



REVISED AGENDA

Town of Hilton Head Island

Town Council Meeting

Tuesday, February 4, 2025, 3:00 PM

1 Town Center Court, Hilton Head Island, SC
Benjamin M. Racusin Council Chambers

The meeting can be viewed on the [Town's YouTube Channel](#), the [Beaufort County Channel](#), and Spectrum Channel 1304.

1. **Call to Order**
2. **Pledge to the Flag**
3. **Invocation - Pastor Michael Carr, Central Church**
4. **Adoption of the Agenda**
5. **Approval of the Minutes**
 - a. Workshop Meeting Minutes of January 9, 2025
 - b. Regular Meeting Minutes of January 14, 2025
6. **Reports from Members of Town Council**
 - a. General Reports from Town Council
7. **Presentations and Recognitions**
 - a. Report of the Greenspace Advisory Committee - Peter Kristian, Town of Hilton Head Island Representative
8. **Unfinished Business**
 - a. Consideration of an Ordinance of the Town of Hilton Head Island Granting Easements to South Island Public Service Districts for Infrastructure Installation - Second Reading - Shawn Colin, Assistant Town Manager
9. **New Business**
 - a. Consideration of Adoption of 2025 Meeting Schedules for Finance and Administrative Committee and Community Services and Public Safety

Committee - Shawn Colin, Assistant Town Manager

- b. Consideration of an Ordinance to Amend Title 17 of the Municipal Code of the Town of Hilton Head Island, to Amend Chapter 4, Noise Control, to add Additional Requirements for Construction Hours - First Reading - Missy Luick, Director of Planning
- c. Consideration of a Resolution Authorizing the Town Manager to sign the Permits Required to Execute the Beach Renourishment Project - Shawn Colin, Assistant Town Manager
- d. Consideration of an Ordinance to Amend Title 16 of the Municipal Code of the Town of Hilton Head Island, the Land Management Ordinance, to amend Chapter 16-4, Use Standards, to add a new Adaptive Re-Use Hotel/Motel Conversion Program as Section 16-4-106 - First Reading - Missy Luick, Director of Planning

10. Public Comment - Non Agenda Items

11. Executive Session

- a. Discussion of Appointments to Boards, Commissions, and Committees (Pursuant to the South Carolina Freedom of Information Act Section 30-4-70[a],) related to:
 - 1. Lowcountry Area Transportation Study
 - 2. Lowcountry Council of Governments
 - 3. Beaufort County Airports Board
 - 4. Southern Lowcountry Regional Board
 - 5. Island Recreation Association Board
 - 6. Northpoint Public- Private Partnership Housing Committee
 - 7. Gullah Geechee Historic Neighborhoods Community Development Corporation Board of Directors
 - 8. South Carolina Flood Commission
 - 9. Beaufort County Economic Development Corporation
 - 10. Beaufort Housing Authority
 - 11. Beaufort County Solid Waste and Recycling Board
 - 12. Beaufort Jasper Housing Trust
 - 13. Beaufort County Sales Tax Advisory Committee
 - 14. Greenspace Advisory Committee
 - 15. Design Review Board
 - 16. Planning Commission
 - 17. Board of Zoning Appeals
- b. Discussion of Legal Advice from the Town Attorney on Matters Covered Under the Attorney-Client Privilege (Pursuant to the South Carolina Freedom of Information Act Section 30-4-70 [a]) related to:
 - 1. Project located at 12 Main Street, also known as Diamond Cove

12. Action from Executive Session

13. Adjournment

FOIA Compliance: Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of Hilton Head Island will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. Auditory accommodations are available. Any person requiring further accommodation should contact the Town of Hilton Head Island ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

Municipal Association of South Carolina (MASC) Civility Pledge:

"I pledge to build a stronger and more prosperous community by advocating for civil engagement, respecting others and their viewpoints, and finding solutions for the betterment of my city or town."



Town of Hilton Head Island TOWN COUNCIL MEETING Thursday, January 9, 2025, 1:00 PM Minutes

Call to Order

Mayor Perry called the meeting to order at 3:00 p.m.

Council Members present: Alan Perry, Mayor, Alex Brown, Ward 1, Mayor Pro-Tempore; Patsy Brison, Ward 2; Steve DeSimone, Ward 3, Tammy Becker, Ward 4; Steve Alfred, Ward 5; Melinda Tunner Ward 6.

Adoption of the Agenda

Mr. Alfred moved to approve. Ms. Brison seconded. Motion carried 7-0.

William Hilton Parkway Gateway Corridor Project Status

Mayor Perry welcomed the public and all dignitaries to the Workshop. He asked Marc Orlando to start off the workshop.

Mr. Orlando welcome and thanked all in attendance. He also thanked everyone that has been involved in the project from the beginning.

Mr. Orlando stated it is important to establish clear goals during the workshop. He explained that Shawn Colin has been the point of contact as well as the Town's project lead and has been instrumental in keeping the project moving forward. He explained Mr. Colin will provide a real-time update to Council and the public on the status of the project since Town Council advanced the Memorandum of Agreement. He suggested the following structure: 1) update on the status; 2) discussion of funding source and any gap implications, and 3) discussion of the design implications (if not today, soon), which includes performance, a sense of place and cost, and how to balance those factors. He noted that collaboration with the South Carolina Department of Transportation (SCDOT) and Beaufort County is important. He stated the Town has reviewed citizen feedback with the SCDOT and Beaufort County and will keep exploring and advancing comments to the SCDOT and Beaufort County. Mr. Orlando explained that staff is waiting for cost breakdowns from SCDOT and anticipate receiving the information mid-January. Mr. Orlando called on Shawn Colin to proceed with his presentation.

Mr. Colin reviewed timeline within the staff report and provided a timeline.

1. Memorandum of Understanding (MOU) Approval:

On June 28, 2024, the Town Council approved an MOU with Beaufort County, granting municipal consent for the project. This MOU was sent to Beaufort County with a request for their approval.

2. Beaufort County Response:

Beaufort County Administrator Michael Moore responded on November 27, 2024, with a proposal to bifurcate the MOU into two separate agreements: one focusing on the Bridge and Corridor project, and the other addressing community-related elements, particularly in the Stoney Historic Community. Curtis Coltrane's review of the proposed MOUs is also included.

3. SCSIB Funding Request:

Following the failure of the November 2024 Transportation Sales Tax referendum, the South Carolina State Infrastructure Bank (SCSIB) requested Beaufort County submit an updated funding plan by November 7, 2024, allowing 15 days for a response.

4. SCDOT Coordination and Deadline:

The South Carolina Department of Transportation (SCDOT) issued a letter to Beaufort County on November 18, 2024, regarding the need for coordination on addressing the deficient bridge. The letter set a March 31, 2025, deadline for a decision.

5. SCSIB Meeting:

On November 20, 2024, the SCSIB considered a request from Beaufort County for an additional \$90 million to support the project. The SCSIB did not approve additional funding but granted an extension until March 31, 2025, for Beaufort County to develop an alternative funding strategy.

6. December 6, 2024, Meeting:

On December 6, 2024, a meeting was held at Beaufort County's request to discuss the SCSIB and SCDOT letters. The meeting included key representatives from Beaufort County, the Town of Hilton Head Island, and the South Carolina legislature. The outcome of the meeting was a commitment from both Beaufort County and Hilton Head Island to evaluate cost estimates, identify potential funding sources, and determine actionable next steps.

Meeting Attendees:

- SC Senator Tom Davis
- Town of Hilton Head Island:
 - Alan Perry, Mayor
 - Alex Brown, Councilman
- Marc Orlando, Town Manager

- Shawn Colin, Assistant Town Manager
- Beaufort County:
 - Joe Passiment, County Council Chairman
 - Larry McElynn, Councilman
 - Alice Howard, Councilwoman
 - Michael Moore, Administrator
 - Jared Fralix, Assistant Administrator

7. December 19, 2024, SCDOT Meeting:

A meeting was held at the SCDOT Administration building in Columbia, South Carolina, on December 19, 2024, regarding the Gateway Corridor project.

Representatives from SCDOT, Beaufort County, and the Town of Hilton Head Island discussed the project's funding status, potential additional funding sources, and options for addressing deficiencies based on available funds.

Meeting Attendees:

- SC Senator Tom Davis
- SCDOT:
 - Justin Powell, Secretary of Transportation
 - Rob Perry, PE, Deputy Secretary for Engineering
 - John Boylston, Chief Engineer for Program Delivery
 - Casey Lucas, PE, Regional Production Group Engineering
 - Maggie Hendry, Chief Administrative Officer
 - Craig Winn, PE, Lowcountry Program Manager
- Beaufort County:
 - Mike Moore, County Administrator
 - Jared Fralix, Assistant County Administrator
- Town of Hilton Head Island:
 - Shawn Colin, Assistant Town Manager

The group discussed the project's funding status, potential additional funding sources, and options to address deficiencies based on available funds. Key topics discussed were as follows:

- **Funding Shortfall:**

The group considered potential funding sources, including upcoming grants and a future Beaufort County referendum, to address an approximate \$190 million funding shortfall.

- **Project Options Based on Available Funds:**

Three options were presented:

- **Option A:** Execute the current proposed project by securing additional funding to bridge the \$190 million gap.

- **Option B:** Proceed with a \$300 million funding, adjusting the project scope to match available funds.
- **Option C:** Define a project within a reduced budget of approximately \$180 million if the SIB withdraws its contribution.
- **Project Elements Breakdown:**

SCDOT will continue to itemize the project elements contributing to the total cost of \$490 million. These elements include bridge replacement, a multipurpose pathway, roadway adjustments on Jenkins Island, and improvements to the Stoney Community.
- **Potential Project Adjustments:**

Reductions in the project scope may require revisions to the Environmental Assessment (NEPA review) and modifications to the agreement with the SIB, potentially delaying the project by 9-12 months.
- **Next Steps:**
 - SCDOT will provide updated cost estimates in the coming weeks.
 - A follow-up meeting will likely occur in mid-January to review cost estimates and further discuss options.
 - A meeting with the SIB is anticipated in February to explore next steps and resolve funding issues.

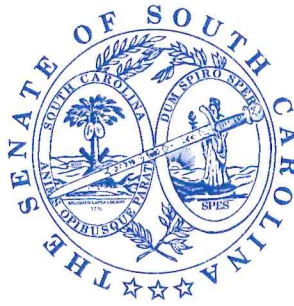
Mayor Perry invited Senator Tom Davis to speak.

Senator Davis stated he met with SCDOT Secretary Powell and was provided with updates to cost estimates regarding various components of the project. He referenced a three page summary of a path forward which begins on the following page along with correspondence from the State Infrastructure Bank and SCDOT. He noted that with the failure of the referendum things have changed and other alternatives need to be addressed. He pointed out the alternative keeps the spans separate and the sense of mass would be avoided. Senator Davis proceeded to review his proposal.

A copy of the letter and supporting documents begin on the following page.

SENATOR TOM DAVIS
SENATE DISTRICT 46
BEAUFORT AND JASPER COUNTIES

COMMITTEES:
AGRICULTURE AND NATURAL RESOURCES
BANKING AND INSURANCE
FINANCE
LABOR, COMMERCE, AND INDUSTRY
LEGISLATIVE OVERSIGHT
MEDICAL AFFAIRS



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TOMDAVIS@SCSENATE.GOV

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PHONE: (843) 252-8583
FAX: (843) 524-6401
EMAIL: TOM@SENATORTOMDAVIS.COM

January 9, 2025

Mr. Michael Moore
Administrator, Beaufort County
100 Ribaut Road
Beaufort, South Carolina 29902

VIA HAND-DELIVERY

Mr. Marc Orlando, Manager
Manager, Town of Hilton Head Island
1 Town Center Court
Hilton Head Island, South Carolina 29928

Re: 278 Corridor Improvements from Moss Creek Drive to Spanish Wells Road (the "Project")

Mr. Moore and Mr. Orlando:

I have discussed the status of the Project with the three other members of the Beaufort County Legislative Delegation who represent areas directly impacted by the Project – Representatives Jeff Bradley, Bill Herbkersman, and Weston Newton – and we respectfully submit the following recommendations for consideration by your respective councils.

Following the failure of the Local Sales Tax Referendum on November 5, 2024, the South Carolina Department of Transportation ("SCDOT") and the South Carolina Transportation Infrastructure Bank ("SIB") asked Beaufort County (the "County") to explain (see SIB Chairman John White's letter to Mr. Moore dated November 7, 2024, copy enclosed) how it intended to fund the approximately \$190 million difference between the current \$488 million estimated cost of the Project (see SCDOT Chairman Justin Powell's letter to Mr. Moore dated November 18, 2024, copy enclosed) and the \$298.85 million in committed funds, a breakdown of these committed funds being set forth in a summary provided on July 22, 2022, by then-SCDOT Chairwoman Christy Hall, copy enclosed.

[Note: For our analysis we need to know the amount of cash available, so the \$3.335MM shown on the funding summary provided by former SCDOT Chairwoman Hall as coming from the Town of Hilton Head Island (the "Town"), which is a monetized land contribution, must be subtracted, as does the \$4.18 million spent by the SCDOT, the \$6.89 million spent by the County, and the \$2 million spent by LATS. However, Secretary Powell advised us yesterday that the SCDOT is willing to commit an additional \$16.1 million to the Project, so this sum must be added, thus making the current total of (cash) committed funds \$298.53 million – \$204.42 MM in state funds and \$94.1MM in local funds (figures rounded to the hundredth decimal). The revised funding summary provided to us yesterday by SCDOT Secretary Powell is enclosed.]

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Messrs. Moore and Orlando

January 9, 2025

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Initially, the deadline for providing that explanation was November 22, 2024, but it was extended until March 31, 2025. This explanation was requested because officials for the County had proposed to the SCDOT and the SIB on May 29, 2024, that: 1) the County pay \$90 million of the \$190 million Project shortfall using funds from a sales tax to be approved by the voters via the Referendum; and 2) the state agencies cover the remaining \$100 million. The state agencies didn't refuse that proposal, but SIB Chairman White has stressed that SIB funds are limited and that demand for those funds far outstrips supply. We must therefore caution you that, even with a substantial local contribution, the ability to secure additional state funding to help defray the \$190 million shortfall is not certain. Once the Referendum failed, of course, the County's proposal became moot, leading to the state agencies' pending request for a backup plan.

At a public meeting held on November 12, 2024, Beaufort County Council discussed ways to fund this shortfall. (SIB Chairman White correctly notes in his letter to Mr. Moore that the Intergovernmental Agreement makes the County responsible for the entire \$190 million) At that council meeting there seemed to be no political will by members to either generate new revenue through higher taxes or to postpone other planned projects to free up existing revenue, and from this we have inferred that the County was (and still is) either unwilling or unable to make a significant contribution to the shortfall.

If a plan acceptable to the state agencies to fund the \$190 million shortfall is not in place by March 31, 2025, the SCDOT will proceed to replace the existing eastbound bridge over Mackay Creek, no other aspect of the Project will be pursued, and the \$120 million SIB grant will be revoked. We think that is a suboptimal outcome and that it would be better for the County and the Town to propose to the SCDOT and the SIB a way to spend the \$298.53 million in committed funds that best satisfies the objectives of all the stakeholders: the County, the Town, the SCDOT, the SIB, the Federal Highway Administration (the "FHWA"), and our constituents. In other words, to propose to do the best we can with the money we have. Here are our thoughts on what that might look like:

1. Propose that the SCDOT and the SIB allocate the \$204.42 million in committed state funds to build a new three-lane eastbound span from Moss Creek Drive to Windmill Harbor to the south of and parallel to the existing two-lane eastbound span, with the latter to be removed once the new span is completed. SCDOT Secretary Powell advised us yesterday that the estimated cost this new three-lane span is \$257.7 million; therefore, \$53.28 million of the \$94.1 million in existing committed local funds would also need also to be allocated to building this new three-lane eastbound span. In this proposal, the existing two-lane westbound spans from Windmill Harbor to Moss Creek, which includes bridges that are structurally sound with a useful life of at least another 20-plus years, would be left in place. Importantly, Secretary Powell believes this scaling down of the Project would qualify as a Categorical Exclusion in compliance with the National Environmental Policy Act.

We think this first proposal would accomplish several important objectives: 1) the structurally impaired eastbound bridge over Mackay Creek would be replaced; 2) access to the island would be increased; and 3) safety would be improved. Importantly, too, it would result in physically separated eastbound and westbound spans; the combination of these two spans into one single large span is widely resisted by many of our constituents.

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Messrs. Moore and Orlando
January 9, 2025
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2. Propose that the SCDOT and the SIB allow the remaining \$40.82 million in existing committed local funds to implement a master plan for improvements extending from Windmill Harbor to the Cross Island Parkway, the specifics to be provided by the County and the Town by March 31, 2025. This would involve an extension of the Project's scope beyond the current eastern terminus of Spanish Wells Road.

This second proposal would require the County and the Town to come up with an on-island master plan. SCDOT believes a reasonable argument can be made to have the FHWA treat this on-island component as a separate project distinct from the building of a new three-lane eastbound span from Moss Creek Drive to Windmill Harbor. However, even if it is, we urge the County and the Town to finalize the master plan by March 31, 2025, since what that plan ends up looking like may impact the design of the new three-lane eastbound span as it approaches Windmill Harbor and may also necessitate modifications to the existing two-lane westbound span as it leaves the island. A binding agreement as to how the remaining \$40.82 million in local funds will be spent may also be necessary to discharge the SIB's "local match" obligation.

In the development of an on-island master plan, we respectfully suggest that deference be provided to the Town and the residents of Hilton Head Island, in that they are the most directly impacted parties. There are several important island-specific quality-of-life issues to be sorted out in the master plan: mitigating impacts on the Stoney Community, facilitating the free flow of traffic, reducing the number of accidents that occur at the signalized intersections, and providing for an aesthetically pleasing entrance to the island.

The approach we suggest would require that approvals be obtained from the SCDOT, the SIB, and the FHWA. Complications in addition to the ones we have identified may also arise. That said, given the financial constraints, we believe this is a reasonable path forward. Thanks for your consideration.

Sincerely,



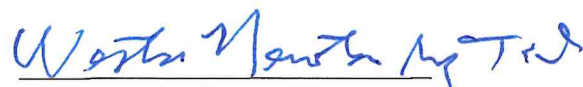
Tom Davis



Representative Jeff Bradley



Representative Bill Herbkersman



Representative Weston Newton



BOARD OF DIRECTORS

John B. White, Jr., *Chairman*

Ernest Duncan, *Vice Chairman*

Representative Chris Murphy

Senator C. Ross Turner, III

Pamela L. Christopher

David B. Shehan

André Bauer

**South Carolina
Transportation Infrastructure Bank**



955 Park Street
Room 120 B
Columbia, SC 29201
P: (803) 737-2825
Fax: (803) 737-2014

November 7, 2024

Michael Moore
Beaufort County Administrator
100 Ribault Road
Beaufort, SC 29201

Re: Beaufort County US 278 Project

Dear Mr. Moore:

In your July 3, 2024, letter to me, you informed the Bank the estimated funding shortfall for the US 278 Project was approximately \$190 million. You indicated the County intended to fund approximately \$90 million from a transportation sales tax referendum to be placed on the November general election ballot. On November 5, 2024, this bond referendum failed by a substantial margin of 55% to 45%.

As you know, the Intergovernmental Agreement between Beaufort County and the Bank provides that Beaufort County is responsible for any overages over the total cost of the Project. The total project cost referenced in the IGA is \$292,350,000. The Bank's commitment is a grant of \$120 million. An updated total project cost now ranges between \$425 million and \$480 million depending on the design of the project. Your letter indicated Beaufort County would allocate \$90 million toward the overage with funding coming from the transportation sales tax. Now that the transportation sales tax has been soundly rejected, please provide a detailed and complete explanation how Beaufort County intends to fund its approximately \$200 million requirement. Your letter requested the Bank provide an additional grant of \$90 million to go toward the funding shortfall. As you can imagine, the Bank Board must obtain better information from Beaufort County how it intends to fund the shortfall before the Bank can contemplate whether to provide additional grant dollars to the project.

Please respond within 15 days so the Bank Board can make a decision on how best to proceed with this Project.

If you should have any questions, please do not hesitate to contact me or Charles Cannon at (803) 737-1225.

Sincerely,


John B. White, Jr.
Chairman

Cc: Board Members

November 18, 2024

Mr. Michael Moore
County Administrator, Beaufort County
PO Drawer 1228
Beaufort, SC 29901

Dear Mr. Moore:

I appreciate the ongoing partnership between Beaufort County and the South Carolina Department of Transportation (SCDOT) on the development of the US-278 project between Bluffton and Hilton Head Island.

SCDOT has had the US-278 eastbound bridge over Mackay Creek on its priority lists for several years. This structure was built in 1956 and is reaching the end of its design life. Recent bridge inspections have rated the bridge as a 4 (out of 10), or poor. Due to the advanced age and current condition of the structure, SCDOT inspects the bridge annually rather than biannually like most other bridges in the state's inventory.

The present US-278 project initiated out of a desire from Beaufort County to replace all of the bridges and improve traffic operations between Bluffton and Hilton Head Island. In lieu of a separate project for the Mackay Creek bridge only, SCDOT entered into an intergovernmental agreement with Beaufort County to serve as project manager of the US-278 bridge and improvement project.

Through this partnership, this project has progressed through many steps up to this point, including obtaining municipal consent from the Town of Hilton Head Island. SCDOT anticipates a Federal Decision (Finding of No Significant Impact) from the Federal Highway Administration (FHWA) in the first half of 2025 and is prepared to move into right of way acquisition in late 2025. This would put the project on track to go to construction in 2027.

As was communicated by former Secretary Hall earlier this year, the project's current estimated budget is \$488 million, which is approximately \$190M short of the amount presently committed to the project from Beaufort County, the South Carolina Transportation Infrastructure Bank (SCTIB), and SCDOT. I am aware that there is a pending request to the SCTIB to cover \$90 million of the shortfall that will be discussed at the SCTIB's meeting on November 20. I am also aware that the referendum to fund Beaufort County's portion of the shortfall did not pass on November 5.

The condition of the US-278 eastbound bridge concerns me, especially in the harsh environment affected by saltwater and tides. The bridge is at risk in the future of being load posted which could limit the ability of emergency vehicles, commercial trucks, and school buses to access the island. Rehabilitation is an undesirable option with a current estimate of \$50 million being needed to add just 10 years to the bridge's lifespan.

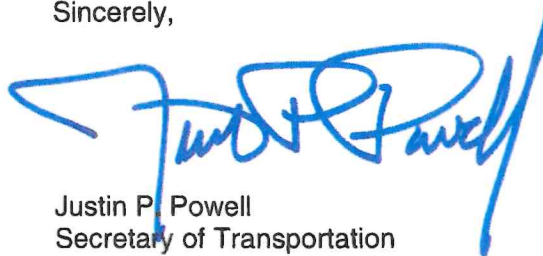
While a comprehensive solution of replacing all structures and improving traffic operations is the



most ideal path forward, we are approaching a point where time is of the essence on the US-278 eastbound bridge over Mackay Creek. In the professional opinion of SCDOT's Engineering team, a decision must be made by March 31, 2025 if the US-278 project is to continue with funding identified for construction. If not, SCDOT will be prepared to move forward with terminating existing agreements between SCDOT and Beaufort County so that there is sufficient time to design and permit a new bridge solely to replace the existing US-278 eastbound bridge over Mackay Creek.

As always, my team is available to assist as you consider options. Please do not hesitate to reach out to me as both Beaufort County and SCDOT consider next steps on this project.

Sincerely,



Justin P. Powell
Secretary of Transportation

CC: John B. White, Jr., Chairman of the South Carolina Transportation Infrastructure Bank
SCDOT Commission



Available Funding				
	PE	ROW	Construction	Total
Beaufort County	\$13,000,000	\$1,490,000	\$86,510,000	\$101,000,000
LATS (SCDOT)	\$2,000,000			\$2,000,000
SCDOT Bridge Funding	\$7,000,000	\$500,000	\$65,000,000	\$72,500,000
State Infrastructure Bank	\$0	\$0	\$120,000,000	\$120,000,000
Town of Hilton Head		\$3,350,000		\$3,350,000
Total	\$22,000,000	\$5,340,000	\$271,510,000	\$298,850,000

*Summary of committed
funding provided by
SCDOT Secretary Chirity
Hall on July 22, 2022*

		Budget	Expense	Remaining	Proposed Additional	TOTAL AVAILABLE
SCDOT Bridge	\$	72,500,000	\$ 4,180,718	\$ 68,319,282	\$ 16,100,000	\$ 84,419,282
SCTIB	\$	120,000,000	\$ -	\$ 120,000,000	\$ -	\$ 120,000,000
Beaufort County	\$	101,000,000	\$ 6,892,780	\$ 94,107,220	\$ -	\$ 94,107,220
LATS	\$	2,000,000	\$ 2,000,000	\$ -	\$ -	\$ -
	\$	295,500,000	\$ 13,073,498	\$ 282,426,502	\$ 16,100,000	\$ 298,526,502

*Revised summary
of committed funding
provided by SCDOT
Secretary Justin Powell
on January 8, 2025*

Mayor Perry introduced Beaufort County Council Chair, Alice Howard. Chair Howard thanked Senator Davis for his comments and update. She stated her appreciation for the presence of Beaufort County Council members and staff.

Mayor Perry asked if there were any Town Council members that are interested in going after additional funding. There were none.

Ms. Becker stated her opposition to the project approved in June by Town Council. She noted there was a tremendous amount of work to be done by the newly stated March 31, 2025, deadline. She questioned the timeline of informing Town Council regarding the December 6 meeting and requested that she and all of Council be apprised of things when they are happening. She requested the date when the County gave notice to the Town regarding the December 6 meeting. Mr. Orlando explained that he received notice of the Friday, December 6 meeting regarding the status of funding of the project from Beaufort County staff and accepted the invitation on December 4 at 12:58 p.m. He followed up with sending a summary of the meeting to all of Council on Monday.

Members of Council had questions, comments and discussion regarding: inquiry as to where the County will find the additional funds needed; a suggestion that one of the proposed three lanes be a reversible lane or at the least a breakdown lane that can also be used for evacuation; inquiry as to the reimbursement amount for relocation of the underwater pipeline and the impact on it when reducing the scope of the project; inquiry as to where the funding would come from for the \$53.3 million dollars along with the \$40.8 million dollars needed for the Hilton Head Island components; confirmation the funds allocated are inclusive of ancillary costs; the need for clarification on the Master Plan for Hilton Head Island costs; confirmation the Memorandum of Understanding (MOU) sent to the County was red-lined by staff and not reviewed by the entire County Council; inquiry as to whether the State Infrastructure Bank will reduce funds due to scaling down the scope of the project; a suggestion for the Town and County to have a legal understanding that they are moving forward jointly; confirmation the Beaufort County Council will be holding a workshop on this subject on January 21, 2025; a suggestion that the County and Town work together creating a timeline for the March 31, 2025 deadline; inquiry as to whether a westbound ramp is included in the costs if the light at Windmill Harbour is eliminated; importance of the Master Plan to address costs; the need for options and the cost of each option; confirmation by Senator Davis that deference is given to the Town regarding plans for the area between Windmill Harbour and the Cross Island Parkway; confirmation we have completed some components needed for the Master Plan and the need to fit them into the budget along with working with Beaufort County and SCDOT; a suggestion that with January 28 being held for a Council workshop that Council continue this discussion at that time; the need for cost estimates for the elements for Council to review and evaluate; confirmation and inquiry as to the width of the proposed bridge; inquiry and confirmation the causeways are being addressed in the costs; confirmation that the funds committed to Stoney for additional

enhancements are no longer included in the costs estimates; confirmation that environmental assessments for the Stoney area will be a separate component; inquiry as to phasing the bridge component and the Stoney area improvements; confirmation the SCDOT did not respond to the MOU and separate resolution the Town wanted included in the project; confirmation of the need for a scaled back approach using existing dollars submitted to the SCDOY; the need to define elements and costs of the Windmill Harbour to Cross Island Bridge areas and where funds will come from; clarifications that until such time the on-Island piece of the project is finalized, the new three lane bridge will be striped for two lanes so as to not have additional traffic until the project is completed; and clarification that due to the fact Senator Davis' proposal was just received, questions need prepared addressing his proposal for the next workshop.

Mayor Perry asked for Public Comment.

D. J. DeLong addressed Council regarding the option of repair as opposed to demolishing the entire bridge. He suggested seeking out companies who do pile repairs. He provided information regarding a number of qualified companies.

Christopher Cliffe addressed Council regarding bridge safety and stated that Council needs to get out of the way and let SCDOT take care of the project.

Peter Kristian addressed Council regarding public safety, evacuation needs and the need for a work force. He encouraged Council to move forward with the project.

Sherrie Mikrut addressed Council regarding her opposition to the large bridge span and stated the project needs to stay within the budgeted funds.

Richard Bisi addressed Council stating he is a member of the Technical Working Group and referenced their request Council oppose the massive bridge project noting they have shared data regarding plans that will reduce congestion without the massive bridge proposed.

Skip Hoagland addressed Council stating the Town is allowing too many tourists on the Island which is causing the congestion.

Gray Smith addressed Council to thank the residents that worked with him in opposing the project along with expressing his appreciation to Senator Davis and Council Member Tammy Becker for working with all of them.

Frank Babel addressed Council requesting that the cyclists not be forgotten while creating the Master Plan for the project.

Public Comment - Non Agenda Items

None.

Adjournment

The workshop adjourned at 3:15 p.m.

Kimberly Gammon, Town Clerk

Alan R. Perry, Mayor



Town of Hilton Head Island TOWN COUNCIL MEETING Tuesday, January 14, 2025, 3:00 PM Minutes

Call to Order

Mayor Perry called the meeting to order at 3:00 p.m.

Council Members present: Alan Perry, Mayor, Alex Brown, Ward 1, Mayor Pro-Tempore; Patsy Brison, Ward 2; Steve DeSimone, Ward 3, Tammy Becker, Ward 4; Steve Alfred, Ward 5; Melinda Tunner Ward 6.

Invocation - Reverend Michael Oenbrink, St. Francis by the Sea Catholic Church

Father Oenbrink delivered the invocation.

Adoption of the Agenda

Mr. Alfred moved to approve. Ms. Brison seconded. Motion carried 7-0.

Approval of the Minutes

Regular Meeting Minutes of December 3, 2024

Ms. Brison moved to approve. Mr. Alfred seconded. Motion carried 7-0.

General Reports from Town Council

Mayor Perry informed Council he would be attending the South Carolina Beach Advocates Conference as he has been appointed to the Board.

Ms. Brison expressed her appreciation to Fire Rescue for the development of a warm shelter during this cold weather and also thanked the Sea Turtle Patrol for their efforts during the cold spell in protecting the sea turtles.

Report of the Town Manager

Town Manager Marc Orlando reported on the following items of interest.

Office of Cultural Affairs:

The Office of Cultural Affairs has recently installed a temporary exhibition of artwork from the 'Art Beyond Tradition' Group here at Town Hall. These abstract artists have been exhibiting together since 2006 and have each brought an example of their work to share with our community. The exhibition is just outside the Council Chambers and is accessible during any public meetings. Thank you to these local artists.

Technology & Innovation:

The Technology & Innovation Department recently upgraded our network infrastructure by replacing the existing Metro Ethernet (MetroE) connectivity between town buildings with dark fiber.

This change allowed us to establish redundant connections for each town location, including all fire stations, significantly improving network reliability.

The transition to dark fiber provides virtually unlimited bandwidth capacity between buildings, with the only restriction being the capabilities of the equipment at each connection point.

In contrast, MetroE offered limited bandwidth and only a single connection per building, which constrained both scalability and redundancy.

This upgraded not only achieved redundancy but also a significant increase in bandwidth speeds, enabling better support for critical applications and future growth.

The termination of the MetroE circuits resulted in substantial cost savings of \$7,200 per month, starting in November 2024. This translates to an annual savings of over \$85,000.

Planning:

The Development Services implemented an electronic newsletter on a bimonthly frequency to improve communication with the building and construction community.

A community clean-up volunteer event featuring a street sweep and a mobile recycling center located at the Stables on Jonesville Road is scheduled on Saturday, January 18 from 9am until noon.

Community engagements for the District Plans project have been scheduled for all seven district plans. The first meeting will be in the Skull Creek District on January 16 at the Boys & Girls Club from 5pm until 7pm. A complete schedule can be found on the Town calendar on the Town website. In addition to posting on the Town website and social media channels, invitations for each meeting are being mailed to residents within the districts in advance of the meeting and will include a link to an online survey to provide input.

Public hearings for the LMO Priority Amendments & Northpoint Property Zoning Map Amendment will be held by the Planning Commission on February 19.

Staff Achievements

- a. David Staigar and Kathryn Hickey joined the Building Division as provisional inspectors.
- b. Emma Racanello joined the Community Development Information Center as a Community Development Services Coordinator.
- c. Joseph Wheeler, Building Inspector III, passed the Certified Building Official exam with the International Code Council.
- d. Shea Farrar, Principal Planner, was named President of the South Carolina Chapter of the American Planning Association (SCAPA) and will lead the organization for a two-year term.

- e. Melissa Paul Leto, Principal Planner, presented a session entitled “Showcasing Excellence: How Hilton Head Island’s Design Review Board Shapes Development to Preserve Island Character” at the South Carolina Chapter of the American Planning Association Fall Conference held in Spartanburg.
- f. Brandy Scholl, Administrative Assistant, is an accomplished artist who has recently been selected to create public art for the Town of Bluffton. The 4-foot-tall sculpture will be located in Wright Family Park and represent the history and ecology of the town of Bluffton through portraits of the Wright family, Gullah Geechee culture, and a vignette of the coastal waterway.

New Business

Appointment of Town Council Membership to the Community Services and Public Safety Committee - Mayor Alan Perry

Mayor Perry appointed the following Council members to the Community Services and Public Safety Committee:

Tammy Becker, Chair
Steve Alfred
Steve DeSimone

Appointment of Town Council Membership to the Finance and Administrative Committee - Mayor Alan Perry

Mayor Perry appointed the following Council members to the Finance and Administrative Committee:

Alex Brown, Chair
Patsy Brison
Melinda Tunner

Consideration of Adoption of Town Council 2025 Workshop Schedule - Shawn Leininger, Assistant Town Manager

Ms. Becker requested the proposed January 28 workshop be changed to January 27 as Ms. Tunner has a scheduling conflict.

Ms. Brison moved to approve the Town Council 2025 Workshop Schedule with the change requested by Ms. Becker changing the January 28 workshop to January 27. Mr. Alfred seconded. Motion carried 7-0.

Presentation of FY2024 Annual Comprehensive Financial Audit Report for the Town of Hilton Head Island Presentation by Mauldin & Jenkins, CPAs - Adriana Burnett, Finance Director

In compliance with South Carolina Code Section 5-7-240, the Town is required to conduct an independent annual audit of its financial statements. These statements include the financial position of governmental activities, business-type activities, each major fund, and the aggregate remaining fund information as of June 30, 2024. They also detail the respective changes in financial position and relevant disclosures.

The purpose of the audit is to express an opinion on whether the financial statements are fairly presented, in all material respects, in accordance with accounting principles generally accepted in the United States of America (U.S. GAAP).

Mauldin & Jenkins CPA's and Advisors conducted the audit to provide these services for the Town. This marks the firm's second year performing the audit for the Town.

Trey Scott, CPA partner at Mauldin & Jenkins CPA's & Advisors has led the audit for the Town. The financial statements are fairly presented in all material respects, in accordance with GAAP. Mr. Scott conducted a detailed presentation regarding the audit.

Council members made comments, asked questions and had discussion regarding: inquiry as to whether the Town should be looking for opportunities to conduct audits on internal controls; inquiry as to the one finding and how to ensure it doesn't happen in the future; confirmation the finding was a result of a standard that should have been implemented 7 years ago and has now been corrected; a reference to the Annual Comprehensive Financial Report noting it is well put together and a great tool; inquiry regarding incurring more debt since the towns rating is so good; an inquiry and confirmation that Hilton Head Island rates in the top ten in comparison to other similar municipalities; inquiry into the pension liability and how it impacts the Town; and confirmation that Hilton Head Island has a positive unrestricted net position..

Mayor Perry asked for public comment. There was none.

Consideration of an Ordinance of the Town of Hilton Head Island Granting Easements to South Island Public Service Districts for Infrastructure Installation - First Reading - Shawn Colin, Assistant Town Manager

Town Council is asked to consider four (4) utility easements on Town-owned property, as requested by the South Island Public Service District (SIPSD) for the purpose of upgrading their potable water source and distribution system.

On August 20, 2024, Town Council reviewed SIPSD's request for easements during Executive Session and requested additional information regarding tree impacts.

On November 12, 2024, Town Council further reviewed SIPSD's request during Executive Session and made the following comments:

- Identify the affected properties on Attachment 1 as "Town-Owned Property;"
- Require a project schedule and pathway detour plan;
- Require live oak trees as mitigation for all tree removal; and
- Require understory vegetation mitigation in the William Hilton Parkway and Dunnagan's Alley easement.

The Town's development review team is working with SIPSD to ensure these conditions are met through the Development Plan Review (DPR) application process. SIPSD has no objection to these conditions.

Easement Requests:

1. Pope Avenue (R552 015 000 0395 0000):

- **Description:** This easement includes a 10-foot-wide strip along Town-owned property adjacent to Pope Avenue, in front of St. Luke's Church.
- **Method of Installation:** Directional boring, which will avoid impacting trees.

2. Corner of Arrow Road and William Hilton Parkway (R550 015 000 0007 0000):

- **Description:** This easement includes a 10-foot-wide strip along Town-owned property, along William Hilton Parkway.
- **Method of Installation:** Directional boring, which will avoid impacting trees.

3. William Hilton Parkway (R550 015 000 0324 0000):

- **Description:** This easement spans the entire William Hilton Parkway frontage of the Town Hall property, with a consistent width of 10 feet.
- **Method of Installation:** Directional boring, which will avoid impacting trees.

4. William Hilton Parkway and Dunnagan's Alley (R550 015 000 0323 0000):

- **Description:** This easement is located between the Village at Wexford and Town Hall, with a varying width: 40 feet at William Hilton Parkway, narrowing to 20 feet through the property, and expanding to 60 feet at Dunnagan's Alley. Additionally, there is a 20-foot-wide temporary construction easement proposed adjacent to the permanent easement.
- **Method of Installation:** This portion of the project requires an open trench installation, which will impact up to 23 trees and understory bushes.
- **Tree Impact:**
 - ✓ 3 live oak trees (largest being 20" in diameter)
 - ✓ 9 gum trees (largest being 15" in diameter)
 - ✓ 11 pine trees (largest being 24" in diameter)
- **Tree Mitigation:** Town staff will continue working with SIPSD to minimize tree removal and require tree mitigation.

The proposed easements will enable the upgrade of SIPSD's potable water system. Three of the four easements will avoid tree impacts through the use of directional boring, while the fourth easement will require tree removal and mitigation.

Council members made comments, asked questions and had discussion regarding: inquiry as to the impact on the multi-use pathways; confirmation the impact will be minimal; a request to have clear direction for alternative routes for pathway users; concern for the live oaks and the need for a defined tree mitigation plan before approval; confirmation there are no impacts on trees in the first three areas; and confirmation a mitigation plan for the fourth area can be brought forward at the second reading on February 4.

Mayor Perry asked for public comment. There was none.

Mr. Brown moved to approve and to have a more detailed tree mitigation plan presented at second reading. Mr. Alfred seconded. Motion carried 6-1 (Ms. Brison

opposed).

Consideration of a Resolution of the Town of Hilton Head Island Approving the Recommendation from the Accommodations Tax Advisory Committee for the Calendar Year 2024 Grants - Adriana Burnett, Finance Director

Mr. McGowan introduced Stephen Arnold, Chair of the Accommodations Tax Committee to conduct his presentation.

On November 7, 2024, the Accommodations Tax Advisory Committee (ATAC) met to make grant funding recommendations for 34 ATAC grant applications that were solicited from our traditional 2025 grant cycle. As a result, the ATAC was pleased to make funding recommendations on all 34 of the submitted ATAC grant applications.

Total Applicant Funding Requests	\$4,241,650	Total Available
Funding for Grants		
(after required \$50,000 reserve)	\$3,891,644	
ATAC Funding Recommendations for Grants	\$4,186,065	

As with past practice, the ATAC has worked to establish a consistent philosophy in how applications are reviewed and prioritized. Over the past five years, the review and recommendation approach of the ATAC has evolved through continuous improvement into the following guiding principles:

Economic Growth Through Tourism - Does the applicant organization drive overnight visitors to Hilton Head Island?

Creation of Sustainable Visitor Traffic - Does the applicant organization enhance or improve the visitor experience on Hilton Head Island creating opportunities that would encourage visitors to return to Hilton Head Island?

Collaboration Amongst Organizations - How well does the applicant organization collaborate with other local organizations, especially fellow grant applicants? Where possible, do applicants cross-promote each other to further enhance the visitor experience?

Organization Viability and Return on Investment - Does the organization possess a clear vision and an achievable direction? Does the organization have other sources of public and private support available? What is the organization's long-term dependency on ATAX funding going to be? Do established applicant organizations have the financial means to support themselves without an ATAX award for the upcoming year and/or beyond? Do organizations with a strong balance sheet have a strategic plan for their cash reserves?

Operational Confidence - How well do the applicant organizations understand their operations? Do they track and report metrics, do they provide sufficient transparency and are they accountable for their results?

The Committee also strives to enhance the grant review process as it is important to evolve our thinking to the strategic focuses of the Town, the best practices of other ATAX municipalities and evaluate feedback solicited through the past year. To provide an additional layer of summary with our recommendation, each application has been broken

out into sections categorizing, at the highest level, the type of recommendation each application received from the Committee this year. These two categories will group applications together based on whether they received recommendations for full or for partial funding. A spreadsheet was displayed during the meeting listing all applicants along with the amount each applicant requested. The Committee Members discussed each individual application and ultimately, the Accommodations Tax Advisory Committee decided upon the following for funding:

The Committee was in a fortunate position to make several full-funding recommendations again this year. The Committee felt that the twenty-five organizations that fell into this category were thoughtful with their grant requests, demonstrated a reasonable financial need, and were able to show a strong Return on Investment (ROI) with how they chose to invest their financial resources to drive and enhance tourism on Hilton Head Island. Furthermore, the Committee is cautious in recommending increases year over year funding to ensure that a new benchmark would not be created that could adversely impact the applicant in upcoming years if the same funding levels were not available in the future.

Request	Committee Recommendation	
Art League of Hilton Head	\$ 80,000	\$ 80,000
Arts Center of Coastal Carolina	\$ 447,000	\$ 447,000
David M. Carmines Memorial Foundation	\$ 185,000	\$ 185,000
Gullah Museum of Hilton Head Island	\$ 180,000	\$ 180,000
Harbour Town Merchants	\$ 29,000	\$ 29,000
Hilton Head Concours d'Elegance	\$ 350,000	\$ 350,000
Hilton Head Island Airport	\$ 150,000	\$ 150,000
Hilton Head Island Rec Association	\$ 75,000	\$ 75,000
HHI Wine & Food Inc. (Rhythm & Brews Fest)	\$ 30,000	\$ 30,000
HHI Wine & Food Inc. (Wine & Food Fest)	\$ 130,000	\$ 130,000
Hilton Head Symphony Orchestra	\$ 350,000	\$ 350,000
Lean Ensemble Theatre	\$ 55,000	\$ 55,000
Lowcountry Golf Course Owners Assoc.	\$ 200,000	\$ 200,000
Lowcountry Gullah	\$ 100,000	\$ 100,000
Mitchelville Preservation Project	\$ 190,000	\$ 190,000
Native Island Business & Community Assoc.	\$ 225,000	\$ 225,000
Rotary Club of Hilton Head Island	\$ 40,000	\$ 40,000
Sea Turtle Patrol HHI	\$ 70,000	\$ 70,000
Shelter Cove Harbour Company	\$ 293,800	\$ 293,800
TEDx Hilton Head	\$ 10,000	\$ 10,000
The Boys & Girls Club of Hilton Head	\$ 40,000	\$ 40,000
The Coastal Discovery Museum	\$ 400,000	\$ 400,000
The First Tee of the Lowcountry	\$ 50,000	\$ 50,000
The Outside Foundation	\$ 72,000	\$ 72,000
The Sandbox	\$ 64,000	\$ 64,000
Total Full Funding	\$3,815,800	

Nine organizations, despite being eligible, were not recommended for full funding. Three of

these were limited by TERC-based funding caps. The remaining organizations faced funding reductions due to the constrained budget available for awards this year. This was an unavoidable outcome given the financial limitations.

The ATAC evaluated each application based on its individual merit, independent of the overall funding pool. The Committee emphasizes that partial funding should not be interpreted as a negative assessment of the organization. Recommendations adhered to staff guidelines for partial funding, which were applied for budgetary considerations.

Additionally, the Committee was mindful of avoiding significant year-over-year increases in funding. This approach was taken to prevent setting new benchmarks that might create challenges for applicants in future years, should similar funding levels be unavailable.

A total variance of \$55,585 was observed between the amounts requested and the Committee's funding recommendations. The Committee remains confident that its recommendations reflect the highest and best use of the available funds and are appropriate for this year's grant cycle.

	Request	Committee Recommen ds	Variance
Hilton Head Audubon Society	\$ 21,400	\$ 15,000	(\$ 6,400)
Hilton Head Choral Society	\$ 20,000	\$ 15,000	(\$ 5,000)
Hilton Head Dance Theater	\$23,000	\$ 20,000	(\$ 3,000)
Hilton Head Island Bridge Assoc	\$ 21,000	\$ 15,000	(\$ 6,000) TERC Based
Hilton Head Land Trust	\$ 47,000	\$ 37,000	(\$10,000)
Hilton Head Island St. Patrick's Day Parade	\$ 80,000	\$ 68,388	(\$ 11,612)
Hilton Head MLK Committee for Justice	\$ 5,000	\$ 2,980	(\$ 2,020) TERC Based
Long Cove Club (Darius Rucker Intercollegiate)	\$ 65,450	\$ 61,897	(\$ 3,553) TERC Based
The Heritage Library	\$ 143,000	\$ 135,000	(\$ 8,000)
Total Partial Funding	\$ 425,850	\$ 370,265	(\$55,585)

Summary

Full Funding	\$ 3,815,800
Partial Funding	\$ 370,265
Total CY 2024 Grant Funding	\$ 4,186,065

At the conclusion of the meeting, a motion was made to approve the recommendations as presented on the projected spreadsheet (summarized above). The motion was seconded, and all Committee members voted unanimously to approve, except for specific line items where individual members recused themselves during the meeting. The final roll call vote was 7-0.

Mayor Perry asked for public comment. There was none.

Ms. Brison moved to approve the full funding recommended by the Accommodations Tax Advisory Committee in the amount of \$3,815,800 and to include full funding for

those which the Committee recommended partial funding, with the exception of Hilton Head Island Bridge Association, Hilton Head MLK Committee for Justice, and Long Cove Club, which are TERC based reductions; and the reduction of Lowcountry Golf Course Owners Association from the \$200,000 recommendation to awarding \$150,000. Mr. Alfred seconded.

Ms. Becker moved to amend the motion to not fund the \$200,000 requested from the Lowcountry Golf Course Owners Association, the \$40,000 requested from the Rotary Club of Hilton Head (Quenchbuggy), reduce the Outside Foundation award by \$10,000 to not fund the \$100,000 Lowcountry Gullah request. Mr. DeSimone seconded.

