

**Environmental Committee Meeting
February 2, 2009; 3:00 PM
Kiawah Island Municipal Center
Upstairs Conference Room**

MINUTES

- I. Call to Order:** Mr. McHugh called the meeting to order at 3:00PM.
- II. FOIA:** Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island.
- III. Roll Call:**
Present: Harry McHugh, Chair
David Elliott
Jim Jordan, TOKI
Aaron Given, TOKI
Norm Shea, KICA
Dave Achey, KICA
Liz King, KIGR
Lois Bryant, ARB
Jim Chitwood
- Also Present: Kari Bowman, KIGR
Catherine Wilson, Town Clerk
Tumiko Rucker, Town Administrator
- Absent: Dale Anderson
- IV. Minutes:**
A. Environmental Committee Meeting Minutes of January 5, 2009
Mr. Elliott motioned to approve the minutes of January 5, 2009. Mr. Chitwood seconded the motion. Mr. Chitwood, Mr. Jordan, and Mr. Elliott made changes to the minutes. With those changes, the motion carried unanimously.
- VI. Old Business**
A. Beach Parking Update
Mr. McHugh stated that the Town has received a license from KIGR regarding the Beach Parking Lot but there were some concerns over the Emergency Access to the beach. Emergency vehicle beach access will be negotiated before the beach parking situation is finalized.

B. Green Initiatives

Liz King, KIGR

Mrs. King stated that the Resort's primary 2009 initiative will be the focus on corporate social responsibility. KIGR will focus on adjusting their business practices in order to incorporate the greater good of the entire Kiawah community. The Resort will be working with Johns Island charitable organizations in order to donate canned goods left behind by Resort guests. The Resort will begin a book exchange at Night Heron Park for use by the community and guests.

Mr. Chitwood stated that the Sandcastle has a used book program and suggested possible coordination of the two programs.

Tumiko Rucker, Town Administrator

The Town is working on expanding Island wide recycling initiatives and is hosting a Community meeting on Thursday, February 5 from 11am-1pm to discuss expanding the recycling program to all rental units and the Sandcastle. Mrs. King suggested that representatives from Freshfields be invited to the meeting so they may learn more about recycling. Mrs. Rucker explained that Freshfields is not located within the Town's jurisdiction but she will be happy to extend an invitation to the meeting. Mrs. Bryant also suggested extending an invitation to KDP's corporate office because they do not currently recycle any items. The Town will assume responsibility of the recycling dumpster on Sora Rail Road and install an additional recycling dumpster at Town Hall. The Town will host a shredding and E-Waste recycling day on April 22, 2009. Mrs. Rucker proposed the date of April 24, 2009 for the Palmetto Pride clean-up day. The Town provides all materials as well as a complimentary lunch for all participants. Mrs. Rucker stated that earlier advertising for the event may increase volunteer turnout.

Ghost Crab Traps

Mrs. King stated that as the waters begin to warm, more Diamondback Terrapins are making their way into the abandoned crab traps, known as ghost traps, and if traps are not checked regularly, a lot of terrapins may die. Unfortunately, the crab traps that remain unmonitored in the water cannot be removed unless state laws are changed. The crab traps are considered personal property and cannot be removed without permission from the owner. Committee members discussed possible legislation that would provide for a noticed period of time where crab traps remaining in the water could be pulled.

Mr. Elliott,

Mr. Elliott asked if the Town could offer backdoor recycling services. Mrs. Rucker stated that the Town is working on obtaining a wheeled, compartmentalized canister which would have space for garbage and comingled recyclables. Mrs. Rucker explained that the Town will work with the hauler in order to see what services they will be able to provide.

Mr. Elliott also asked if the Town has used video surveillance in order to monitor littering that takes place when vehicles are leaving the island. Mrs. Rucker stated that the cameras have not been useful due to their setup. Mr. Jordan stated that there is no system that will

adequately offer video surveillance of a roadway clearly enough to see items tossed out of a window. Mr. Jordan explained that Mr. Lameo had spoken about placing the cameras at a dumpsite in order to monitor illegal dumping that may occur.

Mr. Chitwood

Mr. Chitwood recommended that final ARB signoff of a property not be given until a crew provides a neighborhood cleanup.

