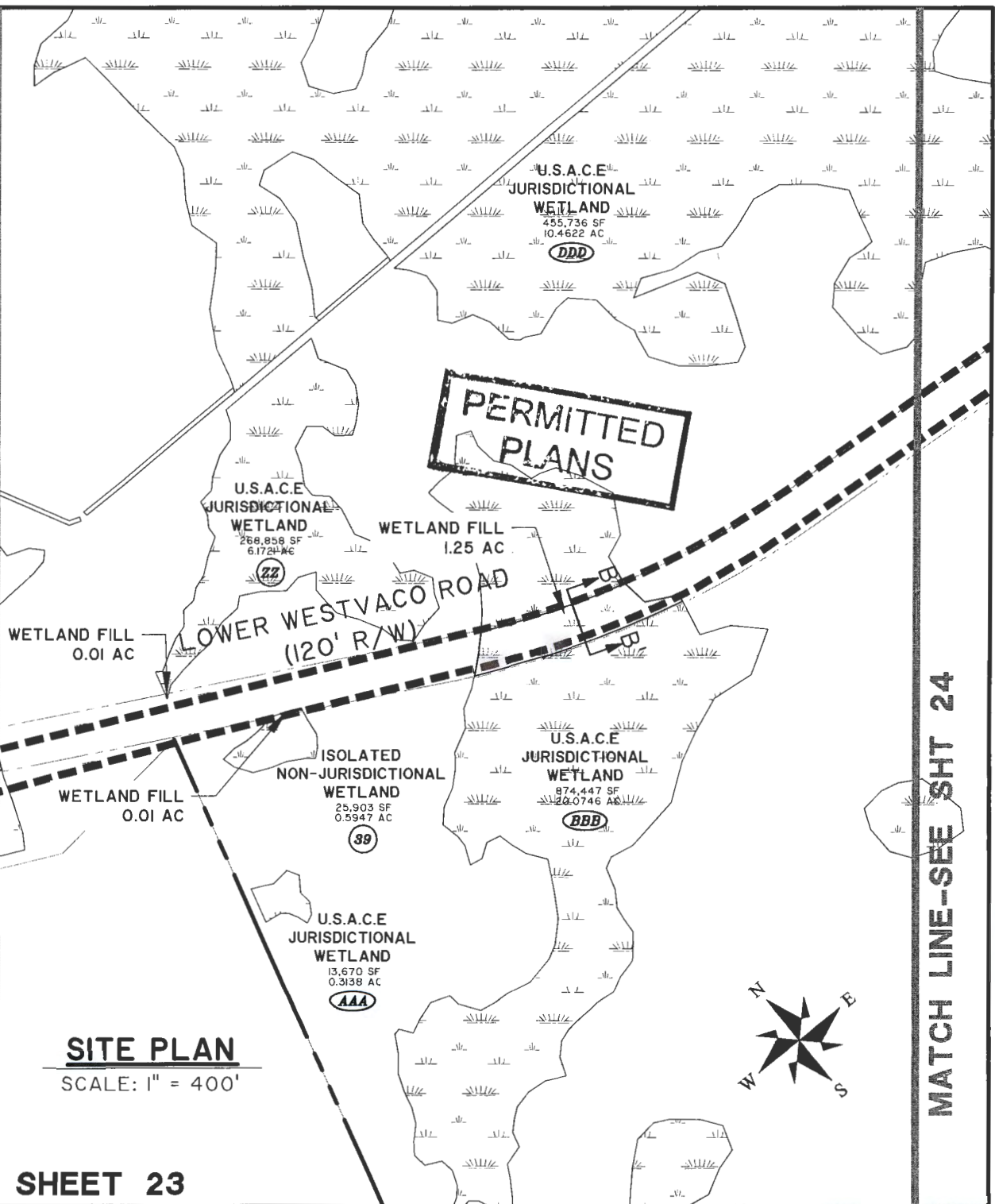
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MATCH LINE-SEE SHT 22

MATCH LINE-SEE SHT 24



PROJECT SOTER

PROPOSED ACTIVITY:
WETLAND FILL

CLIENT:
BERKELEY COUNTY ECONOMIC DEVELOPMENT

LOCATION: BERKELEY COUNTY, SC

DATE: APRIL 2, 2015
JOB NUMBER: 25492

DRAWN BY: MAM
REVIEWED BY: MBS

SHEET: 27 of 35
SCALE: 1" = 400'