Ms. Becker amended her motion to state that the applicants mentioned in her original amendment be voted on separately to determine funding. (Lowcountry Golf Course Owners Association, Rotary Club of Hilton Head (Quenchbuggy) and The Outside Foundation). Mr. DeSimone, as the seconder to Ms. Becker's original amendment to the motion was in agreement and seconded her amendment to her motion. Motion carried 4-3 (Brown, Alfred and Brown opposed).

Ms. Becker moved that for 2025 the Lowcountry Golf Course Owners Association receive no funding or at least temporarily hold the funding for further conversation with regard to the appropriateness of the funding. Mr. DeSimone seconded. Motion failed 1-6 (Tunner, Alfred, Brown, Perry, Brison and DeSimone opposed.)

Ms. Tunner moved to fund the Lowcountry Golf Owners Association \$100,000. Ms. Becker seconded. Motion failed 2-5 (Alfred, Brown, Perry, Brison and DeSimone opposed).

Ms. Brison moved to approve \$150,000 to the Lowcountry Golf Owners Association. Mr. Alfred seconded. Motion carried 5-2 (Tunner and Becker opposed).

Ms. Becker moved that at this time there is not enough evidence or data provided to approve funding the Rotary Club of Hilton Head (Quenchbuggy) request for 2025. Ms. Tunner seconded. Motion failed 3-4 (Alfred, Brown, Brison, DiSimone opposed).

Ms. Brison moved to approve the Committee recommendation of \$40,000 to the Rotary Club of Hilton Head (Quenchbuggy). Mr. Brown seconded. The motion carried 4-3 (Tunner, Perry and Becker opposed).

Ms. Becker moved to approve \$62,000 in funding to The Outside Foundation (a reduction of \$10,000 from the Committee recommendation). Mr. DeSimone seconded. Motion failed 2-5 (Tunner, Alfred, Brown, Brison and Perry opposed).

Ms. Brison moved to approve the Committee recommendation of \$72,000 to The Outside Foundation. Mr. Brown seconded. Motion carried 5-2 (Becker and DeSimone opposed).

Ms. Becker moved, based on Lowcountry Gullah being almost entirely internet based and therefore leaving a question on return on investments, as required by TERC, that there be no funding. Mr. DeSimone seconded. Motion failed 1-6 (Tunner, Alfred, Brown, Perry, Brison and DeSimone opposed).

Ms. Brison moved to approve the Committee recommendation of \$100,000 to Lowcountry Gullah. Mr. Alfred seconded. Motion carried 6-1 (Becker opposed).

Mayor Perry called for a vote on the original motion. Motion carried 7-0.

Consideration of a Resolution of the Town of Hilton Head Island Approving a Sponsorship Agreement with the Heritage Classic Foundation to Support the 2025 RBC Heritage Golf Tournament - Shawn Colin, Assistant Town Manager

Mr. Colin stated the Town has historically been a sponsor of the RBC Golf Tournament. With recent developments within the PGA TOUR, the 2025 Tournament has maintained its designation as one of the Tour's "Signature Events". Signature Events feature limited field sizes and a \$20 million purse, and the RBC Heritage is one of five Signature Events that will not have a player cut. On December 16, 2024 the Heritage Classic foundation wrote to the Town regarding a new Sponsorship Agreement for 2025. A copy of that correspondence is enclosed as Attachment 1. In the 2025 Sponsorship Agreement, enclosed as part of Attachment 2, the Heritage Classic Foundation is requesting the Town's maintain its financial sponsorship level at \$400,000 for this year's event, the same as in 2024. In exchange for this sponsorship, the Town will continue to receive recognition as a sponsor in many of the tournament's promotional materials. It has been estimated that the RBC Golf Tournament generates approximately \$134.5 million in economic impact each year. The 2024 Tournament also brought more than 100,000 event attendees to Hilton Head Island over the course of the week.

Mayor Perry asked for public comment. There was none.

Following discussion, Ms. Brison moved to approve. Mr. Alfred seconded. Motion carried 7-0.

Consideration of Approval of Rental Locations Proposed by Shore Beach Services for 2025 Beach Season - Shawn Colin, Assistant Town Manager

Shore Beach Services began providing lifeguarding services for the Town since its incorporation in 1983. These services have always been provided through the execution of non-exclusive Franchise Agreement. Over the years, this agreement has been renegotiated, and the scope of services has varied from time to time. Shore Beach Services currently provides lifeguards, beach rental equipment, and trash removal services to the Town under a Franchise Agreement dated June 18, 2024.

Per Article 5 of the approved Shore Beach Services Non-Exclusive Franchise Agreement, the Franchisee shall submit to the Town Council for approval *a listing of rental locations intended to be operated within the areas of operation during the next beach season.*

5. APPROVAL PROCESS: *On or before December 1st of each year, the Franchisee shall submit to the Town Council for approval a listing of rental locations intended to be operated within the areas of operation during the next beach season. This listing shall include the product quantities for each rental location. For purposes of the first year of this Agreement, the rental locations and product quantities shall be those that were approved by the Town in Calendar Year 2024. The purpose of this approval process is to regulate the location and quantities of rental equipment in use on the beach. Product quantities for each rental*

location shall not depart significantly from amounts approved during the previous year. Upon the request of the Franchisee, the Town Council may approve product quantity increases in areas of operation when circumstances such as new or expanded beach parks, other developments or changes in demand warrant such increases.

Pursuant to Section 5 of the Franchise Agreement with the Town of Hilton Head Island, Shore Beach Services submitted six schedules showing the rental locations that they intend to operate during the 2025 season along with the product quantities for each rental location.

There is a separate schedule for each of the five Areas of Operation, as defined in Section 4 of the Franchise Agreement, as well as a summary for all franchise areas. For reference purposes, the approved product quantities for 2024 season have been included on each of these schedules (Exhibits C-1 to C-5).

4. AREAS OF OPERATION: *By this Franchise Agreement, the Franchisee is hereby authorized to operate and conduct commercial activities (as defined herein) and in Exhibit B-1 in the following areas:*

A. From the northern boundary of the Westin Hotel south to the southern boundary of the designated swimming area at Driessen Beach Park. The portion of the beach extending 300 feet from either side of the center of the boardwalk at Surf Watch. The portion of the beach from the Burkes Beach access north 400 feet. The portion of the beach from the northern boundary of Palmetto Dunes to Beach Emergency Marker 96 (Exhibit B-2).

B. From the northern boundary of the Palmetto Dunes “Dunes House” south to the southern boundary of the Omni Resort in Palmetto Dunes (Exhibit B-3).

C. From the northern boundary of Hampton Place at Palmetto Dunes south to the Southern Boundary of Shipyard Beach (Exhibit B-3).

D. From the northern boundary of the Sea Crest south to the southern boundary of Alder Lane designated swim area. (Exhibit B-4)

E. From Emergency Marker 39 south to the Southern Boundary of Turtle Lane Club and from Beach Emergency Marker 13 at Tower Beach Club westerly to Beach Emergency Marker 11 and easterly 300 feet. (Exhibit B-5).

There was little change in peak demand for rentals during the season. Accordingly, the quantity of equipment is mostly unchanged with some reallocations of equipment amongst rental locations. Overall product quantities at rental locations for 2025 would be the same as 2024. There are the following changes within two Areas:

In Area C, four Umbrella/Cabanas and six Chairs/Lounges have been moved from Barrington to Hampton.

In Area E, six Umbrellas/Cabanas have been moved from Tower Beach to Sea pines Beach Club.

Council members made comments, asked questions and had discussion regarding: the need to assure that all private beach entrances be clear for residents to access the beach; and the need to work with Shore Beach Services for a beach warning system at all points of the beach.

Mayor Perry asked for public comment. There was none.

Ms. Brison moved to approve. Mr. Brown seconded. Motion carried 7-0.

Public Comment - Non Agenda Items

David Martin addressed Council regarding the status of paid parking in the Coligny Area.

Gray Smith addressed Council regarding the important of making the changes to the Land Management Ordinance to limit condominiums and other high density construction.

Amber Kuehn addressed Council suggesting that the Wild Wings Property on Poe Avenue be repurposed to house Sea Turtle Patrol, Shore Beach Services and c/ode Enforcement, along with provided a visitor information center in the building.

Executive Session

Discussion of Contractual Arrangements Pertaining to Designated Marketing Organization[Pursuant to the South Carolina Freedom of Information Act Section 30-4-70 (a)(2)]

Discussion of Legal Updates from the Town Attorney on Matters Covered Under the Attorney- Client Privilege [Pursuant to the South Carolina Freedom of Information Act Section 30-4- 70(a)(2)]

Discussion of Legal Advice from the Town Attorney on Matters Covered Under the Attorney-Client Privilege Incident to Settlement Negotiations Concerning Pending Litigation Captioned “County of Charleston, *et al.*, v. AIRBNB, Inc., *et al.*,” Seeking Payment of Accommodation Taxes and Business License Fees to the Town and Other Local Governments in South Carolina [Pursuant to the South Carolina Freedom of Information Act Section 30-4-70 (a)(2)] related to:

1. AirBnB

Discussion of Negotiations Incident to Proposed Contractual Arrangements and Discussions for the Proposed Sale or Purchase of Property (Pursuant to South Carolina Freedom of Information Act Section 30-4-70 (a)(2)] related to:

1. Pembroke Drive Area
2. William Hilton Parkway Area
3. Squire Pope Road Area
4. Pope Avenue Area
5. Mitchelville Area
6. Stoney Area
7. Jonesville Road Area
8. Beach City Road Area
9. Marshland Road Area

Mayor Perry asked the Town Manager if there was a need to enter Executive Session. Mr. Orlando stated there was a need regarding the items listed above.

At 5:45 p.m. Mr. Alfred moved to enter into Executive Session for the reasons cited by the Town Manager. Ms. Becker seconded. Motion carried 7-0.

At 8:05 p.m. Mr. Brown moved to come out of Executive Session. Ms. Brison seconded. Motion carried 7-0.

Action from Executive Session

Mr. Brown moved to authorize the Mayor and Town Manager to sign a Settlement Agreement in Case 2021-CP-07-1650 as explained by the Town's Attorneys. Ms. Brison seconded. Motion carried 7-0.

Adjournment

The meeting adjourned at 8:06 p.m.

Approved:

Kimberly Gammon, Town Clerk

Alan R. Perry, Mayor

The recording of this Meeting can be found on the Town's website at www.hiltonheadislandsc.gov



TOWN OF HILTON HEAD ISLAND

Town Council

TO: Mayor Alan R. Perry & Town Council Members
FROM: Ben Brown, Director of Strategic Initiatives
CC: Marc Orlando, ICMA-CM, Town Manager
Shawn Colin, Assistant Town Manager of Strategic Initiatives
Curtis Coltrane, Town Attorney
DATE: February 4, 2025
SUBJECT: Negotiations Incident to Proposed Contractual Arrangements and Easement Requests by the South Island Public Service District

RECOMMENDATION:

Town Council is asked to consider four (4) utility easements on Town-owned property, as requested by the South Island Public Service District (SIPSD), to facilitate the upgrading of their potable water source and distribution system.

BACKGROUND:

On August 20, 2024, the Town Council reviewed SIPSD's request for easements during Executive Session and requested additional information regarding tree impacts.

On November 12, 2024, the Town Council further discussed SIPSD's request for easements during Executive Session and provided the following feedback:

1. Identify the affected properties on Attachment 1 as "Town-Owned Property."
2. Require a project schedule and pathway detour plan.
3. Require live oak trees as mitigation for all tree removal.
4. Require mitigation for understory vegetation in the William Hilton Parkway and Dunnagan's Alley easement.

On January 14, 2025, the Town Council approved first reading of the requested easements with the condition that the following information be provided before second and final reading:

1. Tree removal and mitigation plans (Attachments 2 & 3).
2. An explanation of why open trench digging is proposed on the William Hilton Parkway and Dunnagan's Alley easement, as opposed to directional boring.

The Town's development review team is working with SIPSD to ensure compliance with these conditions through the Development Plan Review (DPR) process. SIPSD has indicated a preference for open trench digging along the drainage canal in the William Hilton Parkway and Dunnagan's Alley easement, as the equipment necessary for directional boring is large and would require additional tree removal to operate. Open trench digging requires a

narrower construction footprint. SIPSD provided the attached tree removal and mitigation plans, which include the removal of up to 23 trees (one of which is dead). The tree removal plan details the removal of four oak trees, including two 15" water oaks (one of which is diseased), an 8" water oak, and a 20" live oak. The tree mitigation plan outlines the planting of 14 live oak trees, which are at least 4 caliper inches in diameter and approximately 10 feet tall at installation.

Easement Requests:

1. **Pope Avenue (R552 015 000 0395 0000):**
 - **Description:** This easement includes a 10-foot-wide strip along Town-owned property adjacent to Pope Avenue, in front of St. Luke's Church.
 - **Method of Installation:** Directional boring, which will avoid impacting trees.
2. **Corner of Arrow Road and William Hilton Parkway (R550 015 000 0007 0000):**
 - **Description:** This easement includes a 10-foot-wide strip along Town-owned property, along William Hilton Parkway.
 - **Method of Installation:** Directional boring, which will avoid impacting trees.
3. **William Hilton Parkway (R550 015 000 0324 0000):**
 - **Description:** This easement spans the entire William Hilton Parkway frontage of the Town Hall property, with a consistent width of 10 feet.
 - **Method of Installation:** Directional boring, which will avoid impacting trees.
4. **William Hilton Parkway and Dunnagan's Alley (R550 015 000 0323 0000):**
 - **Description:** This easement is located between the Village at Wexford and Town Hall, with a varying width: 40 feet at William Hilton Parkway, narrowing to 20 feet through the property, and expanding to 60 feet at Dunnigan's Alley. Additionally, there is a 20-foot-wide temporary construction easement proposed adjacent to the permanent easement.
 - **Method of Installation:** This portion of the project requires an open trench installation, which will impact trees and understory bushes.
 - **Tree Mitigation:** Town staff will continue working with SIPSD to minimize tree removal and require tree mitigation.

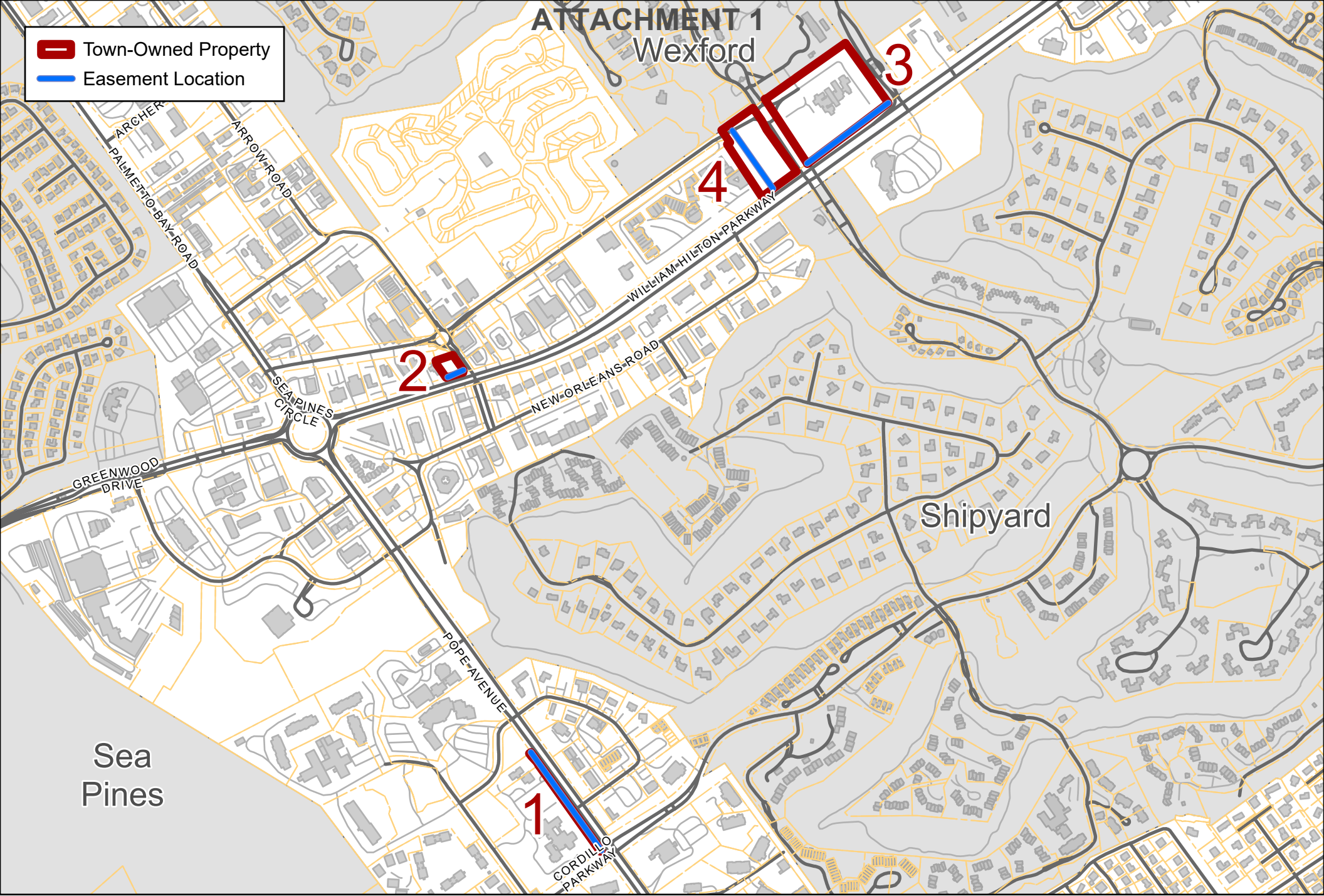
CONCLUSION:

The proposed easements are necessary to facilitate the upgrade of SIPSD's potable water system. Three of the four easements will avoid tree impacts through the use of directional boring, while the fourth easement will require tree removal and mitigation.

ATTACHMENTS:

1. SIPSD Easement Locations
2. Tree Removal Plan
3. Tree Mitigation Plan
4. Proposed Ordinance and Exhibits

-  Town-Owned Property
- Easement Location



TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, S.C. 29928
PHONE (843) 341-4600

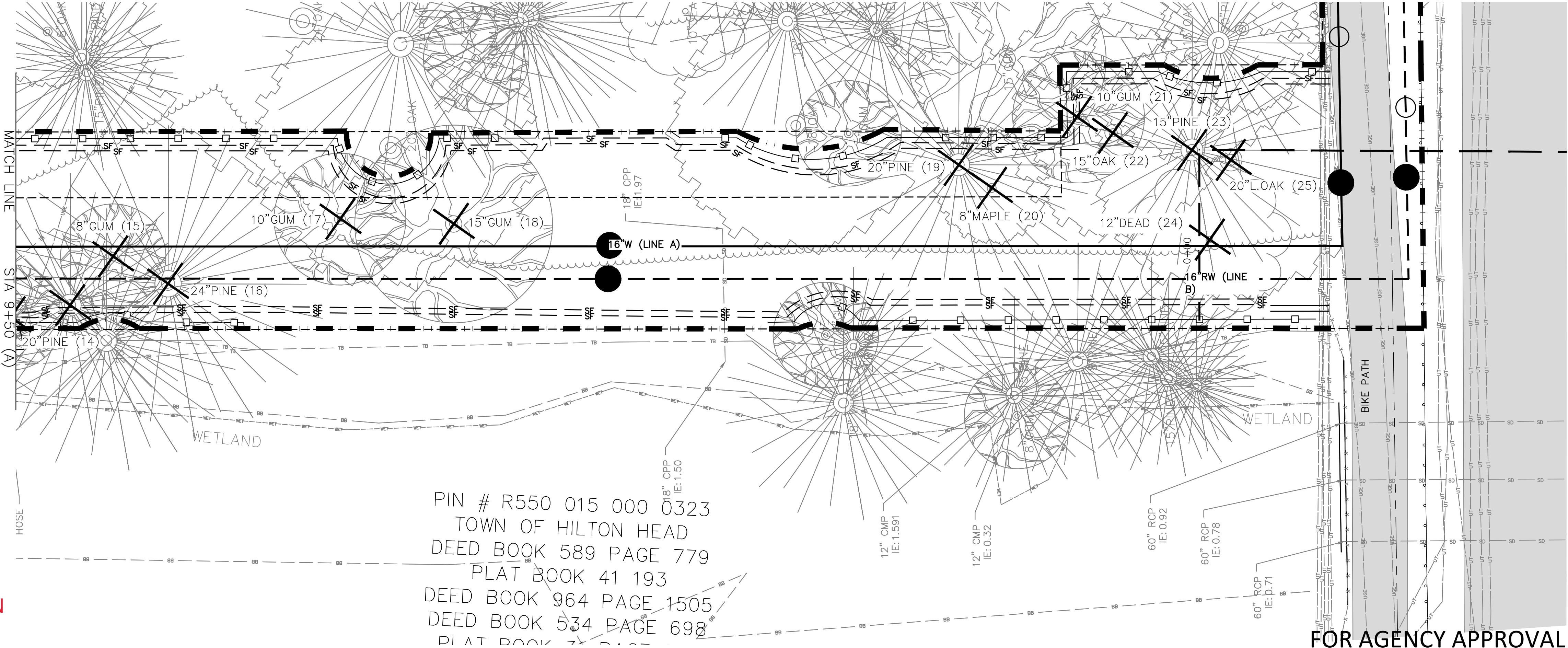
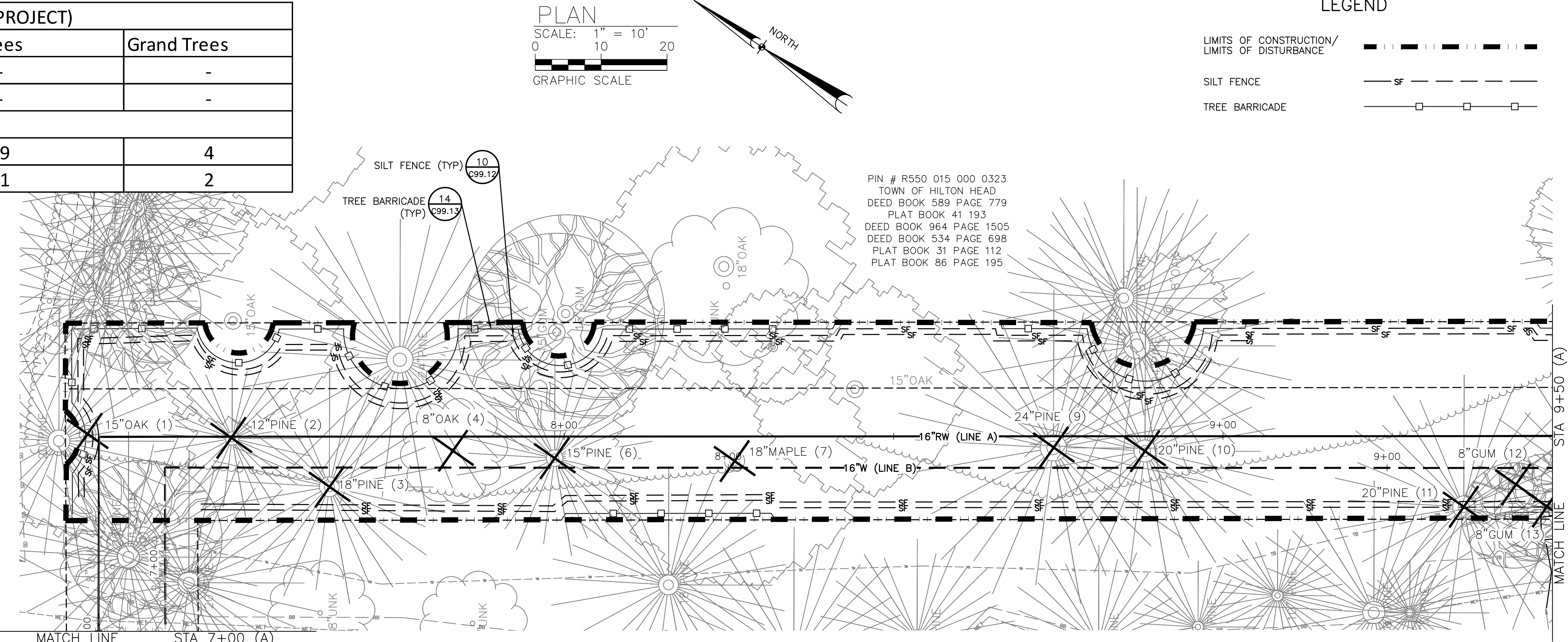
Town of Hilton Head Island SIPSD Easement Locations January 2025



The information on this map has been compiled from a variety of sources and is intended to be used only as a guide. It is provided without warranty of accuracy or completeness of the data shown. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion or for any losses arising from the use of the map.

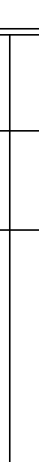
TREE TALLY (ENTIRE PROJECT)		
	Non-Grand Trees	Grand Trees
Pre-Construction Buffer	-	-
Post-Construction Buffer	-	-
Pre-Construction Non-Buffer	39	4
Post-Construction Non-Buffer	11	2

No.	Sheet	Tree (Type and Size)	Condition
1	EC001.02A	15" OAK	
2	EC001.02A	12" PINE	
3	EC001.02A	18" PINE	
4	EC001.02A	8" OAK	
5			
6	EC001.02A	15" PINE	
7	EC001.02A	18" MAPLE	
8			
9	EC001.02A	24" PINE	
10	EC001.02A	20" PINE	
11	EC001.02A	20" PINE	
12	EC001.02A	8" GUM	
13	EC001.02A	8" GUM	
14	EC001.02A	20" PINE	
15	EC001.02A	8" GUM	
16	EC001.02A	24" PINE	
17	EC001.02A	10" GUM	
18	EC001.02A	15" GUM	
19	EC001.02A	20" PINE	
20	EC001.02A	8" MAPLE	
21	EC001.02A	10" GUM	
22	EC001.02A	15" OAK	DISEASED
23	EC001.02A	15" PINE	
24	EC001.02A	12" DEAD	
25	EC001.02A	20" LIVE OAK	



ATTACHMENT 2, TREE REMOVAL PLAN

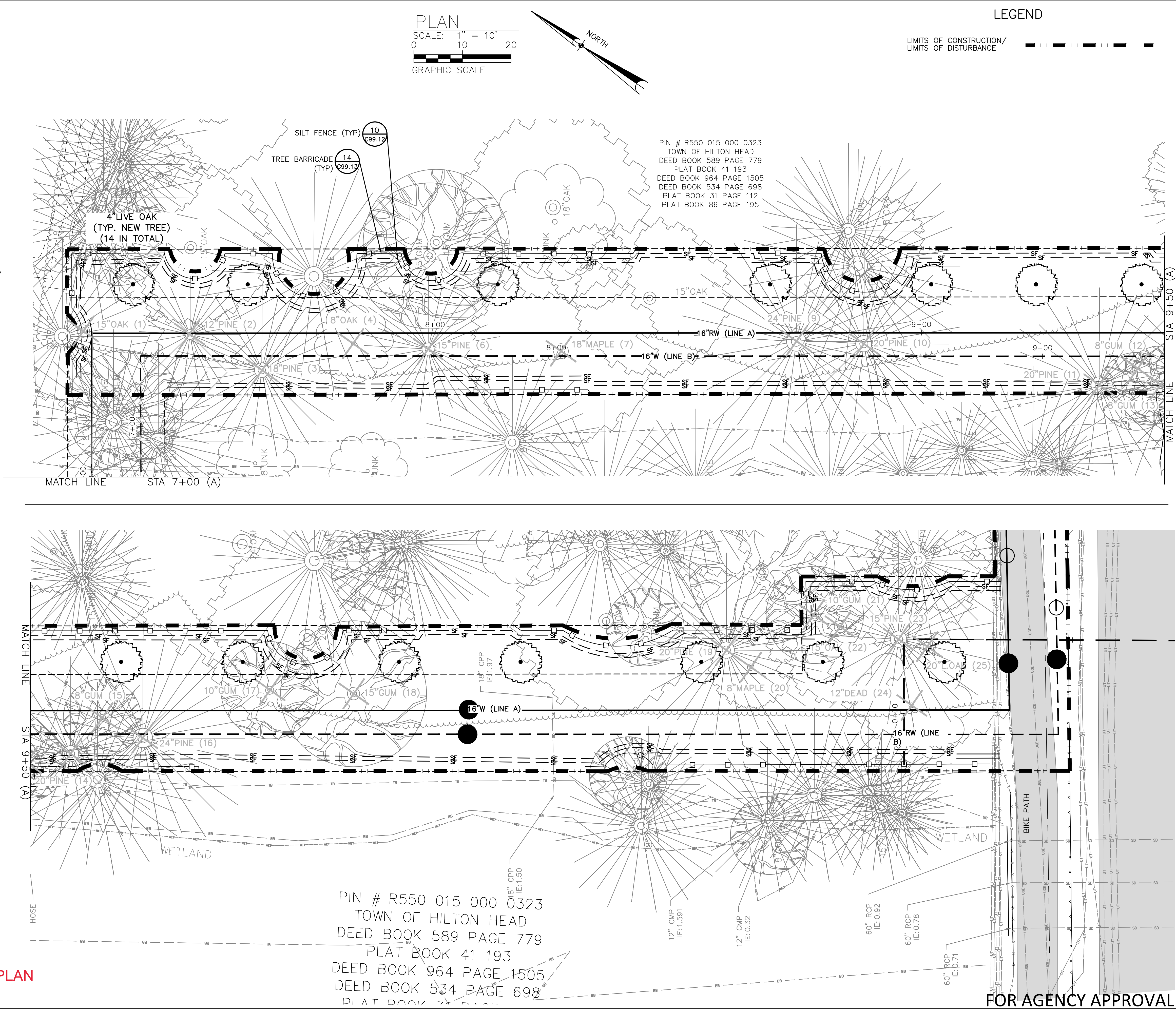
FOR AGENCY APPROVAL

									
TREE PROTECTION AND EROSION & SEDIMENT CONTROL PLAN									
DUNNAGANS / HWY 278 WATER DISTRIBUTION IMPROVEMENTS									
									
 ARDURRA COLLABORATE. INNOVATE. CREATE. 4000 FABER PLACE DRIVE, SUITE 330 NORTH CHARLOTTE, NC 29405 (843) 428-3332									
FILE	SEE LEFT								
	VERIFY SCALE 								
DATE	JANUARY 2025								
PROJ.	100391.02								
DWG.	EC01.02								

H:\PROJECT FILES\100391.02 SPFD WATER DISTRIBUTION\IMPS WEXFORD-DUNNAGAN'S ALLEY\300 DESIGN\355 PRELIMINARY DRAWINGS\01 CIVIL & DEMO\100391.02 SI EROSION.DWG
REUSE OF DOCUMENTS: THIS DOCUMENT AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF PROFESSIONAL ENGINEERING. HOWEVER, THIS SHALL NOT PROHIBIT THE REUSE OF THIS DOCUMENT BY THE CLIENT AS PROVIDED FOR BY THE CONTRACT. JANUARY 21, 2025

- THHI TREE MITIGATION NOTES**
- TOWN OF HILTON HEAD ISLAND PROJECT MANAGER IS TREY LOWE. PLEASE CONTACT TREY LOWE AT (843) 341-4690, OR TREYL@HILTONHEADISLANDSC.GOV, FOR PRE-CLEAR INSPECTIONS PRIOR TO BEGINNING WORK ONCE SEDIMENT AND EROSION CONTROLS FOR THE PROJECT ARE INSTALLED. THIS PROJECT REQUIRES A CERTIFICATION OF COMPLIANCE UPON COMPLETION, PLEASE CONTACT TREY LOWE AT (843) 341-4690, OR TREYL@HILTONHEADISLANDSC.GOV, TO SET UP Co/C INSPECTIONS TO RECEIVE A CERTIFICATION OF COMPLIANCE.
 - ALL TREE MITIGATION TO BE PERFORMED BY AN APPROVED CERTIFIED ARBORIST. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATION FINAL INSTALLATION LOCATIONS AND REQUIREMENTS WITH THE ENGINEER AND THE TOWN OF HILTON HEAD ISLAND.
 - 14-10' TALL LIVE OAK TREES TO BE PLANTED. LIVE OAKS TO HAVE 20' MINIMUM SEPARATION BETWEEN INSTALLATIONS.
 - TYPE B BUFFER WILL BE REESTABLISHED FOR SCREENING ADJACENT TO DUNNAGANS ALLEY. SCREENING WILL BE 40' WIDE AND EXTEND THE LENGTH OF THE TREE MITIGATION.
 - TYPE B BUFFER WILL BE REESTABLISHED FOR SCREENING ADJACENT TO HWY 278/WILLIAM HILTON PKWY. SCREENING WILL BE 40' WIDE.

ATTACHMENT 3, TREE MITIGATION PLAN



		ENGINEER SEAL
NO.	DATE	DESIGNED BY: WMC
REVISION	CHECKED BY: DJH	DRAWN BY: WMC
APPROVED BY: DJH	BY: APVD	

TREE MITIGATION AND INSTALLATION PLAN

DUNNAGANS / HWY 278
WATER DISTRIBUTION IMPROVEMENTS

ARDURRA
COLLABORATE. INNOVATE. CREATE.
4000 FABER PLACE DRIVE, SUITE 330
NORTH CHARLOTTE, NC 28215
(843) 428-3332

FILE	SEE LEFT
VERIFY SCALE	
BAR IS ONE INCH ON ORIGINAL DRAWING	
DATE	JANUARY 2025
PROJ.	100391.02
DWG.	EC01.02

ORDINANCE NUMBER 2025-___

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AUTHORIZING THE EXECUTION AND DELIVERY OF EASEMENTS ENCUMBERING REAL ESTATE OWNED BY THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, IN FAVOR OF THE SOUTH ISLAND PUBLIC SERVICE DISTRICT UNDER THE AUTHORITY OF S. C. CODE ANN. § 5-7-40 (SUPP. 2024) AND § 2-7-20, *MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA* (1983); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

LEGISLATIVE FINDINGS

WHEREAS, the Town of Hilton Head Island, South Carolina, owns parcels of real property which are known and described as follows:

All that certain piece, parcel or lot of land, situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, consisting of 0.08 acres, more or less, shown and described as “10’ Wide Acquisition” on a plat titled “Plat of Parcels 270, 283, 285, 337 Dist. 550, Map 15, Town of Hilton Head Island, Beaufort County, South Carolina,” dated October 5, 2000, prepared by EMC Engineering Services, Inc., by Charles W. Tuten, S. C. R. L. S. 13522, and recorded in the Office of The Register of Deeds for Beaufort County, South Carolina, Plat Book 79 at Page 124.

AND

All that certain piece, parcel or tract of land situate, lying and being in the Town of Hilton Head Island, Beaufort County, South Carolina, and being more particularly shown and described as “New Lot N,” containing 0.356 acres, on that certain Plat titled “A Boundary Survey of Lots M, New Lot N, New Lot N-1 & Parcels A & C, A Portion of Palmetto Bay Commercial Subdivision, Hilton Head Island, Beaufort County, South Carolina,” prepared by Coastal Surveying Co., Inc., for the Trust for Public Land, dated April 29, 2005, last revised May 12, 2005, and recorded in the Office of The Register of Deeds for Beaufort County, South Carolina, in Plat Book 106 at Page 128.

AND

All that certain piece, parcel or lot of land lying and being on Hilton Head Island, Beaufort County, South Carolina, containing 3.63 acres, more or less, and being more particularly shown and described on that certain Plat titled “A Plat of Tract “J” on U. S. Highway 278,” prepared by Michael R. Dunnagan, SCRLS No.: 11905, dated July 8, 1991, and recorded in the Office of The Register of Deeds for Beaufort County, South Carolina, in Plat Book 41 at Page 193.

AND

All that certain piece, parcel or lot of land, with improvements thereon, lying and being on Hilton Head Island, Beaufort County, South Carolina, containing which is more particularly shown on that certain Plat of Survey titled “An As-Built Survey Showing Administrative and Sales Offices of the Hilton Head Company, Inc., A Section of Long Cove Plantation,” prepared by Michael R. Dunnigan, SCRLS No.: 11905, and being dated July 8, 1991, and recorded in the Office of The Register of Deeds for Beaufort County, South Carolina, in Plat Book 41 at Page 192.

(herein, collectively, the “Town Property”); and,

WHEREAS, the South Island Public Service District has requested that the Town grant easements encumbering the Town Property to facilitate projects for the installation, operation and maintenance of underground waterlines, electrical and other equipment useful in the delivery of potable water in furtherance of the South Island Public Service District’s public purpose of delivering potable water to the citizens and residents in its service area; and,

WHEREAS, the projects proposed by the South Island Public Service District will improve the health, safety and welfare of the Town and its citizens, residents, and visitors; and,

WHEREAS, S. C. Code Ann. § 5-7-40 (Supp. 2024) and § 2-7-20, *Municipal Code of the Town of Hilton Head Island, South Carolina* (1983), states that conveyance of real property or property rights owned by the Town of Hilton Head Island, South Carolina, must be authorized by Ordinance; and,

WHEREAS, the Town Council for The Town of Hilton Head Island, South Carolina, has determined that it is in the best interest of the Town and its citizens, residents, and visitors to authorize the execution and delivery of the easements requested by the South Island Public Service District.

NOW THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID TOWN COUNCIL, AS FOLLOWS:

Section 1. Execution of Easements.

(a) The Mayor and the Town Manager are hereby authorized to execute and deliver easements to South Island Public Service District in a form and substance similar to the proposed easements attached hereto as Exhibits “A,” “B,” “C” and “D;” and ,

(b) The Mayor and the Town Manager are authorized to take such other and further actions as may be necessary to complete the transaction authorized by this Ordinance.

Section 2. Severability.

If any section, phrase, sentence, or portion of this Ordinance is, for any reason, held or deemed to be invalid or unconstitutional by any court of competent jurisdiction, then such section, phrase, sentence, or portion shall be deemed a separate, distinct, and independent provision and shall not affect the remaining portion thereof.

Section 3. Effective Date.

This Ordinance shall become effective upon its adoption by the Town Council for the Town of Hilton Head Island, South Carolina.

PASSED, APPROVED AND ADOPTED BY THE TOWN COUNCIL FOR THE
TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, ON THIS _____ DAY OF
FEBRUARY, 2025.

Alan R. Perry, Mayor

ATTEST:

Kimberly Gammon, Town Clerk

First Reading: January 14, 2024

Second Reading:_____

Approved as to form: _____
Curtis L. Coltrane, Town Attorney

Introduced by Council Member:_____

EXHBIIT "A" TO ORDINANCE AUTHORIZING THE GRANTING OF EASEMENTS
TO THE SOUTH ISLAND PUBLIC SERVICE DISTRICT

843-785-2171

UTILITY EASEMENT AGREEMENT

Grantor hereby covenants with the District that it is lawfully seized and possessed of the Property, that it has the good and lawful right to convey it, or any part thereof, and that it shall warrant and forever defend the title thereto against the lawful claims of its successors and assigns.

Terms and Conditions:

a. The District may use the Easement conveyed herein only for the purpose of construction, maintenance, and repair of the Utility Infrastructure for the purpose of conveying its services on, over, along, across, through, under and within the Easement Area, together with the right to excavate and refill ditches and/or trenches for the location of said Utility Infrastructure, and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction, and maintenance of said Utility Infrastructure.

b. The District agrees to cause all work contemplated herein to be performed in a workmanlike fashion with such interference to Grantor, its successors and assigns, guests, invitees, licensees, and agents only as is necessary to accomplish the purposes described herein.

c. The District further agrees that all debris, construction materials and equipment shall be promptly removed from the Property upon completion of any work upon the Property undertaken pursuant to this Agreement.

d. The District shall repair any alterations to the Property resulting from its use of this Easement, normal wear and tear excepted, by providing sod, plantings and shrubbery, and shall patch and repair asphalt and/or concrete pavement, in any and all trenches and/or holes wherever the same was removed, damaged or destroyed by the District during use of the Easement conveyed herein.

e. The Easement conveyed herein is subject and subordinate to all other present and future restrictions, easements, licenses, mortgages and conveyances of record, provided, however, that such subordination shall not operate to extinguish the rights and privileges granted herein, and such subordination shall not be inconsistent with the rights and privileges granted herein. The Easement conveyed herein is further subject to the rights herein reserved to the Grantor, its successors and assigns, to use the Property to the fullest extent possible, to grant additional underground utility easements over said Property, so long as it does not diminish the rights herein granted and to make such improvements on said Property, including landscaping and paving, as from time to time it elects which are not inconsistent with the Easement.

f. The District shall ensure that all contractors, subcontractors, sub-subcontractors and all others employed by the District to conduct any work on the Property granted herein shall have adequate insurance coverage, which, at a minimum, shall protect the District and Grantor and all contractors from claims under worker's or workman's compensation acts and other employee benefit acts, claims for damages because of bodily injury, including death, and from claims for damages, to the work itself and to the Property which may arise out of the District's use of the Easement, whether such operations be by the District or by any contractors, subcontractors, sub-subcontractors or anyone directly or indirectly employed by any of them.

g. The District agrees to indemnify, save and hold harmless Grantor, its successors and assigns, from and against any and all claims, causes of action, liability or losses of any nature, including attorneys' costs and fees incurred by Grantor in responding to or defending against any such claims,

arising from any acts or omissions of the District, or its officers, agents, employees and/or contractors in the exercise of the rights granted hereunder.

To have and to hold said Easement unto the District, and unto its successors and assigns, forever.

[Remainder of page intentionally left blank]

WITNESS the hands and seals of the undersigned as of the date and year first above written.

IN THE PRESENCE OF:

GRANTOR:

The Town of Hilton Head Island, South Carolina

Signature of Witness #1

By: _____

Its: _____

Signature of Notary Public

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that _____,
as _____ of The Town of Hilton Head Island, South Carolina, personally appeared before me
this day and duly acknowledged the execution of the foregoing instrument.

Witness my hand and official seal this _____ day of _____, 2024.

_____(SEAL)

Notary Public for South Carolina _____

My Commission Expires: _____

WITNESS the hands and seals of the undersigned as of the date and year first above written.

IN THE PRESENCE OF:

DISTRICT:

Signature of Witness #1

South Island Public Service District

Signature of Notary Public

By: _____
Its: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that _____,
as _____ of South Island Public Service District, personally appeared
before me this day and duly acknowledged the execution of the foregoing instrument.

Witness my hand and official seal this ____ day of _____, 2024.

_____(SEAL)
Notary Public for South Carolina
My Commission Expires: _____

Exhibit "A"

Legal Description of Property

ALL that certain piece, parcel or lot of land situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, consisting of 0.08 acres, more or less, shown and described as "10' Wide Acquisition" on that certain plat entitled "Plat of Parcels 270, 283, 285, 337 Dist. 550, Map 15, Town of Hilton Head Island, Beaufort County, South Carolina" dated October 5, 2000, prepared by EMC Engineering Services, Inc., by Charles W. Tuten, S.C.R.L.S. No. 13522, and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 79 at Page 124.

PIN # R552 015 000 0395 0000

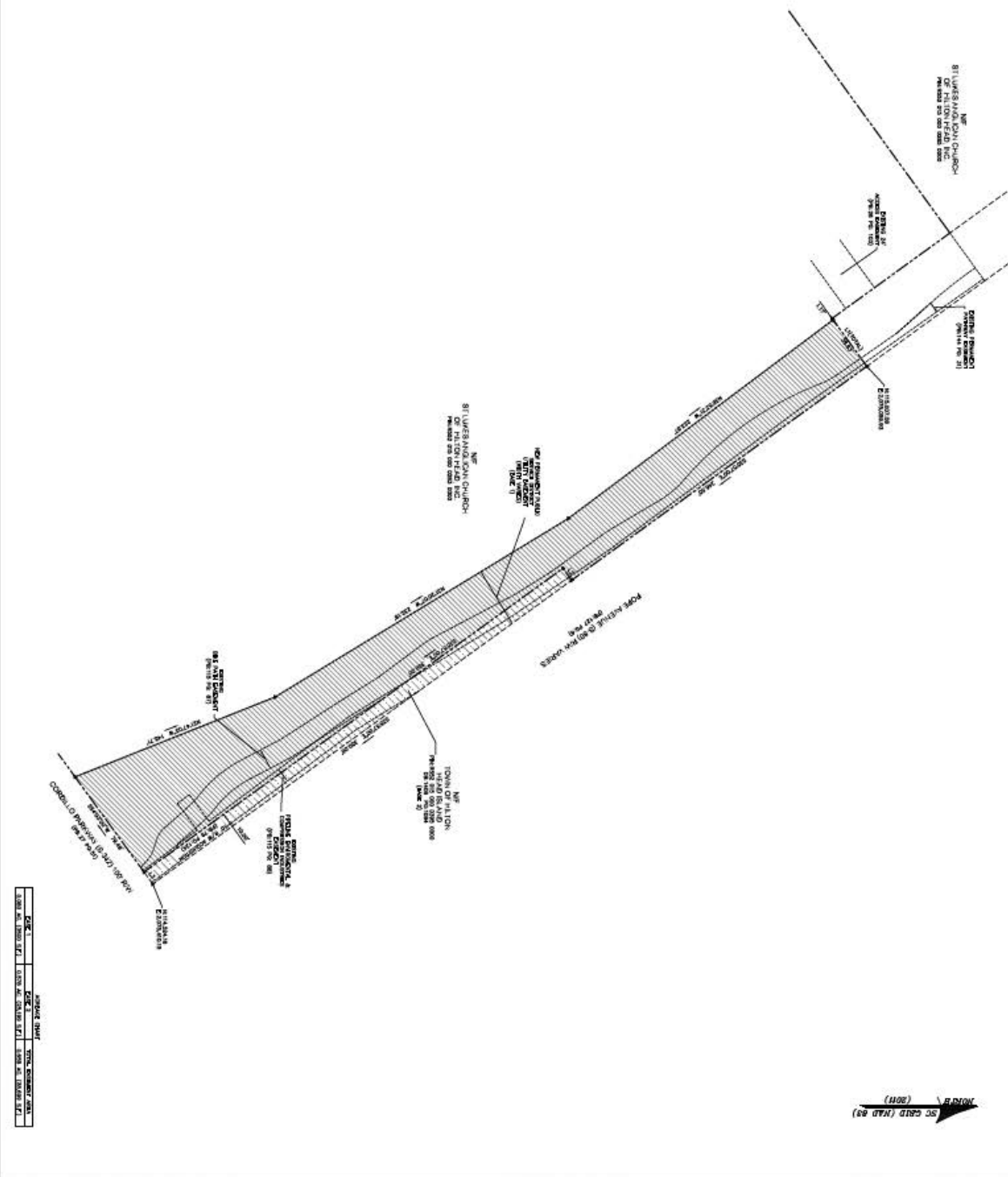
Exhibit "B"

Easement Area

All that certain piece, parcel or tract of land, situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, consisting of a 10.00' wide strip of land shown and designated as "N/F Town of Hilton Head Island PIN: R552 015 000 0395 0000 (DB: 1408, PG: 1084) (EASE 2) on a property easement exhibit entitled, "An Easement Exhibit of #44 Pope Avenue" for South Island Public Service District, located on Hilton Head, South Carolina, dated November 21, 2023, prepared by Atlas Surveying, Inc. and reviewed by Jeremy W. Reeder, S.C.P.L.S. No. 28139, which plat is attached hereto to **Exhibit "B-1"**.