V. New Business:

A. Kiawah Earth Day Festival and Re-Run-Kari Bowman, KIGR

Ms. Bowman stated that KIGR will be hosting two events to celebrate Earth Day. They will take place April 19. There will be a beach run called the re-run and all materials will be prior race materials that have not been used. After the race on the beach, KIGR everyone will come to the Park area for a green festival called a “Greenaville” with a bluegrass band and local vendors. Ms. Bowman invited all to attend and stated that a lot of people on the Committee may be able to set up a tent to present what they do on the Island.

VIII. Committee Member Comments:

Captain Sam’s Inlet Relocation

Mr. McHugh stated that he met with Mr. Lipuma and Seabrook Representatives to discuss the erosion and relocation of Captain Sam’s Inlet. KDP has requested further studies of the inlet in order to make sure there is no harm to the land. Seabrook representatives are hoping to make a formal presentation to Town Council at the March meeting. Mr. McHugh explained that Seabrook has withdrawn their original application in order to satisfy KDP’s request for impact studies.

Mr. Chitwood asked if this will impact the Piping Plover habitat on the west end. Mr. Jordan stated that it would have a drastic impact on the habitat. Mr. Jordan went on to say that Seabrook is going through the same type of permitting processes that the Town went through for the east end project and that all necessary state and federal permitting agencies will review the application prior to permitting.

Mrs. King asked if there was any information on the Captain Sam’s Development project. Mr. McHugh stated that 270’ erosion control was permitted by OCRM. Mrs. Rucker stated that the developer did not sign the 270’ permit and that she is not sure if they plan on appealing the decision.

OCRM Notification

Mr. McHugh stated that Mrs. Rucker wrote a letter requesting notification from OCRM on all erosion control permit applications and corresponding decisions. Mr. McHugh explained that the OCRM’s response stated that if the application is within the Town’s jurisdiction the Town will be notified of the application but that in order to receive notice of the decision the Town must make comment during the public comment time period and request to be notified of the decision. Mrs. Rucker also stated that OCRM’s legal

counsel stated that the Town's bulkhead permitting process decision could not be contingent upon OCRM's process. OCRM includes a disclaimer on each permit stating that the applicant is not relieved of their responsibility of pursuing any other federal, state, or local permitting guidelines in place. Mrs. Rucker explained that in most instances the Town is left unaware of applications.

Mrs. King asked if the Town was considering rewriting the ordinance removing the requirement that the property owner contact the Town first.

Mrs. Rucker stated that there is a Planning Subcommittee that was formed to specifically deal with the bulkhead permitting issue. One recommendation made to the Subcommittee was to incorporate the current ordinance into Article 12 so that property owners would be more inclined to visit that ordinance as they do when building or remodeling a home.

Mrs. Bryant stated that the ARB has as sentence on the top of their application that reads, "Please contact the Town of Kiawah for further information on their requirements for bulkheads, boatlifts, and other improvements".

Mrs. Rucker stated that the state's authority takes priority over the ARB and the Town's code.

Mr. Shea asked if the Town will be able to intervene in bulkhead situations approved by OCRM without application to the Town.

Mrs. Rucker stated that the only way the Town would be able to intervene is if the ordinance is incorporated into Article 12 and followed as an official process such as an application for plat approval. Mrs. Rucker stated that even if the applicant has the OCRM permit in place, this process would still require approval from the Town. Mrs. Rucker continued by explaining that if the applicant has OCRM approval, there is very little that the Town can do to stop the construction of the structure. Mrs. Rucker stated that a local authority does not have a greater authority than state or federal laws.

Mr. Chitwood asked if a local statute could prohibit what a federal statute allows. Mrs. Rucker stated that if that were allowable, then OCRM would have the criteria of Town approval prior to awarding the permit. Mr. Chitwood stated that the Town he lived in previously required structures to be torn down if the Town uninformed in the permitting process. Mrs. Rucker explained that there are a number of structures that have been installed without the Town's notification and that to her knowledge none of them have been required to be removed. Mr. Chitwood stated that the Town could change their policy on this. Mrs. Rucker stated that she agreed. Mrs. Rucker explained that the Town's currently review policy was an administrative review completed by a Code Enforcement officer. Mrs. Rucker stated that unless the Code is incorporated into the Town's Article 12 and required to go through the Planning Commission and Town Council to become an official policy then there is very little that the Town can legally do.

Mrs. Bryant asked for the worst example that would depict an erroneous construction of an erosion control structure.

Mr. Shea stated that one on Marsh Cottage was the worst he could think of and it was approved by OCRM.