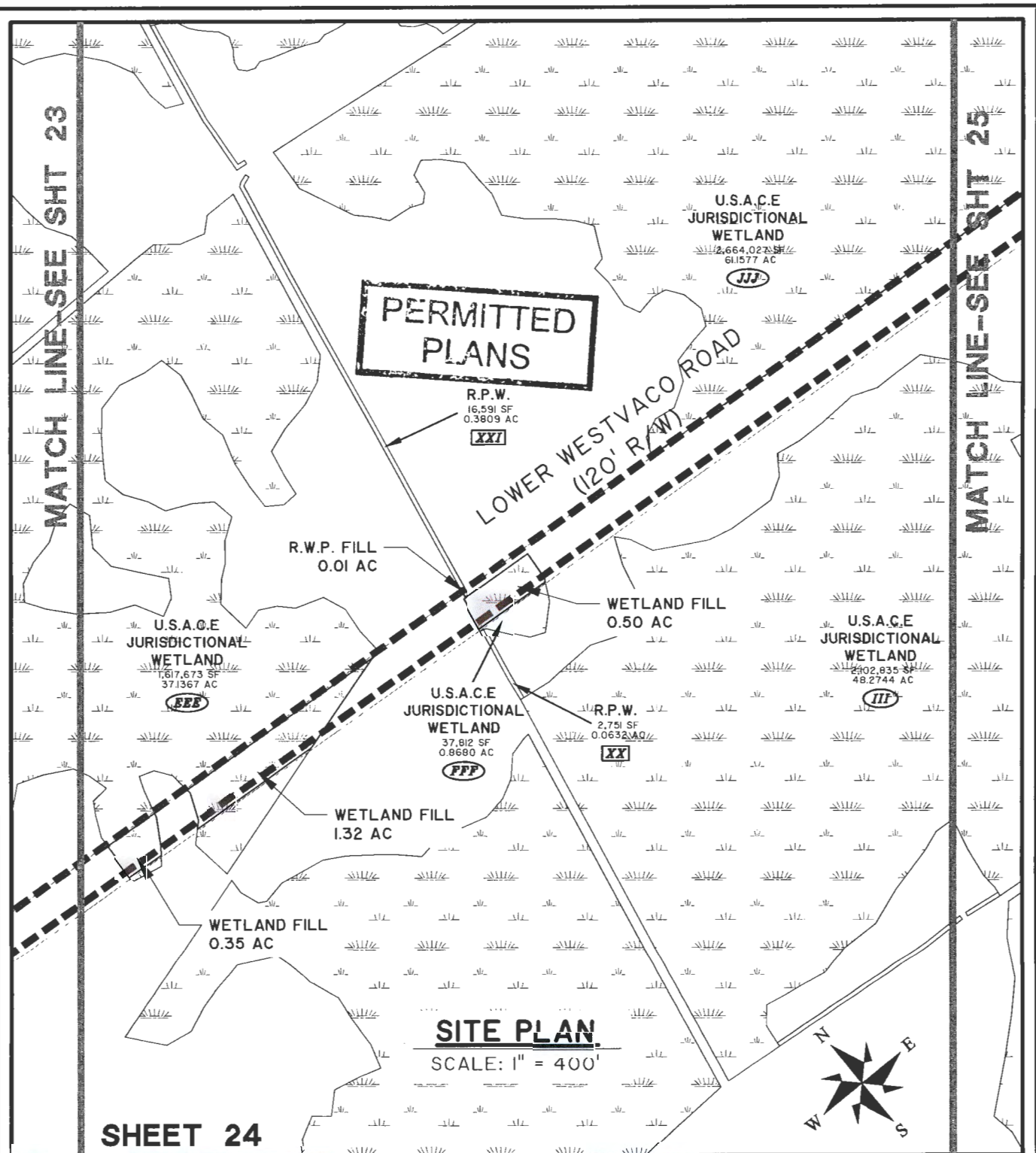


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PROJECT SOTER

PROPOSED ACTIVITY:
WETLAND FILL

CLIENT:
BERKELEY COUNTY ECONOMIC DEVELOPMENT

LOCATION: BERKELEY COUNTY, SC

DATE: APRIL 2, 2015

JOB NUMBER: 25492

DRAWN BY: MAM

REVIEWED BY: MMS

SHEET: 28 of 35