Exhibit "B-1"

Plat



FOOT	FEET	FEET	FEET	FEET
0	100	200	300	400

NOTES

1. THE SURVEY WAS MADE BY THE SURVEYOR IN THE FIELD AND THE RESULTS WERE CHECKED BY THE SURVEYOR.
2. THE SURVEY WAS MADE BY THE SURVEYOR IN THE FIELD AND THE RESULTS WERE CHECKED BY THE SURVEYOR.
3. THE SURVEY WAS MADE BY THE SURVEYOR IN THE FIELD AND THE RESULTS WERE CHECKED BY THE SURVEYOR.
4. THE SURVEY WAS MADE BY THE SURVEYOR IN THE FIELD AND THE RESULTS WERE CHECKED BY THE SURVEYOR.
5. THE SURVEY WAS MADE BY THE SURVEYOR IN THE FIELD AND THE RESULTS WERE CHECKED BY THE SURVEYOR.

OWNER OF RECORD

ST. LUKES ANGLICAN CHURCH OF HILTON HEAD INC.

100 ROBERTSON DRIVE, SUITE 100
DALLAS, TEXAS 75243
PHONE: 972.444.1177
FAX: 972.444.1178
WWW.ATLASSURV.COM

EXHBIIT "B" TO ORDINANCE AUTHORIZING THE GRANTING OF EASEMENTS
TO THE SOUTH ISLAND PUBLIC SERVICE DISTRICT

843-785-2171

UTILITY EASEMENT AGREEMENT

Grantor hereby covenants with the District that it is lawfully seized and possessed of the Property, that it has the good and lawful right to convey it, or any part thereof, and that it shall warrant and forever defend the title thereto against the lawful claims of its successors and assigns.

Terms and Conditions:

a. The District may use the Easement conveyed herein only for the purpose of construction, maintenance, and repair of the Utility Infrastructure for the purpose of conveying its services on, over, along, across, through, under and within the Easement Area, together with the right to excavate and refill ditches and/or trenches for the location of said Utility Infrastructure, and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction, and maintenance of said Utility Infrastructure.

b. The District agrees to cause all work contemplated herein to be performed in a workmanlike fashion with such interference to Grantor, its successors and assigns, guests, invitees, licensees, and agents only as is necessary to accomplish the purposes described above.

c. The District further agrees that all debris, construction materials and equipment shall be promptly removed from the Property upon completion of any work upon the Property undertaken pursuant to this Agreement.

d. The District shall repair any alterations to the Property resulting from its use of this Easement, normal wear and tear excepted, by providing sod, plantings and shrubbery, and shall patch and repair asphalt and/or concrete pavement, in any and all trenches and/or holes wherever the same was removed, damaged or destroyed by the District during use of the Easement conveyed herein.

e. The Easement conveyed herein is subject and subordinate to all other present and future restrictions, easements, licenses, mortgages and conveyances of record, provided, however, that such subordination shall not operate to extinguish the rights and privileges granted herein, and such subordination shall not be inconsistent with the rights and privileges granted herein. The Easement conveyed herein is further subject to the rights herein reserved to the Grantor, its successors and assigns, to use the Property to the fullest extent possible, to grant additional underground utility easements over said Property, so long as it does not diminish the rights herein granted and to make such improvements on said Property, including landscaping and paving, as from time to time it elects which are not inconsistent with the Easement.

f. The District shall ensure that all contractors, subcontractors, sub-subcontractors and all others employed by the District to conduct any work on the Property granted herein shall have adequate insurance coverage, which, at a minimum, shall protect the District and Grantor and all contractors from claims under worker's or workman's compensation acts and other employee benefit acts, claims for damages because of bodily injury, including death, and from claims for damages, to the work itself and to the Property which may arise out of the District's use of the Easement, whether such operations be by the District or by any contractors, subcontractors, sub-subcontractors or anyone directly or indirectly employed by any of them.

g. The District agrees to indemnify, save and hold harmless Grantor, its successors and assigns, from and against any and all claims, causes of action, liability or losses of any nature, including attorneys' costs and fees incurred by Grantor in responding to or defending against any such claims,

arising from any acts or omissions of the District, or its officers, agents, employees and/or contractors in the exercise of the rights granted hereunder.

To have and to hold said Easement unto the District, and unto its successors and assigns, forever.

[Remainder of page intentionally left blank]

WITNESS the hands and seals of the undersigned as of the date and year first above written.

IN THE PRESENCE OF:

GRANTOR:

TOWN OF HILTON HEAD ISLAND

Signature of Witness #1

By: _____
Its: _____

Signature of Notary Public

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that _____,
as _____ of Town of Hilton Head Island, personally appeared before me this day and duly
acknowledged the execution of the foregoing instrument.

Witness my hand and official seal this ____ day of _____, 2024.

_____(SEAL)
Notary Public for South Carolina
My Commission Expires: _____

WITNESS the hands and seals of the undersigned as of the date and year first above written.

IN THE PRESENCE OF:

DISTRICT:

Signature of Witness #1

**SOUTH ISLAND PUBLIC SERVICE
DISTRICT**

Signature of Notary Public

By: _____
Its: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that _____,
as _____ of South Island Public Service District, personally appeared
before me this day and duly acknowledged the execution of the foregoing instrument.

Witness my hand and official seal this ____ day of _____, 2024.

_____(SEAL)
Notary Public for South Carolina
My Commission Expires: _____

Exhibit "A"

Legal Description of Property

All that certain piece, parcel or lot of land, situate, lying and being on Hilton Head Island, County of Beaufort, State of South Carolina and being more particularly described and shown as New Lot 'N', containing 0.356 acres, on that certain plat entitled "A Boundary Survey of Lots 'M', 'New Lot 'N', New Lot 'N-1' & Parcels 'A' & 'C', A Portion of Palmetto Bay Commercial Subdivision, Hilton Head Island, Beaufort County, South Carolina", prepared by Coastal Surveying Co., Inc., prepared for The Trust for Public Land dated 4/29/05, and recorded in Plat Book 106, at Page 128 in the Office of the Register of Deeds for Beaufort County, South Carolina.

Property Tax ID# R552 015 000 0007 0000

Exhibit "B"

Easement Area

All that certain lot, tract or parcel of land situate, lying and being in the Town of Hilton Head Island, Beaufort County, South Carolina, and being shown and depicted on a plat entitled "Proposed Water Main Easement on the Lands of Town of Hilton Head Island" prepared by dated November 17, 2022, which plat is attached hereto as **Exhibit "B-1"** and being more particularly described as follows:

Permanent easement:

Beginning at a 1" pipe on the northern right-of-way of William Hilton Parkway (US 278) thence proceeding along the property of MC & F Properties LLC in a direction of N35°53'32"W for a distance of 10.56' to a point;

Thence turning and proceeding through the property of Town of Hilton Head Island in a direction of N72°36'24"E for a distance of 105.36' to a point on the western right-of-way of Arrow Road;

Thence turning and proceeding along the western right-of-way of Arrow Road in a direction of S6°02'43"W for a distance of 10.92' to a point on the northern right-of-way of William Hilton Parkway;

Thence turning and proceeding along the northern right-of-way of William Hilton Parkway in a direction of S72°36'24"W for 97.67' to a 1" pipe, this also being the point of beginning. This easement contains 0.023 acre or 1,017 square feet.

Temporary construction easement:

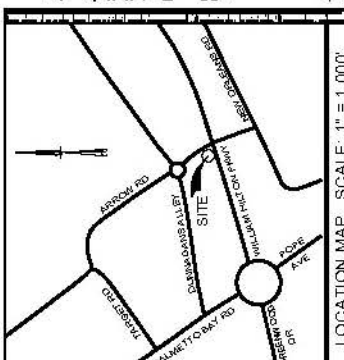
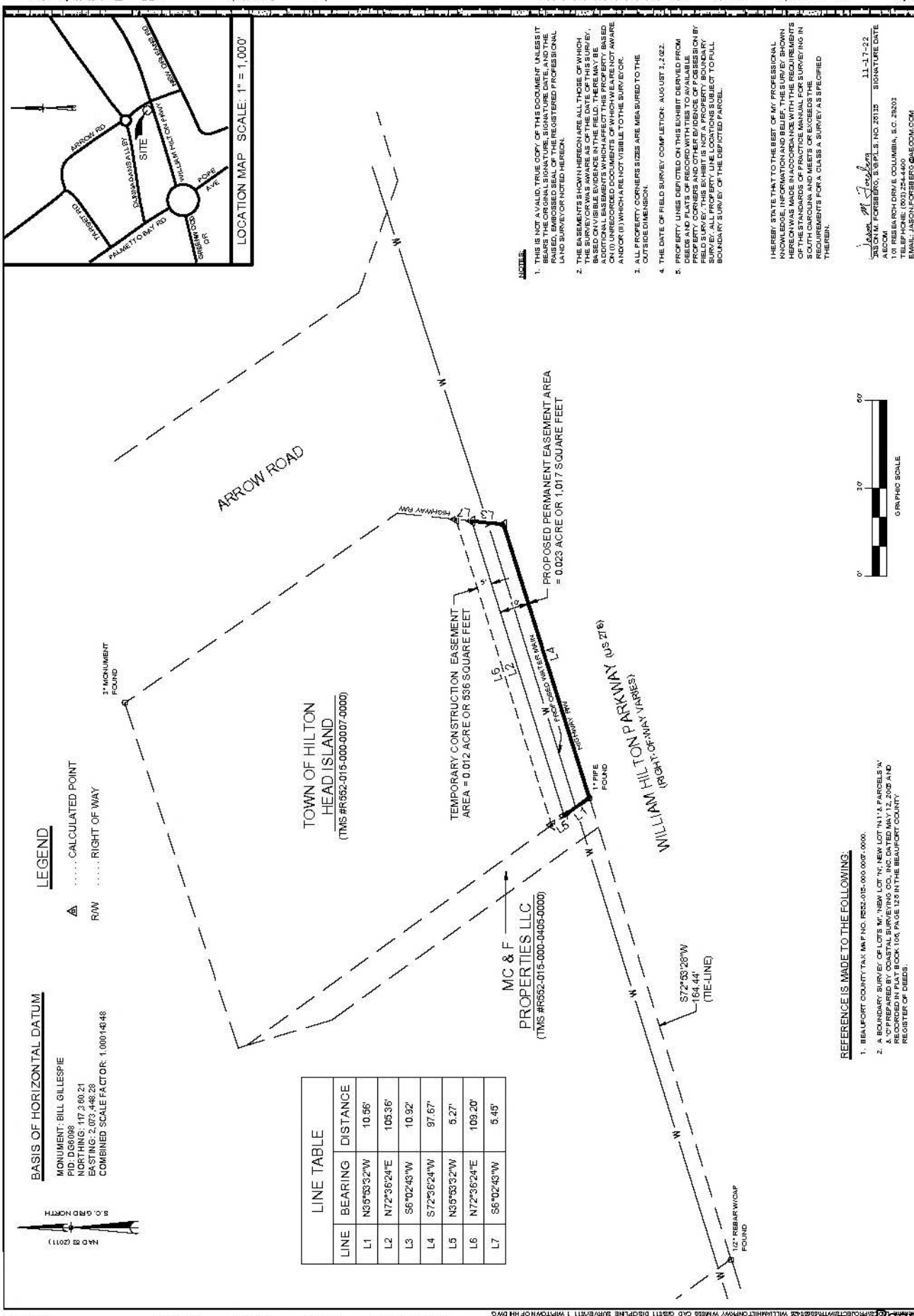
Beginning at a point on the eastern property line of MC & F Properties LLC and the western property line of Town of Hilton Head Island and proceeding along said property line in a direction of N35°53'32"W for a distance of 5.27' to a point;

Thence turning and proceeding through the property of Town of Hilton Head Island in a direction of N72°36'24"E for a distance of 109.20' to a point on the western right-of-way of Arrow Road;

Thence turning and proceeding along the western right-of-way of Arrow Road in a direction of S6°02'43"W for a distance of 5.45' to a point; Thence turning and proceeding through the property of Town of Hilton Head Island in a direction of S72°36'24"W for a distance of 105.36' to a point, this being the point of beginning. This easement contains 0.012 acre or 536 square feet.

Exhibit "B-1"

Plat



PROJECT
SOUTH ISLAND PUBLIC
SERVICE DISTRICT -
WILLIAM HILTON
PARKWAY WATER MAIN
HILTON HEAD ISLAND
BEAUFORT COUNTY,
SOUTH CAROLINA

CONSULTANT
AECOM
1115 PARKWAY
COLUMBIA, SC 29203
803.254.4400 FAX
WWW.AECOM.COM

REGISTRATION



DATE
2022.11.17

PROJECT & FILE NUMBER
PROJECT NUMBER 668242
FIELD BOOK 24213

SHEET TITLE
PROPOSED WATER
MAIN EASEMENT ON
TOWN OF HILTON
HEAD ISLAND

SHEET NUMBER
1 OF 1

NOTES:
1. THIS IS NOT A VALID, TRUE COPY OF THIS DOCUMENT UNLESS IT BEARS THE ORIGINAL SIGNATURE, SIGNATURE DATE, AND THE SEAL OF THE PROFESSIONAL ENGINEER REGISTERED PROFESSIONAL LAND SURVEYOR NOTED HEREIN.
2. THE EASEMENTS SHOWN HEREON ARE ALL THOSE OF WHICH THERE IS KNOWLEDGE AND BELIEF, THE SURVEY, SHOWN HEREON, IS BASED ON VISIBLE EVIDENCE IN THE FIELD. THERE MAY BE ADDITIONAL EASEMENTS WHICH AFFECT THIS PROPERTY BASED ON UNRECORDED DOCUMENTS OF WHICH WE ARE NOT AWARE AND ON WHICH WE HAVE NOT VISITED TO THE SURVEY.
3. ALL PROPERTY CORNERS SIZES ARE MEASURED TO THE OUTSIDE DIMENSION.
4. THE DATE OF FIELD SURVEY COMPLETION: AUGUST 1, 2022.
5. PROPERTY LINES DEPICTED ON THIS EXHIBIT DERIVED FROM DEEDS AND PLATS OF RECORD WITH TIES TO AVAILABLE PROPERTY CORNERS AND OTHER EVIDENCE OF POSSESSION BY FIELD SURVEY. THIS EXHIBIT IS NOT A PROPERTY BOUNDARY SURVEY. IT IS A CONVEYANCE OF EASEMENTS SUBJECT TO FULL BOUNDARY SURVEY OF THE DEPICTED PARCEL.

1. BEAUFORT COUNTY TAX MAP NO. 1852-015-000-0007-0000.
2. A BOUNDARY SURVEY OF LOTS M, NEW LOT N, NEW LOT N1, & PARCELS W, & W' PREPARED BY COASTAL SURVEYING CO., INC. DATED MAY 12, 2002 AND RECORDED IN PLAT BOOK 106, PAGE 122 IN THE BEAUFORT COUNTY REGISTER OF DEEDS.

REFERENCE IS MADE TO THE FOLLOWING:

1. BEAUFORT COUNTY TAX MAP NO. 1852-015-000-0007-0000.
2. A BOUNDARY SURVEY OF LOTS M, NEW LOT N, NEW LOT N1, & PARCELS W, & W' PREPARED BY COASTAL SURVEYING CO., INC. DATED MAY 12, 2002 AND RECORDED IN PLAT BOOK 106, PAGE 122 IN THE BEAUFORT COUNTY REGISTER OF DEEDS.

1. BEAUFORT COUNTY TAX MAP NO. 1852-015-000-0007-0000.
2. A BOUNDARY SURVEY OF LOTS M, NEW LOT N, NEW LOT N1, & PARCELS W, & W' PREPARED BY COASTAL SURVEYING CO., INC. DATED MAY 12, 2002 AND RECORDED IN PLAT BOOK 106, PAGE 122 IN THE BEAUFORT COUNTY REGISTER OF DEEDS.

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1. BEAUFORT COUNTY TAX MAP NO. 1852-015-000-0007-0000.
2. A BOUNDARY SURVEY OF LOTS M, NEW LOT N, NEW LOT N1, & PARCELS W, & W' PREPARED BY COASTAL SURVEYING CO., INC. DATED MAY 12, 2002 AND RECORDED IN PLAT BOOK 106, PAGE 122 IN THE BEAUFORT COUNTY REGISTER OF DEEDS.

LINE TABLE

LINE	BEARING	DISTANCE
L1	N35°53'32"W	10.56'
L2	N72°36'24"E	105.36'
L3	S6°02'43"W	10.92'
L4	S72°36'24"W	97.67'
L5	N35°53'32"W	5.27'
L6	N72°36'24"E	109.20'
L7	S6°02'43"W	5.45'

MC & F
PROPERTIES LLC
(TMS #R552-015-000-0405-0000)

PROPOSED PERMANENT EASEMENT AREA
= 0.023 ACRE OR 1,017 SQUARE FEET

TEMPORARY CONSTRUCTION EASEMENT
AREA = 0.012 ACRE OR 536 SQUARE FEET

WATER MAIN
1" PIPE FOUND

WATER MAIN
1" PIPE FOUND

WATER MAIN
1" PIPE FOUND

WATER MAIN
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LEGEND
..... CALCULATED POINT
..... RIGHT OF WAY
..... RIGHT OF WAY

1" MONUMENT FOUND

1" MONUMENT FOUND

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GRAPHIC SCALE
0' 30' 60'

GRAPHIC SCALE

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GRAPHIC SCALE

EXHBIIT "C" TO ORDINANCE AUTHORIZING THE GRANTING OF EASEMENTS
TO THE SOUTH ISLAND PUBLIC SERVICE DISTRICT

843-785-2171

UTILITY EASEMENT AGREEMENT

Grantor hereby covenants with the District that it is lawfully seized and possessed of the Property, that it has the good and lawful right to convey it, or any part thereof, and that it shall warrant and forever defend the title thereto against the lawful claims of its successors and assigns.

Terms and Conditions:

a. The District may use the Easement conveyed herein only for the purpose of construction, maintenance, and repair of the Utility Infrastructure for the purpose of conveying its services on, over, along, across, through, under and within the Easement Area, together with the right to excavate and refill ditches and/or trenches for the location of said Utility Infrastructure, and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction, and maintenance of said Utility Infrastructure.

b. The District agrees to cause all work contemplated herein to be performed in a workmanlike fashion with such interference to Grantor, its successors and assigns, guests, invitees, licensees, and agents only as is necessary to accomplish the purposes described above.

c. The District further agrees that all debris, construction materials and equipment shall be promptly removed from the Property upon completion of any work upon the Property undertaken pursuant to this Agreement.

d. The District shall repair any alterations to the Property resulting from its use of this Easement, normal wear and tear excepted, by providing sod, plantings and shrubbery, and shall patch and repair asphalt and/or concrete pavement, in any and all trenches and/or holes wherever the same was removed, damaged or destroyed by the District during use of the Easement conveyed herein.

e. The Easement conveyed herein is subject and subordinate to all other present and future restrictions, easements, licenses, mortgages and conveyances of record, provided, however, that such subordination shall not operate to extinguish the rights and privileges granted herein, and such subordination shall not be inconsistent with the rights and privileges granted herein. The Easement conveyed herein is further subject to the rights herein reserved to the Grantor, its successors and assigns, to use the Property to the fullest extent possible, to grant additional underground utility easements over said Property, so long as it does not diminish the rights herein granted and to make such improvements on said Property, including landscaping and paving, as from time to time it elects which are not inconsistent with the Easement.

f. The District shall ensure that all contractors, subcontractors, sub-subcontractors and all others employed by the District to conduct any work on the Property granted herein shall have adequate insurance coverage, which, at a minimum, shall protect the District and Grantor and all contractors from claims under worker's or workman's compensation acts and other employee benefit acts, claims for damages because of bodily injury, including death, and from claims for damages, to the work itself and to the Property which may arise out of the District's use of the Easement, whether such operations be by the District or by any contractors, subcontractors, sub-subcontractors or anyone directly or indirectly employed by any of them.

g. The District agrees to indemnify, save and hold harmless Grantor, its successors and assigns, from and against any and all claims, causes of action, liability or losses of any nature, including attorneys' costs and fees incurred by Grantor in responding to or defending against any such claims,

arising from any acts or omissions of the District, or its officers, agents, employees and/or contractors in the exercise of the rights granted hereunder.

To have and to hold said Easement unto the District, and unto its successors and assigns, forever.

[Remainder of page intentionally left blank]

Page 65 of 222

Page 66 of 222

Exhibit "A"

Legal Description of Property

All that certain piece, parcel, or tract of land, lying and being on Hilton Head Island, Beaufort County, South Carolina, containing 3.63 acres, more or less, and being more particularly shown and described on that certain plat of survey entitled "a plat of tract "J" on U. S. Highway 278" with said plat being prepared by Michael R. Dunnagan, SCRLS No: 11905, and being dated July 8, 1991, and being recorded in the RMC Office for Beaufort County, South Carolina, in Plat Book 41, Page 193.

Property Tax ID# R550 015 000 0323 0000

Exhibit "B"

Easement Area

ALL that certain lot, tract or parcel of land situate, lying and being in the Town of Hilton Head Island, Beaufort County, South Carolina, and being shown and depicted on a plat entitled "NEW PERMANENT WATER LINE EASEMENT ACROSS THE PROPERTY OF TOWN OF HILTON HEAD TO BE DEDICATED TO SOUTH ISLAND PSD BEING THE PROPERTY DESCRIBED IN: DEED BOOK 589 PAGE 779 PIN # R55-015-000-0323 HILTON HEAD ISLAND BEAUFORT COUNTY, SOUTH CAROLINA AUGUST 15, 2022", prepared Vaughn & Melton Consulting Engineers Inc., certified by Randall L. Stepp, PLS (SC #27461), dated January 10, 2023, which plat is attached hereto as **Exhibit "B-1"**.

Exhibit "B-1"

Plat

NOTES:

1. AREAS SHOWN ARE SUBJECT TO EASEMENTS OF RECORD.
2. AREA DETERMINED BY COORDINATE METHOD.
3. AREAS INCLUDE ANY AND ALL PORTIONS OF PROPERTY UNDER RIGHTS OF RECORD.
4. ALL CORNERS ARE AS NOTED.
5. RECORD REFERENCE AS SHOWN.
6. PARCELS NUMBERED AS SHOWN.
7. MEASUREMENTS UNLESS OTHERWISE NOTED.
8. BEARINGS ARE RELATED TO NAD 83(2011).
9. PROPOSED ZONING NOT SHOWN.
10. SHOWN.
11. NO TREE'S HAVE BEEN SHOWN

GPS TIE
GPS #1 TO GPS #2
N49° 48' 29" E 320.06 (GRID)
GPS #1 REBAR W/PLASTIC CAP
N:119157.97'
E: 2075964.69'
GPS #2 REBAR W/PLASTIC CAP
N:119564.52'
E: 2076209.18'
TIE POB TO GPS #2
S54° 48' 58" E 98.93'

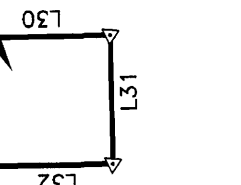
I, Randall L. Stepp, hereby state that to the best of my professional knowledge, information, and belief, the survey shown hereon was made in accordance with the standards and practices set forth in the Manual for Surveying in South Carolina, and meets or exceeds the requirements for a Class "A" survey as specified therein.

Randall L. Stepp
Randall L. Stepp, P.E., License# 27461 Date: 1/10/2023

EXISTING UTILITY EASEMENT

PROPOSED EASEMENT PLATTED BY OTHER FIRM

NEW TEMPORARY 20'X20' HOD ENTRY PIT EASEMENT



"TIE LINE ONLY"

N54° 35' 35" E 59.93'

L12

44.36'

N54° 35' 35" E 47.77'

L16

55.44'

05° W 47.77'

NEW 20' PERMANENT WATER LINE EASEMENT (10,008 ± SQUARE FEET = 0.24± ACRES)

NEW 20' TEMPORARY WATER LINE EASEMENT (7,685 ± SQUARE FEET = 0.17± ACRES)

PIN # R550 015 000 0323
TOWN OF HILTON HEAD
DEED BOOK 589 PAGE 779
PLAT BOOK 41 PAGE 193
PLAT BOOK 86 PAGE 195

Line #	Length	Direction
L5	10.01	S37° 14' 39" E
L6	23.06	N64° 52' 59" E
L7	10.00	S35° 10' 11" E
L8	20.00	N64° 01' 35" E
L9	40.00	S35° 11' 41" E
L10	40.00	N64° 01' 35" E
L11	10.00	S34° 24' 26" E
L12	20.00	N64° 35' 35" E
L13	10.00	N35° 27' 22" W

Line #	Length	Direction
L29	20.00	N64° 35' 35" E
L30	20.00	S35° 24' 25" E
L31	20.00	S34° 35' 35" W
L32	20.00	N35° 24' 25" W

LEGEND

- EXISTING IRON PIN
- NEW IRON SET (5/8" REBAR W/CAP)
- POINT NOT SET (NO MARKER SET)
- EASEMENT CORNER (NO MARKER SET)
- SUBJECT PROPERTY LINE
- ADJACENT PROPERTY LINE
- ADJONER PROPERTY LINE
- RIGHT OF WAY

REVISIONS

NO.	DATE	DESCRIPTION

V&M
Vaughn & Melton

SC FIRM LICENSE # 3540

2154 North Center St.
Suite A-101
North Charleston, SC
29405-5650
3600 Forrest Drive
Suite 102
Columbia, SC
29204-5650
243 East Blackstock
Suite 3
Spartanburg, SC
29576-4775

www.vaughnmelton.com

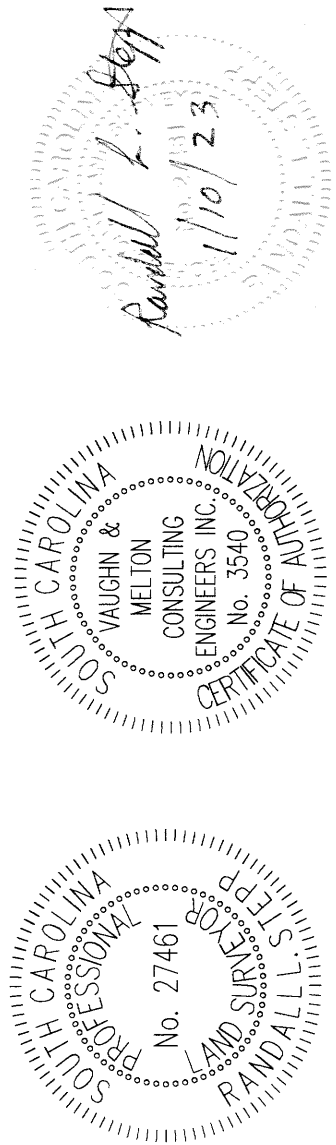
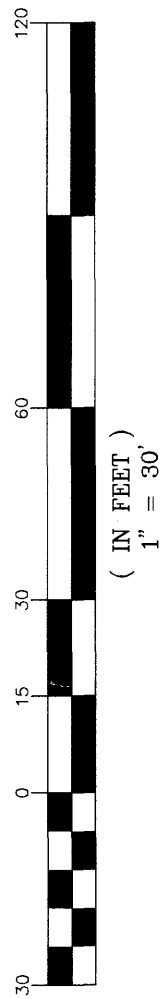
DRAWN: DLC
CHECKED: RLS
JOB NO: 062110-43
SCALE: 1"=30'
DATE: 06/14/2022
FILE NAME: EASEMENT.DWG

NEW PERMANENT WATER LINE
EASEMENT ACROSS THE PROPERTY OF
TOWN OF HILTON HEAD

TO BE DEDICATED TO
SOUTH ISLAND PSD
BEING THE PROPERTY
DESCRIBED IN:

DEED BOOK 589 PAGE 779
PIN # R55-015-000-0323
HILTON HEAD ISLAND
BEAUFORT COUNTY, SOUTH CAROLINA
AUGUST 15, 2022

GRAPHIC SCALE



EXHBIIT “D” TO ORDINANCE AUTHORIZING THE GRANTING OF EASEMENTS
TO THE SOUTH ISLAND PUBLIC SERVICE DISTRICT

843-785-2171

UTILITY EASEMENT AGREEMENT

Grantor hereby covenants with the District that it is lawfully seized and possessed of the Property, that it has the good and lawful right to convey it, or any part thereof, and that it shall warrant and forever defend the title thereto against the lawful claims of its successors and assigns.

Terms and Conditions:

a. The District may use the Easement conveyed herein only for the purpose of construction, maintenance, and repair of the Utility Infrastructure for the purpose of conveying its services on, over, along, across, through, under and within the Easement Area, together with the right to excavate and refill ditches and/or trenches for the location of said Utility Infrastructure, and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction, and maintenance of said Utility Infrastructure.

b. The District agrees to cause all work contemplated herein to be performed in a workmanlike fashion with such interference to Grantor, its successors and assigns, guests, invitees, licensees, and agents only as is necessary to accomplish the purposes described above.

c. The District further agrees that all debris, construction materials and equipment shall be promptly removed from the Property upon completion of any work upon the Property undertaken pursuant to this Agreement.

d. The District shall repair any alterations to the Property resulting from its use of this Easement, normal wear and tear excepted, by providing sod, plantings and shrubbery, and shall patch and repair asphalt and/or concrete pavement, in any and all trenches and/or holes wherever the same was removed, damaged or destroyed by the District during use of the Easement conveyed herein.

e. The Easement conveyed herein is subject and subordinate to all other present and future restrictions, easements, licenses, mortgages and conveyances of record, provided, however, that such subordination shall not operate to extinguish the rights and privileges granted herein, and such subordination shall not be inconsistent with the rights and privileges granted herein. The Easement conveyed herein is further subject to the rights herein reserved to the Grantor, its successors and assigns, to use the Property to the fullest extent possible, to grant additional underground utility easements over said Property, so long as it does not diminish the rights herein granted and to make such improvements on said Property, including landscaping and paving, as from time to time it elects which are not inconsistent with the Easement.

f. The District shall ensure that all contractors, subcontractors, sub-subcontractors and all others employed by the District to conduct any work on the Property granted herein shall have adequate insurance coverage, which, at a minimum, shall protect the District and Grantor and all contractors from claims under worker's or workman's compensation acts and other employee benefit acts, claims for damages because of bodily injury, including death, and from claims for damages, to the work itself and to the Property which may arise out of the District's use of the Easement, whether such operations be by the District or by any contractors, subcontractors, sub-subcontractors or anyone directly or indirectly employed by any of them.

g. The District agrees to indemnify, save and hold harmless Grantor, its successors and assigns, from and against any and all claims, causes of action, liability or losses of any nature, including attorneys' costs and fees incurred by Grantor in responding to or defending against any such claims,

arising from any acts or omissions of the District, or its officers, agents, employees and/or contractors in the exercise of the rights granted hereunder.

To have and to hold said Easement unto the District, and unto its successors and assigns, forever.

[Remainder of page intentionally left blank]

WITNESS the hands and seals of the undersigned as of the date and year first above written.

IN THE PRESENCE OF:

GRANTOR:

TOWN OF HILTON HEAD ISLAND

Signature of Witness #1

By: _____

Its: _____

Signature of Notary Public

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that _____,
as _____ of Town of Hilton Head Island, personally appeared before me this day and duly
acknowledged the execution of the foregoing instrument.

Witness my hand and official seal this _____ day of _____, 2024.

_____(SEAL)
Notary Public for South Carolina
My Commission Expires: _____

Page 76 of 222

Exhibit "A"

Legal Description of Property

All that certain piece, parcel, or lot of land, with improvements thereon, located on Hilton Head Island, Beaufort County, South Carolina, which is more particularly shown on that certain plat of survey entitled "an as built survey showing administrative and sales offices of the Hilton Head Company, Inc., a section of Long Cove Plantation, prepared by Michael R. Dunnagan, SCRLS No: 11905, and being dated July 8, 1991, and being recorded in the RMC Office for Beaufort County, South Carolina, in Plat Book 41, Page 192.

Property Tax ID# R550 015 000 0324 0000

Exhibit "B"

Easement Area

ALL that certain lot, tract or parcel of land situate, lying and being in the Town of Hilton Head Island, Beaufort County, South Carolina, and being shown and depicted on a plat entitled "NEW PERMANENT WATER LINE EASEMENT ACROSS THE PROPERTY OF TOWN OF HILTON HEAD TO BE DEDICATED TO SOUTH ISLAND PSD BEING THE PROPERTY DESCRIBED IN: DEED BOOK 589 PAGE 782 PIN # R550-015-000-0324 HILTON HEAD ISLAND BEAUFORT COUNTY, SOUTH CAROLINA AUGUST 15, 2022", prepared Vaughn & Melton Consulting Engineers Inc., certified by Randall L. Stepp, PLS (SC #27461), dated January 9, 2023, which plat is attached hereto as **Exhibit "B-1"**.

Exhibit "B-1"

Plat

NOTES:

1. AREAS SHOWN ARE SUBJECT TO EASEMENTS OF RECORD.
2. AREAS SHOWN ARE SUBJECT TO EASEMENTS OF RECORD.
3. AREAS INCLUDE ANY AND ALL PORTIONS OF PROPERTY UNDER RIGHTS OF WAY AND OR EASEMENTS EITHER ACQUIRED OR CLAIMED.
4. RECORD REFERENCE AS SHOWN.
5. RECORD REFERENCE AS SHOWN.
6. PARCEL I.D. NUMBER: AS SHOWN.
7. THE DISTANCES ON THIS MAP ARE UNADJUSTED HORIZONTAL SC GRID MEASUREMENTS.
8. BEARINGS ARE RELATED TO MD 83(2011).
9. PROPERTY ZONING NOT SHOWN.
10. THE CURRENT OWNER OF RECORD IS AS SHOWN PER DEED BOOK AS SHOWN.
11. NO TREE'S HAVE BEEN SHOWN

PIN # R550 015 000 0324
TOWN OF HILTON HEAD
DEED BOOK 1087 PAGE 1133
PLAT BOOK 41 PAGE 192

EASEMENT LINE TABLE		
Line #	Length	Direction
116	10.00	S37° 27' 22"E
117	10.00	S37° 47' 39"E

PIN # R550 015 000 0324
TOWN OF HILTON HEAD
DEED BOOK 589 PAGE 782
PLAT BOOK 4 PAGE 192
PLAT BOOK 35 PAGE 95

NS4° 00' 30"E 677.83

SS4° 00' 30"W 677.89

NEW 10' PERMANENT WATER LINE EASEMENT
(6.777 ± SQUARE FEET = 0.16± ACRES)

WILLIAM HILTON PKWY
US HWY 278
150' R/W
PAVED SURFACE

GPS TIE TO GPS 17
GPS #4 TO GPS 17
N65° 49' 49"E 267.72 (GRID)
GPS #4 REBAR W/PLASTIC CAP
N:119442.89'
E: 2077296.34'

GPS #17 REBAR W/PLASTIC CAP
N:119333.28'
E: 2077052.09'

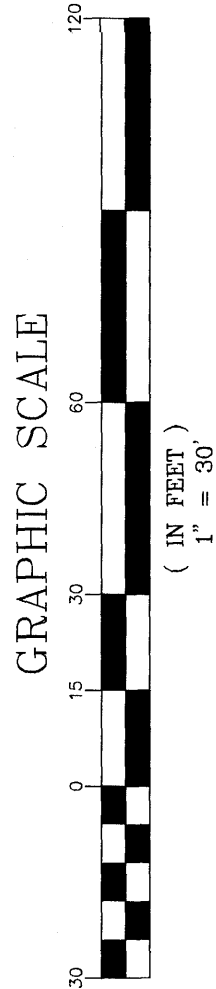
TIE POB TO GPS #4
S25° 22' 37"W 143.61

I, Randall L. Stepp, hereby state that to the best of my professional knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements for a Class "A" survey as specified therein.

Randall L. Stepp
Randall L. Stepp PLS., License# 27461 Date: 1/9/2023

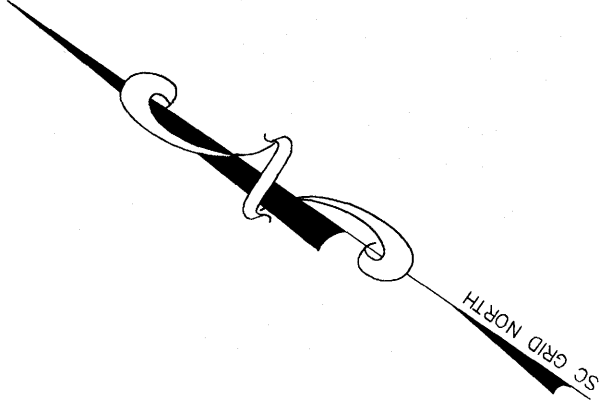


Randall L. Stepp
1/9/23



LEGEND

- EXISTING IRON PIN
- EXISTING REBAR W/CAP (S/8" REBAR W/CAP)
- POINT NOT SET
- EXISTING CURB
- EXISTING CURB
- EXISTING CURB
- EXISTING CURB
- SUBJECT PROPERTY LINE
- TIE LINE ONLY
- ADJOINER PROPERTY LINE
- RIGHT OF WAY



SC NORTH

REVISIONS

NO. DATE DESCRIPTION



Vaughn & Melton

SC FIRM LICENSE # 3540

2154 North Center St.
Suite A-101
North Charleston, SC
29403-9744-5650

3600 Forest Drive
Suite 102
Columbia, SC
29203-9744-5650

243 East Blackstock
Suite 200
Spartanburg, SC
29574-4775

www.vaughnmelton.com

DRAWN: DLC
CHECKED: RLS
JOB NO: 082110-43
SCALE: 1"=30'
DATE: 06/14/2022
FILE NAME: EASEMENT.DWG

NEW PERMANENT WATER LINE
EASEMENT ACROSS THE PROPERTY OF
TOWN OF HILTON HEAD
TO BE DEDICATED TO
SOUTH ISLAND PSD
HILTON HEAD ISLAND
BEING THE PROPERTY
DESCRIBED IN:
DEED BOOK 589 PAGE 782
PIN # R550-015-000-0324

HILTON HEAD ISLAND
BEAUFORT COUNTY, SOUTH CAROLINA
AUGUST 15, 2022



TOWN OF HILTON HEAD ISLAND

Town Council

TO: Town Council
FROM: Kimberly Gammon, Town Clerk
VIA: Marc Orlando, Town Manager
DATE: February 4, 2025
SUBJECT: Consideration of 2025 Meeting Schedule for Community Services and Public Safety Committee and Finance and Administrative Committee

RECOMMENDATION:

Town Council approve the attached schedules for the Community Services and Public Safety Committee and the Finance and Administrative Committee meetings for the calendar year of 2025.

ATTACHMENTS:

1. Proposed 2025 Community Services and Public Safety Committee Meeting Schedule
2. Proposed 2025 Finance and Administrative Committee Schedule



Town of Hilton Head Island
Community Services and Public
Safety Committee
2025 Meeting Schedule

MEETING DATES
February 10, 2025
March 17, 2025
April 21, 2025
May 19, 2025
June 16, 2025
July 21, 2025
August 18, 2025
September 15, 2025
October 20, 2025
November 17, 2025
December 15, 2025

Regular meetings are held at 10:00 A.M. on the third Monday of the month unless otherwise noticed*.

FIOA Compliance: Public notification of all meetings will be published, posted and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.



Town of Hilton Head Island Finance and Administrative Committee 2025 Meeting Schedule

MEETING DATES
February 24, 2025
March 25, 2025
April 29, 2025
May 27, 2025
June 24, 2025
July 29, 2024
August 26, 2025
September 30, 2025
October 28, 2025
November 25, 2025
December 30, 2025

Regular meetings are held at 10:00 A.M. on the last Tuesday of the month unless otherwise noticed*.

FIOA Compliance: Public notification of all meetings will be published, posted and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.



TOWN OF HILTON HEAD ISLAND

Town Council

TO: Town Council
FROM: Missy Luick, Director of Planning
VIA: Shawn Leininger, Assistant Town Manager
CC: Marc Orlando, Town Manager
DATE: February 4, 2025
SUBJECT: Consideration of an Ordinance to amend Title 17 of the Municipal Code of the Town of Hilton Head Island, to Amend Chapter 4, Noise Control, to add additional requirements for construction hours

RECOMMENDATION:

Town Council consider First Reading of an Ordinance to amend Title 17 of the Municipal Code of the Town of Hilton Head Island, to Amend Chapter 4, Noise Control, to add additional requirements for construction hours.

BACKGROUND:

The Town of Hilton Head Island has committed to implementing its Strategic Action Plan of which a Land Management Ordinance (LMO) amendments project has been identified as part of the Growth Management Strategy. The Town conducted a critical analysis of the Land Management Ordinance and created an LMO Amendments Plan to incorporate policy changes to bring the LMO into alignment with the comprehensive plan, Our Plan, and to incorporate the future District Plan recommendations.

The effort has been divided into two separate projects, the full LMO Overhaul and the Priority Amendments. The Priority Amendments include incremental changes to both the LMO and portions of the Municipal Code related to land management that seek to address important and urgent issues in advance of the full LMO Overhaul. These Priority Amendments aim to address pressing community development issues with the best short-term solution while minimizing unintended outcomes. Issues that require additional analysis and research or are more complex are recommended to be further explored during the full LMO Overhaul.

On September 24, 2024, Town Council held a workshop to review the LMO Amendments Plan, including an amendment to add Construction Management Standards to the LMO. Town Council discussion of this topic included direction to amend the Town's Noise Control Ordinance to add construction hours as part of the Priority Amendments.

SUMMARY:

The current regulations permit construction activity any day of the week during daytime, which is defined as beginning at 7:00am and ending at 10:00pm. The proposed amendment to Chapter 4, Noise Control, of Title 17 of the Municipal Code:

1. Aligns construction activity days and hours with those enforced by local Property Owners Associations (POAs) and other best practices to provide a more standardized schedule that minimizes disturbances to nearby properties;
2. Limits construction activity to Monday through Saturday, excluding listed major Town holidays (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day); and
3. When permitted, limits construction activity to 7:00am to 7:00pm.

The proposed amendment provides clarity to the Town's permitted construction activity hours and consistency with the private property regulations enforced in a majority of the community.

TOWN COUNCIL WORKSHOP:

At the September 24, 2024 Town Council Workshop, Town staff was provided the following comments and direction as it relates to this proposed Noise Ordinance amendment.

- Construction projects often spill over into commercial and residential areas, causing disruptions including noise, vibrations, dust, traffic congestion, parking issues, and restricted access to properties.
- Construction impacts are frustrating and affect daily routines and operations.
- Construction projects create jobs and stimulate the local economy with new developments that can result in positive impacts such as improved buildings, public spaces, and infrastructure that can benefit the community.
- Change the hours of construction from 7:00am – 10:00pm every day of the week to align with POAs and other best practices.

ANALYSIS:

Town staff evaluated the Island's largest planned unit development communities to analyze and compare those construction day and time standards and practices to the existing Town Noise Control regulations. While there are variations, generally construction activity is permitted Monday through Friday from 7:00am until 7:00pm. Construction activity is permitted on Saturdays with pre-authorization. Construction is prohibited on Sundays and major holidays.

Below is a summary of the planned unit development community's construction activity policies compared to what is being proposed in the Town's Noise Ordinance amendment:

PUD	Town of Hilton Head Island Proposal
1. Hilton Head Plantation: a) In general, it is expected that during normal working hours (7:00am to 7:00pm) certain equipment such as lawnmowers, leaf blowers, and construction apparatus will generate noise as part of their intended function. b) Commercial Vendors/Contractors are normally permitted entry to work between the hours of 7:00am and 7:00pm Monday through Friday; Saturday hours are 8:00am to 5:00pm; and work is not allowed on Sunday. No work is permitted on Christmas, New Year's, and Thanksgiving Day. 2. Sea Pines: a) Hours for work on Sea Pines' Properties are Monday through Saturday from 7:00am to 7:00pm. No nonemergency commercial work will be performed on Sundays. 3. Palmetto Dunes: a) Commercial work is only allowed in the community Monday through Friday from 7:00am to 7:00pm. If work is needed on Saturday, the contractor must contact the ARB before 12:00pm on Friday to obtain approval. 4. Port Royal: a) Construction work is permitted only on weekdays (Monday to Friday) that are not South Carolina legal holidays, and only between the hours of 7:00am and 7:00pm or until dark, whichever comes first. 5. Shipyard a) Construction work is only allowed \ Monday through Friday from 7:00am to 7:00pm. If work is needed on Saturday, the owner must contact Shipyard Security	Activities related to construction and landscape maintenance are permitted between the hours of 7:00am and 7:00pm, or sunset, whichever occurs first, Monday through Saturday excluding major holidays, (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day).

PUD	Town of Hilton Head Island Proposal
before the work begins and complete the Authorization for Weekend/After Hours Work Form to obtain approval. b) No work is permitted on Sundays, Christmas, Thanksgiving, or National & Observed Holidays. 6. Wexford a) Construction hours are 7:00am to 6:00pm, Monday through Friday. Permission to perform work on Saturday or outside of normal work hours must be requested, in advance, and approved by the ASC Administrator or their designee. b) Construction work may not be performed on the following days: Weekends, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.	

Based on direction provided by Town Council, Town Staff review of these planned unit development community's construction regulations, Town staff has proposed an amendment to Title 17 of the Municipal Code of the Town of Hilton Head Island, Chapter 4, Noise Control, to establish more consistent requirements for construction hours.

ATTACHMENTS:

1. Ordinance
2. Text Amendment

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND AMEND TITLE 17 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, TO AMEND CHAPTER 4, NOISE CONTROL, TO ADD ADDITIONAL REQUIREMENTS FOR CONSTRUCTION HOURS FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Council for the Town of Hilton Head Island, South Carolina, has identified a continued need for the adoption of Municipal Code Amendments to address needs and issues in the Town as such arise; and,

WHEREAS, the Town Council finds that noise created by construction, excavation, demolition, alteration or repair work on buildings or other structures, the operation and the operation tools or equipment used in construction, excavation, drilling, demolition, alteration or repair work and landscape maintenance and the operation of tools and equipment used for landscape maintenance has negative effects and lessens and impairs the peace, quiet and quality of life of those persons in the vicinity of the activity creating the noise; and,

WHEREAS, the Town Council finds that the health, safety and welfare of citizens, residents and visitors of and to the Town are promoted and improved by limiting the activities that create such noise to the hours beginning at 7:00 AM and ending at 7:00 PM, or sunset, whichever comes first, Monday through Saturday, except on major holidays observed by the Town, being New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day).

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS HEREBY ORDERED AND ORDAINED BY AND UNDER AUTHORITY OF SAID TOWN COUNCIL, AS FOLLOWS:

Section 1. Amendment. That the Municipal Code is amended as shown on Exhibit "A" to this Ordinance. Newly added language is illustrated with double underline and deleted language is illustrated with ~~strikethrough~~.

Section 2. Severability. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE
TOWN OF HILTON HEAD ISLAND ON THIS _____ DAY OF _____, 2025.**

THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA

Alan R. Perry, Mayor

ATTEST:

Kimberly Gammon, Town Clerk

First Reading:

Second Reading:

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

TITLE 17 - GENERAL REGULATIONS

Chapter 4 - NOISE CONTROL

Sec. 17-4-114. Prohibited acts.

