

## TOWN COUNCIL

### STAFF REPORT

#### Projects and Watershed Resilience Department



<b>MEETING DATE:</b>	January 14, 2025
<b>PROJECT:</b>	Approval to Authorize a Task Authorization to McCormick Taylor, Inc. to Develop Wetland and Resilience Ordinances (Fiscal Impact: \$174,004.55)
<b>PROJECT MANAGER:</b>	Kimberly Washok-Jones, Director of Projects and Watershed Resilience

**REQUEST:** The May River Watershed Action Plan Advisory Committee (WAPAC) and Staff request Town Council authorize the Town Manager to issue a Master Service Agreement (MSA Contract #2021-56) Task Authorization to McCormick Taylor, Inc. to develop Town Wetland and Resilience Ordinances to protect health, life, and safety of our citizens and natural resources.

The scope of work shall generally include:

1. Review current Town policies,
2. Identify and inventory wetlands within the Town's jurisdiction,
3. Develop a map of wetlands to be protected,
4. Develop a Wetland Ordinance for the Town,
5. Apply comprehensive drainage study results to map resiliency zones,
6. Identify primary conveyance systems, and
7. Develop a Resilience Ordinance for the Town.

The total fiscal impact is \$174,004.55 and is within the Fiscal Year (FY) 2025 budget. The Wetland and Resilience Project Scope (Attachment 2) outlines the tasks and deliverables for the project.

**BACKGROUND:** The Town of Bluffton's Comprehensive Plan *Blueprint Bluffton*, adopted November 8, 2022, recommends developing "a Climate Adaptation and Sustainability Plan for the Town" (p. 84) to mitigate and adapt to a changing climate. The FY 2025 – 2026 Strategic Plan includes developing a Resiliency Plan focused on the Town's natural resources, sustainability, wetland ordinance/restoration, and environmental principles. At their December 5, 2024, meeting, WAPAC unanimously approved a recommendation to Town Council to develop both Wetland and Resilience Ordinances in FY25 and a Wetland Restoration Program in FY26.

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**Wetland Ordinance need:**

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 (ACOE). Complex legal battles over the EPA and ACOE's wetland definition 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 ACOE previously determined were jurisdictional are no longer entitled to federal protection. These wetlands are now left vulnerable to development/impacts unless they are protected by state or local law. Currently, wetland regulations in South Carolina are limited and the Town has no wetland protection ordinance.

The South Carolina Department of Natural Resources (SCDNR) provided the Town with the *May River Watershed Preliminary Landcover Assessment Report* (Attachment 3) in November 2024. This report quantifies land use changes in the May River Watershed since 2001 and states, "...woody wetlands decreased from 26.3% to 23.6% (4,820 to 4,307 acres) from 2001 to 2021," representing a loss of 513 acres of wetlands.

Information about wetlands must stay current to ensure the Town develops effective tools to manage land use pressures and respond to changes in federal wetland protections. Accurate wetlands data allows the Town to define its objectives, apply the latest technology and tools for wetland mapping, focus its protection efforts, and inform future projects, policies, programs, and partnerships.

**Resilience Ordinance need:**

Since FY22, the Town has been completing Comprehensive Drainage Studies. The Heyward Cove Watershed study was completed in October 2023 and serves as a model for all other Comprehensive Drainage Studies. These studies identify future stormwater Capital Improvement Program (CIP) projects to accommodate higher intensity rainfall patterns and inundation areas (areas that are flooded and store water during a storm event) for 25-, 50-, and 100-year storm events. These inundation areas allow the Town to pinpoint areas or zones that may require additional protection measures for resilience.

**NEXT STEPS:**

- Approval of MSA Task Authorization.
- Schedule a project kick-off meeting with consultants and stakeholders.

**SUMMARY:** This project originated from the recent U.S. Supreme Court’s *Sackett* decision, which restricts federal wetland protections. There are limited state protections and no Town wetland protection ordinance currently.

The Town of Bluffton’s Comprehensive Plan and FY 2025 – 2026 Strategic Plan include developing a Resiliency Plan. Developing this plan is supportive of the following guiding principles of the Town:

- May River & Surrounding Rivers and Watersheds Guiding Principle #1. Support initiatives, such as the May River Watershed Action Plan, to improve water quality of the May, Okatie/Colleton and New Rivers and their watersheds.
- May River & Surrounding Rivers and Watersheds Guiding Principle #2. Seek collaboration and partnerships that protect and improve the May, Okatie/Colleton and New Rivers and their watersheds.
- May River & Surrounding Rivers and Watersheds Guiding Principle #4. Support active planning and management for resilience of natural resources and our response to weather events, future disasters and changing environmental conditions.

Consistent with these Guiding Principles, WAPAC and Staff recommend Town Council authorize the Town Manager to issue a MSA Contract 2021-56 Task Authorization to McCormick Taylor, Inc. for critical wetland and resilience data gathering and analysis to develop two (2) ordinances (Wetland and Resilience) for adoption by the Town.

**ATTACHMENTS:**

1. Presentation
2. Wetland and Resilience Project Scope
3. SCDNR *May River Watershed Preliminary Landcover Assessment Report*
4. Proposed Motion