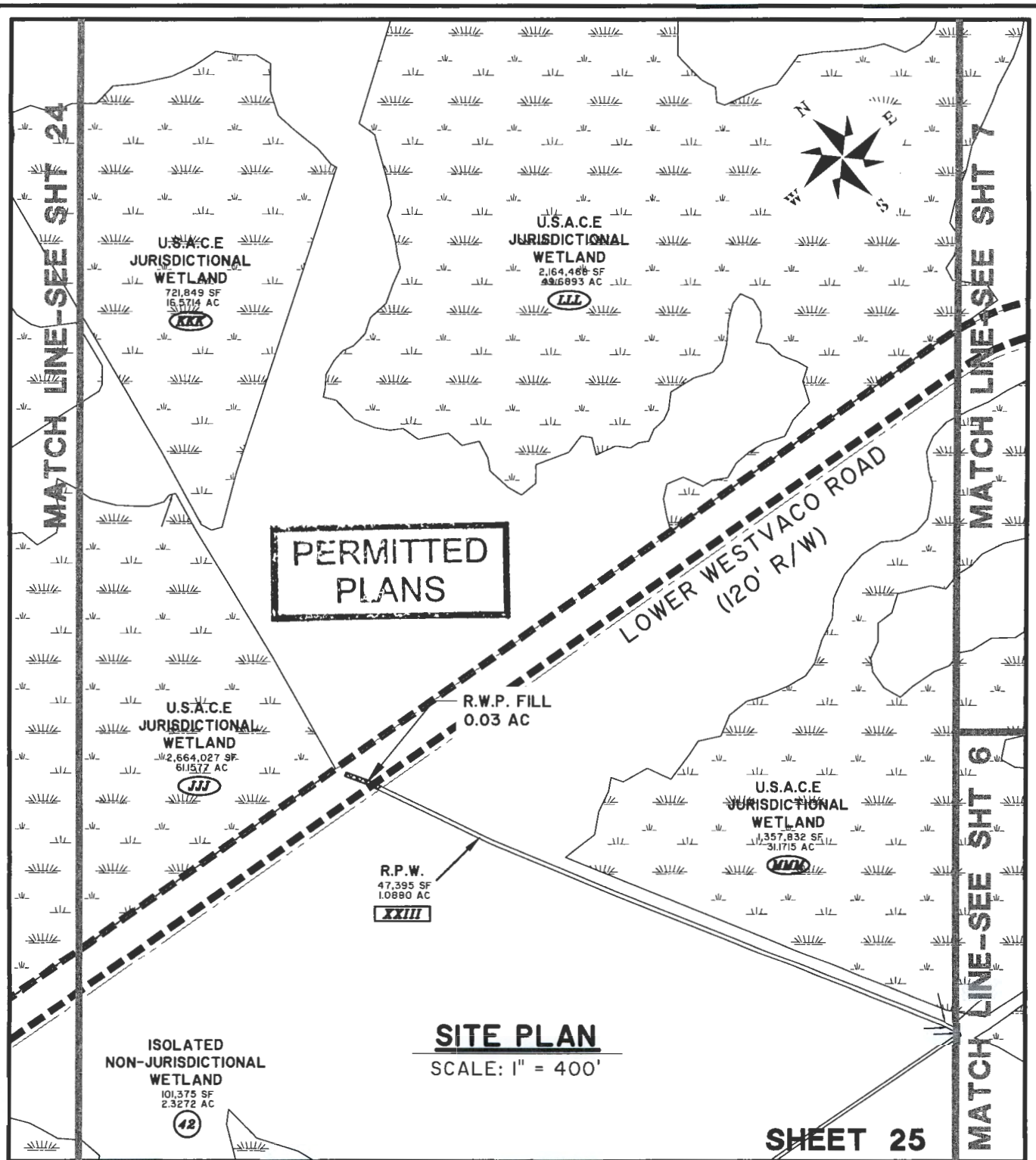
SCALE: 1" = 400'



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PROJECT SOTER

PROPOSED ACTIVITY:

WETLAND FILL

CLIENT:

BERKELEY COUNTY ECONOMIC DEVELOPMENT

LOCATION: BERKELEY COUNTY, SC

DATE: APRIL 2, 2015

JOB NUMBER: 25492

DRAWN BY: MAM

REVIEWED BY: MBS

SHEET: 29 of 35

SCALE: 1" = 400'