The following acts are declared to be nuisances hereunder and are hereby declared to be unlawful and in violation of the provisions hereof:

- (1) The willful creation or causing of any excessively loud sound. The creation or causing of any excessively loud sound shall be deemed to be "willful" if upon notice to the emitter of any excessively loud sound, the emitter fails or refuses to cease the creation or causing of the excessively loud sound.
- (2) The erection, including construction, excavation, demolition, alteration or repair work, or the permitting or causing thereof, of any building or other structure, or the operation or the permitting or causing the operation of any tools or equipment used in construction, excavation, drilling, demolition, alteration or repair work; or the performance of landscape maintenance and the operation of tools and equipment customarily used in connection with landscape maintenance:
 - a. Other than during the daytime between the hours of 7:00 a.m. and 7:00 p.m., or sunset, whichever comes first, Monday through Saturday excluding major holidays observed by the Town, (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day); or
 - b. In such a manner as to create noise levels greater than 95 dBA at the property line of the property where such activity occurs.
 - c. This section shall not apply in cases of extreme and urgent necessity in the interest of public safety and convenience, and then only by permit obtained from, and issued by, town manager.
- (3) The operation of any automobile, motorcycle, boat, vehicle, machine, machinery or equipment with a nonfunctioning or disabled muffler.
- (4) a. On any property located within the following zones: RSF-3, RSF-5, RSF-6, RM-4, RM-8 and RM-12, as defined in title 16, specifically section 16-3-104, Residential Base Zoning Districts, the making of any noise during the daytime, wherein the sound level from any operation, use or occupancy exceeds the sound level limits specified in the octave band or the A-scale measurement indicated in the following table when measured from any other property under separate ownership.

Octave Band Center Frequency (Hertz)	63	125	250	500	1000	2000	4000	8000	A- Scale
Sound Level Limit (dB re: 0.0002 microbar)	76	66	59	54	50	47	44	42	60

- b. The daytime sound level limits are to be reduced by five (5) dB during the nighttime.
 - c. The sound level limits set forth in subsections (4)a. and (4)b. above are to be reduced by five (5) dB in the case of impulsive sound.
- (5) a. On any property located within the following zones: NC, PD-1, S, MF, WMU, CR, and RD, as defined in title 16, specifically section 16-3-105, Mixed-Use and Business Districts, the making or allowing or causing to be made of any noise, wherein the sound level from any operation, use or occupancy

exceeds the sound level limits specified in the octave band indicated or the A-scale measurement indicated in the following table when measured from any other property under separate ownership.

Octave Band Center Frequency (Hertz)	63	125	250	500	1000	2000	4000	8000	A- Scale
Sound Level Limit (dB re: 0.0002 microbar)	81	71	66	61	57	54	52	49	67

- b. The daytime sound level limits are to be reduced by five (5) dB during the nighttime.
 - c. The sound level limits set forth in subsections (5)a. and (5)b. above are to be reduced by five (5) dB in the case of impulsive sound.
- (6) a. On any property located within the following zones: LC, MS, MED, MV, SPC, CC, IL, and PR, as defined in title 16, specifically [section] 16-3-105, Mixed-Use and Business Districts, and the Shelter Cove and Harbour Town multiple use areas (as defined on the maps which are found at the end of this chapter), the making or allowing or causing to be made of any noise, wherein the sound level from any operation, use or occupancy exceeds the sound level limits specified in the octave band or the A-scale measurement indicated in the following table when measured from any other property under separate ownership.

Octave Band Center Frequency (Hertz)	63	125	250	500	1000	2000	4000	8000	A- Scale
Sound Level Limit (dB re: 0.0002 microbar)	83	74	69	64	62	57	54	52	69

- b. The daytime sound level limits are to be reduced by five (5) dB during the nighttime.
 - c. The sound level limits set forth in subsections (6)a. and (6)b. above are to be reduced by five (5) dB in the case of impulsive sound.
- (Ord. No. 94-22, § 1, 7-19-94; Ord. No. 95-25, § 1, 11-8-95; Ord. No. 04-42, § 1, 12-21-04; Ord. No. 2009-08, § 1, 3-17-09; Ord. No. 2015-14, § 1(Exh. 1), 6-16-15)

Sec. 17-4-115. Exceptions.

- (a) The provisions of this chapter shall not apply to:
 - (1) The sounding of an alarm, or the utilization of a siren or other emission of sound for the purpose of alerting persons to the existence of an emergency or the approach of an emergency vehicle;
 - (2) Sound produced by an aircraft approaching, landing at, taking off from or utilizing the taxiways or runways of the Hilton Head Airport;
 - (3) Sound produced by a vehicle (not including sound produced by an emitter within any such vehicle) while the vehicle is moving on a public right-of-way or public waterway, or is otherwise being lawfully operated;
 - (4) Sound produced by a governmental body in the performance of a governmental function; or
 - (5) Sound produced by church bells or chimes, whether produced by the striking of a church bell or chime, or a recording thereof.

- (6) Sound produced by non-commercial persons and machinery engaged in landscape maintenance, cleanup, grinding or chipping of tree trunks or branches, or tree shaping or removal, at the location where the vegetative material was generated, during the daytime; and sound produced by commercial persons and machinery engaged in landscape maintenance, cleanup, grinding or chipping of tree trunks or branches, or tree shaping or removal, at the location where the vegetative material was generated, between the hours of 7:00 am and 67:00 pm, or sunset, whichever comes first, on Monday through Saturday excluding major holidays observed by the Town, (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day), provided however that such activity shall not create noise levels greater than 95 dba at the property line on the property that the activity occurs.
 - (7) Sound produced by persons and machinery engaged in the lawful and permitted construction, excavation, renovation or demolition of any structure, including the installation of utilities and paving, between the hours of 7:00 a.m. and 7:00 p.m., or sunset, whichever comes first, Monday through Saturday excluding major holidays observed by the Town, (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day), provided however that such activity shall not create noise levels greater than 95 dba at the property line on the property that the activity occurs.
 - (8) Sounds produced by parades or athletic events, and permitted fireworks.
 - (9) Sounds produced by maintenance or repair activity within boat yards, during the daytime.
 - (10) Sounds produced by commercial persons and machinery engaged in sawing or grinding of tree trunks, branches or other organic matter into mulch, at a location other than where the vegetative material was generated (generated off site), between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday, excluding federal and state holidays; and sounds produced by non-commercial persons and machinery engaged in sawing or grinding of tree trunks, branches or other organic matter into mulch, at a location other than where the vegetative material was generated (generated off site), during the daytime on Monday through Saturday.
 - (11) Sounds produced by golf course or tennis maintenance or watering equipment.
 - (12) Sounds produced by the commercial persons and machinery engaged in loading or unloading of tree trunks or branches between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday, excluding federal and state holidays; and sounds produced by the non-commercial persons and machinery engaged in loading and unloading of tree trunks or branches, during the daytime on Monday through Saturday.
- (b) Applications for a semi-annual permit for relief from the noise restrictions designated in this chapter on the basis of undue hardship may be made to the town manager or his duly authorized representative. The relief requested may be granted upon a good and sufficient showing:
- (1) That additional time is necessary for the applicant to alter or modify his activity or operation to comply with the provisions of this chapter;
 - (2) That the activity, operation or noise will be of temporary duration and cannot reasonably be done in a manner that would comply with this chapter; or
 - (3) That no reasonable alternative is available to the applicant.
- (c) The permit application shall be responded to conclusively within five (5) business days from the receipt of the application. If granted, the permit shall be in writing and contain all conditions upon which such permit is granted, including, but not limited to, the effective dates, and any time of day, location, sound pressure level or equipment limitation. The town manager or his duly authorized representative may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding area.

(Ord. No. 94-22, § 1, 7-19-94; Ord. No. 2019-07, § 1, 4-2-19)



TOWN OF HILTON HEAD ISLAND

Town Council

TO: Town Council
FROM: Shawn Colin, AICP, *Assistant Town Manager*
CC: Marc Orlando, ICMA-CM, *Town Manager*
CC: Shawn Leininger, AICP, *Assistant Town Manager*
CC: Jeff Netzinger, PE, Engineering Director
DATE: February 4, 2025
SUBJECT: Consideration of a Resolution Authorizing the Town Manager to sign the Permits Required to Execute the Beach Renourishment Project

Recommendation:

Consideration of a Resolution Authorizing the Town Manager to sign the Permits Required to Execute the Beach Renourishment Project (Attachment 1).

Background:

The purpose of this report is to inform Town Council of the environmental permitting condition mandated by the U.S. Fish and Wildlife Service (USFWS), the U.S. Army Corps of Engineers (USACOE) and the South Carolina Department of Environmental services (SCDES) as part of the Town's beach renourishment efforts, specifically the requirement of a year-round dog ban on portions of public beach. This condition is being applied to the Town's permitting process for the beach renourishment project.

The Town of Hilton Head Island is in the process of permitting and executing its fourth major Beach Renourishment project. In past projects, the Town and regulatory agencies have been effective partners, balancing the necessary beach maintenance with wildlife protection. As part of the permitting process, the United State Fish and Wildlife Service (USFWS) is issuing a Biological Opinion (BO) under Section 7 of the Endangered Species Act of 1973.

This year, for the first time, USFWS is mandating a year-round ban on dogs, with the initial draft BO, dated August 8, 2024 and included as Attachment 2, imposing restrictions at Fish Haul Beach Park, portions of Port Royal Plantation, and Pine Island Beach, as illustrated on Attachment 3. The BO cites concerns about the potential disturbance to birds from the presence of dogs, even when leashed. The applicable sections of the Biological Opinion that require this restriction are outlined below under Reasonable and Prudent Measure#4 as well as Terms and Condition#4.

Shorebirds – Reasonable and Prudent Measures:

RPM#4. The Town must implement the revised and approved Town of Hilton Head Shorebird Conservation and Management Plan (Plan) from 2015 before project

construction begins. The Plan will include beach management measures aimed at reducing human recreational disturbance to offset the anticipated take resulting from the proposed Action.

Shorebirds Terms and Conditions:

T&C#4. The Town will implement the revised and approved *Town of Hilton Head Shorebird Conservation and Management Plan* (Plan) from 2015 before project construction begins unless another written agreement between the Town, Service, and Corps is reached in the interim. The Plan will include permanent, year-round dog restricted access areas along Pine Island and the Fish Haul Creek area shorelines of Port Royal Sound to minimize existing human recreational disturbance to piping plovers, red knots, and other shorebirds. These areas fall within the Town's jurisdiction and align with beach access points. The Town or its contractor will install signage at beach access points and above the spring high tide line to delineate where the restricted area(s) begin. The Town will also install marked buoys at the mid-tide and low-tide lines to delineate the area(s) when the tide is below the high-tide line.

While the Town supports conservation efforts, Town staff strongly objected to this blanket dog ban, as it does not reflect the current needs or practices of our residents and visitors, who frequently use these areas to walk their dogs. The Town staff coordinated discussion and consideration of these requirements with a request to remove or reduce the areas impacted, based on the actual presence of protected bird species during migration periods, rather than imposing year-round restrictions.

As a result of these efforts, USFWS has issued an amended BO to the USACOE, shown as Attachment 4. The amended BO includes revised language for Terms and Condition #4 as outlined below which reduces the area where the restrictions must apply by removing Pine Island Beach and reducing the area of restrictions near Fish Haul Beach Park.

T&C#4. The Town will implement the revised and approved Town of Hilton Head Shorebird Conservation and Management Plan (Plan) from 2015 before project construction begins unless another written agreement between the Town, Service, and Corps is reached in the interim. The Plan will include one permanent, year-round dog restricted access area along the Fish Haul Creek shoreline of Port Royal Sound to minimize existing and future human recreational disturbance to piping plovers, red knots, and other shorebirds. The specific location will be finalized in coordination with and approved by the Service. This area falls within the Town's jurisdiction. The Town or its contractor will install signage at nearby beach access points and above the spring high tide line to delineate where the restricted area begins. The Town will also install signage and/or marked buoys at the mid-tide and low-tide lines to delineate the area when the tide is below the high-tide line.

This revised BO still maintains the Reasonable and Prudent Measure #4 which means the Town will need to amend the Municipal Code before the construction activity for the Beach Renourishment project begins. Therefore, an amendment to Section 8-1-211(8)

of the Town's Municipal Code will be advanced to codify the required restrictions in the coming months. The area where these new restrictions will apply are illustrated in Attachment 5.

Requested Action:

It is recommended that the Town Council approve a Resolution authorizing the Town Manager to sign the permits required for the Beach Renourishment project, ensuring that the Town can accept the State and Federal permits for the project and ensure the project can proceed while we draft and bring forward required amendments to the Municipal Code of the Town of Hilton Head Island.

Attachments:

1. Resolution Authorizing the Town Manager to sign the Permits Required to Execute the Beach Renourishment Project Letter from South Carolina
2. USFWS Draft Biological Opinion, dated August 2024
3. Illustration of Original Restricted Beach Areas per the BO Dated August 8, 2025
4. Letter from USFWS to the USACOE serving as an amendment to the BO Amendments, dated January 15, 2025
5. Illustration of Revised Restricted Beach Areas per the BO, dated January 15, 2025

A RESOLUTION OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AUTHORIZING THE TOWN MANAGER TO SIGN AND ACCEPT PERMITS ISSUED BY THE UNITED STATES ARMY CORPS OF ENGINEERS AND THE SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES FOR THE 2025 TOWN OF HILTON HEAD ISLAND BEACH NOURISHMENT PROJECT, AND TO TAKE SUCH ACTIONS ARE NECESSARY TO COMPLY WITH THE PERMITS AND TO BRING FORWARD AN AMENDMENT TO THE MUNCICIPAL CODE TO COMPLY WITH A CONDITION OF THE PERMITS

WHEREAS, the Town of Hilton Head Island, South Carolina (the “Town”), has an adopted policy calling for the periodic nourishment and renourishment of the Atlantic Beaches on Hilton Head Island; and

WHEREAS, the Town has permitted and completed three major beach nourishment projects since 1990, and has scheduled the fourth major beach nourishment project to be permitted and completed in 2025; and

WHEREAS, the Town’s beach nourishment projects have maintained the width of the beaches on Hilton Head Island, providing a stable natural area for recreation and for the protection of property; and

WHEREAS, the Town’s beach nourishment projects have also promoted the formation of sand dunes which protect property and provide habitat for beach and beach critical area flora and fauna; and

WHEREAS, the Town must obtain permits from the United States Army Corps of Engineers and the South Carolina Department of Environmental Services in order to commence and complete the 2025 beach nourishment project; and

WHEREAS, the Town has applied for the needed permits to authorize the 2025 Beach Nourishment Project; and

WHEREAS, the United States Fish and Wildlife Service is a contributing agency for the United States Army Corp of Engineers Permit, and it has issued a Biological Opinion; and

WHEREAS, the United States Fish and Wildlife Service Biological Opinion is a part of the permit to be issued by the United States Army Corps of Engineers and compliance with the Biological Opinion is a condition of both the United States Army Corps of Engineers permit and the South Carolina Department of Environmental Services permit; and

WHEREAS, the United States Fish and Wildlife Service Biological Opinion includes a mandate that dogs be banned year-round from certain places along the beaches of Hilton Head Island due to the disturbance of shore birds caused by the presence of dogs; and

WHEREAS, Town Staff has worked with the United States Fish and Wildlife Service and has achieved a material reduction in the areas over which the ban must be imposed; and

WHEREAS, the area where the ban is required is shown Illustration of Revised Restricted Beach Areas dated January, 2025, a copy of which is attached hereto as Exhibit “A”; and

WHEREAS, in order to impose the required ban, an amendment to the text of § 8-1-211, *Municipal Code of the Town of Hilton Head Island, South Carolina* (1983), will be required, and the Town Manager will bring forward a proposed amendment to implement the ban that is a condition of the permit to be issued by the United States Army Corps of Engineers and the South Carolina Department of Environmental Services; and

WHEREAS, a requirement of the permits to be issued by the United States Army Corps of Engineers and the South Carolina Department of Environmental Services is that on receipt the Town Manager must sign and accept the permits; and,

WHEREAS, on acceptance of the permits to be issued by the United States Army Corps of Engineers and the South Carolina Department of Environmental Services the conditions of the permits must be satisfied; and

WHEREAS, the Town Council finds that timely acceptance of the permits to be issued by the United States Army Corps of Engineers and the South Carolina Department of Environmental Services and compliance with the conditions stated in them is essential to the timeline for the commencement and completion of the 2025 beach nourishment project; and

WHEREAS, the Town Council finds that the timely the commencement and completion of the 2025 beach nourishment project will promote the health, safety and welfare of the citizens, residents, visitors, and property owners in the Town, and is in the best interest of the citizens, residents, visitors, and property owners in the Town.

NOW THEREFORE, BE IT RESOLVED AND IT HEREBY IS RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA:

1. The Town Manager is hereby authorized to execute and accept the permits issued by the United States Army Corps of Engineers and the South Carolina Department of Environmental Services.
2. The Town Manager is hereby authorized to take all actions as may be necessary to comply with any conditions set out in the permits issued by the United States Army Corps of Engineers and the South Carolina Department of Environmental Services.

3. The Town Manager is directed to bring forward a text amendment to § 8-1-211, *Municipal Code of the Town of Hilton Head Island, South Carolina* (1983), for the purpose of implementing a year-round ban on dogs in areas along the outfall of Fish Haul Creek shown on the Illustration of Revised Restricted Beach Areas dated January, 2025, a copy of which is attached hereto as Exhibit "A".

MOVED, APPROVED AND ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, ON THIS ___ DAY OF FEBRUARY, 2025.

Alan R. Perry, Mayor

ATTEST:

Kimberly Gammon, Town Clerk

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____

EXHIBIT A TO RESOLUTION AUTHORIZING SIGNING AND ACCEPTANCE OF
PERMITS FOR 2025 BEACH NOURISHMENT PROJECT



Revised Area Proposed for Restrictions



Maxar, Microsoft

Town of Hilton Head Island
Beach Areas Restricted as a Condition of the Beach Renourishment Permit
January 2025



Biological and Conference Opinion
Town of Hilton Head Beach Renourishment Project

FWS Log # 2023-0091041



Prepared by:

U.S. Fish and Wildlife Service
South Carolina Ecological Services Field Office
176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407

Christy Johnson-Hughes

Christy Johnson-Hughes, Project Leader

August 8, 2024

Date

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1. BACKGROUND

1.1. Introduction

A biological opinion (BO) is the document that states the findings of the U.S. Fish and Wildlife Service (Service) required under section 7 of the Endangered Species Act of 1973, as amended (16 USC 1531 et seq.; [ESA]), as to whether a federal action is likely to:

- jeopardize the continued existence of species listed as endangered or threatened; or
- result in the destruction or adverse modification of designated critical habitat.

This is a combined Biological and Conference Opinion (Opinion). A conference opinion (CO) is equivalent to a BO but addresses species that are not yet listed under the ESA and/or proposed critical habitats not yet designated. Therefore, the ESA prohibitions against jeopardizing species, destroying critical habitat, and taking animals do not yet apply. The Service may adopt a conference opinion as a biological opinion if and when the evaluated species is listed/designated and while the action agency's discretion and involvement in the action continue.

The federal action agency for this consultation is the U.S. Army Corps of Engineers' (Corps), and the federal action addressed in this Opinion is the Town of Hilton Head's (Town) Island-wide project (SAC-2022-01660) and Town's Pine Island project (SAC-2023-01324) (the Action). This Opinion considers the effects of the Action on the piping plover (*Charadrius melodus*) and its designated critical habitat, the rufa red knot (*Calidris canutus rufa*) and its proposed critical habitat, and the loggerhead sea turtle (*Caretta caretta*).

Our analysis within this Opinion is primarily based on the information provided in the applicant's biological assessments (assessments) prepared by the Coastal Eco-Group entitled "Biological Assessment: Town of Hilton Head Island Beach Renourishment Project" dated September 2023 and "Final Biological Assessment: Pine Island Dune Restoration and Stabilization Project" dated June 2024 (CEG 2023, 2024), and other sources of information cited herein. The information provided in the Assessment is incorporated by reference in this Opinion.

The Service previously concurred with the Corps determination that the Action may affect but is not likely to adversely affect the green sea turtle, Kemp's ridley sea turtle, leatherback sea turtle, and the West Indian manatee by letter and email dated June 8, 2023, and May 3, 2024. These species are not further addressed in this Opinion.

1.2. Consultation History

This section lists key events and correspondence during the course of this consultation. A complete administrative record of this consultation is on file in the U.S. Fish and Wildlife Service's South Carolina Ecological Service's Field Office (SCESFO).

2015-07-01 – The Service issued a revised biological opinion to the Corps for the Town of Hilton Head's (Town) recurring island-wide renourishment project. The Service included a discretionary conservation recommendation, which was also included in our original February

26, 2015, Opinion, regarding the Town's existing ordinance (Ordinance No. 2013-11 § 8-1-211). In the interest of section 7(a)(1) of the ESA, the Service recommended the ordinance be amended to require dogs to be leashed at all times and the ordinance should be strictly enforced (USFWS 2015, p.134).

2017-01-31 – The Service sent a letter to Corps outlining our observations of the Town's recurring non-compliance with our July 1, 2015, Opinion's Reasonable and Prudent Measures (RPMs) and Terms and Conditions (T&Cs) outlining required monitoring and management. The letter also noted that if the dog issue was not resolved prior to the next Town beach renourishment permit application, we would require RPMs and T&Cs within the Town's authority to address the dog issue to minimize take and offset future project impacts.

2017-02-07 – The Corps sent a letter to the Town regarding their project being out of compliance with the Town's Department of the Army permit. The letter stated that the Corps would not process any actions on current or future permit applications until all non-compliance issues were resolved.

2023-05-09 – The Service received the Corps' and South Carolina Department of Health and Environmental Control – Office of Ocean and Coastal Resource Management's (SCDHEC-OCRM) joint public notice for a permit (SAC-2022-01660) to dredge in nearshore borrow areas and place material on sections of Hilton Head Island. The Corps made a determination of may affect, is not likely to adversely affect for the green sea turtle (*Chelonia mydas*), Kemp's ridley sea turtle (*Lepidochelys kempii*), leatherback sea turtle (*Dermochelys coriacea*), loggerhead sea turtle (*Caretta caretta*) and the West Indian manatee (*Trichechus manatus*). The Corps made a determination of may affect for the piping plover (*Charadrius melodus*) and its designated critical habitat and the rufa red knot (*Calidris canutus*) and its proposed critical habitat.

2023-06-08 – The Service provided comments to the Corps regarding the proposed project and recommended that the Corps request to initiate formal consultation on the loggerhead sea turtle, piping plover and its designated critical habitat, and the rufa red knot and its proposed critical habitat. The Service concurred with the Corps' determination on the green sea turtle, Kemp's ridley sea turtle, leatherback sea turtle, and West Indian manatee. The Service did not concur with the Corps' determination of may affect, is not likely to adversely affect for the loggerhead sea turtle. The Service also recommended that the Town of Hilton Head Island (Town) minimize project direct and indirect impacts by including shorebird conservation practices (i.e. protecting high tide roosts, creating "no dog areas" within important shorebird habitats, and supporting a shorebird stewardship program) into the Town's long-term beach management program.

2023-10-11 – The Service received a letter from the Corps requesting to initiate formal consultation on the loggerhead sea turtle, piping plover and its designated critical habitat, and rufa red knot and its proposed critical habitat.

2023-11-09 – The Service sent a letter to the Corps acknowledging receipt of all information necessary to initiate the consultation and provided an expected date of March 22, 2024, for completion of our Opinion.

2024-03-08 – The Service sent an email to the Corps summarizing a phone conversation regarding another permit application for beach renourishment on Hilton Head Island that was about to go on public notice. We recommended pausing the island-wide consultation so we could include the Town’s additional project in our Opinion.

2024-03-08 – The Service sent an email to the Town’s consultants about setting up a meeting to discuss monitoring and management requirements for the Town’s island-wide project and the proposed project about to go out on public notice.

2024-03-15 – The Service (Melissa Chaplin) attended a virtual meeting with the Corps (Chelsea Fannin, Shawn Boone), and the Town’s consultants (Chris Creed, Zak Bedell, and Cheryl Miller). The Service proposed pausing the island-wide consultation to issue one Opinion for both permit applications. The Service proposed issuing the Opinion within 30 days of the date on the public notice for Pine Island if the Town’s biological assessment was provided to the Service within 7 days of the date on the public notice. The Service offered to provide proposed “no dog areas” for the Town’s consideration and review the draft assessment before the final draft was submitted to the Corps.

2024-03-20 – The Service provided the proposed “restricted dog areas” to the Town via email. The Service proposed three areas in Burke’s Beach Park, Fish Haul Park (including a section of beach along Port Royal Plantation), and Pine Island. These areas were proposed to create “safe zones” in areas consistently used by piping plovers.

2024-04-05 – The Service received Corps and SCDHEC-OCRM’s joint public notice for a permit (SAC-2023-01324) to renourish a beach and construct breakwaters along the Port Royal Sound shoreline of Hilton Head Island. The Corps made a determination of may affect, is not likely to adversely affect for the West Indian manatee (*Trichechus manatus*). The Corps made a determination of may affect for the piping plover (*Charadrius melodus*) and rufa red knot (*Calidris canutus*). The Corps did not make a determination for any of the sea turtles.

2024-04-15 – The Service received an email from the Town’s consultant providing an update on the submittal of the assessment.

2024-04-23 – The Service sent an email to the Town’s consultant stating our concerns with the vague language in the Conservation Measures section of the assessment. The proposed “restricted dog areas” were not included in the assessment. The Service stated that we needed a commitment from the Town to work on revising the Hilton Head Island Shorebird Conservation Plan and the plan must be approved and implemented before project construction begins.

2024-04-24 – The Corps sent an email to the Town’s consultant reiterating the Service’s concerns and the Corps’ concerns with the vague language in the assessment. The Corps recommended a meeting with the Town to discuss the language in the assessment.

2024-05-01 – The Service and the Corps met with the Town’s representative, the Town’s consultants to discuss the proposed “restricted dog areas.” The Town’s representative did not commit to establishing “restricted dog areas” during the meeting, but they did agree to continue the conversation with the Service and Manomet.

2024-05-03 – The Service provided comments to the Corps regarding the additional proposed project (SAC-2023-01324) and recommended that the Corps request to initiate formal consultation on the loggerhead sea turtle, piping plover, and the rufa red knot. Although the Corps did not make a determination for any of the sea turtles, the Service stated it would concur with a may affect, is not likely to adversely affect the green sea turtle, Kemp’s ridley sea turtle, and leatherback sea turtle. The Service concurred with the Corps’ determination of may affect, is not likely to adversely affect on the West Indian manatee. The Service also recommended that the Town no longer allow dogs in essential shorebird habitat.

2024-06-06 – The Town’s consultant provided the final assessment via email to the Corps and the Service. The final assessment did not include the proposed “no dog areas” or acknowledge dogs as an issue. The assessment did include language about the Town’s commitment to coordinating with the Service and implementing the management measures outlined in the plan prior to project construction.

2024-06-27 – The Service received a letter from the Corps requesting to initiate formal consultation on the piping plover and rufa red knot.

2024-07-11 – The Service acknowledged receipt of the Corps’ request to initiate formal consultation and provided an updated expected date of July 26, 2024, for completion of our Opinion.

2024-07-26 – The Service requested an extension on the Opinion.

2024-07-30 – The Corps approved the extension.

1.3. Opinion Analytical Framework

An Opinion that concludes a proposed Federal action is *not* likely to *jeopardize the continued existence* of listed species and is *not* likely to result in the *destruction or adverse modification* of critical habitat fulfills the Federal agency’s responsibilities under §7(a)(2) of the ESA.

“Jeopardize the continued existence” means to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species” (50 CFR §402.02).

“Destruction or adverse modification” means a direct or indirect alteration that appreciably diminishes the value of critical habitat as a whole for the conservation of a listed species” (50 CFR §402.02).

The Service determines in an Opinion whether we expect an action to satisfy these definitions using the best available relevant data in the following analytical framework (see 50 CFR §402.02 for the regulatory definitions of *action*, *action area*, *environmental baseline*, *effects of the action*, and *cumulative effects*).

- a. *Proposed Action*. Review the proposed Federal action and describe the environmental changes its implementation would cause, which defines the action area.
- b. *Status*. Review and describe the current range-wide status of the species or critical habitat.
- c. *Environmental Baseline*. Describe the condition of the species or critical habitat in the action area, without the consequences to the listed species caused by the proposed action. The environmental baseline includes the past and present impacts of all Federal, State, or private actions and other human activities in the action area, the anticipated impacts of all proposed Federal projects in the action area that have already undergone formal or early consultation, and the impacts of State or private actions which are contemporaneous with the consultation.
- d. *Effects of the Action*. Predict all consequences to species or critical habitat caused by the proposed action, including the consequences of other activities caused by the proposed action, which are reasonably certain to occur. Activities caused by the proposed action would not occur but for the proposed action. Effects of the action may occur later in time and may include consequences that occur outside the action area.
- e. *Cumulative Effects*. Predict all consequences to listed species or critical habitat caused by future non-Federal activities that are reasonably certain to occur within the action area.
- f. *Conclusion*. Add the effects of the action and cumulative effects to the environmental baseline, and in light of the status of the species, formulate the Service's opinion as to whether the action is likely to jeopardize species or adversely modify critical habitat.

2. PROPOSED ACTION

This section describes the proposed federal Action, including any measures that may avoid or minimize adverse effects to listed species and the extent of the geographic area affected by the Action. The term “action” is defined in the implementing regulations for section 7 as “all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by federal agencies in the United States or upon the high seas” (50 CFR 402.02).

There are two distinct components to the Action: the Island-wide project and the Pine Island project, which are described in further detail in the following subsections.

2.1.2. Pine Island Project

The proposed Pine Island project (SAC-2023-01324) will be constructed between July 1, 2025 and October 31, 2025, in conjunction with the Island-wide project and will place approximately 190,000 cubic yards (cy) of sand from the Bay Point Shoals borrow area along 2,200 linear feet (lf) of shoreline (**Figure 2-2**). The project will also include the construction of five detached breakwaters (three with stems) and a spur to be attached to the existing revetment along 850 lf of shoreline. The purpose of the proposed project is to address erosion along Pine Island's barrier beach. Over the past several decades, the Hilton Head Plantation Property Owners Association (HHPPOA) has attempted to manage erosion problems and maintain beach access from Dolphin Point to Pine Island. The Service issued an Opinion on March 5, 2024, for the HHPPOA's most recent project (PN# SAC-2023-00210, FWS Log # 2023-0093063). The Pine Island project is anticipated to be constructed in addition to the HHPPOA project. In 2022, the Town expanded the extent of the island's managed beaches to include Pine Island and its associated barrier beach along the Port Royal Sound shoreline within Hilton Head Plantation.

Sand will be dredged from the borrow area by hydraulic cutter-suction pipeline dredge to the beach fill areas. The landward and seaward slopes of the construction berm will have a uniform initial slope of 1V:10H. Beach fill will be placed prior to the construction of the breakwaters.

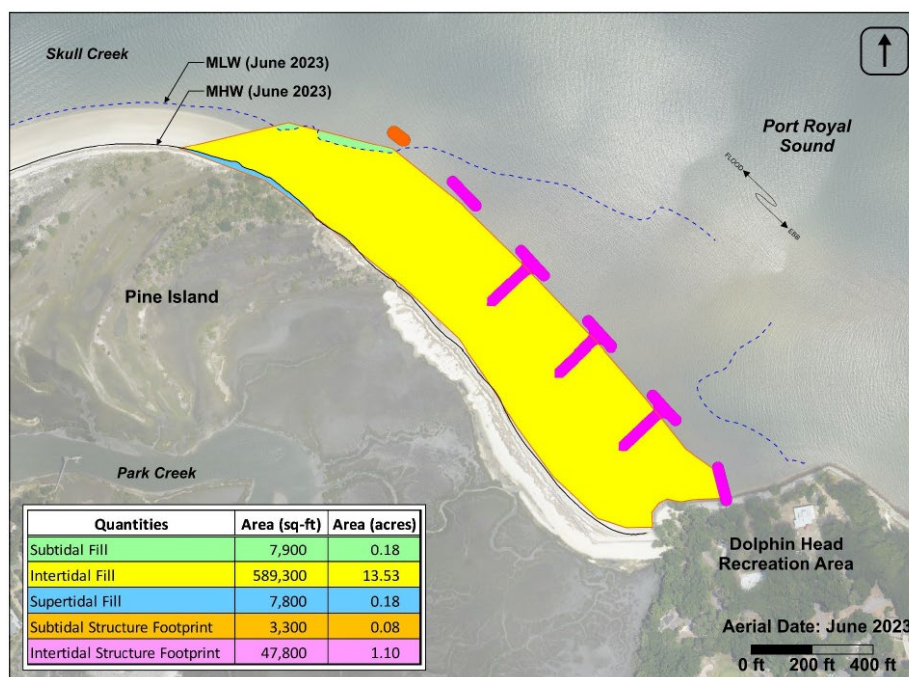


Figure 2-2. Proposed project area for the Pine Island project (CEG 2024).

2.2. Term of the Action

The described actions will occur over one to two years over 48,700 lf of shoreline on Hilton Head Island. The projected life of the renourishment cycle is eight to ten years or until a severe weather event shortens the life of the project. The breakwater construction portion of the Pine

Island project is permanent and is intended to extend the life of the Pine Island renourishment. Sand placement can temporarily (6 months to 2 years) impact foraging habitat quality by suppressing the benthic community depending on the match of the sediment characteristics of the dredged material placed on the beach with the existing beach material.

2.3. Other Activities Caused by the Action

An Opinion evaluates all consequences to species or critical habitat caused by the proposed Federal action, including the consequences of other activities caused by the proposed action, that are reasonably certain to occur (see definition of “effects of the action” at 50 CFR §402.02). Additional regulations at 50 CFR §402.17(a) identify factors to consider when determining whether activities caused by the proposed action (but not part of the proposed action) are reasonably certain to occur. These factors include, but are not limited to:

- (1) past experiences with activities that have resulted from actions that are similar in scope, nature, and magnitude to the proposed action;
- (2) existing plans for the activity; and
- (3) any remaining economic, administrative, and legal requirements necessary for the activity to go forward.

In its request for consultation, the Corps did not describe, and the Service is not aware of, any additional activities caused by the Action that are not included in the previous description of the proposed Action. Therefore, this Opinion does not address further the topic of “other activities” caused by the Action.

2.4. Proposed Conservation Measures

Island-wide Project

The Town anticipates similar Terms and Conditions to those required in the February 26, 2015 and revised July 1, 2015, Opinions, with the exception of the macroinvertebrate monitoring. The Town proposes to continue to maintain and display interpretive signs at key beach access points. The Town also proposes to implement an educational program for residents and visitors in conjunction with the Service and the South Carolina Department of Natural Resources (SCDNR). The Town plans to continue shorebird surveys and posting high-tide roosts as outlined in the 2015 *Town of Hilton Head Shorebird Conservation and Management Plan*.

Pine Island Project

The Town has agreed to update and implement the 2015 *Town of Hilton Head Shorebird Conservation and Management Plan* (Plan). The Plan will include activities such as conducting shorebird surveys, posting high-tide roosts, and community education. The Plan will be revised and implemented prior to initiation of construction activities. The Town is expecting the Plan to include beach management measures to reduce impacts on wintering plovers and red knots.

2.5. Action Area

The action area is defined as “all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action” (50 CFR §402.02). An action includes activities or programs “directly or indirectly causing modifications to the land, water, or air” (50 CFR §402.02). Indirect modifications include those caused by other activities that would not occur but for the action under consultation.

The Action Area for this consultation includes the entire Port Royal Sound and Atlantic Ocean shorelines of Hilton Head Island (**Figure 2-1**). Piping plovers and red knots may move to other areas along the sound shoreline or the Atlantic shoreline side of the “heel” of the island during project construction. Loggerhead sea turtles will likely nest in areas away from active nighttime construction.

3. STATUS OF THE SPECIES

This section presents information about the regulatory, biological, and ecological status of the piping plover, rufa red knot, and the loggerhead sea turtle at a range-wide scale that provides context for evaluating the significance of probable effects caused by the proposed action. This information provides the background for analyses in later sections of the Opinion.

3.1. Piping Plover

On January 10, 1986, the piping plover (*Charadrius melodus*) was listed under the ESA as endangered in the Great Lakes watershed and threatened elsewhere within its range, including migratory routes outside of the Great Lakes watershed and wintering grounds (USFWS 1985). The preamble of this rule acknowledged the continuing recognition of two subspecies, *Charadrius melodus melodus* (Atlantic Coast of North America) and *Charadrius melodus circumcinctus* (Northern Great Plains of North America) in the American Ornithologist Union’s most recent treatment of subspecies (AOU 1957). Subsequent ESA actions have consistently recognized three separate breeding populations of piping plovers on the Atlantic Coast (threatened), Great Lakes (endangered), and Northern Great Plains (NGP) (threatened). Piping plovers that breed on the Atlantic Coast of the U.S. and Canada belong to the subspecies *C. m. melodus*. The second subspecies, *C. m. circumcinctus*, is comprised of two Distinct Population Segments (DPS). One DPS breeds on the Northern Great Plains of the U.S. and Canada, while the other breeds on the Great Lakes. Each of these three entities is demographically independent. Piping plovers from all three breeding populations winter in coastal areas of the U.S. from North Carolina to Texas, and along the coast of eastern Mexico and on Caribbean islands from Barbados to Cuba and the Bahamas (Elliott-Smith and Haig 2004) (**Figure 3-1**).

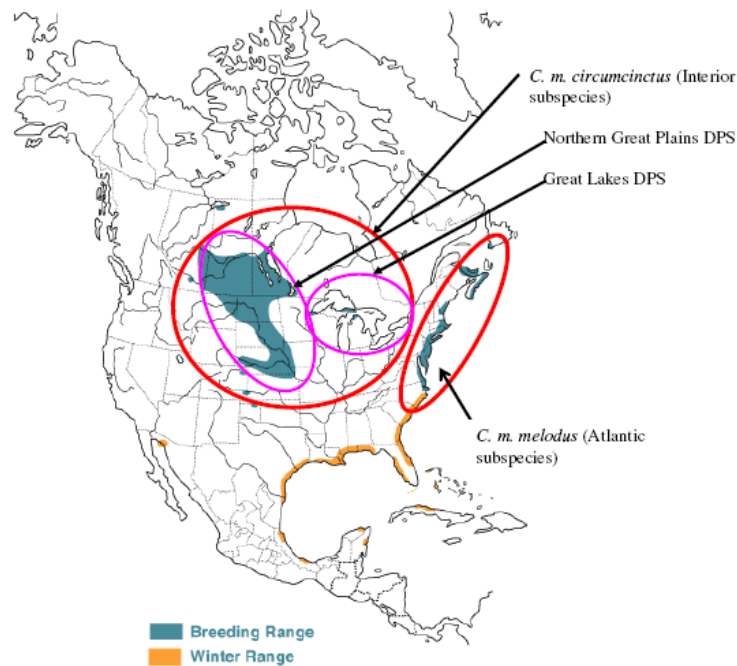


Figure 3-1. Distribution and range of piping plovers (base map from Elliott-Smith and Haig 2004). Conceptual presentation of subspecies and DPS ranges are not intended to convey precise boundaries.

The best available scientific information continues to support recognition of two separate subspecies of piping plover, and three separate entities consistent with the ESA definition of “species.” Genetic analyses have shown that piping plovers that breed on the Atlantic Coast of the U.S. and Canada belong to the subspecies *C. m. melodus* and plovers that breed on the Northern Great Plains of the U.S. and Canada, as well as on the Great Lakes, belong to a second subspecies, *C. m. circumcinctus* (Miller et al. 2010).

3.1.1. Species Description

The piping plover, named for its melodic call, is a small North American shorebird approximately 17 centimeters (cm) (7 inches (in)) long with a wingspan of about 38 cm (15 in) and weighing 40-65 grams (1.4-2.3 ounces) (Palmer 1967, Elliot-Smith and Haig 2004). Adult piping plovers exhibit breeding and nonbreeding plumage. Plovers can arrive on wintering grounds with partial breeding plumage remaining (a single black breastband, which is often incomplete, and a black bar across the forehead). During the late summer or early autumn, the birds lose the black bands, the legs fade from orange to pale yellow, and the bill turns from orange and black to mostly black. Most adults begin their molt into breeding plumage before northward migration and complete the molt before arrival on their breeding sites. Piping plover subspecies are considered phenotypically indistinguishable, although slight clinal breeding plumage variations between populations have been noted (Elliot-Smith and Haig 2004).

3.1.2. Life History

Piping plovers migrate annually between the three populations' breeding ranges in the U.S. and Canada and their shared wintering range along the Atlantic and Gulf coasts of the Southeastern U.S. and Mexico, and parts of the Caribbean. Plovers live an average of five years, although studies have documented birds as old as 11 (Wilcox 1959) and 15 years. Breeding activity begins in mid-March when birds begin returning to their nesting areas (Coutu *et al.* 1990, Cross 1990, Goldin *et al.* 1990, MacIvor 1990, Hake 1993). Plovers are known to begin breeding as early as one year of age (MacIvor 1990, Haig 1992); however, the percentage of birds that breed in their first adult year is unknown. Piping plovers generally fledge only a single brood per season but may re-nest several times if previous nests are lost.

Habitat Use

NGP plovers primarily breed on open, sparsely vegetated sand and gravel areas associated with four habitat types: alkali lakes and wetlands; large inland lakes; reservoirs; and rivers (USFWS 2020a). Great Lakes plovers breed on open, sparsely vegetated sandy or cobble Great Lake shorelines. Atlantic Coast plovers breed on sparsely-vegetated beaches and washover areas adjacent to moist foraging substrates (USFWS 1996, 2009, 2020a). Wintering piping plovers utilize a mosaic of habitat patches and move among these patches in response to local weather and tidal conditions (Nicholls and Baldassarre 1990a, Nicholls and Baldassarre 1990b, Drake *et al.* 2001, Cohen *et al.* 2008). Preferred coastal habitats include sand spits, small islands, tidal flats, shoals (usually flood tidal deltas), and sandbars that are often associated with inlets (Nicholls and Baldassarre 1990b, Harrington 2008, Addison 2012, Tweel *et al.* 2023).

Phenology

Piping plovers spend up to 10 months of their life cycle on their migration and winter grounds, generally July through May (Elliott-Smith and Haig 2004, Noel *et al.* 2007, Stucker *et al.* 2010). Piping plovers migrate through and winter in coastal areas of the U.S. from North Carolina to Texas and in portions of Mexico and the Caribbean. Migration routes and habitats overlap breeding and wintering habitats, and, unless banded, migrants passing through a site usually are indistinguishable from other breeding or wintering piping plovers. Piping plovers depart their wintering grounds for their breeding grounds as early as March, but northbound migration can extend into May. Plovers depart their breeding grounds for their wintering grounds as early as July (Cohen *et al.* 2018, Weithman *et al.* 2018, Loring and Paton 2019), but southbound migration can extend into November. Cohen *et al.* (2018) documented an entry probability of ~50% by the end of July for the fall migrant and wintering populations. The entry probability increased to 95% for both populations by October indicating that the majority of plovers wintering in South Carolina arrive by October (Cohen *et al.* 2018). These results are the basis for the Service nonbreeding piping plover protocol that calls for using survey counts only from the core winter months of December and January to estimate local winter population numbers (Chaplin, pers. comm. 2019).

Site Fidelity

Piping plovers exhibit a high degree of intra- and inter-annual fidelity to nesting and wintering areas, which often encompass several relatively nearby sites (Wilcox 1959, MacIvor *et al.* 1987, Loegering 1992, Drake *et al.* 2001, Cohen *et al.* 2006, Noel and Chandler 2008, Stucker *et al.* 2010, Cohen and Gratto-Trevor 2011, Gratto-Trevor *et al.* 2012, 2016, Catlin *et al.* 2015, Friedrich *et al.* 2015, Anteau 2018, Gibson *et al.* 2017, 2018). Winter site fidelity does not appear to be influenced by disturbance and is overall similar to breeding site fidelity. Individuals are more likely to remain at a site, regardless of site quality or disturbance, than emigrate to a new site thereby resulting in lower survival (Gibson *et al.* 2018). For example, during the Deepwater Horizon oil spill, marked piping plovers rarely moved between sites, and researchers observed high detection rates, even in oil-impacted sites that were heavily disturbed due to clean up efforts (Gibson *et al.* 2017).

3.1.3. Numbers, Reproduction, and Distribution

The data from the International Piping Plover Breeding Censuses represent a minimum estimate of the number of adult piping plovers and breeding pairs in all three breeding populations (**Table 3-1**). Although the effort is as comprehensive as possible, some populations and some areas are able to be more intensively monitored than others outside of Census years. However, some portions of populations are only monitored during Census years (NGP Prairie Canada), so this data is currently the best way to get a rough estimate of the status of all three breeding populations. The data from the 2016 Census has not been compiled and the 2021 Census was postponed due to COVID-19. The 2011 Piping Plover Breeding Census documented 2,391 breeding pairs with a total of 5,723 birds throughout Canada and U.S (Elliott-Smith *et al.* 2015) (**Table 3-1**).

Table 3-1. Number of Adults Documented During the 1991, 1996, 2001, 2006, and 2011 International Piping Plover Breeding Census (Haig *et al.* 2005, Elliott-Smith *et al.* 2009, Elliott-Smith *et al.* 2015).

Population	Number of piping plovers				
	1991	1996	2001	2006	2011
NGP	3469	3286	2953	4662	3486
<i>Canada</i>	<i>1437</i>	<i>1687</i>	<i>972</i>	<i>1703</i>	<i>2249</i>
<i>U.S.</i>	<i>2032</i>	<i>1599</i>	<i>1981</i>	<i>2959</i>	<i>1237</i>
Great Lakes	40	48	72	110	112
<i>Canada</i>	<i>0</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>14</i>
<i>U.S.</i>	<i>40</i>	<i>47</i>	<i>71</i>	<i>109</i>	<i>98</i>
Atlantic Coast	1641	2591	2911	3312	3362
<i>Canada</i>	<i>509</i>	<i>422</i>	<i>481</i>	<i>457</i>	<i>406</i>
<i>U.S.</i>	<i>1462</i>	<i>2169</i>	<i>2430</i>	<i>2855</i>	<i>2952</i>
Total	5480	5925	5936	8084	5723

Northern Great Plains Population

The NGP plover breeds from Alberta to Manitoba, Canada and south to Nebraska in the U.S. (**Figure 3-2**). Within the U.S., the key breeding habitat occurs in Montana, North and South Dakota, and Nebraska. Despite the significant level of effort invested in breeding surveys for many years, there is currently no reliable means to estimate the current NGP range-wide abundance nor population trends over time. Local population estimates within the three U.S. GMRs (U.S. Alkali Lakes (ALMR), Northern Rivers (NRMR), and Southern Rivers (SRMR)) are a more manageable way to assess the status of portions of the NGP population, but the survey effort varies between the GMRs (USFWS 2020a). The recovery goal for the NGP in Prairie Canada is 2,500 breeding pairs and 1,300 breeding pairs in the U.S. distributed across Montana, North Dakota, South Dakota, Nebraska, and Minnesota (USFWS 2020a). Annual breeding censuses record the number of adults, not breeding pairs, which makes data interpretation more difficult. Although the NGP in the U.S. may have come close to meeting the recovery goal in 2005, the numbers sharply declined from 2009 through 2011 (**Figure 3-2**) (USFWS 2020a). While the population increase seen since 2011 demonstrates the possibility that the population can rebound from low population numbers, ongoing efforts are needed to maintain and ensure growth within the population (USFWS 2020a). In the 2020 status review, the Service concluded that the NGP population remains vulnerable due to management of river systems throughout the breeding range (USFWS 2020a).