Mrs. King asked if it was possible for the Planning Commission to have the bulkhead applications presented to the Environmental Committee for comments or approval. Mrs. King stated that this would allow inspection from an environmental perspective. Mrs. Rucker stated that the Committee would not want to delay the process any further in responding to the property owner but that the review process should not be rushed. Mrs. Rucker stated that the planning review process is not meant to be expedient and that the Environmental Committee could review as another step in approval.

Mr. Chitwood stated that he agrees with Mrs. King's suggestion and would like the Committee to be involved with the process.

Mr. Shea stated that OCRM permits in a vacuum and it would be good to have Committees reviewing the applications.

Mr. Elliott stated that it is important that someone with environmental expertise has a chance to review the application.

Mrs. Rucker asked if Mr. McHugh would like to have someone from the Environmental Committee sit in on the Planning Commission Subcommittee as they work on the framework of the ordinance. Mr. McHugh stated that the group feels strongly that the Town should strengthen control over the building of bulkheads and would like for someone from the Environmental Committee involved in the process. Mrs. Rucker stated that a person from the Environmental Committee could also conduct an onsite review.

Mr. Chitwood stated that the group may be able to provide insight on different methods of construction.

Mrs. King asked if the results of the permitting process planning could be brought to the Environmental Committee so that all would be aware of the existing procedures.

Mrs. Bryant asked if the Town had used the expertise of an engineer in the permitting process in the past. Mrs. Rucker stated that the Town had not used an engineer's review in the past but that could be part of the process in the future. Mrs. Rucker suggested contacted Dr. Kana for review.

Future of Landscaping

Mr. Chitwood suggested landscaping legislation or guidelines that prepare the understory of the Island for future build-out. Mrs. Rucker stated that suggestions and comments are welcome during the Planning Commission's review of the 10 Year Comprehensive Plan.

Norm Shea, KICA Lakes Management

Mr. Shea stated that a long-term goal of the KICA Lakes Dept is to address the issue of pool water being drained into ponds and is investigating the possibility of a Town ordinance regulating pool water discharge. Mr. Shea explained that running the pool water onto the top of the ground causes no problem, but direct discharge into ponds is concerning. Mrs. Rucker suggested offering a training session that would give each pool company a certificate of attendance. Mr. Shea is working with Carrie Manson to review and revise KICA view windows. KICA Lakes Dept installed a log in Pond 032 for turtle basking. They will also accept trees for use as turtle logs in other ponds, if they become available during clearing of property. Twenty ponds had icing during the cold weather but no fish kills were associated with the cold, to date. KICA is currently working with FastSigns on production of new nature placards.

Mr. Chitwood

Mr. Chitwood stated that the Conservancy has a meeting on February 4 to discuss the Diamondback Terrapins. Mr. Chitwood encouraged Committee member attendance to all Conservancy Matters Meetings on the first Wednesday of each month.

Mr. Jordan, TOKI

Mr. Jordan stated that there have been eight wildlife calls since last months meeting. Three stranded dolphins were taken by NOAA for necropsy. Three deer were killed when struck by vehicles. A report of a distempered raccoon at the County Park was made but upon inspection, the animal could not be located. Piping Plover surveys are conducted two times per month and average 13.5 birds per survey for the month of January. Bobcat GPS research is about to get underway and collars should be deployed by the end of March. Mr. Jordan explained that the best time for trapping is in January, February, and half way thru March. Deer spotlight surveys averaged fifty deer per square mile. Mr. Jordan stated that deer numbers have been stable in the last four to five years and that he attributes the early drops to fertility studies, female deer harvesting, and bobcat’s increasing skill in killing deer. Mr. Jordan stated that deer harvesting has not been conducted since 2002 and that he considers fifty deer per square mile a good number for the Island. Mr. Jordan reported that ocean birds have enjoyed a good year and you can see 15,000 ducks on a good day which is the largest in over six years.

Dave Achey, KICA Land Management

Mr. Achey stated that KICA will no longer paint the grass green and that this will have an impact on the Town contract.

Liz King, KIGR

KIGR has added three new bike tours and one focuses on the locations of recycling initiatives of the Resort. The bike ride includes Rhett’s Bluff and the ongoing reforestation project.

IX. Citizen Comments:

None

X. Adjournment:

Mr. Chitwood motioned to adjourn the meeting at 4:30pm. Mr. Jordan seconded the motion. The motion carried unanimously.

Submitted by,

Catherine C. Wilson, Town Clerk

Approved by,

Harry M. McHugh, Chairman

Date