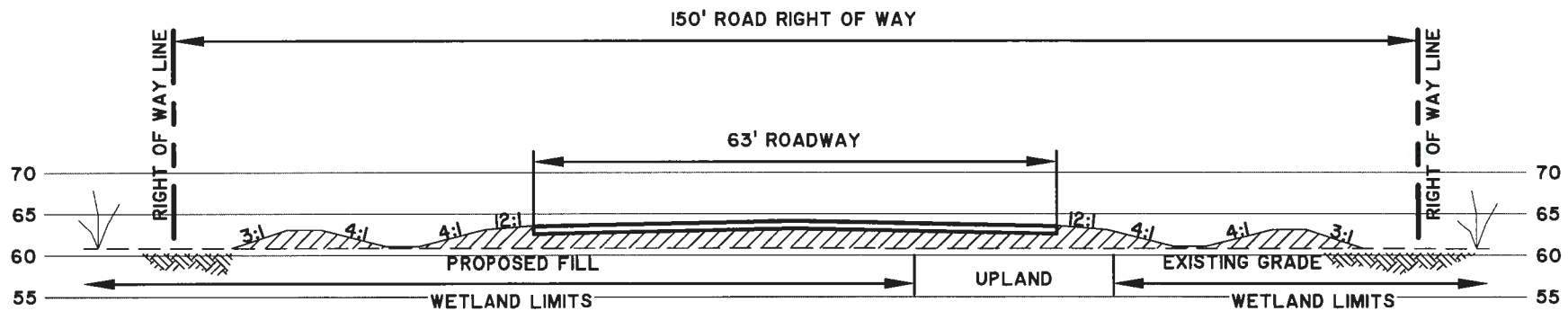


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PERMITTED PLANS



TYPICAL CENTERLINE ROAD SECTION (SECTION A-A')

SCALE: 1" = 20'

PROJECT SOTER

PROPOSED ACTIVITY:
WETLAND FILL

CLIENT:

BERKELEY COUNTY ECONOMIC DEVELOPMENT

LOCATION: BERKELEY COUNTY, SC

DATE: APRIL 2, 2015

JOB NUMBER: J-25492

DRAWN BY: MAM

REVIEWED BY: MBS

SHEET: 30 of 35

SCALE: 1" = 20'

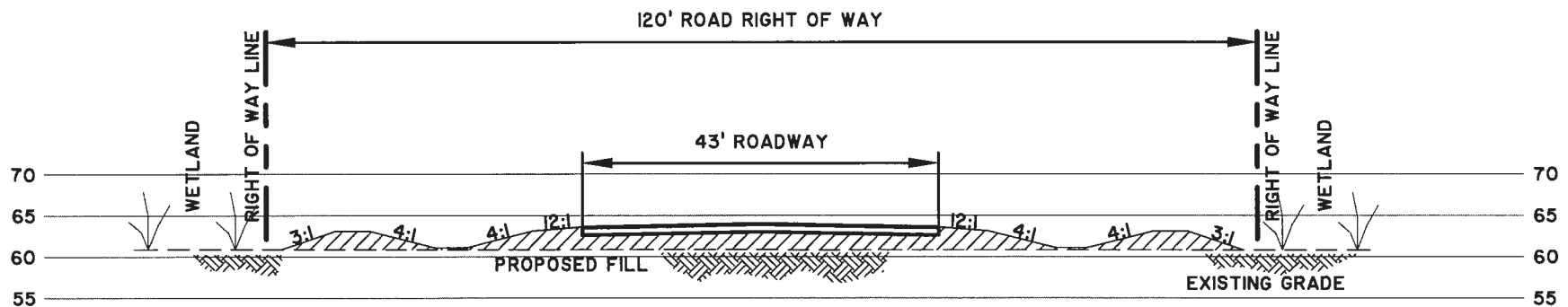


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PERMITTED
PLANS



TYPICAL LOWER WESTVACO ROAD SECTION (SECTION B-B')

SCALE: 1" = 20'

PROJECT SOTER

PROPOSED ACTIVITY:
WETLAND FILL

CLIENT:

BERKELEY COUNTY ECONOMIC DEVELOPMENT

LOCATION: BERKELEY COUNTY, SC

DATE: APRIL 2, 2015

JOB NUMBER: J-25492



DRAWN BY: MAM

REVIEWED BY: MBS

SHEET: 31 of 35

SCALE: 1" = 20'