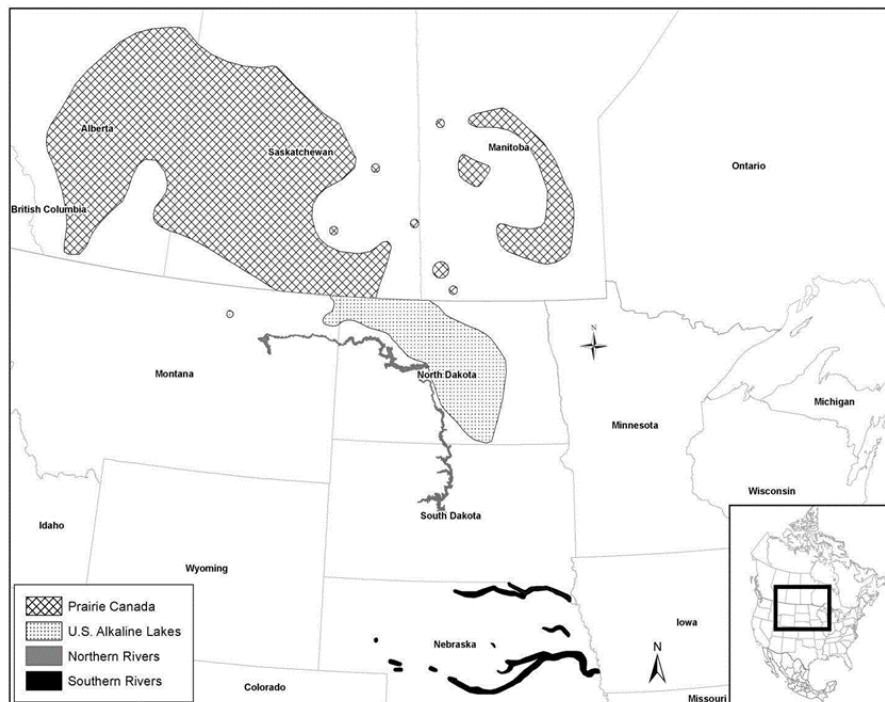


Figure 3-2. The four Geographical Management Regions (GMRs) for breeding piping plovers within the NGP.

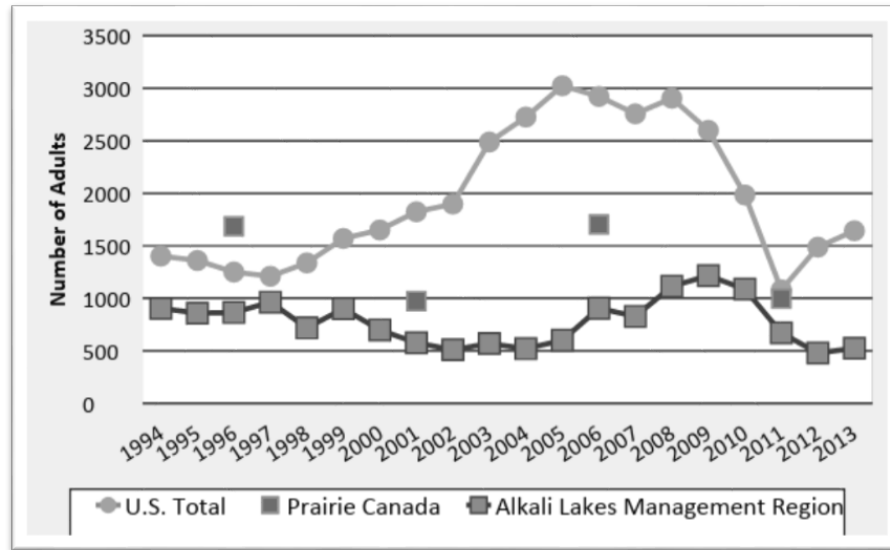


Figure 3-3. The estimated abundance of piping plover adults counted during the annual June breeding census within ALMR compared to prairie Canada and compared to the total estimated abundance summed from all the management regions in the U. S. from 1994–2013.

Great Lakes Population

The Great Lakes plovers historically nested on Great Lakes beaches in Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, Wisconsin, and Ontario, but they currently nest on Great Lakes beaches in Wisconsin, Michigan, Ontario, and New York (**Figure 3-4**). This population is the smallest of the three breeding populations, which makes it the most vulnerable; however, the population has shown significant growth, from 16 pairs at the time of listing in 1986 to 81 pairs, the highest number of breeding pairs recorded to date, in 2024 (**Figure 3-5**). The recovery goal for the Great Lakes population is 150 breeding pairs, and thirty years of intensive recovery efforts have brought the population to the halfway mark of the recovery goal in some of the recent years (USFWS 2020a). Intensive management has also contributed to the population meeting the productivity goals specified in the 2003 recovery plan over the past five years. During this period, the average annual fledging rate has been 1.7, well above the 1.5 fledglings per breeding pair recovery goal (USFWS 2020a). In the 2020 status review, the Service concluded that the population remains susceptible to extinction (i.e., 12% quasi-extinction [defined as ≤ 15 breeding pairs] probability within the next 10 years; Saunders et al. 2018) due to its small size, limited distribution, and vulnerability to stochastic events, such as disease outbreak.

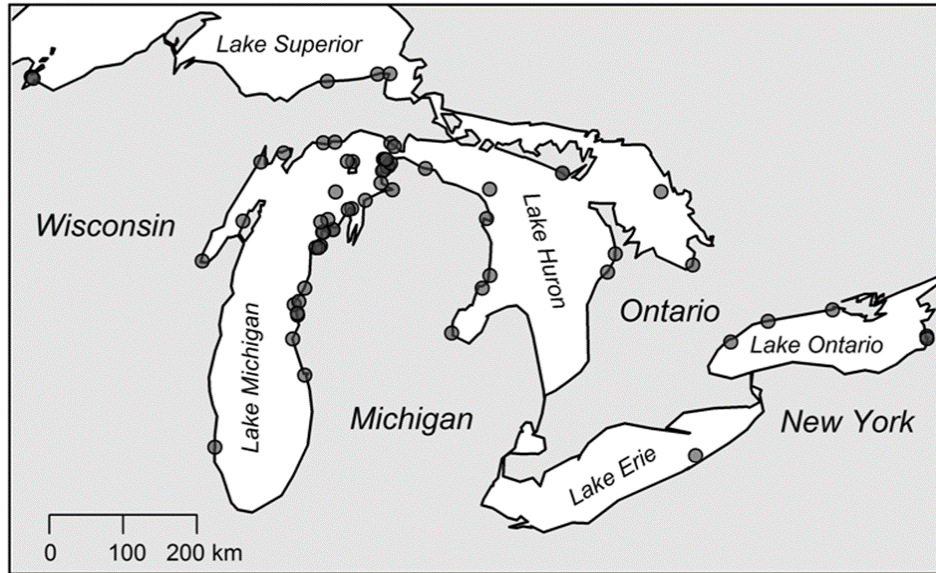


Figure 3-4. Piping plover nesting distribution in the Great Lakes.

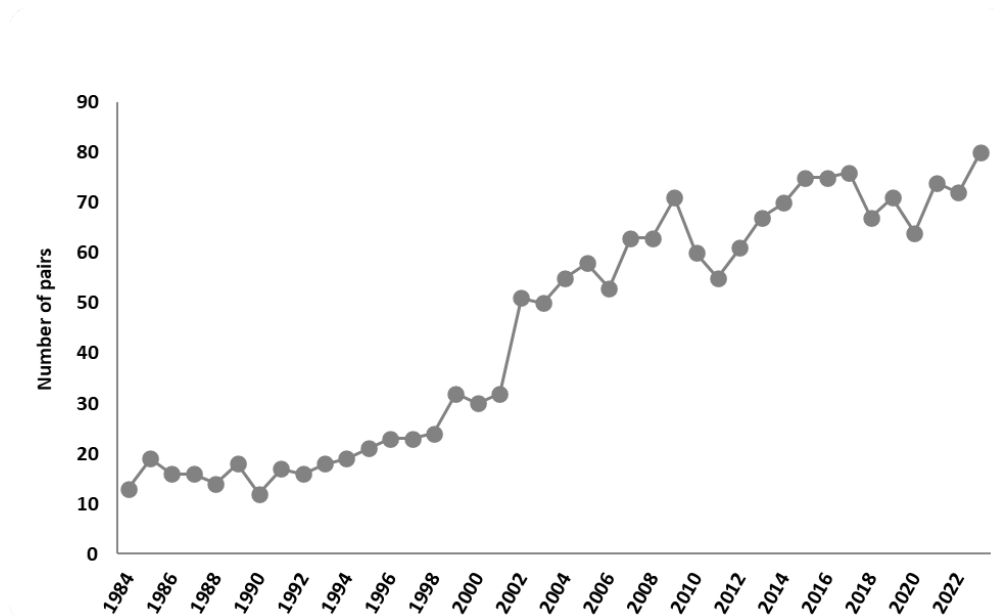


Figure 3-5. Number of pairs of Great Lakes piping plovers from 1984-2023.

Atlantic Coast Population

The Atlantic Coast piping plover breeds on coastal beaches from Newfoundland and southeastern Quebec to North Carolina. Intensive recovery efforts have contributed to substantial population growth, from approximately 790 pairs in 1986 to 2,593 pairs in 2023 (USFWS 2024). In the 2020 status review, the Service concluded that the increased abundance of Atlantic Coast piping plovers has reduced near-term vulnerability to extinction, but the

population remains vulnerable to low numbers in three of its four recovery units (USFWS 2020a). The New England recovery unit has been able to reach and sustain its abundance target, but the other three recovery units remain below target and two have declined since the 2009 status review (**Figure 3-6**) (USFWS 2020a).

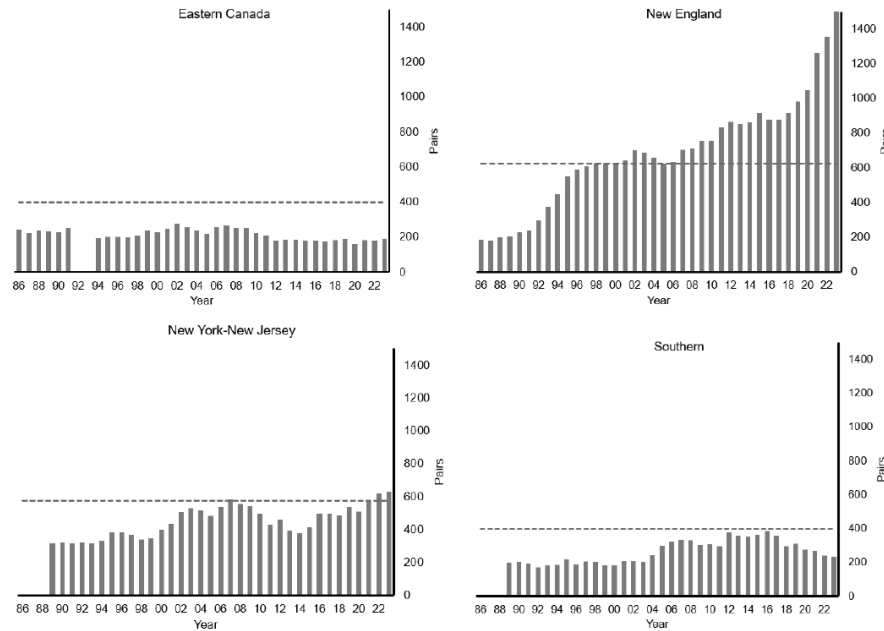


Figure 3-6. Abundance of Atlantic Coast piping plover breeding pairs by recovery unit, 1986–2023. Bars denote the annual pair estimate. Dashed lines indicate abundance objectives established in the 1996 revised recovery plan (USFWS 2024).

Nonbreeding (Winter and Migration) Range

Piping plovers from all three breeding populations overlap in the nonbreeding range and spend up to 10 months of their annual cycle on their migration and winter grounds, typically from July through May (Elliott-Smith and Haig 2004, Noel *et al.* 2007, Stucker *et al.* 2010). Resights of uniquely marked piping plovers indicate that birds from all three breeding populations use these sites, but most birds are from the Atlantic Coast and Great Lakes populations (Gratto-Trevor *et al.* 2012, Maddock *et al.* 2013, USFWS 2020a). Gratto-Trevor *et al.* (2012) found distinct patterns (but no exclusive partitioning) in winter distribution of banded piping plovers from four breeding areas (**Figure 3-7**). Resightings of more than 700 uniquely marked birds from 2001 to 2008 were used to analyze winter distributions along the Atlantic and Gulf Coasts. Plovers from eastern Canada and most Great Lakes birds wintered from North Carolina to Southwest Florida. However, eastern Canada birds were more heavily concentrated in North Carolina, while a larger proportion of Great Lakes piping plovers were found in South Carolina, Georgia, and Florida. This pattern is consistent with analysis of band sightings of Great Lakes plovers from 1995-2005 by Stucker *et al.* (2010). Gratto-Trevor *et al.* (2012) also found that Northern Great Plains populations were primarily seen farther west and south, especially on the Texas Gulf Coast. Most birds from Prairie Canada portion of the NGP were observed in Texas (particularly

southern Texas), while individuals from the U.S. portion of the NGP were more widely distributed on the Gulf Coast from Texas to Florida. Based on band resights, Gratto-Trevor *et al.* (2016) were able to conclude that the Bahamas are home to at least 32% of the Atlantic Coast breeding population in the winter, and as much as 19% of the global piping plover population for up to 9 months of the year. Therefore, specific breeding populations will be disproportionately affected by habitat and threats occurring where they are most concentrated in the winter.

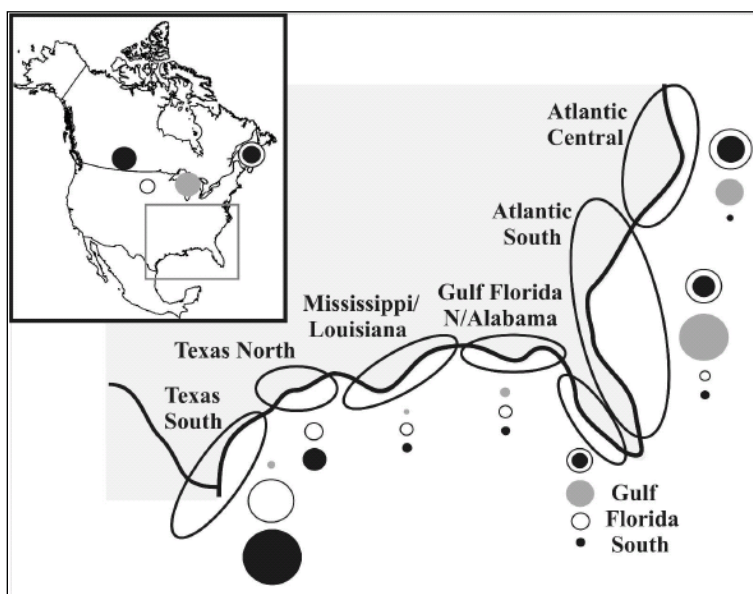


Figure 3-7. The winter distribution in the continental U.S. of piping plovers from four breeding locations (inset), including eastern Canada (white circle with central black dot), Great Lakes (gray circle), U.S. Northern Great Plains (white circle), and Prairie Canada (black circle). The wintering range is expanded to the right, divided into different wintering regions. The size of the adjacent circles relative to the others represents the percentage of individuals from a specific breeding area reported in that wintering region (from Gratto-Trevor *et al.* 2012; reproduced by permission).

Plover abundance and distribution continues to be better documented throughout the coastal migration and wintering range within and outside of the U.S. International Piping Plover Censuses (Census), which began in 1991, have been conducted during mid-winter over a 2-week period at five-year intervals across the species' range (**Table 3-2**). It should be noted that sites may only be surveyed once during the Census so poor weather conditions and the tidal cycle can negatively influence survey results, which may underestimate site use and importance. Therefore, the Census is considered a minimum estimate of abundance and may not reflect local site use. For some parts of the wintering range; however, the Census is the only time that plovers are surveyed and these efforts are particularly important outside of the U.S. The 2011 Census helped confirm the importance of the Bahamas to piping plovers (Gratto-Trevor *et al.* 2016). Individuals from the Great Lakes and Atlantic Coast populations use the Bahamas as a winter site, but the vast majority are from the Atlantic Coast population (Gratto-Trevor *et al.* 2016, 2019). Twenty-seven percent of the total number of piping plovers counted during the 2011 Census were seen in the Bahamas. The 2016 Census was the largest effort in the Caribbean to date to document piping plovers, which resulted in over 1,500 plovers counted (Elliott-Smith

2016). The 2016 Census data for the entire winter range has not been completed and the 2021 Census was cancelled due to COVID-19. There are no plans for a 2026 Census effort.

Table 3-2. Results of the 1991, 1996, 2001, 2006, and 2011 international piping plover winter censuses (Haig *et al.* 2005, Elliott-Smith *et al.* 2009, Elliott-Smith *et al.* 2015).

Location	Number of piping plovers				
	1991	1996	2001	2006	2011
Virginia	ns ^a	Ns	ns	1	1
North Carolina	20	50	87	84	43
South Carolina	51	78	78	100	86
Georgia	37	124	111	212	63
Florida	551	375	416	454	306
-Atlantic	70	31	111	133	83
-Gulf	481	344	305	321	223
Alabama	12	31	30	29	38
Mississippi	59	27	18	78	88
Louisiana	750	398	511	226	86
Texas	1,904	1,333	1,042	2,090	2,145
Puerto Rico	0	0	6	ns	2
U.S. Total	3,384	2,416	2,299	3,355	2,858
Mexico	27	16	ns	76	30
Bahamas	29	17	35	417	1066
Cuba	11	66	55	89	19
Other Caribbean Islands	0	0	0	28	0
GRAND TOTAL	3,451	2,515	2,389	3,884	3,973

Survival

Demographic analyses have revealed wintering range effects on individual piping plover annual survival. Analysis of data collected in the Carolinas and Georgia in 2010-2017 found that plovers using recreationally disturbed habitats with significant modifications to their habitat have lower survival rates (10% less) and lower body condition (7% lower mass) than birds that use less disturbed habitat without modifications (Gibson *et al.* 2018). Further, birds that emigrated from disturbed sites had higher survival (0.80) than birds that stayed (0.67); but because of their strong site fidelity, birds were more likely to die than leave because of disturbance (Gibson *et al.* 2018). The model used in Gibson *et al.* (2018) found little support that an individual's breeding population influenced annual survival. This study further supports findings in Roche *et al.* (2010) that annual survival is influenced by where individuals overwinter rather than association with a breeding population. Roche *et al.* (2010) found that after-hatch-year apparent survival

declined in four of their seven study populations. They found evidence of correlated year-to-year fluctuations in annual survival among populations wintering primarily along the southeastern U.S. Atlantic Coast, as well as indications that shared overwintering or stopover sites may influence annual variation in survival among geographically disparate breeding populations.

3.1.4. Conservation Needs and Threats

Conservation Needs

Piping plovers depend on a mosaic of ephemeral habitats within their breeding and wintering home ranges. Habitat availability and quality may shift seasonally, annually, or episodically due to local environmental conditions (storm events, lunar and/or wind-driven tides, and extreme temperatures), degree of development (need for shoreline stabilization to protect developed shorelines, structures preventing or limiting natural coastal processes), and site use (degree of disturbance from people and dogs). Since piping plovers exhibit such high site fidelity regardless of habitat conditions, low disturbance levels are critical, especially at lower quality sites (periods of limited food resources, nest sites or roosting areas far from foraging areas, and frequent disturbances that limit nest or brood attendance and foraging time), to allow plovers to maintain daily energetic requirements.

Threats

Piping plovers face many threats throughout their entire range, but some are more prevalent in certain parts of the range. Therefore, the most prevalent threats within each of the three breeding ranges and the nonbreeding range are summarized below. For a complete list of threats within each breeding range and the nonbreeding range, refer to the recovery plans and status reviews available at [Species Profile for Piping Plover \(*Charadrius melodus*\) \(fws.gov\)](https://www.fws.gov/species/piping-plover).

NGP Breeding Range

Destruction, Modification, and Loss of Habitat

Destruction, modification, and loss of habitat remains the largest threat within the NGP breeding range. Nesting habitat within the NGP breeding range has been negatively impacted by the construction of reservoirs, channelization of rivers, modification of river flows, commercial sand and gravel mining, oil and gas development and production, agricultural practices, wind energy production, and invasive vegetation growth. Modification of river flows in the U.S. is a major threat to plovers nesting within the NRM and SRM, which can account for up to 45% of the nests within the NGP (USFWS 2020a).

Human Recreational Disturbance

Recreational disturbance is not a range-wide threat, but it is a particular concern in river or reservoir reaches near cities. An estimated 20-80% of the NGP plovers in the U.S. nest in riverine sandbar habitat (Haig and Plissner 1992, Plissner and Haig 1997, Ferland and Haig 2002, USACE 2006, 2012, Elliott-Smith *et al.* 2009, Nelson 2011, Brown *et al.* 2012, Peyton

and Wilson 2013). Sandbar habitat also often attracts human recreation, including sandbars on the Missouri River, and reservoirs in Nebraska and Colorado (USFWS 2003a, Nelson 2012).

Great Lakes Breeding Range

Destruction, Modification, and Loss of Habitat

The 2003 recovery plan cites shoreline development as the leading cause of habitat destruction in the Great Lakes, and it remains a major threat (USFWS 2003b). As of 2017, 13% of the U.S. Great Lakes population's nests occur on private lands that are particularly vulnerable to development (Cuthbert and Saunders 2017). Vegetation encroachment and rising water levels are additional factors effecting habitat availability.

Human Recreational Disturbance

Human activities such as illegal off-road vehicle use, unleashed dogs, bike riding, bonfires, horseback riding, camping, and beach going continue to disturb nesting piping plovers (USFWS 2020a). Human disruption, and therefore pet disruption, of piping plovers is likely to increase, as the shoreline of the Great Lakes is becoming an increasingly popular vacation destination. Sleeping Bear Dunes National Seashore, which supports half of the Great Lakes breeding population, had a 42% increase in park visitation between 2009 and 2018, concurrent with a 67% increase in the number of pairs nesting at Sleeping Bear Dunes (USFWS 2020a).

Predation

Predation remains one of the most significant threats to the Great Lakes population in their breeding range (USFWS 2020a). Merlins are suspected to have killed 40 adult plovers since 2005 (Cuthbert and Saunders 2017, Saunders *et al.* 2018). Roche *et al.* (2010) found annual mortality of adults associated with disappearances averaged 5.7% from 2002 to 2007, and that the disappearances were most frequently attributed to merlin predation. The authors mentioned the frequency of these events has increased dramatically since 2002, and currently accounts for approximately one fifth of annual adult mortality (Roche *et al.* 2010).

Atlantic Coast Breeding Range

Destruction, Modification, and Loss of Habitat

Sandy beach development and modification are continuing threats within the Atlantic Coast breeding range. Rice (2017) found that 45 percent of the sandy beaches in the U.S. breeding range of the Atlantic Coast piping plover were developed as of 2015. A comparison of the levels of development modifying sandy beaches from Maine to Virginia in the 1970s (reported by the Heritage Conservation and Research Service) and 2015, found substantial increases in every state except Maine, Rhode Island, and New York (Rice 2017). Forty-two percent of overwash that occurred between Connecticut and Maryland during Hurricane Sandy occurred on developed shoreline where it could not create habitat; this includes 48 and 71 percent of the overwash that occurred on the south shore of Long Island and New Jersey, respectively (Rice 2015). As of

2015, only 31 percent of sandy beach habitat in the piping plover's U.S. Atlantic Coast breeding range remained unmodified (Rice, pers. comm. 2018).

Human Recreational Disturbance

Recreational disturbance remains a serious threat to Atlantic Coast plovers. The 2020 status review summarized new information that provides additional insight into the mechanisms by which disturbance affects piping plover breeding success (USFWS 2020a). Two recent studies demonstrate recreational disturbance impacts to chick survival (DeRose-Wilson *et al.* 2018) and habitat suitability (Maslo *et al.* 2018). DeRose-Wilson *et al.* (2018) document significantly lower rates of survival to fledging for piping plover chicks hatched in areas with high recreational use compared with chicks hatched in areas with low recreational use. Chicks hatched in high use areas fledged at a later age, and chicks exposed to all levels of disturbance had lower daily survival rates on weekends (when recreational activity was high) than on weekdays. On weekends, chicks spent less time in habitats with higher prey abundance, less time foraging, and made fewer foraging attempts per minute than they did on weekdays. Thus, current management in some locations with medium and high human use may not assure sufficient foraging opportunities for plover chicks. Maslo *et al.* (2018) demonstrate the importance of managing human disturbance to prevent degradation of habitat suitability for piping plovers and least terns in New Jersey. Absent the current conservation network, less than three percent of nesting habitat would remain suitable for breeding piping plovers in New Jersey.

Predation

Predation remains a pervasive, persistent, and serious threat to breeding Atlantic Coast piping plovers (USFWS 2009, 2020). Without predator management, piping plover productivity would be substantially less (USFWS 2009). The 2020 status review highlighted a recent study at Cape Hatteras National Seashore, North Carolina by Kwon *et al.* (2018) on ghost crab predation that found daily survival rates of piping plover nests with evidence of ghost crab presence were significantly lower than nests without ghost crabs. This suggests that an earlier study by Wolcott and Wolcott (1999) may have underestimated ghost crab predation on piping plover nests.

Accelerating Sea Level Rise

Effects of accelerating sea level rise on future availability of Atlantic Coast piping plover breeding habitats will largely depend on the response of barrier islands and barrier beaches. With accelerating sea level rise, barrier islands that have historically retreated landward may simply retreat faster; under more drastic sea level rise projections, they may also become reduced in size (FitzGerald *et al.* 2008, Gutierrez *et al.* 2009). The dynamic nature of beach response to sea level rise will be heavily influenced by a variety of site specific factors (e.g. sediment supply, level of development, current elevation) (FitzGerald *et al.* 2008, Lentz *et al.* 2016), wherein worst case or even most likely relative sea level rise projections (Sweet *et al.* 2017) have the potential to outpace the rate at which barrier and mainland beaches are able to migrate laterally to maintain width and elevation (FitzGerald *et al.* 2008; Gutierrez *et al.* 2009).

Nonbreeding Range

Destruction, Modification, and Loss of Habitat

Developed shorelines within the piping plover coastal migration and wintering range have caused and continue to cause most of the habitat loss, modification, and degradation due to the perpetual maintenance of infrastructure as well as permanent structures previously placed on or adjacent to shifting shorelines (USFWS 2009, 2012, 2020a). Shoreline stabilization projects aimed at protecting existing development and infrastructure can cause temporary or lasting effects depending on the type of project, location, timing, and quality of sand source. Sand placement projects can have beneficial effects by creating unvegetated, open areas, which make optimal roosting habitat, and create more space for birds on the beach, but these effects are short-lived, often lasting only a few years before vegetation encroaches again (Chaplin, pers. comm. 2019). Sand placement projects and inlet relocation projects have more of an impact on foraging habitat by directly impacting benthic invertebrates or altering substrates, which indirectly influences the distribution and abundance of the benthic community (USFWS 2012, SCDNR 2015a, b, Wooldridge *et al.* 2016, SCDNR 2017). Wooldridge *et al.* (2016) found that replenished sections of beach had half as many invertebrates as control sections after 15 months. Polychaete density was also reduced to one third of control levels after 15 months. Although no overall effect of total invertebrate abundance was detected, Wooldridge *et al.* (2016) indicated that replenishment affects taxon within the community differently, such as polychaete worms, which are the preferred prey item of piping plovers.

Human Recreational Disturbance

The Service's *Comprehensive Conservation Strategy for the Piping Plover in its Coastal Migration and Wintering Range in the Continental United States* (CCS) identified human recreational disturbance as a major threat to piping plovers in their coastal migration and wintering range (USFWS 2012). The Atlantic Flyway Shorebird Initiative (AFSI) has also identified human recreational disturbance at stopover sites as a major threat to migrating shorebirds (Mengak *et al.* 2019, Hunt *et al.* 2019). Additional studies have documented the effects of disturbance since the CCS was completed in 2012 (Burger and Niles 2013, Lafferty *et al.* 2013, McLeod *et al.* 2013, Schlacher *et al.* 2013, Burger and Niles 2014, Koch and Paton 2014, Weston *et al.* 2014, Cestari 2015, Glover *et al.* 2015, Martin *et al.* 2015, Vas *et al.* 2015, Allport 2016, Drever *et al.* 2016, McEvoy *et al.* 2016, Murchison *et al.* 2016, Stigner *et al.* 2016, Ramli and Norazlimi 2017, Watts 2017, Gibson *et al.* 2018, DeRose-Wilson *et al.* 2018, Hunt *et al.* 2019). A 2017-2018 literature review documented 632 citations published between 1974 and 2018 on disturbances to shorebirds, their habitats, and their prey base in addition to management recommendations for reducing disturbance (Comber *et al.* 2019). This literature review highlights that this threat is well documented, but not well managed.

Human disturbance is often associated with developed shorelines (Bimbi 2016) and 40% of the shoreline within the coastal migration and wintering range is developed (Rice 2012). Human disturbance can be functionally equivalent to habitat loss if the disturbance prevents birds from using the area or extends the time and energy needed to feed and rest (Goss-Custard *et al.* 2006). The presence of people has been documented to displace shorebirds and influence habitat use

(Pfister *et al.* 1992, Fitzpatrick and Bouchez 1998, McCrary and Pierson 2000, Cornelius *et al.* 2001, Mizrahi 2002, Hvenegaard and Barbieri 2010, Forsys 2011, Burger and Niles 2013, Lafferty *et al.* 2013, Burger and Niles 2014, Cestari 2015, Martín *et al.* 2015, Drever *et al.* 2016, Watts 2017, Hunt *et al.* 2019, Mengak *et al.* 2019). Gibson *et al.* (2018) found piping plovers using disturbed sites across North Carolina, South Carolina, and Georgia had lower true annual survival rates than those using undisturbed sites. The study also found that plovers using more disturbed sites weighed an average of seven percent less than those using less disturbed sites (Gibson *et al.* 2018). Due to their strong site fidelity, plovers that have previously used disturbed habitat are likely to return to that same location instead of finding more suitable habitat elsewhere (Gibson *et al.* 2018). Plovers foraging in disturbed areas spend less time foraging, and more time alert, than those in undisturbed areas. This leads to lower body condition, due to the plover's increased stress levels and reduced time feeding (Rutter 2016).

Dogs on Beaches

Interactions between dogs, particularly dogs running off leash, and shorebirds elicit the strongest response from shorebirds. Shorebirds are more likely to flush from the presence of dogs than people, and breeding and nonbreeding shorebirds react to dogs from distances farther than the distance to people (USFWS 2012, Murchison *et al.* 2016, Stigner *et al.* 2016, Ramli and Norazlimi 2017, Mengak *et al.* 2019). Unleashed dogs often chase birds and can elevate a piping plover's stress enough to impact individual survival (Rutter 2016).

Predation

In 2012, the CCS concluded that the extent of predation on nonbreeding piping plovers is unknown, but it could be a potential threat (USFWS 2012). Predation is often difficult to document, but between December 2012 and September 2017, five mortalities likely due to avian predation were reported along the Texas Coast. In the Florida panhandle, higher counts of raptors coincided with the piping plover nonbreeding season as well as with sites with high piping plover use (Tuma, pers. comm. 2018).

Accelerating Sea Level Rise

The CCS concluded that accelerating sea level rise (SLR) poses a threat to piping plovers within their coastal migration and wintering range. The CCS also noted that the magnitude of threats from SLR is closely linked to threats from developed coastlines because sites that are able to adapt to SLR are likely to become more important to plovers as habitat at developed or stabilized sites degrades. Von Holle *et al.* (2019) investigated the effect of local and eustatic SLR on important sea turtle, seabird, and shorebird habitat across the South Atlantic Bight (SAB) and found a substantial increase in the coastal erosion vulnerability under a modest increase in SLR by 2030. Fifty percent of the winter piping plover habitat within the SAB will have an increased vulnerability by 2030 as compared to year 2000 vulnerability levels (Von Holle *et al.* 2019). Habitat within the SAB with high piping plover wintering densities is projected to have an even higher (66%) increased vulnerability due to accelerating SLR as compared to the 2000 levels (Von Holle *et al.* 2019). This is significant since 40% of the coastal migration and wintering range beaches is already developed (Rice 2012) and developed beaches are predicted to be more

vulnerable to SLR due to their limited ability to adapt. The remaining 60% of undeveloped beaches within the coastal migration and wintering range is also vulnerable to SLR. Von Holle *et al.* (2019) suggests that available piping plover habitat could become much more vulnerable to SLR impacts in the next ten years.

Storms and Storm Response

Storms are a component of the natural processes that form coastal habitats and can benefit or adversely affect piping plovers at all life stages (Saunders *et al.* 2014, Bourque *et al.* 2015). Storms can eliminate local roost sites, lead to decreases in food supply within foraging habitat, and even directly kill birds (Saunders *et al.* 2014). Saunders *et al.* (2014) found that adult piping plover survival was negatively correlated with hurricane frequency. Some birds may have resiliency to storms and move to unaffected areas without harm, while other reports suggest birds may perish from storm events. In 2014, Hurricane Arthur was responsible for the loss of 15 chicks (63%) along Cape Lookout National Seashore in North Carolina (NPS 2014). Between 2011 and 2016, 25% of all nest losses were due to flooding or high winds (NPS 2011, 2012, 2013, 2014, 2015, 2016). In 2017, following Hurricane Mathew, all known banded piping plovers observed before the storm at regularly surveyed sites in South Carolina were observed during surveys following the storm (Chaplin pers. comm. 2019).

Other storm-induced adverse effects include post-storm acceleration of human activities such as beach nourishment, sand scraping, and berm and seawall construction. Storms can accelerate these activities because coastal habitat is especially vulnerable to degradation from natural erosion, sea level rise, recreation, and coastal development (USGS 2018). The Atlantic Coast breeding range has had close to 80 km of sediment placement projects permitted to modify beach habitat following Hurricane Sandy. This was a 15% increase in the amount of modified shoreline prior to Hurricane Sandy (Rice 2017).

Severe Cold Weather

Several sources suggest the potential for adverse effects of severe winter cold on survival of piping plovers. Cold weather can directly lead to reductions in survival, as seen in a population of piping plovers in Georgia that declined by 52% concurrent with a 4-week period of cold weather (Gibson *et al.* 2017). Unusually cold temperatures can also affect survival indirectly by reducing the amount of food available. Reduced food availability causes piping plovers to expend valuable energy foraging and results in lower body conditions that reduce chances of survival (Saunders *et al.* 2014).

Summary of Threats

The 2020 status review concludes that losses and degradation of habitat continues and that levels of recreational disturbance are increasing (USFWS 2020a). As a result, cumulative losses of habitat and habitat function throughout the coastal migration and wintering range continues to be the primary threat. Oil spills, predation, storms, and severe cold weather are of concern, but they remain lower threats when considered independently. Cumulatively, oil spills, due to the associated clean-up response, and storms, due to the shoreline stabilization efforts that tend to

follow, have the potential to exacerbate ongoing threats from habitat loss and disturbance locally and regionally. This is particularly significant for the Great Lakes population because the population is already more vulnerable due to low numbers; therefore, affected areas where Great Lakes birds occur could have population level effects. Accelerating SLR is a growing concern because the magnitude of threats from SLR is closely linked to threats from developed coastlines since those shorelines have less adaptability. Shoreline stabilization efforts in response to SLR and the increase in storm frequency are likely to compound ongoing habitat losses throughout the coastal migration and wintering range. Cumulatively, all these threats will likely limit the recovery potential of all three breeding populations, particularly the Great Lakes population, unless habitat within the coastal migration and winter range is effectively managed to minimize recreational disturbance and habitat loss and degradation.

3.1.5. Summary of the Status of the Piping Plover

The 2020 status review recommended retaining the Atlantic Coast and NGP populations of the piping plover as threatened throughout their ranges and recommended revising the current listing of the Great Lakes population to endangered throughout its current breeding, migration, and wintering range (USFWS 2020a). Even though intensive management of the Great Lakes, Atlantic Coast, and portions of the NGP populations has resulted in population increases, none of the breeding populations have fully attained each population's recovery goals. Therefore, both the Atlantic Coast and NGP populations remain likely to become endangered within the foreseeable future within their entire range. The Great Lakes population remains in danger of extinction due to its low abundance, limited distribution, and persistent threats from habitat degradation, human disturbance, and predation. In addition to the considerations pertinent to each breeding population, all piping plovers remain at risk due to continuing habitat loss and increasing human disturbance during the two-thirds of their annual cycle spent in the migration and wintering range. Research continues to demonstrate the importance of migration and wintering range habitat conditions on the adult survival rates of all three breeding populations, particularly the Great Lakes population due to its low numbers (Gibson *et al.* 2018).

For a more detailed account of the species description, life history, population dynamics, conservation needs, and threats, refer to [Species Profile for Piping Plover \(*Charadrius melodus*\) \(fws.gov\)](https://www.fws.gov/species/piping-plover).

3.2. Rufa Red Knot

On December 11, 2014, the Service published the final rule to list the rufa red knot (*Calidris canutus rufa*) as a threatened subspecies under the ESA (79 Federal Register [FR] 73706). Four genetically distinct groups of *Calidris canutus* have been identified. Three of the groups correspond to recognized subspecies: *C. canutus canutus*, *C.c. piersma*, *C.c. rogersi*. The fourth is a North American group containing the other three recognized subspecies (*C.c. rufa*, *C.c. roselaari* and *C.c. islandica*), which are not fully distinct at the genetic level based on analyses conducted to date (Buehler and Baker 2005). *Calidris canutus canutus*, *C.c. piersma*, and *C.c. rogersi* do not occur in North America. **Figure 3-8** shows the worldwide range and distribution of the six subspecies.

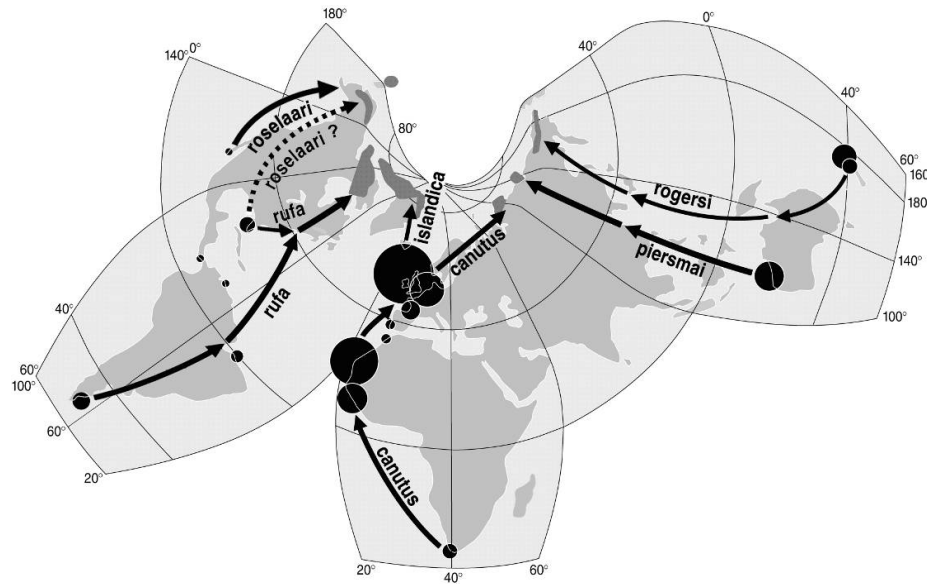


Figure 3-8. Range and distribution of the six subspecies of *Calidris canutus*. Map drawn by Dick Visser, provided by Jan van Gils, and reproduced by permission.

3.2.1. Species Description

The rufa red knot is a medium-sized shorebird about 9 to 11 inches (23 to 28 centimeters) in length. The red knot is easily recognized during the breeding season by its distinctive reddish feathers. The face, prominent stripe above the eye, breast, and upper belly are a deep red, sometimes with a few scattered light feathers mixed in. The feathers of the lower belly and under the tail are whitish with dark flecks. Upperparts are dark brown with white and reddish feather edges; outer primary feathers are dark brown to black. Females are similar in color to males, though the reddish colors are typically less intense, with more buff or light gray on the back parts. Nonbreeding plumage is dusky gray above and whitish below. Juveniles resemble nonbreeding adults, but the feathers of the scapulars (shoulders) and wing coverts (small feathers covering base of larger feathers) are edged with white and have narrow, dark bands, giving the upperparts a scalloped appearance (Davis 1983).

3.2.2. Life History

The rufa red knot migrates annually between its breeding grounds in the central Canadian Arctic and several wintering regions, including the Southeastern U.S./Caribbean, the Western Gulf of Mexico/Central America, Northern Coast of South America, and Tierra del Fuego at the southern tip of South America. Knots wintering in Tierra del Fuego make one of the longest distance migrations known in the animal kingdom, traveling up to 19,000 mi (30,000 km) annually. The rufa red knot's typical life span is at least 7 years (Niles *et al.* 2008), with the oldest known wild bird at least 21 years old as of 2014 (Bauers 2014, Jordan 2014). Age of first breeding is at least 2 years (Harrington 2001). Female rufa red knots lay only one clutch per season and as far as is known, do not lay a replacement clutch if the first is lost (Niles *et al.* 2008).

Habitat Use

Red knots generally nest in dry, slightly elevated tundra locations, often on windswept slopes with little vegetation in the central Canadian Arctic and stopover and winter in coastal marine and estuarine habitats with large areas of exposed intertidal sediments. Migration and wintering habitats include both high-energy ocean- or bay-front areas, as well as tidal flats in more sheltered bays and lagoons. Preferred roosting habitat in wintering and stopover areas includes areas with the following qualities: close to feeding areas; protected from predators; have sufficient space during the highest tides; and free from excessive human disturbance.

Phenology

Red knots spend about 60% of the calendar year along the U.S. Atlantic Coast on their way to and from breeding and wintering areas (USFWS 2020b). Red knots arrive on their breeding grounds in late May or early June and remain intact until shortly after the eggs hatch (Niles *et al.* 2008, Harrington 2001). Departure from the breeding grounds (fall migration) begins in mid-July and continues through August. Females are thought to leave first, followed by males and then juveniles. Adult *Calidris canutus* pass through stopover sites along the migratory route earlier in years with low reproductive success than in years with high reproductive success. Southbound red knots start arriving in July along the U.S. Atlantic coast. Numbers of adults peak in mid-August and most depart by late September, although geolocators and resighting have shown some birds (especially northern-wintering knots) stay through November. Depending on the wintering region location, the main red knot movement north from Tierra del Fuego occurs in February. Birds moving north from Argentina may make several stops along the coast, and typically arrive in northern Brazil in April. Departure from Brazil tends to occur in the first half of May. Many knots marked in Argentina and Chile are seen on the Atlantic coasts of Florida, Georgia, South Carolina, and North Carolina during, but not before, May (USFWS 2020b).

Site Fidelity

Red knots show very high fidelity to each of the four wintering regions (Southern, Northern Coast of South America, Western Gulf of Mexico/Central America, and the Southeastern U.S./Caribbean (USFWS 2014). Minimal intra- and inter-annual movement of birds among wintering regions has been reported, but intra- and inter-annual regional movements within wintering regions has been documented in the Texas Laguna Madre and the Southeast (Niles *et al.* 2008, Newstead *et al.* 2013).

3.2.3. Numbers, Reproduction, and Distribution

For the red knot, population size is best measured on the wintering grounds due to the difficulty of regularly accessing remote breeding areas in the Canadian Arctic. Counts on the wintering grounds are particularly useful in estimating red knot populations and trends because the birds generally remain within a given wintering area for a longer period of time compared to migration stopover areas. This minimizes errors associated with turnover or double counting that can occur during migration counts (USFWS 2014).

Wintering Regions within the Nonbreeding Range

The 2020 SSA concluded that the four red knot wintering regions (**Figure 3-9**) support separate populations. Evidence suggests that at least three of the wintering populations are genetically distinct (Baker *et al.* 2013, Baker *et al.* 2011), which would indicate some degree of behavioral and/or geographic breeding segregation. Stable isotope, tracking, and genetic analyses suggest that red knots from different wintering regions partially segregate (in time and/or space) in migration areas (Kazyak *et al.* 2018, USFWS 2014). Birds from different wintering populations show marked differences in migration strategy (e.g., timing, routes, long “jumps” versus shorter “hops,” timing of feather molt, degree of reliance on particular staging areas) and also show, on average, morphological differences (USFWS 2014).

The sharp decline of the Southern wintering population that occurred in the 2000s (likely due to horseshoe crab overharvest in Delaware Bay) and its stabilization since 2011 are corroborated by declining counts at certain stopover areas and by analyses of other data sets. The decline of the Southern population drove a decline of the subspecies as a whole (USFWS 2014). Although less reliant on Delaware Bay, the Western Gulf of Mexico/Central American wintering population is also thought to have declined in recent decades, while the Northern Coast of South America and the Southeastern U.S./Caribbean wintering populations are considered stable (**Table 3-3**) (USFWS 2020b).

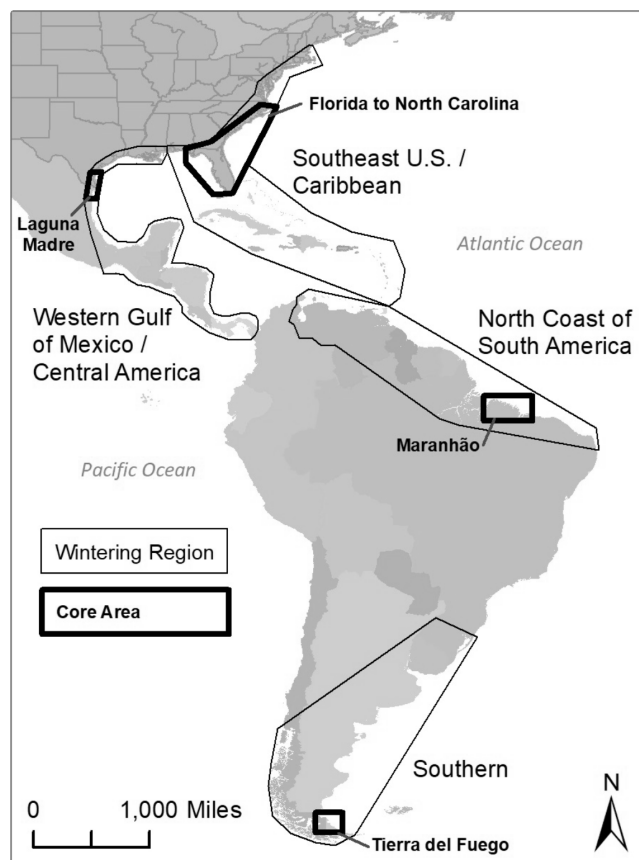


Figure 3-9. Rufa Red Knot Wintering Regions.

Table 3-3. Current Estimates of Rufa Red Knot Abundance by Wintering Region.

