

May River Watershed Action Plan Advisory Committee



STAFF REPORT

Projects and Watershed Resilience Department

MEETING DATE:	December 5, 2024
PROJECT:	Proposed Work to Develop Town Wetland and Resiliency Zone Protections and Gather Data for a Wetlands Restoration Program
PROJECT MANAGER:	Beth Lewis, Water Quality Program Manager

REQUEST: Staff requests that the May River Watershed Action Plan Advisory Committee (WAPAC) recommend Town Council fund work associated with engineering services to develop Town Wetlands and Resiliency Zone Protections in Fiscal Year (FY) 2025 and data gathering needs related to a potential Town Wetlands Restoration Program in Fiscal Year 2026.

The scope of engineering work shall generally include the following for Wetland and Resiliency Zone Protections:

- A review of current local policies, review of the South Carolina Environmental Law Project (SCELP) model wetland ordinance, wetland identification, cataloging Town wetland areas, development of a map of wetland areas to be protected, development of a wetland ordinance for adoption by the Town, comprehensive drainage study applications for resiliency zones and ordinance, mapping of a "resilience zone," identification of primary conveyance systems, and development of a resiliency zone ordinance.

The scope of engineering work shall generally include the following for the Wetland Restoration Program Data Gathering:

- A review of wetland functions and how these have been used to classify wetlands, assessment of potential remote derivation of wetland conditions, review local wetland restoration programs, identification of potential partners, and research market and financing mechanisms for a wetland's restoration program.

All final reports, findings, GIS maps, and all materials will also be provided to the Town of Bluffton.

The entire project's scope will occur and be funded over two (2) fiscal years. The FY 2025 Task Authorization for the Wetland and Resiliency Zone Protections amount is within the FY25 Consolidated Budget. The remaining amount for the Wetland Restoration Program Data Gathering will be proposed for inclusion within the FY 2026 Consolidated Budget.

BACKGROUND:

In 2022, the South Carolina Comprehensive Planning Enabling Act (S.C. Code Section 6-29-510) required local governments to add a resilience element to comprehensive plans. In November 2022, the Town of Bluffton adopted Blueprint Bluffton, its updated ten-year Comprehensive Plan. For the first time, it included a Resiliency Chapter to meet this requirement and prepare the Town for a more resilient future.

The Town of Bluffton uses strategic planning to implement the Town's Comprehensive Plan. Town Council, the Town Manager, and the Town staff develop the Town's Strategic Plan every two (2) years, with annual reviews. The Strategic Plan uses Strategic Focus Areas and Strategies to:

- Develop the operating budget,
- Consider revisions to capital improvement projects,
- Develop new projects and assign them to Staff for execution,
- Implement projects and initiatives already approved in existing town plans, and
- Determine an agreed-upon process and schedule to prioritize projects and revise priorities as necessary.

The May River and Surrounding Rivers and Watersheds is one of seven Strategic Focus Areas within the Town's FY 2025 – 2026 Strategic Plan. Guiding Principle 4, under this Strategic Focus Area, is "Support active planning and management for the resilience of natural resources and our response to weather events, future disasters, and changing environmental conditions."

This Guiding Principle includes an Action Agenda Item to develop a Resiliency Plan focused on the Town's natural resources, sustainability, wetland ordinance/restoration, and environmental principles.

The proposed scope of work to establish Town Wetlands and Resiliency Zone Protections in Fiscal Year (FY) 2025 and data gathering needs related to a potential Town Wetlands Restoration Program in Fiscal Year 2026 will allow the Town to identify critical stormwater areas within its jurisdiction, to develop new wetlands and resiliency zone (inundation areas) protection programs tailored to its needs, and to assess the capacity of existing wetlands to provide essential ecosystem services.

Wetland Protections:

Wetlands, also commonly known as bogs, bayous, marshes, or swamps, are vital for protecting water quality and aquatic ecosystems. They also help control flooding and can be an important economic source for communities.

Certain wetlands that fall within the scope of the federal Clean Water Act (CWA) are protected by permitting programs managed by the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps). Complex legal battles over the EPA and Corps' wetland definition(s) have occurred since 2015. In May 2023, the U.S. Supreme Court's *Sackett* decision changed the regulatory landscape for millions of acres of wetlands previously understood to fall within the scope of the CWA. Many of the wetlands that the Corps had previously determined

were jurisdictional because they affect water quality and ecosystems are no longer entitled to federal protection. These wetlands are now left vulnerable to development unless they are protected by state or local law. At this time, wetlands regulations in South Carolina have been limited.

Resiliency Zone Protections:

Since 2021, The Town has been implementing Comprehensive Drainage Studies throughout the Town's jurisdiction. The Heyward Cove Watershed Study was completed in October 2023 and serves as a model for all other Comprehensive Drainage Studies in progress or planned for future fiscal years. These studies include evaluating the existing stormwater system under resiliency conditions using a projected sea-level rise (SLR) boundary condition alongside the 25-, 50-, and 100-year storm events. This type of evaluation results in the identification of stormwater Capital Improvement Projects (CIP) that may be necessary with higher intensity rainfall patterns, as well as the identification of inundation areas (areas that are flooded and store water during a storm event) for the 25-, 50-, and 100-year storm events.

These inundation areas add to the information about wetland locations, allowing the Town to see which flood-prone areas may exceed wetland boundaries and require additional mitigation measures.

Wetland Restoration Program Data Gathering:

Wetland conditions directly influence wetlands' ability to provide essential ecosystem services. Wetland restoration involves restoring a former or degraded wetland's physical, chemical, or biological characteristics to return to its natural functions.

A wetland condition assessment of all mapped wetlands in the Town could be used to determine whether a restoration program is feasible, select priority restoration and conservation opportunities, pinpoint areas where water quality services may be vulnerable to sea level rise, find potential areas for stormwater storage expansion, and assess the possible impacts of projects on wetlands.

NEXT STEPS:

- 12/05/2024 – WAPAC discussion and recommendation to Town Council
- 01/14/2025 – Town Council considers authorizing Town Manager to execute a Task Authorization with McCormick Taylor, Inc.
- 01/2025 – 02/2025 – If authorized, initiate work on Wetland and Resiliency Zone Protections. Work for the Wetlands and Resiliency Zone Protection Ordinances will be developed concurrently.
- 07/2025 – 08/2025 – If funded in the Town's FY26 Consolidated Budget, initiate work on data gathering associated with a Potential Wetlands Restoration Program

ATTACHMENTS:

1. WAPAC Presentation