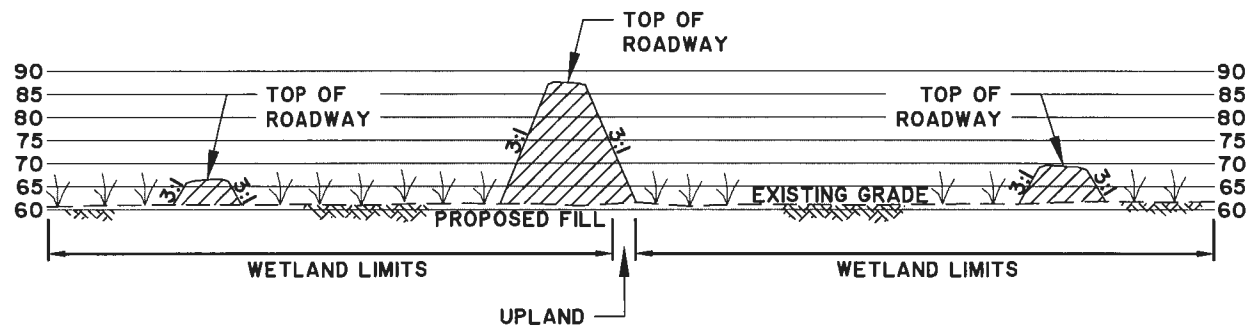


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**PERMITTED
PLANS**



TYPICAL INTERCHANGE SECTION (SECTION C-C')

SCALE: HOR: 1" = 200'

VERT: 1" = 40'

PROJECT SOTER

PROPOSED ACTIVITY:
WETLAND FILL

CLIENT:

BERKELEY COUNTY ECONOMIC DEVELOPMENT

LOCATION: BERKELEY COUNTY, SC

DATE: APRIL 2, 2015

JOB NUMBER: J-25492



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REVIEWED BY: MBS

SHEET: 32 of 35

SCALE: 1" = 40'

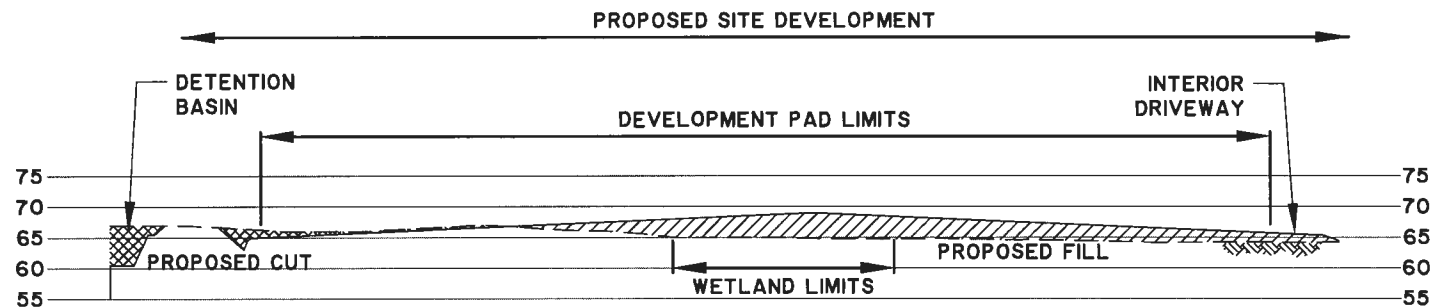


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PERMITTED PLANS



TYPICAL DEVELOPMENT PAD SECTION (SECTION D-D')

SCALE: HOR: 1" = 300'
VERT: 1" = 30'

PROJECT SOTER

PROPOSED ACTIVITY:
WETLAND FILL

CLIENT:

BERKELEY COUNTY ECONOMIC DEVELOPMENT

LOCATION: BERKELEY COUNTY, SC

DATE: APRIL 2, 2015

JOB NUMBER: J-25492



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REVIEWED BY: MBS

SHEET: 33 of 35
SCALE: 1" = 30'