Wintering Population	Current Abundance Estimate	Certainty	Source
Southern	11,600	High	WHSRN 2020, 2019, 2018a
Northern Brazil	31,000	Moderate	Mizrahi 2020, p. 6
Southeast U.S./Caribbean	15,500	Moderate	Lyons <i>et al.</i> 2017, p. 11
Western Gulf of Mexico/Central America	5,500	Low	Newstead pers. comm. 2019, 2020
Total	63,600		

Migration Staging and Stopover Areas

Warnock (2010) defines stopover habitat as places where migrant birds stop to rest, drink, and eat, while staging areas (a subset of stopover habitats) are defined as those stopover sites with abundant, predictable food resources where birds prepare for an energetic challenge (usually a long flight over a barrier such as an ocean or a desert) requiring substantial fuel stores and physiological changes without which significant fitness costs are incurred. Warnock (2010) gives three conditions that staging areas must meet for birds to overcome these energetic challenges: (1) the site must provide predictable, abundant, accessible fuel, especially in the face of time constraints during spring migration or during molting when mobility is limited; (2) the site must provide other critical resources (such as water and resting places) to accommodate birds (often many thousands of birds) for longer periods of time (often weeks); and (3) the site must have low levels of disturbance (predators or human-induced disturbance). Distinctions between staging areas and other stopover habitats are given in **Table 3-4**.

Table 3-4. Comparison of staging areas and other stopover habitats (Warnock 2010).

Comparison of staging and stopover sites: key ecological characteristics of birds using these sites and of the sites themselves.		
	Staging	Stopover
Bird characteristics:		
Destination distance to next site	1000s km, usually over barrier such as ocean/desert	Generally 100s of km
Fueling rate	Typically high, especially when migrating to breeding grounds	Not necessarily high
Fuel store prior to migrating	Require large fuel store, typically >40% (fat mass relative to mean body mass)	Not necessary, typically <30%
Changes in digestive system prior to next flight	Growth in capacity during staging period usually followed by decrease in size prior to next flight	Some change while stopping but not followed by significant decrease in size prior to next flight
Length of stay at site	Long (weeks)	Hours-days
Proportion of population using site at once	High	Low
Prey choice	Frequently selective, often one type of prey item	Not necessarily selective
Effect of loss or degradation of site on migrants	Population level effect	Individual level effect
Site characteristics:		
Site/area has high prey quantity/quality	Yes	Not necessary
Site/area has predictable prey	Yes	Not necessary
Size	Typically large	Variable

Spring (Northbound) Migration

Well-known spring stopover areas along the Atlantic coast of the Americas include Río Gallegos, Península Valdés, San Antonio Oeste, Bahía Blanca, Punta Rasa, and Bahía Samborombón (Patagonia, Argentina); Lagoa do Peixe (eastern Brazil, State of Rio Grande do Sul); Maranhão (northern Brazil); the Southeast United States (i.e., the Carolinas to Florida); the Virginia barrier islands (United States); and Delaware Bay (Delaware and New Jersey, United States). However, large, and small groups of red knots, sometimes numbering in the thousands, may occur in suitable habitats all along the Atlantic and Gulf coasts of South and North America. Available data indicate that red knots wintering in the Southeast use at least two distinct spring migration routes—coastal (moving north along the coast to the mid-Atlantic before departing for the Arctic) and inland (departing overland for the Arctic directly from the Southeast coast).

Fall (Southbound) Migration

Well-known fall stopover sites include southwest Hudson Bay (including the Nelson River delta), James Bay, and the Mingan Archipelago in Canada; the coasts of Massachusetts and New Jersey and the mouth of the Altamaha River in Georgia in the United States; the Caribbean (especially Cuba); and the northern coast of South America from Brazil to Guyana (USFWS 2014).

During both the northbound (spring) and southbound (fall) migrations, red knots use key staging and stopover areas to rest and feed (**Figure 3-10**).

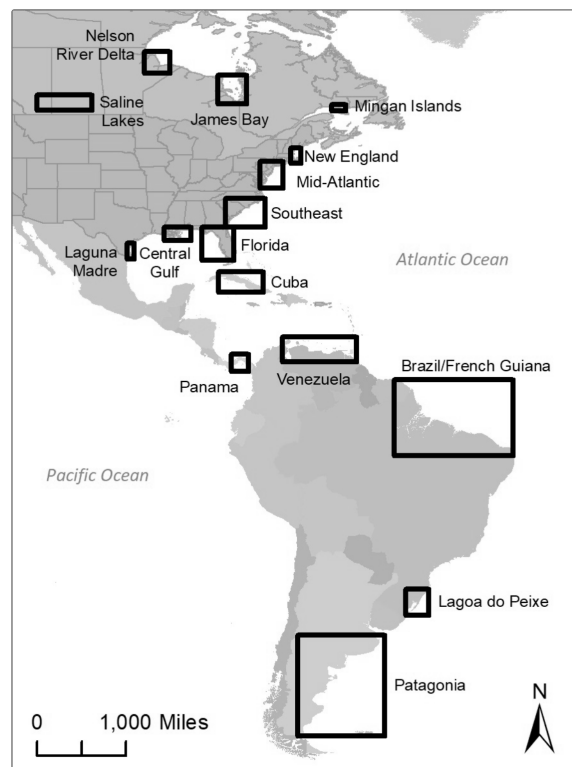


Figure 3-10. Important rufa red knot spring and fall migration stopover areas.

Breeding Range

The red knot breeds in the central Canadian Arctic, from the islands of northern Hudson Bay to the Foxe Basin shoreline of Baffin Island, and west to Victoria Island (Niles *et al.* 2008, Morrison and Harrington 1992). Potential breeding habitat extends farther north the southern Queen Elizabeth Islands (Niles *et al.* 2008) (**Figure 3-11**). Due to the vast size and remoteness of the region and the fact that red knots are solitary nesters, however, only the basics of breeding biology are known, and many presumptions are extrapolated from other subspecies. Smith (pers. comm. 2019) estimates that only about 50 to 75 rufa red knot nests have been directly documented to date, with 80 to 90 percent of those on just one island (USFWS 2014).

Preliminary analysis suggests that an average reproductive rate in the range of 1.5 to 2 chicks per pair may be necessary for a stable population (Wilson and Morrison 2018), but further work is needed to refine this estimate. Productivity trends cannot be determined by direct observation, though attempts are made to infer “good” and “bad” breeding years from the timing and relative abundance of adult males, adult females, and juveniles observed during fall migration surveys.

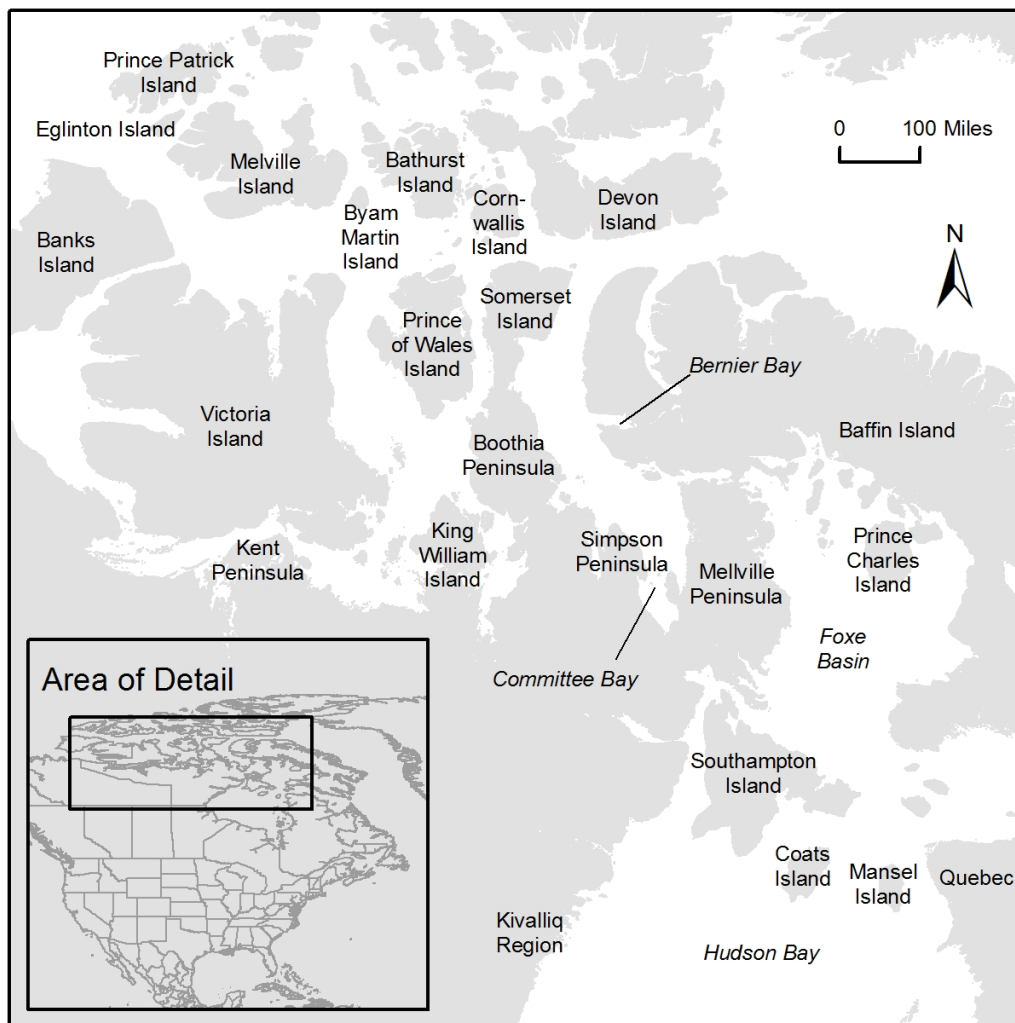


Figure 3-11. Known and potential breeding range of the rufa red knot.

Survival

Studies have shown red knot survival rates are influenced by the condition (weight) of birds leaving the Delaware Bay staging area in spring. Insufficient horseshoe crab eggs are the best supported explanation for the decline in the early 2000s of the Southern wintering population, which is more reliant on Delaware Bay relative to other wintering populations.

Conditions in nonbreeding areas influence survival of juvenile birds as well as adults. Because juveniles do not breed until at least age 2, the recruitment rate into the breeding population depends largely on the food and habitat conditions these young birds encounter in nonbreeding areas during the first 2 years. Modeling by Schwarzer (2011) involving birds banded from 2005 through 2010 found that, across multiple years, the red knot population in Florida (part of the larger Southeast/Caribbean population) was stable at around 8.75 percent juveniles among wintering birds; the population increased with 13 percent juveniles. Other modeling suggests that a higher percentage of juveniles may be needed for population growth (Wilson and Morrison 2018) and may further elucidate whether the prevalence of juveniles is an indicator of population trend.

3.2.4. Conservation Needs and Threats

Conservation Needs

The needs of individual rufa red knots are described above in terms of habitat and food requirements. The timing of food resources (e.g., insect prey on the breeding grounds, horseshoe crab eggs or mollusks at stopover areas) is a critical need for this highly migratory subspecies, and across all habitats red knots require sparse vegetation because open vistas are considered a key element in predator defense. The degree to which juveniles segregate from adults during wintering and migration is poorly known. Although juvenile habitats and diets are thought to be similar to adults, certain nonbreeding areas may be disproportionately important to juvenile birds (USFWS 2020b). **Table 3-5** summarizes the rufa red knot's needs based on the detailed information in the supplemental listing document (USFWS 2014).

Table 3-5. Red knot resource needs.

Season	Life Stage	Needs
Winter	adults	Wide, sparsely vegetated beaches, shoals, tidal mud or sand flats, or mangrove-dominated shorelines, with ample small (generally ≤ 0.8 inch (20 mm) long) mollusk prey (typically snails, clams, and mussels). Arthropods and other invertebrate prey may be locally important. ² Foraging areas are intertidal, from the wrack line seaward to a water depth of 2 to 3 cm, with prey probed from the surface to a depth of 2 to 3 cm. Roosting areas are supratidal areas with open vistas, located near ³ foraging areas.
Migration	adults	- A reliable network of coastal and inland staging areas with abundant, high-quality⁴ prey timed to occur when birds are present and allowing particularly high rates of weight gain; AND - An ample supply of other coastal and inland stopover habitats distributed across the range, allowing birds to shift among habitat patches (on daily, seasonal, and annual scales) based on food, predators, disturbance, weather, tides, and other conditions. - Coastal staging and stopover habitats are generally similar to wintering habitats, except that in some areas the primary food shifts from small mollusks to horseshoe crab eggs. - Inland staging and stopover habitats are less well known. Alkaline or saline lakes in the northern plains (U.S. and Canada) may be both staging areas and stopover habitats. Other stopover habitats may include riverine wetlands and sandbars, and manmade impoundments.
Year-round	juveniles, nonbreeding adults	Generally thought to be similar to adult wintering and migration habitats, though juveniles may partially segregate from adults. All juveniles (<2 years old) and some adults (<i>e.g.</i> , those that lack adequate fitness to breed in a particular year) do not migrate to the arctic breeding grounds and remain in nonbreeding habitats throughout June and early July.
Breeding	adults, eggs, chicks	Upland tundra for nesting, with low, sparse, herbaceous vegetation (<i>e.g.</i> , <i>Dryas</i> spp., lichens, moss), located near ⁵ freshwater wetland or lake-edge foraging areas with suitably timed insect hatch to provide abundant prey when chicks are present. In at least in some years, favorable weather conditions (<i>e.g.</i> , suitably timed snowmelt for nesting) and low predation pressure, which together allow high rates of hatching and fledging.

Threats

The rufa red knot faces numerous threats across its range on multiple geographic and temporal scales. These threats are affecting the red knot now and will continue to have subspecies-level effects into the future (79 FR 73705). A framework for classifying threats, and a summary assessment of threats to the red knot, are presented below (**Tables 3-6 and 3-7**) from the 2020 SSA (USFWS 2020). For a complete list of threats within each wintering region and the breeding range, refer to the documents available at [Species Profile for Red knot \(*Calidris canutus rufa*\) \(fws.gov\)](https://www.fws.gov/species/species-profile/red-knot-calidris-canutus-rufa).

In the final listing rule, the Service determined that the rufa red knot is threatened under the ESA due to the following primary threats: loss of breeding and nonbreeding habitat (including sea level rise, coastal engineering, coastal development, and arctic ecosystem change); likely effects related to disruption of natural predator cycles on the breeding grounds; reduced prey availability throughout the nonbreeding range; and increasing frequency and severity of asynchronies (mismatches) in the timing of the birds' annual migratory cycle relative to favorable food and

weather conditions. These threats that are driving the red knot's status as a threatened species under the ESA are classified as High Severity in **Table 3-7**.

Table 3-6. Threat classification categories (USFWS 2020b)

Life Phase	Breeding (B)
	Migration (M)
	Wintering (W)
Severity	High - threat is driving ESA threatened status
	Moderate - threat causes additive mortality and/or negative synergistic effects
	Low - minor or potential threat
Certainty	High - Very likely to occur/continue and to impact subspecies in predictable ways
	Moderate - Very likely to occur/continue, but subspecies impacts are not well known or are unpredictable
	Low - Likelihood of threat occurring/continuing is uncertain and/or severity of impacts is uncertain
Scope	Rangewide - includes threats that act throughout either the breeding or nonbreeding range, but may not act across both
	Regional - threats that act across an entire wintering region or migration flyway; or across a substantial portion of a wintering region, flyway, or the breeding range
	Local - threats that act at the scale of a discrete action or activity, or a geographic clustering of actions or activities
Urgency of Management Response	High - immediate need, 1 to 3 years
	Moderate - 3 to 5 years
	Low - 6+ years
Manageability	Short-term - action at a local or regional scale can abate this threat within 10 years
	Long-term - action at a local or regional scale can abate this threat within 25 years
	Intractable - this threat cannot be directly abated by action at the geographic and temporal scales considered in recovery plans. However, monitoring may be important, and abating other threats may indirectly help by conserving the subspecies' adaptive capacity to cope with this threat (<i>i.e.</i> , by sustaining/enhancing resiliency, representation and/or redundancy)

Table 3-7. Classification of threats to the red knot (USFWS 2020b)

Threat	Life Phase	Severity	Certainty	Scope	Urgency of Management Response*	Manageability
Sea level rise	MW	High	High	Rangewide	NA	Intractable**
Coastal engineering***	MW	High	High	Regional	High	Long-term
Coastal development	MW	High	High	Rangewide	High	Long-term
Beach cleaning	MW	Low	High	Regional	Low	Short-term
Invasive vegetation	MW	Moderate	High	Regional	Moderate	Short-term
Agriculture	MW	Low	Low	Local	Low	Long-term
Aquaculture	MW	Moderate	High	Local	High	Short-term
Arctic ecosystem change	B	High	Moderate	Rangewide	NA	Intractable
Arctic human development	B	Low	Low	Local	Moderate	Long-term
Sport hunting	MW	Low	Moderate	Regional	Low	Short-term
Subsistence hunting	MW	Moderate	Low	Regional	Moderate	Short-term
Research activities	MW	Low	High	Local	Low	Short-term
Parasites	BMW	Low	Low	Rangewide	NA	Intractable
Disease	BMW	Low	Moderate	Rangewide	NA	Intractable
Predation in nonbreeding areas	MW	Moderate	High	Rangewide	Moderate	Short-term
Predation in breeding areas	B	High	Moderate	Rangewide	NA	Intractable
Reduced nonbreeding food availability from marine ecosystem change (e.g., ocean acidification, ocean warming, marine diseases/ parasites/ invasive species)	MW	Moderate	Low	Rangewide	NA	Intractable
Reduced nonbreeding food availability from proximate human activity (e.g., marine harvest, sand placement, beach driving)	MW	High	High	Regional	High	Short-term
Timing asynchronies	BMW	High	Moderate	Rangewide	NA	Intractable
Human disturbance	MW	Moderate	High	Regional	High	Short-term
Competition with gulls	M	Low	Low	Local	Low	Long-term
Wind energy development	MW	Moderate	Moderate	Regional	High	Short-term
Harmful algal blooms	MW	Moderate	Low	Regional	NA	Intractable
Oil spills	MW	Moderate	Moderate	Regional	High	Long-term

* Urgency is not applicable (NA) to intractable threats.

** The accelerating global and regional rates of sea level rise cannot be slowed by direct action under a recovery plan. However, recovery actions can include responses to sea level rise aimed at slowing or offsetting the associated habitat impacts. For example, carefully designed **living shorelines** or **beach nourishment** projects may help retain or restore intertidal habitats impacted by sea level rise.

*** Coastal engineering includes all activities described under Shoreline Stabilization in the supplemental listing document, such as hard structures, beach nourishment, and dredging. Such activities are often, but not always, conducted in response to sea level rise. Hard structures are known to exacerbate losses of intertidal habitats by blocking their migration. When not precluded by human structures or interventions, landward and/or longshore migration of intertidal habitats is the natural, geologic response of many coastal systems under rates of slow to moderate sea level rise (Service 2014, pp. 126-159).

3.2.5. Summary of the Status of the Rufa Red Knot

The 2020 SSA concluded that the Southern wintering population, which had been the largest and disproportionately reliant on Delaware Bay, has since stabilized but shows no sign of recovery to

date (USFWS 2020b). Overharvest of the horseshoe crab in Delaware Bay is considered the key causal factor in this decline, though numerous other past, ongoing, and emerging threats have also been identified (USFWS 2014). Although less reliant on Delaware Bay, the Western Gulf of Mexico/Central American wintering population is also thought to have declined in recent decades. Two additional wintering populations, one on the northern coast of South America and another in the Southeast U.S. and the Caribbean, are considered stable relative to the 1980s (USFWS 2014, 2020b). Birds from all four wintering populations face threats from habitat loss and from several pervasive, climate-driven ecosystem changes. Additional threats include hunting, increased predation pressure, harmful algal blooms, human disturbance, oil spills, and wind energy development. Cumulatively, these threats are believed to be impairing the Southern and the Western Gulf of Mexico/Central American wintering populations.

For a more detailed account of the species description, life history, population dynamics, conservation needs, and threats, refer to [Species Profile for Red knot \(*Calidris canutus rufa*\) \(fws.gov\)](https://www.fws.gov/species/species-profile/red-knot).

3.3. Loggerhead Sea Turtle

The Service and National Marine Fisheries Service (NMFS) share Federal jurisdiction for sea turtles under the ESA. The Service has responsibility for sea turtles on the nesting beach. The NMFS has jurisdiction for sea turtles in the marine environment. In accordance with the ESA, the Service completes consultations with all Federal agencies for actions that may adversely affect sea turtles on the nesting beach. The Service's analysis only addresses activities that may impact nesting sea turtles, their nests and eggs, and hatchlings as they emerge from the nest and crawl to the sea. NMFS assesses and consults with Federal agencies concerning potential impacts to sea turtles in the marine environment, including updrift and downdrift nearshore areas affected by sand placement projects on the beach.

The Service published its decision to list the loggerhead sea turtle as threatened on July 28, 1978 (43 FR 32800). On September 22, 2011, the loggerhead sea turtle's listing under the ESA was revised from a single threatened species to nine distinct population segments (DPS) listed as either threatened or endangered (76 FR 58868). The nine DPSs and their statuses are: Northwest Atlantic Ocean DPS (threatened); Northeast Atlantic Ocean (endangered); Mediterranean Sea DPS (endangered); South Atlantic Ocean DPS (threatened); North Pacific Ocean DPS (endangered); South Pacific Ocean DPS (endangered); North Indian Ocean DPS (endangered); Southwest Indian Ocean (threatened); and Southeast Indo-Pacific Ocean DPS (threatened). The geographic delineations given below for each discrete population segment were determined primarily based on nesting beach locations, genetic evidence, oceanographic features, thermal tolerance, fishery bycatch data, and information on loggerhead distribution and migrations from satellite telemetry and flipper tagging studies (**Figure 3-12**).

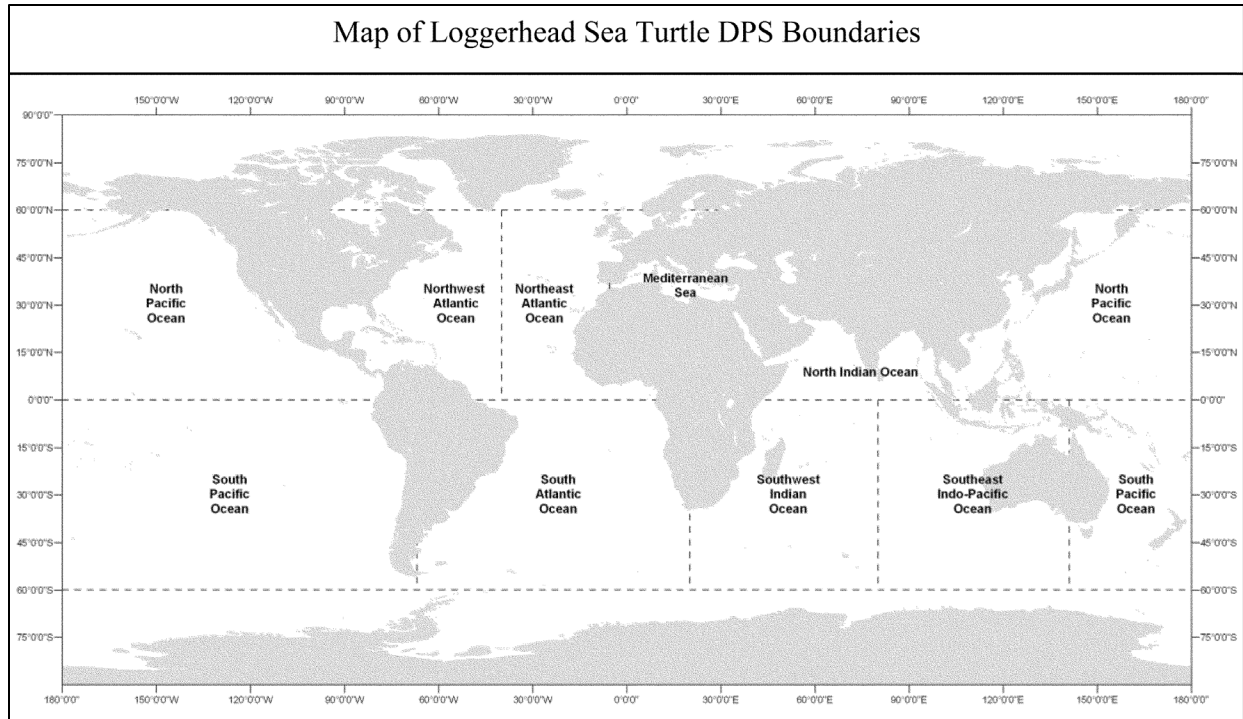


Figure 3-12. Map of Loggerhead Sea Turtle DPS Boundaries.

The loggerhead occurs throughout the temperate and tropical regions of the Atlantic, Pacific, and Indian Oceans (Dodd 1988) (**Figure 3-12**). In the North Atlantic, the loggerhead is commonly found in the Gulf of Mexico, the northern Caribbean, the Bahamas archipelago, and eastward to West Africa, the western Mediterranean, and the west coast of Europe. In the Northwest Atlantic, the majority of loggerhead nesting is concentrated along the coasts of the U.S. from southern Virginia through Alabama. Additional nesting beaches are found along the northern and western Gulf of Mexico, eastern Yucatan Peninsula, at Cay Sal Bank in the eastern Bahamas (Addison and Morford, 1996; Addison, 1997), on the southwestern coast of Cuba (F. Moncada-Gavilan, personal communication, cited in Ehrhart *et al.*, 2003), and along the coasts of Central America, Colombia, Venezuela, and the eastern Caribbean Islands. Five recovery units have been identified within the Northwest Atlantic based on genetic differences and a combination of geographic distribution of nesting densities, geographic separation, and geopolitical boundaries (NMFS and USFWS 2008). Recovery units (RU) are subunits of a listed species that are geographically or otherwise identifiable and essential to the recovery of the species. Recovery units are individually necessary to conserve genetic robustness, demographic robustness, important life history stages, or some other feature necessary for long-term sustainability of the species. The five recovery units identified in the Northwest Atlantic are: (1) Northern Recovery Unit (NRU); (2) Peninsula Florida Recovery Unit (PFRU); (3) Dry Tortugas Recovery Unit (DTRU); (4) Northern Gulf of Mexico Recovery Unit (NGMRU); and (5) Greater Caribbean Recovery Unit (GCRU).

Although none of the RUs have been monitored for more than 50 years, none of them have met the target annual rate of increase (**Table 3-8**) (NMFS and USFWS 2023). Nest trends of the PFRU, which hosts the majority of nesting within the DPS, have not increased over 30 years of monitoring (NMFS and USFWS 2023). The much smaller NRU has demonstrated some

progress toward its goal, with a statistically significant 1.7% rate of increase over 37 years; genetic analyses of all nests laid in the NRU indicated that the number of annual nests since 2010 significantly correlates ($p = 0.004$) to the number of annual nesting females (Shamblin *et al.* 2017; Georgia Department of Natural Resources and University of Georgia, unpublished data 2021). Nesting rates from the NGMRU were not significantly different from zero. Data were insufficient or unavailable from the DTRU and GCRUs (NMFS and USFWS 2023).

Table 3-8. Recovery Plan demographic recovery criteria (i.e., nest trend criteria) Comparison of the 2008 demographic recovery criteria (NMFS and USFWS 2008) and recent nesting data at index beaches (Bolten *et al.* 2019). The p-value indicates statistical significance, and only the Northern Recovery Unit data shows a significant positive trend (NMFS and USFWS 2023).

Recovery Unit	Criteria: Annual Rate of Increase over 50 Years (target number of nests annually)	Estimates of Annual Rate of Increase (p-value) over X Years (year span measured)
Northern	$\geq 2\%$ (14,000 nests: 2,000 in NC, 9,200 in SC, and 2,800 in GA)	1.3% ($p = 0.04$) 37 (1983–2019)
Peninsular Florida	1% (106,100 nests)	No significant trend ($p = 0.61$) 30 (1989–2018)
Dry Tortugas	$\geq 3\%$ ($\geq 1,100$ nests)	Insufficient data
Northern GoM	$\geq 3\%$ ($\geq 4,000$ nests)	No significant trend ($p = 0.17$) 22 (1997–2018)
Greater Caribbean	Any % (≥ 100 nests)	Insufficient data

3.3.1. Species Description

The loggerhead sea turtle grows to an average weight of about 200 pounds and is characterized by a large head with blunt jaws. Adults and juveniles have a reddish-brown carapace. Scales on the top of the head and top of the flippers are also reddish-brown with yellow on the borders. Hatchlings are a dull brown color (NMFS 2009).

3.3.2. Life History

Loggerheads are long-lived, slow-growing animals that use multiple habitats across entire ocean basins throughout their life history. The loggerhead may be found hundreds of miles out to sea, as well as in inshore areas such as bays, lagoons, salt marshes, creeks, ship channels, and the mouths of large rivers. Coral reefs, rocky places, and shipwrecks are often used as feeding areas and loggerheads feed on mollusks, crustaceans, fish, and other marine animals.

This complex life history encompasses terrestrial, nearshore, and open ocean habitats. The three basic ecosystems in which loggerheads live are the:

1. Terrestrial zone (supralittoral) - the nesting beach where oviposition (egg laying) and embryonic development and hatching occur.
2. Neritic zone - the inshore marine environment (from the surface to the sea floor) where water depths do not exceed 656 feet. The neritic zone generally includes the continental

3. Oceanic zone - the vast open ocean environment (from the surface to the sea floor) where water depths are greater than 656 feet.

The diagram illustrates the life cycle of a marine organism across different zones, showing the progression from Terrestrial to Neritic to Oceanic zones, and back to Neritic and Oceanic zones.

TERRESTRIAL ZONE
Nesting Beach (supralittoral)
Oviposition
Egg, Embryo, Hatching Stage

NERITIC ZONE
Reproductive Stage
Interesting Habitat

NERITIC & OCEANIC ZONES
Reproductive Stage
Migration Corridors
Breeding Habitats

NERITIC ZONE
Neritic Juvenile Stage
Adult Stage

OCEANIC ZONE
Oceanic Juvenile Stage

OCEANIC & NERITIC ZONES
Juvenile Transitional Stage

Life Cycle Stages and Movements:

- Terrestrial Zone:** Nesting Beach (supralittoral). Oviposition. Egg, Embryo, Hatching Stage.
- Neritic Zone:** Reproductive Stage. Interesting Habitat. Neritic Juvenile Stage. Adult Stage.
- Oceanic Zone:** Oceanic Juvenile Stage. Pelagic (Epipelagic) (Primary Habitat and Foraging Behavior). Epibenthic / Demersal (Banks and Seamounts).
- Oceanic & Neritic Zones:** Juvenile Transitional Stage.

Transitions and Movements:

- From Terrestrial Zone to Neritic Zone (Reproductive Stage).
- From Neritic Zone (Reproductive Stage) to Oceanic Zone (Oceanic Juvenile Stage).
- From Oceanic Zone (Oceanic Juvenile Stage) to Oceanic & Neritic Zones (Juvenile Transitional Stage).
- From Oceanic & Neritic Zones (Juvenile Transitional Stage) to Neritic Zone (Neritic Juvenile Stage).
- From Neritic Zone (Neritic Juvenile Stage) to Oceanic Zone (Oceanic Juvenile Stage).
- Within Oceanic Zone: Pelagic (Epipelagic) and Epibenthic / Demersal (Banks and Seamounts) are interconnected by a curved arrow.
- Within Oceanic & Neritic Zones: Pelagic (Epipelagic) and Epibenthic / Demersal (Banks and Seamounts) are interconnected by a curved arrow.
- Within Neritic & Oceanic Zones: Reproductive Stage and Migration Corridors/Breeding Habitats are interconnected by a double-headed arrow.

Within the Northwest Atlantic, the majority of nesting activity occurs from April through September, with a peak in June and July (Williams-Walls *et al.* 1983, Dodd 1988, Weishampel *et al.* 2006). Nesting occurs along the coasts of North America, Central America, northern South America, the Antilles, Bahamas, and Bermuda, but is concentrated in the southeastern U.S. and on the Yucatán Peninsula in Mexico on open beaches or along narrow bays having suitable sand (Sternberg 1981, Ehrhart 1989, Ehrhart *et al.* 2003, NMFS and USFWS 2008). Numbers of nests and nesting females are often highly variable from year to year due to a number of factors including environmental stochasticity, periodicity in ocean conditions, anthropogenic effects, and density-dependent and density-independent factors affecting survival, somatic growth, and reproduction (Meylan 1982, Hays 2000, Chaloupka 2001, Solow *et al.* 2002). Despite these sources of variation, a nesting beach survey can provide a valuable assessment of changes in the adult female population. Since female turtles exhibit strong nest site fidelity, nesting beach surveys can track trends over time as long as the study is sufficiently long and effort and methods are standardized (Meylan 1982, Gerrodette and Brandon 2000, Reina *et al.* 2002).

Table 3-10 summarizes key life history characteristics for loggerheads nesting in the U.S.

Table 3-10. Life history parameters for loggerheads nesting in the U.S. (NMFS and Service 2023).

Parameter	Location or RU	Value	Reference
Remigration interval: mean years	Northern RU	2.67±0.89	Shamblin <i>et al.</i> 2021
	Archie Carr NWR, FL	3-5	Ceriani <i>et al.</i> 2015
	Keewaydin Island, FL	3.2±1.82	Phillips <i>et al.</i> 2014
	St. Joseph Peninsula, FL	4.4±2.8	Lamont <i>et al.</i> 2014
	Quintana Roo, Mexico	1.99	González <i>et al.</i> 2020
	Cuba	2.77-4.08	Azanza-Ricardo <i>et al.</i> 2020
Clutch frequency: mean nests/year	Northern RU	4.3-4.6	Shamblin <i>et al.</i> 2017
	Keewaydin Island, FL	3.8	Phillips <i>et al.</i> 2014
	St. Joseph Peninsula, FL	3.1	Lamont <i>et al.</i> 2014
	Quintana Roo, Mexico	2.33	Cuevas <i>et al.</i> 2020
	Cuba	1-2	Azanza-Ricardo <i>et al.</i> 2020
Clutch size: range eggs/nest	Northern RU	102.4-114.7	Eskew 2012; Lasala <i>et al.</i> 2013
	Peninsular Florida RU	95.4-125	Perrault <i>et al.</i> 2016; Ceriani <i>et al.</i> 2015
	Northern GoM RU	98.6-108	Lamont <i>et al.</i> 2014; Lamont <i>et al.</i> 2012
	Greater Caribbean RU	85.9-129.9	Azanza-Ricardo <i>et al.</i> 2020; Garcia-Cruz <i>et al.</i> 2020
Nesting success: mean %	North Carolina	53.9	Halls and Randall 2018
	Archie Carr NWR, FL	68±19	Witherington <i>et al.</i> 2011
	Juno Beach, FL	42.4	Hirsch <i>et al.</i> 2019
	St. Joseph Peninsula, FL	40.6	Lamont and Fujisaki 2014
	Quintana Roo, Mexico	75.2±23	González <i>et al.</i> 2020
	Cuba	67	Azanza-Ricardo <i>et al.</i> 2020
Hatching success: mean %	Indian River County, FL	68.6±35.5	Lindborg <i>et al.</i> 2016
	Boca Raton, FL	42.8, 53.6	Bladow and Milton 2019
	Keewaydin Island, FL	55.5±39.7	Shaw 2013
	St. Joseph Peninsula, FL	87.3±17.3	Montero <i>et al.</i> 2018
	Quintana Roo, Mexico	87.2±16.9	González <i>et al.</i> 2020
Emergence success: mean %	Jekyll Island, GA	69.9	Holbrook <i>et al.</i> 2019
	Archie Carr NWR, FL	53.3±3.7	Ehrhart <i>et al.</i> 2014
	Peninsular Florida RU	45.6	Brost <i>et al.</i> 2015
	Northern GoM RU	51.6	Brost <i>et al.</i> 2015
	Quintana Roo, Mexico	78.8±24.4	González <i>et al.</i> 2020
	Cuba	74-82	Medina Cruz <i>et al.</i> 2012
Female maturity: mean age (years) and size (cm SCL)	NW Atlantic Ocean	36-38 90.5 (75-101.3)	Avens <i>et al.</i> 2015
Male maturity: mean age (years) and size (cm SCL)	NW Atlantic Ocean	37-42 95.8 (80.6-103.8)	Avens <i>et al.</i> 2015
Annual adult survival rate: mean % (95% CI)	Bald Head Island, NC	85 (78-93)	(Monk <i>et al.</i> 2011)
	Wassaw Island, GA	87 (84-89)	(Pfaller <i>et al.</i> 2013; Pfaller <i>et al.</i> 2018)
	Keewaydin Island, FL	73 (69-76)	(Phillips <i>et al.</i> 2014)
	St. Joseph Peninsula, FL	86 (75-93)	(Lamont <i>et al.</i> 2014)
	Juno Beach, FL	60 (40-78)	(Sasso <i>et al.</i> 2011)

3.3.3. Numbers, Reproduction, and Distribution

Northern Recovery Unit (NRU)

The geographic boundary is defined as loggerheads originating from nesting beaches from the Florida-Georgia border through southern Virginia (the northern extent of the nesting range). The NRU is the second largest nesting assemblage in the Northwest Atlantic and has an annual rate of increase in number of nests of 1.3% ($p = 0.04$) based on a log-linear regression model for 37 years of nesting data (1983-2019) (**Figure 3-14**) (NMFS and USFWS 2019, 2023). This annual rate of increase is below the 2% criterion for achieving recovery. Although there has been an observed increase in the number of nests for the past decade (total nests exceeded 14,000 for the first time in 2019), looking at short term trends in nesting abundance can be misleading and needs to be considered in the context of one generation (= 50 years for loggerhead sea turtles) as specified in the Demographic Recovery Criteria. Based on genetic analyses of all nests laid in the NRU, the number of annual nests since 2010 significantly correlates to the number of annual nesting females (Shamblin *et al.* 2017) meaning when annual nest numbers increase so do the number of annual nesting females (Bolton *et al.* 2019, NMFS and USFWS 2023). Excluding southern Virginia, South Carolina comprised 52-60% of nests laid within the NRU between 2018 and 2023 (<https://seaturtle.org/nestdb/>).

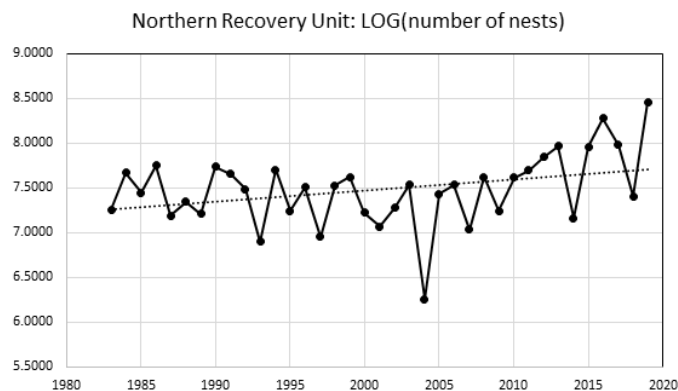


Figure 3-14. Log of annual loggerhead nest counts from NRU beaches, 1983-2019 (Bolton *et al.* 2019, NMFS and USFWS 2023).

3.3.4. Conservation Needs and Threats

Conservation Needs for Nesting Beaches

Loggerhead sea turtles need suitable nesting beach habitat that provides: (1) Relatively unimpeded nearshore access from the ocean to the beach for nesting females and from the beach to the ocean for both post-nesting females and hatchlings; (2) Nesting areas above mean high water to avoid frequent inundation by high tides; (3) Sand that allows for suitable nest construction; (4) Sand that is suitable for facilitating gas diffusion conducive to embryo development; (5) Sand that is able to develop and maintain temperatures and a moisture content conducive to embryo development; (6) Sufficient darkness to ensure nesting turtles are not deterred from emerging onto the beach and hatchlings and post nesting females orient to the sea;

and (7) Natural coastal processes or artificially created or maintained habitat mimicking natural conditions.

Threats to Nesting Beaches

Threats to nesting beaches include beach erosion, armoring and nourishment; artificial lighting; beach cleaning; increased human presence; recreational beach equipment; beach driving; coastal construction and fishing piers; exotic dune and beach vegetation; and poaching (NMFS and USFWS 2008). The most prevalent threats to nesting beaches within the NRU are summarized below. For a complete list of threats, refer to the recovery plan and status reviews available at <https://ecos.fws.gov/ecp/species/1110>.

Erosion of beaches is a result of anthropogenic and natural processes. Erosion is often worsened when man-made coastal and in water structures interfere with natural coastal processes (Von Holle *et al.* 2019). Beach erosion is also one of the most significant threats to loggerheads at the egg life stage (Bolten *et al.* 2011). High tides and tidal washouts can flood and erode nesting beaches, washing eggs into the sea or lethally inundating developing embryos (Brost *et al.* 2015; Butler *et al.* 2020).

Beach renourishment is often used to manage beach erosion by adding or redistributing sand; however, renourishment often results in diminished nesting success (Long *et al.* 2011; Hays 2012). Designed to stabilize shorelines and prevent erosion, beach armoring structures (e.g., revetments and seawalls) decrease nesting activity by preventing females from accessing suitable nesting sites (Rizkalla and Savage 2011). Lamont and Houser (2014) found that alterations to the nearshore environment (e.g., jetties, dredging, or installation of pilings) also alter sea turtle nest distribution. Thus, beach renourishment may result in reduced nesting or force turtles to nest at suboptimal locations.

Coastal development alters nesting habitat, making it less suitable for nesting females, egg incubation, and hatchling emergence. Sella and Fuentes (2019) found that 100% of very high (i.e., top three) and high (i.e., top 25%) loggerhead density nesting beaches were exposed to cumulative coastal modification and construction. Artificial lighting deters females from nesting (Witherington *et al.* 2014), resulting in reduced nest densities (Bonner 2015; Weishampel *et al.* 2016; Hu *et al.* 2018; Linz 2018; Price *et al.* 2018; Windle 2018). Artificial lighting can disrupt or delay hatchlings' sea-orienting ability, which increases nest-to-sea mortality as a result of dehydration, exhaustion, or predation (Witherington *et al.* 2014; Erb and Wyneken 2019; Vindiola 2019; Stanley *et al.* 2020).

Nesting habitat can also be degraded by the presence of humans and recreational equipment (e.g., tents and furniture). Equipment left on beaches and other beach debris can also deter, impede, and/or entrap nesting females and hatchlings, reducing nesting, and interfering with hatchling emergence and transit to the sea (Martin *et al.* 2019).

3.3.5. Summary of the status of the loggerhead sea turtle

The 2023 status review for the loggerhead sea turtle (NW Atlantic DPS) determined the DPS' status remains unchanged. The DPS continues to be at risk from intense, numerous, and

increasing threats, which have prevented population growth in recent decades. The DPS is subdivided into five recovery units (RUs). Increased nesting in the NRU may have helped stabilize the overall trend, which is largely driven by the PFRU.

For a more detailed account of the species description, life history, population dynamics, conservation needs, and threats, refer to [Species Profile for Loggerhead sea turtle\(Caretta caretta\)](https://www.fws.gov/species/loggerhead-sea-turtle) ([fws.gov](https://www.fws.gov)).

4. STATUS OF CRITICAL HABITAT

4.1. Critical Habitat for the Piping Plover

The Service has designated critical habitat for the piping plover on three occasions. Two of these designations protected different breeding populations. Critical habitat for the Great Lakes breeding population was designated May 7, 2001, (66 FR 22938, USFWS 2001a), and critical habitat for the northern Great Plains breeding population was designated September 11, 2002, (67 FR 57637, USFWS 2002). No critical habitat has been proposed or designated for the Atlantic Coast breeding population, but the needs of all three breeding populations were considered in the 2001 critical habitat designation for wintering piping plovers (66 FR 36038, USFWS 2001b) and subsequent redesignations (USFWS 2008d, 2009d). Wintering piping plovers may include individuals from the Great Lakes and northern Great Plains breeding populations as well as birds that nest along the Atlantic coast.

4.1.1. Description

Critical habitat for wintering piping plovers currently comprises 141 units totaling 256,513 acres along the coasts of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas. The original designation included 142 areas (the rule erroneously states 137 units) encompassing approximately 1,798 miles of mapped shoreline and 165,211 acres of mapped areas (USFWS 2001b). A revised designation for four North Carolina units was published in 2008 (USFWS 2008d). Eighteen revised Texas critical habitat units were designated in 2009, replacing 19 units that were vacated and remanded by a 2006 court order (USFWS 2009c). Designated areas include habitats that support roosting, foraging, and sheltering activities of piping plovers.

Critical habitat designation for nonbreeding piping plovers used the term "primary constituent elements" (PCEs) to identify the key components of critical habitat that are essential to its conservation and may require special management considerations or protection. Revisions to the critical habitat regulations in 2016 (81 FR 7214, 50 CFR §4.24) discontinue use of the term PCEs and rely exclusively on the term "physical and biological features" (PBFs) to refer to these key components, because the latter term is the one used in the statute. This shift in terminology does not change how the Service conducts a "destruction or adverse modification" analysis. In this BO, we use the term PBFs to label the key components of critical habitat that provide for the conservation of the nonbreeding piping plover that were identified in its critical habitat designation rule as PCEs.

The PBFs of nonbreeding piping plover critical habitat are sand or mud flats or both with no or sparse emergent vegetation for foraging piping plovers and adjacent unvegetated or sparsely vegetated sand, mud, or algal flats above high tide for roosting piping plovers (66 FR 36038). Important components of the beach/dune ecosystem include surf-cast algae, sparsely vegetated back beach and salterns, spits, and washover areas. Washover areas are broad, unvegetated zones, with little or no topographic relief, that are formed and maintained by the action of hurricanes, storm surge, or other extreme wave action.

4.1.2. Conservation Value

Designation of critical habitat can help focus conservation activities for a listed species by identifying areas that contain PBFs that are essential for the conservation of that species. Recovery of piping plovers is dependent upon available habitat throughout the range of the species.

4.1.3. Conservation Needs

All critical habitat units were occupied at the time of designation. Due to the dynamic nature of these ephemeral habitats, all units are needed for the recovery of the species. Natural coastal processes are also necessary to ensure the existence and functionality of these units in the future. When these processes are limited or altered, habitat quality diminishes.

4.2. Critical Habitat for the Rufa Red Knot (Proposed)

The Service proposed to designate critical habitat for the rufa red knot on July 15, 2021 and proposed revisions on April 13, 2023 (86 FR 37410, 88 FR 22530). The revised proposed designation includes 127 units encompassing approximately 683,405 acres along the shorelines of Massachusetts, New York, New Jersey, Delaware, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas. The designation has not been finalized.

4.2.1. Description

The PBFs for the rufa red knot include: (1) Beaches and tidal flats used for foraging; (2) Upper beach areas used for roosting, preening, resting, or sheltering; (3) Ephemeral and/or dynamic coastal features used for foraging or roosting; (4) Ocean vegetation deposits or surf-cast wrack used for foraging and roosting; (5) Intertidal peat banks used for foraging and roosting; (6) Features landward of the beach that support foraging or roosting; and (7) Artificial habitat mimicking natural conditions or maintaining the physical or biological features 1-6 (86 FR 37418, 88 FR 22530).

4.2.2. Conservation Value

Designation of critical habitat can help focus conservation activities for a listed species by identifying areas that contain PBFs that are essential for the conservation of that species. Recovery of rufa red knots is dependent upon available habitat throughout the range of the species.

4.2.3. Conservation Needs

All critical habitat units were occupied at the time of the proposed rule to designate critical habitat for the rufa red knot. Due to the dynamic nature of these ephemeral habitats, all units are needed for the recovery of the species. Natural coastal processes are also necessary to ensure the existence and functionality of these units in the future. When these processes are limited or altered, habitat quality diminishes.

5. ENVIRONMENTAL BASELINE

This section describes the best available data about the condition of the species in the Action Area without the consequences caused by the proposed Action.

South Carolina barrier beaches are part of a complex and dynamic coastal system that continually respond to inlets, tides, waves, erosion and deposition, longshore sediment transport, and depletion, fluctuations in sea level, and weather events. The location and shape of the coastline perpetually adjusts to these physical forces. Winds move sediment across the dry beach forming dunes and the island interior landscape. The natural communities contain plants and animals that are subject to shoreline erosion and deposition, salt spray, wind, drought conditions, and sandy soils. Vegetative communities include foredunes, primary, and secondary dunes, interdunal swales, sand pine scrub, and maritime forests. However, the protection or persistence of these important natural landforms, processes, and wildlife resources is often in conflict with long-term beach stabilization projects and their indirect effects, i.e., increases in residential development, infrastructure, and public recreational uses.

South Carolina has approximately 182 miles of coastline and approximately 51% (93/182 miles) of the coastline is developed (SCDHEC 2010). Approximately 37% (67.6/182 miles) of the state's coastline has received sand placement via beach nourishment or dredge disposal placement (Rice 2012a). South Carolina currently has 47 tidal inlets open and 36% (17/47 inlets) have been stabilized with some type of hard structure(s) along at least one shoreline (Rice 2012b). Hilton Head Island is managed by the Town of Hilton Head Island and the island is subject to dynamic coastal processes that influence and shape the shoreline.

5.1. Piping Plover

5.1.1. Action Area Numbers and Distribution

Shorebirds, including piping plovers, are known to use a mosaic of habitats associated with inlet complexes. Piping plovers have been observed in the Action Area since the 1990s. The migrant population is typically much larger than the winter population. Piping plovers that overwinter, meaning they spend most of their nonbreeding season at one location, can arrive at their winter site in South Carolina as early as August and depart as late as April (Maddock *et al.* 2013), but the best local winter population estimate cannot be determined until the core winter season (November 15 – February 15). Results of a band re-sighting analysis for birds documented at sites in South Carolina showed zero immigration or emigration during the months of December and January (Cohen *et al.* 2018); therefore, the Service determines the local winter population by

using the single highest count of birds during surveys conducted between December 1 and January 31.

The highest count recorded on Hilton Head Island during the winter was 32 birds observed in December of 2021, which included the Folly in the survey area in addition to the heel of the island and Fish Haul Creek (USFWS unpublished data). Winter survey numbers conducted along an established survey route along the Atlantic and Port Royal Sound shorelines of the heel of the island and Fish Haul Creek ranged between 12 to 18 birds between 2010 and January of 2021 (**Figure 5-1**). Gibson *et al.* (2018) documented a lot of turnover within the local population and that these are not necessarily the same individuals returning each season, which is reflected in the lower survival rates for Hilton Head Island.

The highest count recorded on the island during migration is 46 birds (USFWS unpublished data), but this does not necessarily reflect the true number of plovers using the island. Banded piping plovers are not consistently resighted and reported so the number of migrants as well as the passage population (the total number of birds that use a site during the entire nonbreeding season) for the Action Area is currently unknown. Resights of uniquely marked piping plovers indicate that birds from all three breeding populations use the island, but most birds are from the Atlantic Coast (USFWS unpublished data). The proportions of each breeding population wintering on the island varies each season. Birds from the Atlantic Coast population comprise the largest proportion of previously banded and unbanded birds on the island (USFWS unpublished data). The Service's assumption that most unbanded birds are from the Atlantic Coast population is based on the resights of birds banded on their wintering grounds that were re-sighted the following breeding season within the Atlantic Coast breeding range (USFWS unpublished data). Birds from the Great Lakes and Northern Great Plains comprise a much smaller proportion of banded birds on the island. The vast majority of Great Lakes birds are banded, but only a small portion of Northern Great Plains birds are banded so some unbanded birds could be from the Northern Great Plains population. Over one wintering season on Hilton Head Island, four is the highest number of wintering birds observed from the Great Lakes population and three is the highest number of wintering birds from the Northern Great Plains population (USFWS unpublished data).

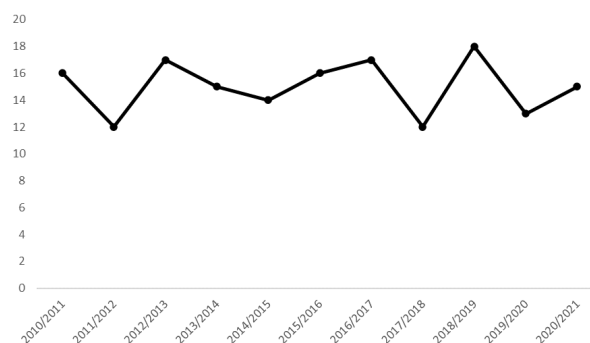


Figure 5-1. Winter piping plover population numbers on Hilton Head Island from 2010 to 2021 along the heel of the island and Fish Haul Creek. The local winter population is determined conservatively by using the single highest count of birds during surveys conducted between December 1 and January 31 (Cohen *et al.* 2018).

5.1.2. Action Area Conservation Needs and Threats

Habitat loss, human recreational disturbance (especially off-leash dogs), predation, accelerated sea level rise, storms, and severe cold weather, which are the six most prevalent threats to piping plovers within their nonbreeding range, are present or possible on Hilton Head Island. Chronic human recreational disturbance, which is the most widespread and serious threat in South Carolina, exacerbates physiological effects on body condition that are difficult to offset particularly in lower quality habitats. When birds must eat more, which requires more time and effort, and move more to find food and/or respond to a disturbance, weight is harder to gain and maintain. Gibson *et al.* (2018) found that birds wintering at more disturbed sites were seven percent lighter than birds wintering at less disturbed sites. Hilton Head Island, one of eight sites in the study between 2012 and 2016, had the 3rd lowest piping plover true survival rate (0.62 ± 0.07) (Gibson *et al.* 2018), which is concerning because Hilton Head Island has the largest known wintering population of piping plovers in South Carolina. In addition, Gibson *et al.* (2018) found evidence of a greater influence of human disturbance on survival than on fidelity, which suggested that plovers were more likely to die than move to another winter site.

Human recreational disturbance is the most prevalent threat to piping plovers on Hilton Head Island. The Service has had multiple discussions with the Town over the years regarding human recreational disturbance, particularly regarding off-leash dogs. The Service and Town employees have repeatedly witnessed dogs chasing piping plovers on multiple occasions during shorebird surveys. Since Hilton Head Island hosts the largest known winter population of piping plovers and individuals are more likely to die than move to another wintering site on another island, existing human recreational disturbance that is already resulting in lower survival rates should be minimized to help offset added project-related impacts to piping plovers. The most effective way to minimize existing threats that have survival-related impacts is for the Town to establish and enforce areas under their jurisdiction that permanently restrict dogs year-round.

5.2. Rufa Red Knot

5.2.1. Action Area Numbers and Distribution

Red knots have been documented in the Action Area since 1992 during migration and winter. The migrant population is typically larger than the winter population. Banded red knots are not consistently resighted and reported from this area so the number of migrants as well as the passage population (the total number of birds that use a site during the entire nonbreeding season) for the Action Area is currently unknown. Based on South Carolina band resight data, red knots using the Action Area during the winter and/or during spring migration before May would be from the Southeast U.S./Caribbean population (SCDNR 2013, 2019). Birds seen in May could be from the Southeast U.S./Caribbean population, Northern South American Coast population, or the Southern population. The only way to know for sure would be to resight a banded bird.

Birds have been documented on the island during the winter season (November 16 – February 15) since 2006 (USFWS unpublished data). The highest count recorded in winter was 344 birds in 2011. Birds have also been documented on the island during spring migration (February 16 –

June 1). The highest count recently recorded during migration was 400 birds on April 18, 2022 (eBird.org 2024).

Foraging birds have been documented in the Fish Haul Creek and Pine Island areas (CEG 2023, 2024). The Hilton Head Island international shorebird survey (ISS) team counted 320 knots along the Port Royal Plantation shoreline on May 8, 2024, which also coincided with horseshoe crab (*Limulus polyphemus*) spawning activity (A. Biggs, pers. comm. 2024, A. Kuehn, pers. comm. 2024). Documented red knot use on Hilton Head Island suggests the Fish Haul and Pine Island project areas within the Action Area are used by small flocks of knots during the winter and larger flocks during spring migration although flock numbers vary.

5.2.2. Action Area Conservation Needs and Threats

Habitat loss, recreational disturbance, predation, accelerated sea level rise, storms, and severe cold, which are the six most prevalent threats to red knots within their nonbreeding range, are present or possible in the Action Area. Chronic recreational disturbance, which is the most widespread and serious threat in South Carolina, is still present within the Action Area despite conservation efforts. Red knots rest at the water's edge during daytime high tides and flocks can be found foraging on coquina clams (*Donax variabilis*) in the swash zone, particularly on falling tides. During the spring, horseshoe crabs spawn along the Port Royal Sound shoreline on Hilton Head Island. Red knots feed on horseshoe crab eggs available within the top 5 cm of sand when they are available during spring migration. These birds need to feed and rest undisturbed particularly during spring migration when they need to build fat reserves.

5.3. Loggerhead Sea Turtle

5.3.1. Action Area Numbers, Reproduction, and Distribution

Hilton Head Island has a nest protection project permitted through SCDNR to conduct daily nesting surveys, nest relocations, predator control measures, and nest inventories. Nest numbers ranged from 178 to 460 between 2018 to 2023 (**Table 5-1**). The annual nesting density for Hilton Head Island over the last 6 years comprises approximately 0.05 to 0.06% of the annual statewide nesting totals and 0.03% of the NRU nesting totals excluding southern Virginia. Based on the clutch frequency of loggerhead sea turtles nesting within the NRU (**Table 3-10**), 40 to 103 turtles have nested within the Action Area from 2018 – 2023, 620-1,971 turtles have nested within South Carolina, and 1,191-3,273 have nested within the NRU (excluding Virginia) during the same timeframe.

Hilton Head Island has “hot spots” of sea turtle nesting density that also depend on habitat conditions. Of all the project areas within the Action Area, Pine Island has the lowest density of nests. Although the nesting density tends to be higher along the “toe” (south end) and “heel” of the island during some nesting seasons, the central project area spans the longest section of shoreline.

Table 5-1. Loggerhead sea turtle nests within the Action Area from 2018 -2023
(Seaturtle.org 2024).

	2018	2019	2020	2021	2022	2023
Hilton Head Island	178	460	291	282	422	353
(% of Statewide)	(0.06%)	(0.05%)	(0.05%)	(0.05%)	(0.05%)	(0.05%)
(% of NRU)	(0.03%)	(0.03%)	(0.03%)	(0.03%)	(0.03%)	(0.03%)
South Carolina	2,761	8,772	5,551	5,628	7,965	6,618
(% of NRU)	(0.52%)	(0.60%)	(0.57%)	(0.58%)	(0.57%)	(0.56%)
NRU ¹	5302	14,566	9,731	9,625	14,012	11,820

¹NRU numbers do not include Virginia.

5.3.2. Action Area Conservation Needs and Threats

Sea turtle nests are subject to severe erosion, tidal inundation, storms, and predation. Sea turtle hatchlings are subject to disorientations caused by artificial lighting, predation, and entrapment. Nesting sea turtles are subject to disorientations due to artificial lighting and entrapment. The SCDNR nest protection projects within the Action Area address some of these threats by relocating and screening nests and promoting lights out for sea turtles. Despite these threats, nesting within the Action Area follows the increasing trend of nesting within the NRU.

5.4. Critical Habitat for the Piping Plover

5.4.1. Action Area Conservation Value

The Action Area consistently hosts the largest wintering population of piping plovers in South Carolina. Piping plovers are distributed along the Port Royal Sound shoreline of Hilton Head Island and along the Heel of the island on the Atlantic Ocean shoreline. The Heel project area within the Action Area overlaps designated critical habitat unit SC-15 (**Figure 5-2**), which currently contain all PBFs. Available data suggests the Action Area supports 12 – 32 wintering piping plovers. Resights of uniquely marked piping plovers indicate that birds from all three breeding populations use the area, but most birds are from the Atlantic Coast and Great Lakes populations (Gratto-Trevor *et al.* 2012, USFWS 2020a). Each unit within the nonbreeding piping plover designation is essential to the recovery of the species. The text description of the unit is as follows:

Unit SC-15: Hilton Head

43 ha (106 ac) in Beaufort County

The majority of this unit is State-owned. This unit includes the northeastern tip (Atlantic Ocean side) of Hilton Head Island and all of Joiner Bank. It begins at the shoreline east of northern Planters Row and ends at the shoreline east of Donax Road. It includes the MLLW of Port Royal Sound and the Atlantic Ocean to where densely vegetated habitat, not used by the piping plover, begins and where the constituent elements no longer occur. All of Joiner Bank to MLLW is included.

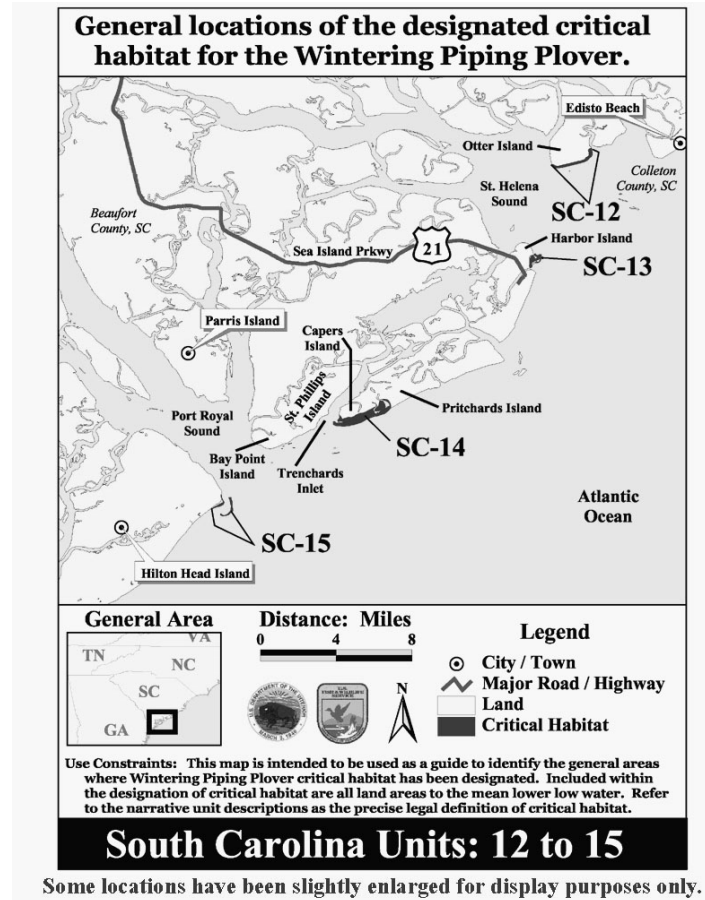


Figure 5-2. Map of piping plover designated critical habitat units SC-12 to 15.

5.4.2. Action Area Conservation Needs

Minimizing Human Recreational Disturbance

Intense human disturbance in winter habitat can be functionally equivalent to habitat loss. If the disturbance prevents birds from using an area (Goss-Custard et al. 1996), this can lead to roost abandonment and population declines (Burton et al. 1996). Disturbance from human and pet presence alters plover behavior and often negatively influences distribution (Hunt et al. 2019).

5.5. Critical Habitat for the Rufa Red Knot (Proposed)

5.5.1. Action Area Conservation Value

The Action Area overlaps critical habitat units SC-22 proposed for designation (**Figure 5-3**), which currently contains all PBFs. Each unit within the rufa red knot proposed designation is essential to the recovery of the species. The Action Area currently supports low numbers of both overwintering and migrant rufa red knots. The text descriptions of the proposed units are as follows:

Unit SC-22: Hilton Head Island Beach

Unit SC-22 consists of 1,682 ac (681 ha) of the heel of Hilton Head Island, a barrier island off the coast, in Beaufort County, South Carolina. The unit boundary begins on the Port Royal Sound shoreline beginning at Oyster Shell Lane, continues southeast then turns southwest along the Atlantic Ocean shoreline, and continues to the undeveloped portion of Singleton Beach southwest of the Folly. The unit includes all emergent land from MLLW to the toe of the dunes or where densely vegetated habitat (not used by the red knot) begins (i.e., the highly dynamic shoreline and the sandy intertidal zone that are covered at high tide and uncovered at low tide). This dynamic habitat also includes the ephemeral emergent shoals (sand bars) within the flood-tidal and ebb-tidal deltas associated with Fish Haul Creek and unnamed inlets within the unit boundary. Lands within this unit include approximately 1,015 ac (411 ha; 60 percent) in State ownership and 667 ac (270 ha; 40 percent) in private/other ownership. General land use within this unit includes residential/commercial development within the town limits of municipality of the Town of Hilton Head, tourism, and outdoor recreational use (e.g. beachgoing, boating, fishing, birdwatching).

Unit SC-22 is occupied by the species and contains one or more of the physical or biological features essential to the conservation of the species. This unit is essential to the conservation of the species because it supports the species' wintering population in South Carolina and the Southeast and serves as an important spring and fall migration stopover site (exceeding threshold numbers five out of the last ten years). This unit is one of only three units in South Carolina that supports high concentrations of red knots (exceeding threshold numbers) throughout the entire nonbreeding season (fall, winter, and spring). Approximately 73 ac (29 ha) of this unit overlaps with designated critical habitat for the federally threatened piping plover (66 FR 36038; July 10, 2001).

Threats identified within Unit SC-22 include: (1) Disturbance of foraging and roosting red knots by humans and human activities (e.g., off leash dogs, walking/running/biking through or too close to flocks of red knots, powered boats); (2) depredation by native and nonnative predators; (3) modification or loss of habitat or both due to uncontrolled recreational access, erosion and sea level rise; and (4) disturbance associated with response to natural and human-caused disasters (e.g., hurricanes, oil spills). Special management considerations or protection measures to reduce or alleviate the threats may include minimizing disturbance to wintering and migrating red knots (e.g., managing recreational access to key rufa red knot foraging and roosting habitat during migration through restrictions on timing, locations, and types of activities) and managing the collection of spawning horseshoe crabs for biomedical use (e.g. limiting location and timing of collection). Private/other lands within this unit are managed under the 2017 Town of Hilton Head Island Local Comprehensive Beach Management Plan.

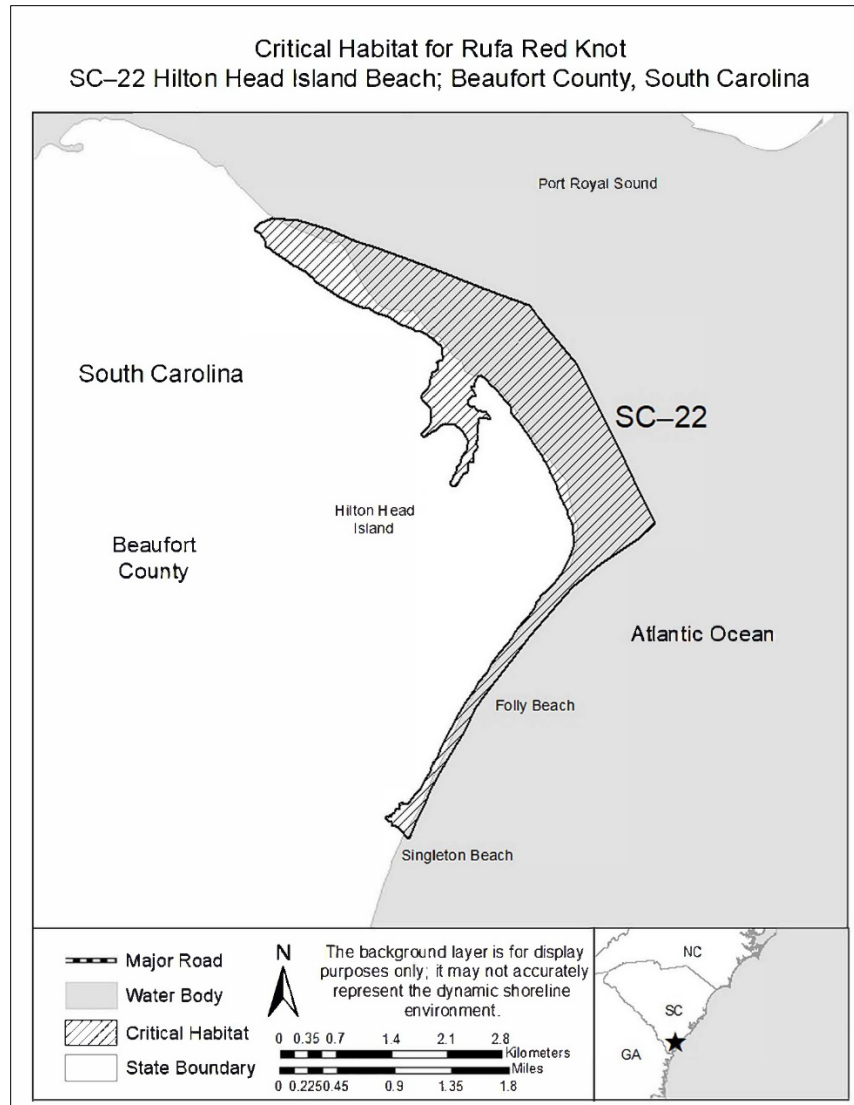


Figure 5-3. Map of rufa red knot proposed designated critical habitat units SC-22.

5.5.2. Action Area Conservation Needs

Minimize Recreational Disturbance

Intense human disturbance in winter habitat can be functionally equivalent to habitat loss. If the disturbance prevents birds from using an area (Goss-Custard *et al.* 1996), this can lead to roost abandonment and population declines (Burton *et al.* 1996). Disturbance from human and pet presence alters plover behavior and often negatively influences distribution (Hunt *et al.* 2019).

6. EFFECTS OF THE ACTION

Implementing regulations define “effects of the action” as “all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other

activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action” (50 CFR 402.02).

6.1. Effects of Sand Placement

6.1.1. Piping Plover

Beneficial Effects

Sand placement projects can have beneficial effects by creating unvegetated, open areas, which make optimal roosting habitat, and create more space for birds on the beach, but these effects are short-lived, often lasting only a few years before vegetation encroaches again (Chaplin 2019).

Adverse Effects

Wintering piping plovers depend on the availability and abundance of benthic invertebrates such as polychaete worms and amphipods as their primary food source (Tweel *et al.* 2023). Polychaete worms comprise most of the shorebird diet (Kalejta 1992, Mercier and McNeil 1994, Tsipoura and Burger 1999, Verkuil *et al.* 2006); and are preferred by piping plovers (Hoopes 1993, Nicholls 1989, Zonick and Ryan 1996, Tweel *et al.* 2023). Burial of benthic invertebrates, delayed recovery of benthic invertebrates, or changes in their community composition due to physical habitat changes may affect the quality of piping plover foraging habitat. Disturbance from project construction, lower quality foraging habitats, and facilitated human recreational access can adversely affect piping plovers by further lowering their survival (Gibson *et al.* 2018).

The Heel, Fish Haul Creek, and Pine Island project areas contain sheltered flats and runnels known to provide higher quality foraging habitat due to the benthic community composition of these microhabitats (Tweel *et al.* 2023). Benthic recruitment and community composition following project construction will be dependent on sediment characteristics. Timeframes projected for benthic recruitment and re-establishment following typical beach nourishment projects can range between six months to two years (Thrush *et al.* 1996, Peterson *et al.* 2000, Zajac and Whitlatch 2003, Bishop *et al.* 2006, Peterson *et al.* 2006) depending on sediment composition and timing of construction. Benthic recruitment is expected to take a minimum of six months to occur and may be delayed further depending on the construction timing of a separately permitted project (PN# SAC-2023-00210). Even after benthic recruitment occurs, the benthic community composition and abundance may vary due to microhabitat changes, which could lower foraging habitat quality.

Piping plovers wintering in the Action Area may be displaced to lower quality foraging areas resulting in lower survival. Less sheltered beach flats without runnels are considered a lower quality foraging habitat for piping plovers compared to sheltered flats with runnels (Tweel *et al.* 2023). Plovers wintering on Hilton Head Island are subjected to chronic human recreational disturbance so additional project-related disturbance is anticipated to negatively impact baseline survival rates. Survival rates at Hilton Head are already the 3rd lowest survival rates compared to birds' survival rates wintering at less disturbed sites (Gibson *et al.* 2018). Plovers may be pushed

to lower quality foraging habitats during and after project construction, which may exacerbate impacts to birds with a lower body condition rising to the level of harm instead of harassment.

6.1.2. Rufa Red Knot

The Service anticipates similar effects to wintering red knots, if present, and their primary prey items, coquina clams (*Donax variabilis*), in the project area, as described for piping plovers. Effects to coquinas can be minimized by scheduling project construction outside of spawning and recruitment windows that occur in late winter and early spring (Ruppert and Fox 1988). Sand placement will cover relict march habitat that supports false angelwings (*Petriccolaria pholadiformis*) and scorched mussels (*Brachidontes exustus*), which are preferred prey items. Sand placement could also effect spawning horseshoe crabs that spawn along the Port Royal Sound shoreline. Horseshoe crab eggs provide food for red knots during their spring migration when the eggs are available within the top 5 cm of sand. In South Carolina, most spawning activity occurs in May and June. The construction window for Fish Haul Creek and Pine Island will be limited to June 1 – October 15 to minimize impacts to food resources when larger flocks of red knots are present.

6.1.3. Loggerhead Sea Turtle

Beneficial Effects

The placement of sand on a beach with reduced dry foredune habitat may increase sea turtle nesting habitat if the placed sand is highly compatible (*i.e.*, grain size, shape, color, etc.) with naturally occurring beach sediments in the area, and compaction and escarpment remediation measures are incorporated into the project. In addition, a nourished beach that is designed and constructed to mimic a natural beach system may benefit sea turtles more than an eroding beach it replaces.

Adverse Effects

Potential adverse effects during the project construction phase include disturbance of existing nests, which may have been missed by surveyors and thus not marked for avoidance, disturbance of females attempting to nest, and disorientation of emerging hatchlings. In addition, heavy equipment will be required to construct the beach profile. This equipment will have to traverse the beach portion of the Action Area, which could result in harm to nesting sea turtles, their nests, and emerging hatchlings.

Equipment During Construction

The use of heavy machinery on beaches during a construction project may also have adverse effects on sea turtles. Equipment left on the nesting beach overnight can create barriers to nesting females emerging from the surf and crawling up the beach, causing a higher incidence of false crawls and unnecessary energy expenditure.

The operation of motor vehicles or equipment on the beach to complete the project work at night affects sea turtle nesting by interrupting or colliding with a nesting turtle on the beach, headlights

disorienting or misorienting emergent hatchlings, vehicles running over hatchlings attempting to reach the ocean, and vehicle ruts on the beach interfering with hatchlings crawling to the ocean. Apparently, hatchlings become diverted not because they cannot physically climb out of a rut (Hughes and Caine 1994), but because the sides of the track cast a shadow and the hatchlings lose their line of sight to the ocean horizon (Mann 1977). The extended period of travel required to negotiate tire ruts may increase the susceptibility of hatchlings to dehydration and depredation during migration to the ocean (Hosier *et al.* 1981). Driving directly above or over incubating egg clutches or on the beach can cause sand compaction, which may result in adverse impacts on nest site selection, digging behavior, clutch viability, and emergence by hatchlings, as well as directly kill pre-emergent hatchlings (Mann 1977, Nelson and Dickerson 1987, Nelson 1988).

The physical changes and loss of plant cover caused by vehicles on vegetated areas or dunes can lead to various degrees of instability and cause dune migration. As vehicles move over the sand, sand is displaced downward, lowering the substrate. Since the vehicles also inhibit plant growth, and open the area to wind erosion, the beach and dunes may become unstable. Vehicular traffic on the beach or through dune breaches or low dunes may cause acceleration of overwash and erosion (Godfrey *et al.* 1978). Driving along the beachfront should be between the low and high tide water lines. To minimize the impacts to the beach, dunes, and dune vegetation, transport and access to the construction sites should be from the road to the maximum extent possible. However, if vehicular access to the beach is necessary, the areas for vehicle and equipment usage should be limited to intertidal areas below the most recent high tide line to minimize impacts to dune vegetation and sand compaction.

Missed Nests

During construction, direct mortality of the developing embryos in nests within the project area may occur for nests that are missed and not relocated. The exact number of these missed nests is not known. However, in two separate monitoring programs on the east coast of Florida where hand digging was performed to confirm the presence of nests and thus reduce the chance of missing nests through misinterpretation, trained observers still missed about six to eight percent of the nests because of natural elements (Martin 1992, Ernest and Martin 1993). This must be considered a conservative number because missed nests are not always accounted for. In another study, Schroeder (1994) found that even under the best of conditions, about seven percent of nests can be misidentified as false crawls by highly experienced sea turtle nest surveyors. Missed nests are usually identified by signs of hatchling emergences in areas where no nest was previously documented. Signs of hatchling emergence are very easily obliterated by the same elements that interfere with detection of nests.

Nest Relocation

Besides the potential for missing nests during surveys, there is a potential for eggs to be damaged by nest relocation, particularly if eggs are not relocated within 12 hours of deposition (Limpus *et al.* 1979). Relocated nests can incubate at different temperatures than nests left to incubate in place (*in situ*) (Mrosovsky and Yntema 1980, Hoekert *et al.* 1998, Başkale and Kaska 2005, Tuttle 2007, Bimbi 2009, Tuttle and Rostal 2010, Pintus *et al.* 2009) and cause skewed sex ratios (Morreale *et al.* 1982, Godfrey *et al.* 1997). Relocated nests can also have higher or lower hatch

success and hatchling emergence than *in situ* nests (Wyneken *et al.* 1988, Hoekert *et al.* 1998, García *et al.* 2003, Moody 2000, Kornaraki *et al.* 2006, Tuttle 2007, McElroy 2009, Pintus *et al.* 2009) depending on relocation technique and environmental conditions.

Nest relocation can have adverse impacts on gas exchange parameters and the hydric environment of nests (Limpus *et al.* 1979, Ackerman 1980, Parmenter 1980, Spotila *et al.* 1983, McGehee 1990). Nests relocated into sands deficient in oxygen or moisture can result in mortality, morbidity, and reduced behavioral competence of hatchlings. Water availability is known to influence the incubation environment of the embryos and hatchlings of turtles with flexible-shelled eggs, which has been shown to affect nitrogen excretion (Packard *et al.* 1984), mobilization of calcium (Packard and Packard 1986), mobilization of yolk nutrients (Packard *et al.* 1985), hatchling size (Packard *et al.* 1981, McGehee 1990), energy reserves in the yolk at hatching (Packard *et al.* 1988), and locomotory ability of hatchlings (Miller *et al.* 1987).

Increased Susceptibility to Catastrophic Events

Nest relocation within a nesting season may concentrate eggs in an area making them more susceptible to catastrophic events. Hatchlings released from concentrated areas also may be subject to greater predation rates from both land and marine predators because the predators learn where to concentrate their efforts (Glenn 1998, Wyneken *et al.* 1998).

Changes in the Physical Environment

Poor quality material can alter nest success by altering moisture content and gas exchange (Limpus *et al.* 1979, Ackerman 1980, Parmenter 1980, Spotila *et al.* 1983, McGehee 1990). Additionally, the use of heavy machinery can cause sand compaction (Nelson *et al.* 1987, Nelson and Dickerson 1988a). Significant reductions in nesting success (i.e., false crawls occurred more frequently) have been documented on severely compacted beaches (Fletemeyer 1980, Raymond 1984, Nelson and Dickerson 1987, Nelson *et al.* 1987), and increased false crawls may result in increased physiological stress to nesting females.

Escarpment Formation

Escarps may develop on beaches between groins as the beaches equilibrate to their final profiles. Escarpments can hamper or prevent access to nesting sites (Nelson and Blihovde 1998) and can cause adult females to choose unsuitable nesting areas, such as seaward of an escarpment. These nest sites commonly receive prolonged tidal inundation and erosion, which results in nest failure.

6.1.4. Critical Habitat for the Piping Plover

The Heel project area, which overlaps with Unit SC-15 (**Figure 6-1**), contains sheltered flats and runnels known to provide higher quality foraging habitat due to the benthic community composition of these microhabitats (Tweel *et al.* 2023). Benthic recruitment and community composition following project construction will be dependent on sediment characteristics. Timeframes projected for benthic recruitment and re-establishment following typical beach

nourishment projects can range between six months to two years (Thrush *et al.* 1996, Peterson *et al.* 2000, Zajac and Whitlatch 2003, Bishop *et al.* 2006, Peterson *et al.* 2006) depending on sediment composition and timing of construction. Benthic recruitment is expected to take a minimum of six months to occur. Even after benthic recruitment occurs, the benthic community composition and abundance may vary due to microhabitat changes, which could lower foraging habitat quality.

The project is anticipated to temporarily create roosting habitat above the high tide line and impact foraging habitat below the high tide line along 3,000 linear feet of shoreline by reducing the quality of PBFs within the project footprint overlapping Unit SC-15. This Opinion includes reasonable and prudent measures that minimize the incidental take of piping plovers.

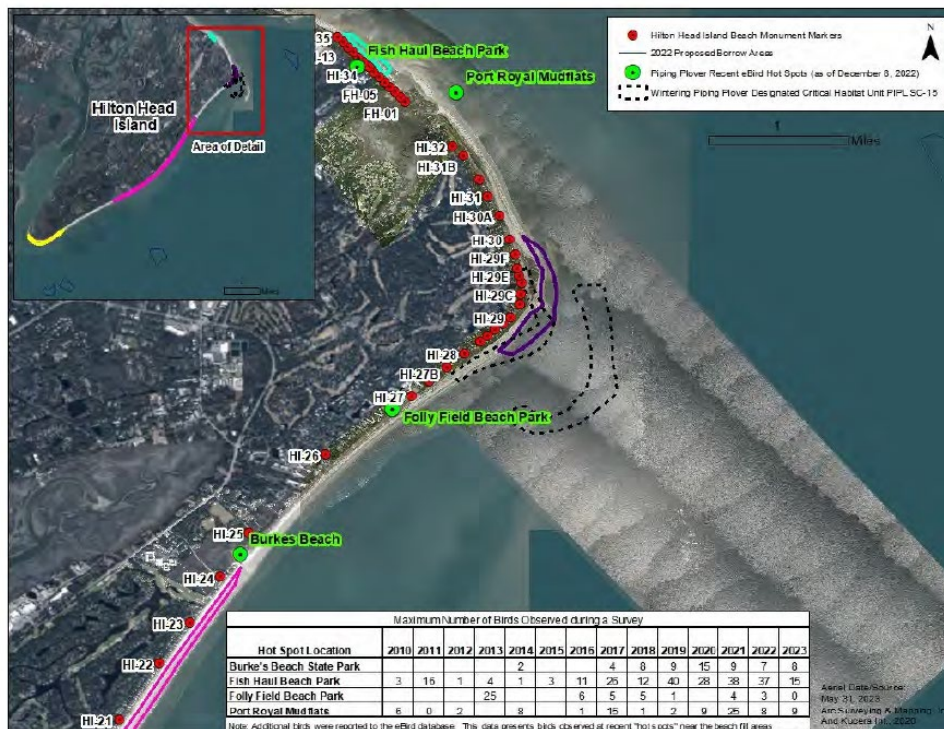


Figure 6-1. Piping plover critical habitat boundary and eBird database hot spot locations with maximum observation numbers as of August 4, 2023 (CEG 2023).

6.1.5. Critical Habitat for the Rufa Red Knot (Proposed)

The Heel and Fish Haul project areas overlap with Unit SC-22 (**Figure 6-2**) and construction activities will temporarily impact foraging habitat by reducing the quality of some of the PBFs. Benthic recruitment and community composition following project construction will be dependent on sediment characteristics. Timeframes projected for benthic recruitment and re-establishment following typical beach nourishment projects can range between six months to two years (Thrush *et al.* 1996, Peterson *et al.* 2000, Zajac and Whitlatch 2003, Bishop *et al.* 2006, Peterson *et al.* 2006) depending on sediment composition and timing of construction. Benthic recruitment is expected to take a minimum of six months to occur. Even after benthic

recruitment occurs, the benthic community composition and abundance may vary due to microhabitat changes, which could lower foraging habitat quality.

The project is anticipated to temporarily create roosting habitat above the high tide line and impact foraging habitat below the high tide line along 7,410 linear feet of shoreline by reducing the quality of PBFs within the project footprint overlapping Unit SC-22. This Opinion includes reasonable and prudent measures that minimize the incidental take of rufa red knots.

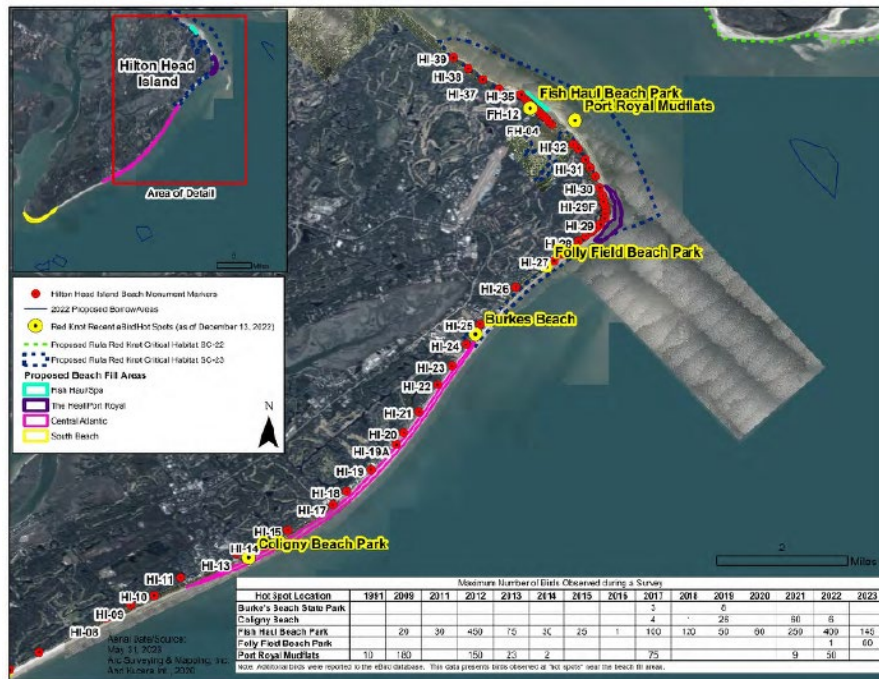


Figure 6-2. Rufa red knot proposed critical habitat boundary and eBird database hot spot locations with maximum observation numbers as of August 4, 2023 (CEG 2023).

6.2. Effects of Breakwater Construction

6.2.1. Piping Plover

Beneficial Effects

Breakwater construction is anticipated to extend the life of the sand placement project and is anticipated to create sheltered foraging habitat conducive to piping plover preferred prey items (Tweel *et al.* 2023).

Adverse Effects

In addition to the adverse effects described in **Section 6.1.1.**, breakwater construction will destroy 1.1 acres of foraging habitat and result in high mortality of benthic infauna during construction (CEG 2024).

6.2.2. Rufa Red Knot

In addition to the adverse effects described in **Section 6.2.1.**, breakwater construction will destroy 1.1 acres of foraging habitat and result in high mortality of benthic infauna during construction (CEG 2024).

6.2.3. Loggerhead Sea Turtle

Beneficial Effects

Breakwater construction in conjunction with sand placement that is designed to extend the life of the sand placement project may benefit sea turtles more than an eroding beach it replaces.

Adverse Effects

Potential adverse effects during the breakwater construction phase include disturbance of existing nests, which may have been missed by surveyors and thus not marked for avoidance, disturbance of females attempting to nest, and disorientation of emerging hatchlings. In addition, heavy equipment will be required to construct the breakwaters. This equipment will have to traverse the beach portion of the Action Area, which could result in harm to nesting sea turtles, their nests, and emerging hatchlings.

Many of the direct effects of shoreline stabilization projects may persist over time and become indirect impacts. These indirect effects include increased susceptibility of relocated nests to catastrophic events, changes in the physical characteristics of the beach, and the formation of escarpments.

6.2.4. Critical Habitat for the Piping Plover

Breakwater construction will occur outside of designated critical habitat. Therefore, no adverse effects are anticipated.

6.2.5. Critical Habitat for the Rufa Red Knot (Proposed)

Breakwater construction along the shoreline of Pine Island is outside of proposed critical habitat unit. Therefore, no adverse effects are anticipated.

7. CUMULATIVE EFFECTS

The implementing regulations for section 7 define cumulative effects to include the effects of future State or private activities that are reasonably certain to occur within the action area of the federal action subject to consultation (50 CFR 402.02). Future federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act.

“Cumulative effects are those effects of future State or private activities, not involving federal activities, that are reasonably certain to occur within the action area of the federal action subject

to consultation” (50 CFR §402.02). Additional regulations at 50 CFR §402.17(a) identify factors to consider when determining whether activities are reasonably certain to occur. These factors include, but are not limited to: existing plans for the activity; and any remaining economic, administrative, and legal requirements necessary for the activity to go forward.

In its request for consultation, the Corps did not describe, and the Service is not aware of, any future non-federal activities that were not already considered and that are reasonably certain to occur within the Action Area. Therefore, we anticipate no cumulative effects that we must consider in formulating our opinion for the Action.

8. CONCLUSION

The Service concludes that the proposed Action is likely to adversely affect some piping plover, rufa red knot, and loggerhead sea turtle individuals. For the piping plover, the proposed Action is anticipated to further lower survival rates of all (up to 32) individuals wintering on Hilton Head Island, which is the largest known wintering population in South Carolina. The proposed Action will cause non-lethal take as harassment of all wintering individuals and an unknown number of migrating individuals on Hilton Head Island during construction and the wintering season following construction. The proposed Action will cause lethal take as harm of an unknown percentage of wintering individuals on Hilton Head Island during construction and the wintering season following construction. Project impacts resulting in harm to individuals from the Great Lakes population, the smallest and most vulnerable to extinction, could reduce the current breeding population by up to two and a half percent (2.5%) based on the highest known proportion of Great Lakes birds (four) wintering on Hilton Head Island at one time. Project impacts resulting in harm to individuals from the Atlantic Coast and Northern Great Plains populations, which are much larger, are anticipated to affect less than one percent (<1%) of each population. Potential effects include: (1) Harassment in the form of project-related activities disturbing or interfering with individuals foraging and/or roosting within the boundaries of the Action Area; (2) Displacement in the form of project-related activities pushing individuals into less optimal habitat; (3) Degrading optimal habitat by project-related activities altering the sediment characteristics that support preferred prey items; (4) Harassment through project-related activities facilitating human recreational disturbance at all stages of the tide; (5) Harm in the form of further lowering the baseline survival rates of individuals wintering within the Action Area. Although the proposed Action is expected to result in adverse effects to the piping plover, we have determined that the species’ reproduction, numbers, and distribution will not be appreciably reduced as a result of the proposed Action.

For the rufa red knot, the proposed Action is anticipated to cause non-lethal take as harassment of all wintering individuals (up to 344) and an unknown number of migrating individuals on Hilton Head Island during construction and the wintering season following construction. Potential effects include: (1) Harassment in the form of project-related activities disturbing or interfering with individuals foraging and/or roosting within the boundaries of the Action Area; (2) Displacement in the form of project-related activities pushing individuals into less optimal habitat; (3) Degrading optimal habitat by project-related activities altering the sediment characteristics that support preferred prey items; (4) Harassment through project-related activities facilitating human recreational disturbance at all stages of the tide. Although the proposed Action is expected to result in adverse effects to the rufa red knot, we have determined

that the species' reproduction, numbers, and distribution will not be appreciably reduced as a result of the proposed Action.

For the loggerhead sea turtle, the proposed Action is anticipated to cause non-lethal take of 40-103 nesting female loggerheads and lethal take for seven percent of undiscovered loggerhead sea turtle nests during the nesting season(s) that overlap with project construction. Potential effects include: (1) Destruction of nests deposited within the boundaries of the Action Area; (2) Harassment in the form of disturbing or interfering with female turtles attempting to nest within the construction area or on adjacent beaches as a result of construction activities; (3) Disorientation of hatchling turtles on beaches adjacent to the construction area as they emerge from the nest and crawl to the water as a result of project lighting; and (4) Behavior modification of nesting females during the nesting season resulting in false crawls or situations where they choose marginal or unsuitable nesting areas to deposit eggs due to escarpment formation within the Action Area. Although the proposed Action is expected to result in adverse effects to the loggerhead sea turtle, we have determined that the species' reproduction, numbers, and distribution will not be appreciably reduced as a result of the proposed Action.

After reviewing the current status of the three species (piping plover, rufa red knot, and loggerhead sea turtle), the environmental baseline for Hilton Head Island, and the effects of the island-wide beach renourishment project and the Pine Island beach renourishment and breakwater construction project, it is the Service's Opinion that the Action is not likely to jeopardize the continued existence of these species. After reviewing the current status of critical habitat for the piping plover and proposed critical habitat for the rufa red knot, the environmental baseline for Hilton Head Island, and the effects of the projects, it is the Service's Opinion that the proposed Action is not likely to destroy or adversely modify critical habitat because the value as a whole will not be appreciably diminished.

Our conclusion considered the following information:

1. For the piping plover, project construction in the Fish Haul Creek and Pine Island sections will occur June 1 – October 15, which only overlaps a portion of the wintering season. This will also minimize the timeframe for benthic recovery, recolonization, and recruitment.
2. For the piping plover, we considered the proportions of each of the three breeding populations wintering on the island. Impacts to piping plovers from the Great Lakes population are more likely to have population-level impacts due to the population's very small size.
3. For the rufa red knot, project construction in the Fish Haul Creek and Pine Island sections will occur June 1 – October 15, which is outside of spring migration when the highest number of individuals would be present.
4. For the loggerhead sea turtle, the Action Area contains only 0.03% of the NRU nesting totals and nest relocations will conserve 93-100% of the nests in the Action Area.
5. For critical habitat for the piping plover, project construction is anticipated to temporarily create roosting habitat above the high tide line and impact foraging habitat below the high tide line along 3,000 linear feet of shoreline by reducing the quality of PBFs within the project footprint overlapping Unit SC-15.
6. For proposed critical habitat for the rufa red knot, project construction is anticipated to temporarily create roosting habitat above the high tide line and impact foraging habitat below

the high tide line along 7,410 linear feet of shoreline by temporarily reducing the quality of PBFs within the project footprint overlapping Unit SC-22.

7. Take of three species will be minimized by implementation of the Reasonable and Prudent Measures, and Terms and Conditions outlined below. These measures have been shown to help minimize adverse impacts to these species.

The Service's conclusion is based on, but not limited to, the information presented in the Assessments (CEG 2023, 2024); correspondence during this consultation process; information in the Service's files; and informal discussions between the Service, Corps, and other personnel.

9. INCIDENTAL TAKE STATEMENT

Section 9 of the Act and federal regulations pursuant to section 4(d) of the Act prohibit the take of endangered and applicable threatened fish and wildlife species, respectively, without specific exemption. Take is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct." Harm is defined by the Service as an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined as "an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering" (50 CFR 17.3).

Incidental take is defined as take "that results from, but is not the purpose of, carrying out another wise lawful activity conducted by the federal agency or applicant" (50 CFR 402.02). Under the terms of ESA §7(b)(4) and §7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered prohibited, provided that such taking is in compliance with the terms and conditions (T&Cs) of an incidental take statement (ITS).