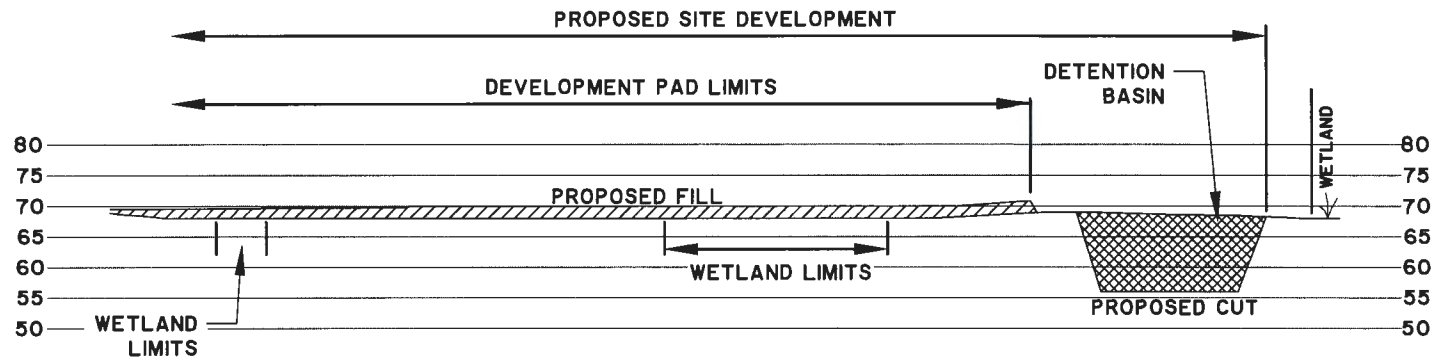


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PERMITTED PLANS



TYPICAL DEVELOPMENT PAD SECTION (SECTION E-E')

SCALE: HOR: 1" = 300'
VERT: 1" = 30'

PROJECT SOTER

PROPOSED ACTIVITY:
WETLAND FILL

CLIENT:

BERKELEY COUNTY ECONOMIC DEVELOPMENT

LOCATION: BERKELEY COUNTY, SC

DATE: APRIL 2, 2015

JOB NUMBER: J-25492

DRAWN BY: MAM

REVIEWED BY: MBS

SHEET: 34 of 35

SCALE: 1" = 30'

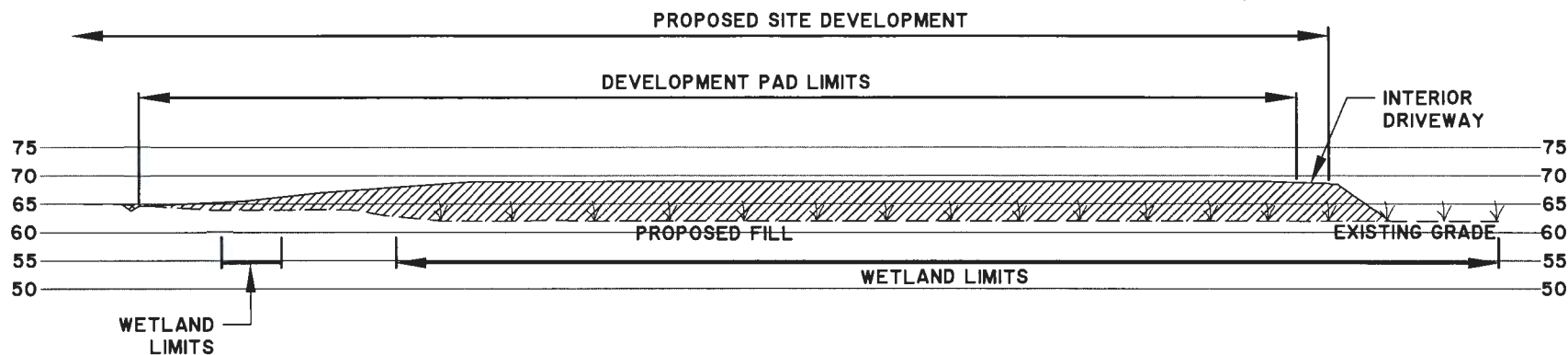


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**PERMITTED
PLANS**



TYPICAL DEVELOPMENT PAD SECTION (SECTION F-F')

SCALE: HOR: 1" = 300'
VERT: 1" = 30'

PROJECT SOTER

PROPOSED ACTIVITY:
WETLAND FILL

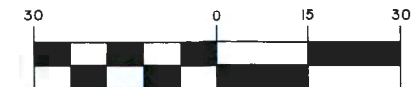
CLIENT:

BERKELEY COUNTY ECONOMIC DEVELOPMENT

LOCATION: BERKELEY COUNTY, SC

DATE: APRIL 2, 2015

JOB NUMBER: J-25492



DRAWN BY: MAM
REVIEWED BY: MBS

SHEET: 35 of 35
SCALE: 1" = 30'



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