9.1. Form and Amount or Extent of Take Anticipated

This section specifies the extent of take of listed wildlife species that the Action is reasonably certain to cause, which we estimated in the "Effects of the Action" section(s) of this Opinion.

Table 9-1 identifies the species, stage(s) of the annual cycle, estimated number of acres of suitable habitat, the form of take anticipated, and the section of the Opinion that contains the supporting analysis. We describe procedures for monitoring take that occurs during Action implementation for piping plovers, red knots, and loggerhead sea turtles in section 9.4.

Surrogate Measures for Monitoring

For the piping plover and red knot, detecting take that occurs incidental to the Action is not practical because it is difficult to determine the number of individuals using a site annually in the absence of consistent surveys during the nonbreeding season using a passage population survey protocol (Lyons *et al.* 2016, Smith *et al.* 2017, Gibson *et al.* 2018, Lyons *et al.* 2018).

When it is not practical to monitor take in terms of individuals of the listed species, the regulations at 50 CFR §402.14(i)(1)(i) indicate that an ITS may express the amount or extent of take using a surrogate (*e.g.*, a similarly affected species, habitat, or ecological conditions), provided that the Service also:

- Describes the causal link between the surrogate and take of the listed species; and
- Sets a clear standard for determining when the level of anticipated take has been exceeded.

We have identified surrogate measures in our analyses of effects that satisfy these criteria for monitoring take of the species named above during Action implementation. **Table 9-1** lists the species, stage of the annual cycle, surrogate measure, and the section of the Opinion that explains the causal link between the surrogate and the anticipated taking. We describe procedures for this monitoring in section 9.4.

Table 9-1. Surrogate measures for monitoring take of listed wildlife species caused by the Action, based on the cited BO effects analyses.

Common Name	Stage of Annual Cycle	Surrogate (units)	Quantity	Opinion Effects Analysis Section
Piping plover	Nonbreeding	Foraging habitat Linear feet (lf)	9,410 lf	6.1.1
Rufa red knot	Nonbreeding	Foraging habitat Linear feet (lf)	9,410 lf	6.1.2
Loggerhead sea turtle	Breeding	Nesting habitat Linear feet (lf)	48,700 lf	6.1.3

For piping plovers, this equates to harassment of all wintering piping plovers rising to the level of harm of an unknown percentage of up to 32 wintering plovers and harassment of an uncertain number of migrating plovers (**Section 6.1.1**). For red knots, this equates to the harassment of up to 344 wintering birds and an uncertain number of migrating knots (**Section 6.1.2**). Surveys conducted immediately prior to project construction will determine the actual number of piping plovers and rufa red knots present in the Action Area. For sea turtles, this equates to the potential harassment of 40-103 (0.03% of NRU) nesting females and harm of seven percent (12-32) nests laid within the project area that are missed (**Section 6.1.3**).

9.2. Reasonable and Prudent Measures

The Service considers the reasonable and prudent measures (RPMs) we describe in this section for the piping plover, rufa red knot, and loggerhead sea turtle to be necessary or appropriate to minimize the impact of the incidental take on the species caused by the Action.

- RPM#1. Conservation Measures included in the permit application/project plans (**Section 2.5** of this Opinion) must be implemented as revised in T&C#1 in **Section 9.3**.
- RPM#2. A virtual meeting/conference call between representatives of the Corps, the Town and its representatives, SCESFO, SCDNR, and shorebird and sea turtle monitors must be

held prior to the commencement of work on this Action.

RPM#3. The Town's contractor will use beach compatible sand for sand placement.

Shorebirds

RPM#4. The Town must implement the revised and approved *Town of Hilton Head Shorebird Conservation and Management Plan* (Plan) from 2015 before project construction begins. The Plan will include beach management measures aimed at reducing human recreational disturbance to offset the anticipated take resulting from the proposed Action.

Sea Turtles

RPM#5. The Town will hire sea turtle monitors to survey the project area during the sea turtle nesting season (May 1 – October 31) or until the last nest relocated out of the project area is inventoried.

RPM#6. The Town's contractor(s) will store construction equipment and materials for project construction off the beach to minimize impacts to sea turtles to the maximum extent practicable and monitor beach conditions (escarpments, lighting, and sand compaction) during the sea turtle nesting season.

9.3. Terms and Conditions

For the exemption from the take prohibitions of §9(a)(1) and of regulations issued under §4(d) of the ESA to apply to the Action, the Corps' Applicant must comply with the terms and conditions (T&Cs) of this statement, provided below, which carry out the RPMs described in the previous section. These T&Cs are mandatory. As necessary and appropriate to fulfill this responsibility, the Corps must require any permittee, contractor, or grantee to implement these T&Cs through enforceable terms that are added to the permit, contract, or grant document.

T&C#1. Conservation Measures included in the permit application/project plans must be implemented in the proposed project. The sand placement window for Fish Haul Creek and Pine Island will be limited to June 1 – October 15 to minimize impacts to piping plovers and rufa red knots. The sand placement window for the Central Island section will be September 15 – May 15 to minimize impacts to sea turtles. The Service will not put seasonal restrictions on the Heel or South Beach sections. The final construction schedule for these sections will be determined through collaborative discussions with the Town and its representatives, SCESFO, SCDNR, and the SCDNR permit holder for Hilton Head Island and implemented based on current habitat conditions and sea turtle nesting densities.

T&C#2. A virtual meeting/conference call between representatives of the Corps, Town and its representatives, SCESFO, SCDNR, and the shorebird and sea turtle monitors must be held prior to project construction. At least ten business days advance notice will be provided prior to conducting this meeting/call. The meeting/conference call will

provide an opportunity for explanation and/or clarification of the protection measures.

- T&C#3. Beach compatible fill must be placed on the beach or in any associated dune system. Beach compatible fill is material that maintains the general character and functionality of the material occurring on the beach and in the adjacent dune and coastal system. Such material must be predominately of carbonate, quartz or similar material with a particle size distribution ranging between 0.062 mm and 4.76 mm (classified as sand by either the Unified Soils or the Wentworth classification), must be similar in color and grain size distribution (sand grain frequency, mean and median grain size and sorting coefficient) to the material in the historic beach sediment at the disposal site, and must not contain:
- Greater than five percent, by weight, silt, clay or colloids passing the #230 sieve;
 - Greater than five percent, by weight, fine gravel retained on the #4 sieve (- 2.25φ);
 - Coarse gravel, cobbles or material retained on the 3/4 inch sieve in a percentage or size greater than found on the native beach;
 - Construction debris, toxic material or other foreign matter; and
 - Material that will result in cementation of the beach.

If rocks or other non-specified materials appear on the surface of the filled beach more than 50% of background in any 10,000 square foot area, then surface rock should be removed from those areas. These areas must also be tested for subsurface rock percentage and remediated as required. If the natural beach exceeds any of the limiting parameters listed above, then the fill material must not exceed the naturally occurring level for that parameter on nearby native beaches.

These standards must not be exceeded in any 10,000 square foot section extending through the depth of the nourished beach. If the native beach exceeds any of the limiting parameters listed above, then the fill material must not exceed the naturally occurring level for that parameter on nearby native beaches.

Shorebirds

- T&C#4. The Town will implement the revised and approved *Town of Hilton Head Shorebird Conservation and Management Plan* (Plan) from 2015 before project construction begins unless another written agreement between the Town, Service, and Corps is reached in the interim. The Plan will include permanent, year-round dog restricted access areas along Pine Island and the Fish Haul Creek area shorelines of Port Royal Sound to minimize existing human recreational disturbance to piping plovers, red knots, and other shorebirds. These areas fall within the Town's jurisdiction and align with beach access points (**Appendix A**). The Town or its contractor will install signage at beach access points and above the spring high tide line to delineate where

the restricted area(s) begin. The Town will also install marked buoys at the mid-tide and low-tide lines to delineate the area(s) when the tide is below the high-tide line.

- T&C#5. The Town will work with the Service and its shorebird partners to develop a positive messaging campaign regarding the changes to dog rules along key sections of shoreline to reduce human recreational disturbance to shorebirds. Available resources can be found at <https://sos.atlanticflywayshorebirds.org/resources/>.
- T&C#6. The Town will hire a contractor to conduct shorebird surveys. Seasonal abundance and distribution surveys for piping plovers and rufa red knots will be conducted during project construction (if applicable depending on construction timing) and for a period of five years post-construction. Two surveys spaced one to three days apart will be conducted monthly between August and May around mid-month as tide and weather conditions allow. The survey area will include beach monument markers HI-25 through HI-39 and Pine Island from Dolphin Head Recreation Area to Park Creek. Surveys should be scheduled to start within an hour after high tide when birds will still be concentrated, but starting to forage so legs will be easier to see for re-sighting bands. Survey data will be filled out on the datasheet in the field and entered in the corresponding Excel forms in a database provided by the Service's SCESFO. Survey data will be provided to the Service's SCESFO annually by July 31.

The survey area must be surveyed for recreational use to document implementation of beach management practices and human recreational disturbance. Disturbance surveys will follow the Atlantic Flyway Disturbance Project Standard Operation Procedures (available at <https://sos.atlanticflywayshorebirds.org/data-collection/>). Points for point counts will be selected with input from the SCESFO. Point counts will be conducted during regularly scheduled surveys once a month August through May. Band combinations (flags, flag color, flag code, band color, and band code) on any banded shorebirds will be recorded and photographed.

- T&C#7. The Town will hire a contractor to conduct roosting habitat surveys and identify and maintain posted areas in key roosting habitat. Roosting habitat surveys will be conducted and mapped before project construction and after on an annual basis until the next island-wide renourishment cycle. The Town or its contractor will seasonally post and maintain roosting habitat that is consistently occupied. Signs and string (if applicable) for posted areas will be checked during monthly surveys or after king tide and/or storm events to make sure signs and string (if applicable) are still intact. Posted areas will need to be relocated as appropriate as habitat conditions change.

Sea Turtles

- T&C#8. Daily early morning surveys for sea turtle nests will be required if construction overlaps with the sea turtle nesting season (May 1 – October 31). If work will begin before October 31, daily nesting/hatching surveys must be conducted until the last nest is inventoried. If nests are laid in areas where they may be affected by construction activities, the nests must be relocated per the following requirements.

- a. Nesting surveys and nest relocation will only be conducted by personnel with prior experience and training in nesting survey and nest marking procedures. Surveyors must have a valid SCDNR permit. Nesting surveys must be conducted daily between sunrise and 9:00 AM.
 - b. Only those nests that may be affected by sand placement activities will be relocated. Nests requiring relocation will be moved no later than 9:00 AM the morning following deposition to a nearby area where artificial lighting will not interfere with hatchling orientation. Relocated nests will not be placed in organized groupings. Relocated nests will be randomly staggered along the length and width of the beach in settings that are not expected to experience daily inundation by high tides or known to routinely experience severe erosion and egg loss, or subject to artificial lighting. Nest relocations in association with construction activities must cease when construction activities no longer threaten nests.
 - c. Nests deposited within areas where construction activities have ceased (pipeline has been removed) or will not occur for 75 days or nests laid in the nourished berm prior to tilling must be marked and left in situ unless other factors threaten the success of the nest. The turtle permit holder will install an on-beach marker at the nest site. No activity will occur within this area nor will any activities occur which could result in impacts to the nest. Nest sites will be inspected daily to assure nest markers remain in place and the nest has not been disturbed by the project activity.
- T&C#9. The Town must hire nighttime sea turtle monitors to patrol the beach at night in the project area (including the entire length of the pipeline) if nighttime construction activities and equipment occur during the nesting season. Monitors should be familiar with locating sea turtle tracks in the dark at all stages of the tide. Monitors must patrol the entire length of the pipeline for nesting females during the nesting portion of the season (May 1 – August 31). Monitors must check all access ramps over the pipeline multiple times a night to make sure a nesting female does not get stuck behind the pipeline. Monitors must also escort any construction-related vehicles (heavy equipment and crew/supply transport vehicles) driving on the beach between dusk and dawn outside of the active nighttime project area. Vehicles should always drive along the current water line and not exceed 10 MPH. In the unlikely event that a nesting female crawls within 100 feet of the active nighttime construction area where construction equipment is operating, operations must shut down until the turtle returns to the water or the nest is relocated. If a nest is laid, a SCDNR permitted sea turtle monitor must relocate the nest before nighttime construction operations resume. Beginning July 1, sea turtle monitors must check all nests due to emerge on a nightly basis after 9 pm until three nights after the first sign of emergence or the inventory of the nest contents. Monitors must note nightly if construction lighting is visible from nests due to emerge and work with the contractor to correct any lighting issues before nest emergence.

- T&C#10. During the sea turtle nesting season, nighttime storage of construction equipment not in use must be off the beach to minimize disturbance to sea turtles. Staging areas, including temporary storage, for construction equipment and pipes must be located off the beach to the maximum extent practicable. All construction pipes placed on the beach must be located as far landward as possible without compromising the integrity of the dune system. Pipes placed parallel to the dune must be 5 to 10 feet away from the toe of the dune if the width of the beach allows.
- T&C#11. During the sea turtle nesting season, the contractor must not extend the beach fill more than 500 feet (or other agreed upon length) along the shoreline between dusk and dawn and the following day until the daily nesting survey has been completed and the beach cleared for fill advancement. An exception to this may occur if there is permitted nighttime sea turtle monitor is present on-site to ensure no nesting and hatching sea turtles are present within the extended work area. If the 500 feet is not feasible for the project, an agreed upon distance will be decided on during the preconstruction meeting. Once the beach has been cleared and the necessary nest relocations have been completed, the contractor will be allowed to proceed with the placement of fill and work activities during daylight hours until dusk at which time the 500-foot length (or other agreed upon length) limitation must apply.
- T&C#12. Visual surveys for escarpments along the project area must be made daily during the nesting season or after project completion outside of the nesting season and within 30 days prior to May 1. Escarpments that exceed 18 inches in height for 100 feet must be leveled and the beach profile must be reconfigured to minimize scarp formation. During the nesting season, escarpments should be leveled at first light after the area is cleared by a nighttime sea turtle monitor. The section of beach is considered cleared for escarpment removal after all crawls and nests have been documented and nests have been relocated out of the area.
- T&C#13. Sand compaction must be monitored in sand placement areas immediately after completion of the project and prior to May 1 for three subsequent years unless compaction results are within the native beach range after the first subsequent year. If tilling is needed, the area must be tilled to a depth of 24 inches. Each pass of the tilling equipment must be overlapped to allow more thorough and even tilling. All tilling activity must be completed at least once prior to nesting season. An electronic copy of the results of the compaction monitoring must be submitted to the SCESFO prior to any tilling actions being taken or if a request not to till is made based on compaction results. The requirement for compaction monitoring can be eliminated if the decision is made to till regardless of post construction compaction levels. Additionally, out-year compaction monitoring and remediation are not required if placed material no longer remains on the dry beach.
- a. Compaction sampling stations must be located at 500-foot intervals along the sand placement template. One station must be at the seaward edge of the dune/bulkhead line (when material is placed in this area), and one station must be

midway between the dune line and the high-water line (normal wrack line).

- b. At each station, the static digital cone penetrometer must be pushed to a depth of 6, 12, and 18 inches three times (three replicates). Material may be removed from the hole if necessary to ensure accurate readings of successive levels of sediment. The penetrometer may need to be reset between pushes, especially if sediment layering exists. Layers of highly compact material may lie over less compact layers. Replicates must be located as close to each other as possible, without interacting with the previous hole or disturbed sediments. The three replicate compaction values for each depth must be averaged to produce final values for each depth at each station. Reports will include all 18 values for each transect line, and the final six averaged compaction values. If values are measured in kilogram per square centimeter (kg/cm²), they should be converted to pounds per square inch (psi).
 - c. If the average value for any depth exceeds 500 psi for any two or more adjacent stations, then that area must be tilled immediately prior to May 1.
 - d. If values exceeding 500 psi are distributed throughout the project area but in no case do those values exist at two adjacent stations at the same depth, then consultation with the SCESFO will be required to determine if tilling is required. If a few values exceeding 500 psi are present randomly within the project area, tilling will not be required.
 - e. Tilling must occur landward of the wrack line and avoid all vegetated areas three square feet or greater with a three-square foot buffer around the vegetated areas.
- T&C#14. Predator-proof trash receptacles must be installed and maintained during construction at all beach access points used for the project construction to minimize the potential for attracting sea turtle nest predators. The contractors conducting the work must provide predator-proof trash receptacles for the construction workers. All contractors and their employees must be briefed on the importance of not littering and keeping the project area trash and debris free.
- T&C#15. Direct lighting of the beach and nearshore waters must be limited to the immediate construction area during nesting season and must comply with safety requirements. Lighting on all equipment must be minimized through reduction, shielding, lowering, and appropriate placement to avoid excessive illumination of the water's surface and nesting beach while meeting all Coast Guard, Corps EM 385-1-1, and OSHA requirements. Light intensity of lighting equipment must be reduced to the minimum standard required by OSHA for General Construction areas, in order not to misdirect sea turtles. Shields must be affixed to the light housing and be large enough to block light from all on-beach lamps from being transmitted outside the active nighttime construction area or to the adjacent sea turtle nesting beach (Figure 8-1). The Town's contractor will take corrective measures to address construction-related lighting

visible outside of the active nighttime construction area. Nighttime sea turtle monitors will contact the appropriate code enforcement officials for residential and/or municipal lighting visible from the beach. Nighttime sea turtle monitors will document and identify the source of all light visible from the beach. Artificial lighting will be classified into five categories: 1) sky glow (ambient light from coastal development), 2) construction related (light coming from the active nighttime project area), 3) residential or municipal (light coming from a house, condo, pier, or street light), 4) personal use (light from a flashlight), or 5) monitoring related (light from headlights of vehicles used to conduct beach patrols or night monitoring).

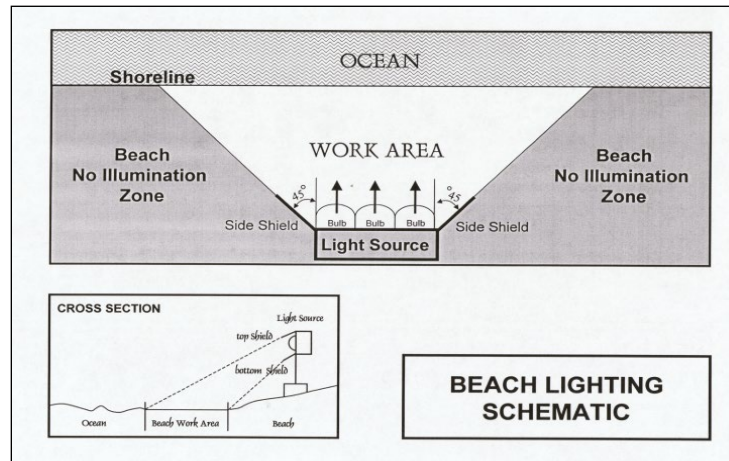


Figure 9-1. Beach lighting schematic.

T&C#16. A post-construction artificial lighting survey must be conducted of all lighting visible from the beach placement area using standard survey techniques (**Appendix B**). The timing of this survey will be coordinated with the SCESFO prior to commencement of the work and should be scheduled on a night with no visible moon. A summary report of will be provided to the SCESFO within 90 days of completion. The summary report from the post-construction survey should include the following information: 1) methodology of the survey; 2) a map showing the position of the lights visible from the beach; 3) a description of each light source visible from the beach; 4) recommendations for remediation; 5) and any actions taken. After the report is completed, a virtual meeting/conference call must be set up with the Corps, Town, SCDNR, and the SCESFO to discuss the survey report, as well as any documented sea turtle disorientations in or adjacent to the project area. Any action related to artificial beachfront lighting will be addressed by the Town.

9.4. Monitoring and Reporting Requirements

In order to monitor the impacts of incidental take, the Corps must report the progress of the Action and its impact on the species to the Service as specified in the ITS (50 CFR §402.14(i)(3)). This section provides the specific instructions for such monitoring and reporting (M&R). These M&R requirements are mandatory.

As necessary and appropriate to fulfill this responsibility, the Corps must require any permittee, contractor, or grantee to accomplish the M&R through enforceable terms that the Corps includes in the permit, contract, or grant document. Such enforceable terms must include a requirement to immediately notify the Corps and the Service if the amount or extent of incidental take specified in this ITS is exceeded during Action implementation.

M&R #1. Two pre-construction surveys for piping plovers and rufa red knots by qualified individuals will be conducted before project construction begins to document presence/absence of each species. The survey area will include beach monument markers HI-25 through HI-39 and Pine Island from Dolphin Head Recreation Area to Park Creek. The surveys should be spaced one to three days apart (weather permitting). Surveys should be scheduled 15 days before project construction activities begin to ensure weather and tidal conditions allow surveys to be completed before staging or construction operations begin. Surveys should be scheduled to start within an hour after high tide when birds will still be concentrated, but starting to forage so legs will be easier to see for re-sighting bands. Piping plovers and rufa red knots will be counted and band combinations (flags, flag color, flag code, band color, and band code) on any banded birds will be recorded. Band combinations must be confirmed through a 20-60x spotting scope and/or a digital camera (DSLR camera with 150-600 mm lens). Coordinates will be recorded in decimal degrees for each bird or flock of birds. Survey data will be filled out on the datasheet in the field and entered in the corresponding Excel forms in a database provided by the Service's SCESFO. Survey data will be provided to the Service's SCESFO within 30 days of completion.

The survey area must be surveyed for recreational use to document implementation of beach management practices and human recreational disturbance. Disturbance surveys will follow the Atlantic Flyway Disturbance Project Standard Operation Procedures (available at <https://sos.atlanticflywayshorebirds.org/data-collection/>). Points for point counts will be selected before pre-construction surveys with input from the Service's SCESFO. Point counts will be conducted during the pre-construction surveys. Band combinations (flags, flag color, flag code, band color, and band code) on any banded shorebirds will be recorded and photographed. Piping plovers and red knots will be the only species required for the point counts. All other focal species on the datasheet will be optional.

M&R#2. Disposition of dead or injured piping plover, rufa red knot, or loggerhead sea turtle.

- Upon locating a dead individual, preserve the specimen(s) and notify the Service at the phone number and email below for further instructions on where to send it.
- The Service may ask for the specimen(s) to be sent to the Charleston office, below, to the repository at the Smithsonian Museum, or another appropriate repository.
- Care must be taken in handling any dead specimens of listed species to preserve biological material in the best possible state.

- In conjunction with the preservation of any dead specimens, the finder has the responsibility to ensure that evidence intrinsic to determining the cause of death of the specimen is not unnecessarily disturbed.
- The reporting of dead specimens is required to enable the Service to determine if take is reached or exceeded and to ensure that the T&Cs are appropriate and effective. Initial notification must be made to the Service's Law Enforcement Office below. Additional notification must be made by email to the Service's Ecological Services Field Office.
- Care should be taken in handling sick or injured individuals and in the preservation of specimens in the best possible state for later analysis of cause of death or injury.

Tracey Woodruff
Special Agent
U.S. Fish & Wildlife Service - Law Enforcement
176 Croghan Spur, Suite 200
Charleston, SC 29407
(843) 300-0412
(864) 323-4991 (cell)
tracey_woodruff@fws.gov

Melissa Chaplin
Recovery Team Lead
U.S. Fish and Wildlife Service
South Atlantic-Gulf Region (Region 4)
South Carolina Ecological Services Field Office
176 Croghan Spur Road, Suite 200
Charleston, SC 29407
Direct Phone Line: 843-906-7991
melissa_chaplin@fws.gov

South Carolina Ecological Service Field Office
843-727-4707
charleston_regulatory@fws.gov

10. CONSERVATION RECOMMENDATIONS

Section 7(a)(1) of the ESA directs Federal agencies to use their authorities to further the purposes of the ESA by conducting conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary activities that an action agency may undertake to avoid or minimize the adverse effects of a proposed action, implement recovery plans, or develop information that is useful for the conservation of listed species. The Service offers the following recommendations that are relevant to the listed species addressed in this Opinion and that we believe are consistent with the authorities of the Corps.

CR #1. We recommend that the Town collaborate with the Service and our partners on future shorebird research and shorebird beach management opportunities and promote shorebird conservation in the local community.

11. REINITIATION NOTICE

Formal consultation for the Action considered in this Opinion is concluded. As written in 50 CFR Section 402.16, reinitiation of formal consultation is required where discretionary Corps involvement or control over the Action have been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the Action that may affect listed species or critical habitat in a manner or to an extent not considered in this Opinion; (3) the Action is later modified in a manner that causes an effect to a listed species or critical habitat not considered in this Opinion; or (4) a new species is listed or critical habitat designated that may be affected by the Action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease until reinitiation.

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Tweel, A. 2020. September 16, 2020, email from Andrew Tweel, SCDNR to Melissa Chaplin, USFWS SCESFO regarding benthic impacts.

13. APPENDICES

13.1. APPENDIX A: Dog Restricted Access Areas



Figure 13-1. Proposed dog restricted access areas on Pine Island and the Fish Haul Creek area shorelines along Port Royal Sound.



Figure 13-2. Proposed dog restricted access area on Pine Island.



Figure 13-3. Proposed dog restricted access area at Fish Haul Creek.

13.2. APPENDIX B: Sea Turtle Lighting Surveys

Original Area Proposed for Restrictions



Town of Hilton Head Island
Beach Areas Restricted as a Condition of the Beach Renourishment Permit
January 2025



TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, S.C. 29928
PHONE (843) 341-4600
Date Created: Thursday, January 23, 2025

2,000 1,000 0 2,000 4,000 6,000 Feet



The information on this map has been compiled from a variety of sources and is intended to be used only as a guide. It is provided without any warranty or representation as to the accuracy or completeness of the data shown. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion or for any losses arising from the use of the map.

Original Area Proposed for Restrictions



Pine Island



TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, S.C. 29928
PHONE (843) 341-4600
Date Created: Thursday, January 23, 2025

Town of Hilton Head Island
Beach Areas Restricted as a Condition of the Beach Renourishment Permit
January 2025

2,000 1,000 0 2,000 4,000 6,000 Feet



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Original Area Proposed for Restrictions

Fish Haul Beach Park

Maxar, Microsoft



TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, S.C. 29928
PHONE (843) 341-4600
Date Created: Wednesday, January 22, 2025

Town of Hilton Head Island
Beach Areas Restricted as a Condition of the Beach Renourishment Permit
January 2025

2,000 1,000 0 2,000 4,000 6,000 Feet



The information on this map has been compiled from a variety of sources and is intended to be used only as a guide. It is provided without any warranty or representation as to the accuracy or completeness of the data shown. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion or for any losses arising from the use of the map.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

South Carolina Ecological Services Field Office
176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407

<https://www.fws.gov/office/south-carolina-ecological-services>



In Reply Refer to:
FWS/R4/ES/SCFO/2023-0091041

January 15, 2025

LTC Robert Nahabedian, District Engineer
U.S. Army Corps of Engineers
69A Hagood Avenue
Charleston, SC 29403

Attn: Chelsea Fannin

Re: Town of Hilton Head Island Island-wide and Pine Island Beach Renourishment Project– Beaufort County, South Carolina – Biological and Conference Opinion Amendment

Dear Lieutenant Colonel Nahabedian:

This letter constitutes an amendment to the August 8, 2025, Biological and Conference Opinion (BO/CO) for the Town of Hilton Head's 2025 Island-wide Beach Renourishment project. This amendment of the Terms and Conditions (T&Cs) of the BO/CO is based on correspondence and meetings between the U.S. Fish and Wildlife Service (Service), the Town of Hilton Head Island (Town), and the Town's consultants. The following T&Cs are substituted for T&Cs 4-7 of the August 8, 2025, BO/CO. Changes to the original text are underlined.

T&C#4. The Town will implement the revised and approved Town of Hilton Head Shorebird Conservation and Management Plan (Plan) from 2015 before project construction begins unless another written agreement between the Town, Service, and Corps is reached in the interim. The Plan will include one permanent, year-round dog restricted access area along the Fish Haul Creek shoreline of Port Royal Sound to minimize existing and future human recreational disturbance to piping plovers, red knots, and other shorebirds. The specific location will be finalized in coordination with and approved by the Service. This area falls within the Town's jurisdiction (Appendix A, Figure 13.1). The Town or its contractor will install signage at nearby beach access points and above the spring high tide line to delineate where the restricted area begins. The Town will also install signage and/or marked buoys at the mid-tide and low-tide lines to delineate the area when the tide is below the high-tide line.

SOUTHEAST REGION 4

ALABAMA, ARKANSAS, FLORIDA, GEORGIA, KENTUCKY, LOUISIANA, MISSISSIPPI, NORTH CAROLINA,
SOUTH CAROLINA, TENNESSEE, PUERTO RICO AND THE U.S. VIRGIN ISLANDS

- T&C#5. The Town will work with the Service and its shorebird partners to develop a positive messaging campaign regarding the changes to dog rules along the Fish Haul Creek shoreline to reduce human recreational disturbance to shorebirds. Available resources can be found at <https://sos.atlanticflywayshorebirds.org/resources/>.
- T&C#6. The Town will hire a contractor or use qualified Town staff (approved by USFWS) to conduct shorebird surveys. Seasonal abundance and distribution surveys for piping plovers and rufa red knots will be conducted during project construction (if applicable depending on construction timing) and for a period of five years post-construction. Surveys will start in August of 2025 before construction starts on the Port Royal Sound shoreline (Pine Island and Fish Haul Creek). Two surveys spaced one to three days apart will be conducted monthly between August and May around mid-month as tide and weather conditions allow. The survey area will include beach monument markers HI- 25 through HI- 39 and Pine Island from Dolphin Head Recreation Area to Park Creek. Surveys should be scheduled to start within an hour after high tide when birds will still be concentrated, but starting to forage so legs will be easier to see for re-sighting bands. Survey data will be filled out on the datasheet in the field and entered in the corresponding Excel forms in a database provided by the Service's SCESFO. Survey data will be provided to the Service's SCESFO annually by July 31.
- The survey area must be surveyed for recreational use to document implementation of beach management practices and human recreational disturbance. Disturbance surveys will follow the Atlantic Flyway Disturbance Project Standard Operation Procedures (available at <https://sos.atlanticflywayshorebirds.org/data-collection/>). Points for point counts will be selected with input from the SCESFO. Point counts will be conducted during regularly scheduled surveys once a month August through May for the duration of the seasonal abundance and distribution surveys. Band combinations (flags, flag color, flag code, band color, and band code) on any banded shorebirds will be recorded and photographed.
- T&C#7. The Town will hire a contractor or use qualified Town staff (approved by USFWS) to conduct roosting habitat surveys and identify and maintain posted areas in key roosting habitat. Roosting habitat surveys will be conducted and mapped before project construction and after on an annual basis until the next

island-wide renourishment cycle. The Town or its contractor will seasonally post and maintain roosting habitat that is consistently occupied. Signs and string (if applicable) for posted areas will be checked during monthly surveys or after king tide and/or storm events to make sure signs and string (if applicable) are still intact. Posted areas will need to be relocated as appropriate as habitat conditions change.

Figures 13.1 and 13.2 in Appendix A on page 85 are removed and Figure 13.3 is replaced with Figure 13.1 below.



Figure 13.1 Dog Restricted Access Area along Fish Haul Creek Shoreline

Thank you for your continued interest in the conservation of threatened and endangered species. If you have any questions regarding this consultation, please contact Melissa Chaplin of this office at 843-906-7991 or Melissa_Chaplin@fws.gov.

Sincerely,

A handwritten signature in black ink that reads "Christy Johnson-Hughes". The script is cursive and fluid, with the first name "Christy" being more prominent than the last name.

Christy Johnson-Hughes
Project Leader

 Revised Area Proposed for Restrictions



Maxar, Microsoft

ATTACHMENT 5

 Revised Area Proposed for Restrictions

 Original Area Proposed for Restrictions



Town of Hilton Head Island
Beach Areas Restricted as a Condition of the Beach Renourishment Permit
January 2025



TOWN OF HILTON HEAD ISLAND

Town Council

TO: Town Council
FROM: Missy Luick, Director of Planning
VIA: Shawn Leining, Assistant Town Manager
CC: Marc Orlando, Town Manager
DATE: February 04, 2025
SUBJECT: Consideration of an Ordinance to Amend Title 16 of the Municipal Code of the Town of Hilton Head Island, the Land Management Ordinance, to amend Chapter 16-4, Use Standards, to add a new Adaptive Re-Use Hotel/Motel Conversion Program as Section 16-4-106

RECOMMENDATION:

Town Council consider First Reading of an Ordinance to Amend Title 16 of the Municipal Code of the Town of Hilton Head Island, the Land Management Ordinance, to amend Chapter 16-4, Use Standards, to add a new Adaptive Re-Use Hotel/Motel Conversion Program as Section 16-4-106.

BACKGROUND:

On December 11, 2024, applicant Chris Breen, with Blue Hour Housing, submitted a proposed text amendment to LMO Sections 16-4, Use Standards, and 16-10, Rules of Measurement, to allow for a new use to be established called Adaptive Re-Use Hotel/Motel Conversion, and to establish minimum unit sizes for the use.

On September 16 and 24, 2024, Town Council held workshops to review the LMO Amendments Plan, including an amendment to allow the adaptive reuse of hotels/motels for multifamily housing. Currently, properties that are developed as hotels/motels and are no longer suited for such use have limited reuse options. These reuse options are limited to the zoning of the property and generally include other commercial, retail, or office uses, group living, and residential allowances of varying densities depending on the zoning district.

Based on comments and direction provided by Town Council at the workshops, Town staff has drafted a proposed code amendment to allow the adaptive reuse of hotels/motels for multifamily housing. This Town staff proposal has been introduced to the Planning Commission and is pending a public hearing review at their February 19, 2024, meeting.

Recently, representatives of Blue Hour Housing advised their desire to submit their own proposal for a hotel/motel adaptive reuse amendment. As expressed to Town staff, doing so would allow Blue Hour Housing to propose regulations meeting their needs and allow more control of the review schedule.

PROPOSED TEXT AMENDMENT:

The proposed amendment would create a new use called Adaptive Re-Use Hotel/Motel Conversion that is permitted on properties located within the:

1. Low to Moderate Density Residential (RM-4) District;
2. Moderate Density Residential (RM-8) District;
3. Moderate to High Density Residential (RM-12) District;
4. Community Commercial (CC) District;
5. Light Commercial (LC) District;
6. Main Street (MS) District;
7. Sea Pines Circle (SPC) District;
8. Medical (MED) District;
9. Mitchelville (MV) District;
10. Planned Development Mixed Use (PD-1) District;
11. Waterfront Mixed-Use (WMU) District; and
12. Stoney (S) District.

Further, the proposal would allow and require the following:

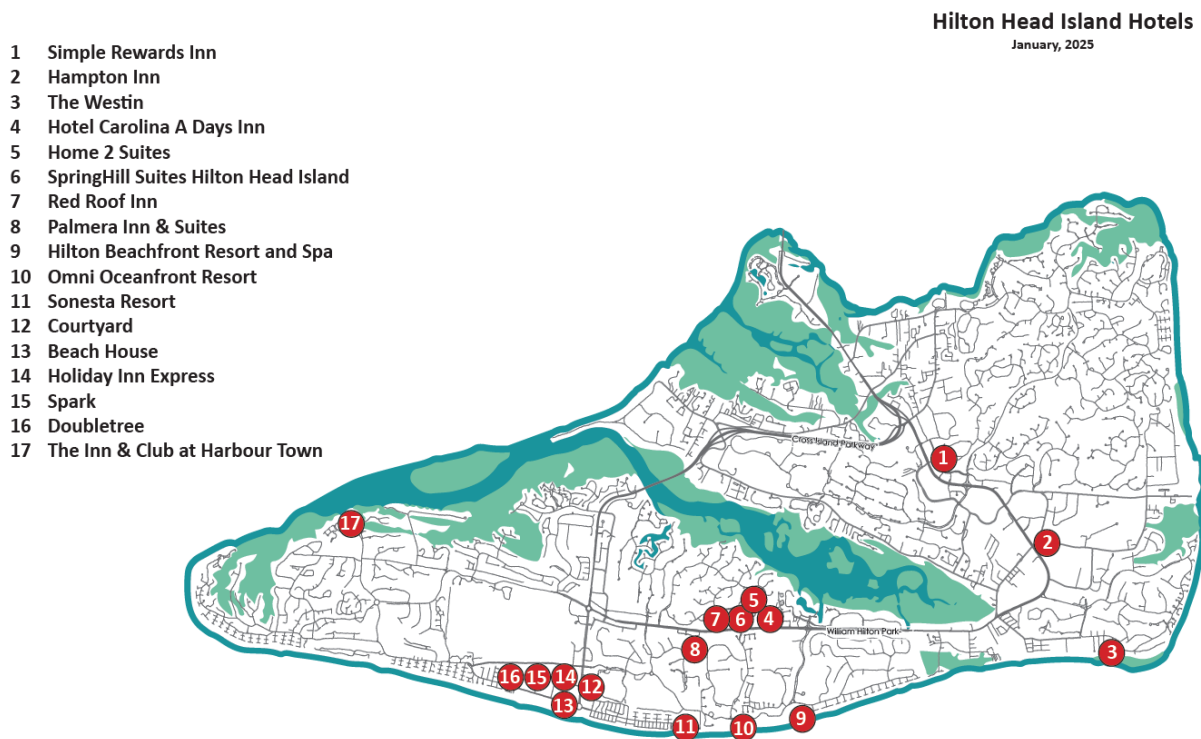
1. Allow the conversion of existing hotels and motels to a Multifamily Residential Use at a 1 guest room to 1 dwelling unit density conversion ratio.
2. Existing guest rooms are not permitted to be reduced or increased in size in order to increase the number of units; however, it is permitted to combine multiple dwelling units into a singular dwelling unit.
3. 6% maximum required building square footage dedicated as interior communal space requirements. Elevators, hallways, stairwells, and other areas used exclusively for ingress and egress cannot be counted towards the square footage for this requirement.
4. Maximum required open space shall be provided at a rate of 10% of the building square footage.
5. No less than twenty-five (25%) percent of the dwelling units in the development shall be occupied by at least one person that is a full-time employee of a lawfully licensed business located within the Town of Hilton Head.
6. Minimum unit sizes are as follows:

Unit Type	Adaptive Re-Use Hotel Motel Conversion Program Minimum Unit Size
Micro Efficiency	210 square feet
Studio	300 square feet
1-bedroom	420 square feet
2-bedroom	562 square feet
3-bedroom	698 square feet

ANALYSIS:

The use is proposed in the twelve (12) zoning districts as previously listed. All of the districts currently allow multifamily development, some with conditions, with the exception of the PD-1 District. Further, hotels are currently not permitted uses in 7 of the proposed 12 districts proposed for this Adaptive Re-Use Hotel/Motel Conversion. Hotels are not permitted uses in the RM-4, RM-8, RM-12, CC, MED, PD-1 and SPC Districts.

Below is a map depicting Hilton Head Island hotel properties.



The Adaptive Re-Use Hotel/Motel Conversion proposes a 1 guest room to 1 dwelling unit density conversion ratio with conditions. Hotel density is 35 rooms per net acre. Existing residential density varies within the 12 districts proposed for this Adaptive Re-Use Hotel/Motel Conversion and ranges from 4 to 16 dwelling units per net acre. An Adaptive Re-Use Hotel/Motel Conversion will likely result in residential densities that exceed the existing residential density allowances per district.

The proposal calls for a minimum off-street parking requirement of 1 off-street parking space for each guest room. The LMO requires multifamily off-street parking as follows: 1.4 spaces for a 1-bedroom dwelling unit; 1.7 spaces for a 2-bedroom dwelling unit and 2 spaces for 3-or more bedroom dwelling units.

There is no minimum amount of interior communal space or exterior open space required in the proposed amendment. These amenities provide quality to the living space, similar to requirements for other residential development. Adaptive Re-Use Hotel/Motel Conversion is proposed to require a maximum of 6% of the building square footage to be dedicated as interior communal space, which excludes elevators, hallways, stairwells, and other areas used exclusively for ingress and egress from being counted towards the square footage for this requirement. Also proposed is a maximum open space requirement calculated at a rate of 10% of the building square footage.

Although the proposed amendment does not require compliance with the Town Workforce Housing Program, 25% of the dwelling units in the development shall be occupied by at least one person that is a full-time employee of a lawfully licensed business located within the Town of Hilton Head Island.

PLANNING COMMISSION REVIEW & RECOMMENDATION:

On January 15, 2025, the Planning Commission held a Public Hearing to consider the Blue Hour Housing text amendment application to allow an adaptive Re-Use Hotel/Motel Conversion. During the public hearing, Town staff and the applicant made presentations to the Planning Commission, the public was provided an opportunity to make public comment, and after deliberation, the Planning Commission, on a 5-3 vote, made a recommendation of denial to Town Council with a request that the applicant and Town staff come together for a solution.

APPLICANT PROPOSED MODIFICATIONS:

On January 17, 2025, Blue Hour Housing, submitted an email with proposed modifications to the Text Amendment as reviewed and recommended by Planning Commission. This email is included as Attachment 3. These amendments include:

1. Amend text to "No less than 75% of the dwelling units in the development shall be occupied by at least one person that is a full-time employee of a lawfully licensed business located within the Town of Hilton Head."
2. Add "Laundry facilities" to excluded communal space areas.
3. Add line of text that says "existing hotel and motel lobbies are permitted as communal space if they are renovated to be dedicated as communal living space dedicated for tenant use."

TOWN COUNCIL ACTIONS:

Section 16-2-103.B.2.e of the LMO provides review and decision procedures for Text Amendments and states the following:

1. The Town Council shall review the application, staff report, and Planning Commission recommendation, and make a final decision on the application. If the applicant proposes a change or departure from the text amendment that is different than what was reviewed by Planning Commission the change or departure shall first be submitted to the Planning Commission for review and recommendation in accordance with State law. The Town Council's decision shall be one of the following:
 - a. Adopt an ordinance approving the Text Amendment; or
 - b. Adopt a resolution denying the Text Amendment.
2. If the applicant proposes a change or departure from the text amendment that is different than what was reviewed by Planning Commission, the application shall be remanded to the Planning Commission for review of and a recommendation on the proposed changes and departures. The Planning Commission shall deliver its recommendation on the proposed changes and departures to the Town Council within 30 days after the remand; if the Planning Commission fails to do so, it is deemed to have recommended approval of the proposed changes and departures.

Town Council has the following options when considering this agenda item. These include:

1. Approve First Reading, allowing the ordinance to advance to Second Reading.
2. Adopt a resolution denying the text amendment.
3. Adopt a motion remanding the text amendment application to the Planning Commission for review of and a recommendation on the proposed changes and departures. Should this be the will of Town Council, the item will be place on the February 19, 2025, Planning Commission agenda and then will be placed on the March 4, 2025, and March 18, 2025, Town Council agendas.

ATTACHMENTS:

1. Proposed Ordinance
2. Applicant Adaptive Re-use Text Amendment
3. Proposed Resolution
4. Applicant Text Amendment Narrative
5. Applicant's Email from January 17, 2025

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND TO AMEND CHAPTER 16 OF THE MUNICIPAL CODE, THE LAND MANAGEMENT ORDINANCE, TO ADD SECTION 16-4-106 TO ESTABLISH AN ADAPTIVE RE-USE HOTEL/MOTEL CONVERSION PROGRAM AND TO AMEND SECTION 16-10, RULES OF MEASUREMENT, FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Council for the Town of Hilton Head Island, South Carolina, has identified a continued need for the adoption of LMO Amendments to address needs and issues in the Town as such arise; and,

WHEREAS, on December 11, 2024, Chris Breen, with Blue Hour Housing, submitted a request for a proposed text amendment to the Land Management Ordinance (LMO) Sections 16-4, Use Standards, and 16-10, Rules of Measurement, to allow for a new use to be established called Adaptive Re-Use Hotel/Motel Conversion, and to establish minimum unit sizes for the use.

WHEREAS, on January 15, 2025, the Planning Commission held a Public Hearing to consider the proposed amendments related to the conversion of hotels/motels to housing, and the public had an opportunity to comment on the proposed amendments, and the Planning Commission voted 5-3 to recommend denial of the amendments to the Town Council; and,

WHEREAS, adaptive reuse amendments are zoning tools to encourage revitalization of underutilized or vacant buildings with the purpose of transforming them into valuable community assets; and,

WHEREAS, the Town Council seeks to amend the Land Management Ordinance to expand the regulations to encourage commercial conversions of hotels/motels into multi-family housing units; and,

WHEREAS, the Town Council finds it is in the best interest of the Town and its citizens, residents and visitors to amend Land Management Ordinance by adding provisions related to the conversion of hotels/motels into multi-family housing.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS HEREBY ORDERED AND ORDAINED BY AND UNDER AUTHORITY

OF SAID TOWN COUNCIL, AS FOLLOWS:

Section 1. Amendment. That the Land Management Ordinance is amended as shown on Exhibit “A” to this Ordinance. Newly added language is illustrated with double underline and deleted language is illustrated with ~~strikethrough~~.

Section 2. Severability. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE
TOWN OF HILTON HEAD ISLAND ON THIS ____ DAY OF _____, 2025.**

THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA

Alan R. Perry, Mayor

ATTEST:

Kimberly Gammon, Town Clerk

First Reading:

Second Reading:

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Chapter 16-4: Use Standards

Sec.16-4-106. Adaptive Re-Use Hotel/Motel Conversion Program

A. Adaptive Re-Use Hotel/Motel Conversion Program Purpose

The purpose of the Adaptive Re-Use Hotel/Motel Conversion Program is to conditionally permit the redevelopment of older hotels and motels into useable, safe and efficient multifamily housing, thereby advancing efforts to address attainable housing shortages through the rehabilitation of existing facilities while limiting the environmental impact of new construction.

B. Adaptive Re-Use Hotel/Motel Conversion Program Specific Conditions.

A property owner may elect to convert existing hotel or motel uses to multifamily use according to the standards in this Section 16-4-106 of the **Ordinance** provided that the applicant complies with the conditions stated herein.

- i. Applicable only to existing hotels and motels in place at the time of the adoption of this Ordinance.
- ii. Approved applications under the Adaptive Re-Use program shall not be used as a **Short-Term Rental Property** as defined in the Municipal Code Section 10-2-20(6).
- iii. The Adaptive Re-Use Hotel/Motel Conversion Program is permitted on properties located within the Low to Moderate Density Residential (RM-4) District, Moderate Density Residential (RM-8) District, Moderate to High Density Residential (RM-12) District, Community Commercial (CC) District, Light Commercial (LC) District, Main Street (MS) District, Sea Pines Circle (SPC) District, Medical (MED) District, Mitchelville (MV) District, Planned Development Mixed Use (PD-1) District, Waterfront Mixed-Use (WMU) District, and Stoney (S) District.
- iv. **Development** under the Adaptive Re-Use Hotel/Motel Conversion Program shall comply with the Commercial Conversion Standards of Sec. 16-10-102.B.1, and there are no limitations on the number of units that can be Micro-Efficiency and/or Studio units.
- v. **Site Design Review and Specifications. Development** under the Adaptive Re-Use Hotel/Motel Conversion Program shall, at a minimum, be in compliance with the following development standards:
 - a. For all projects subject to the requirements for Adaptive Re-Use Hotel/Motel Conversion Program, all properties shall be subject to the health and safety regulations as stated by the Building Official, the Fire Marshal and the Floodplain Manager.
 - b. The State of South Carolina Existing Building Code (IEBC) and other applicable codes and regulations.
 - c. Except as otherwise provided in this Section, a **change in use** of a **structure** pursuant to the Adaptive Re-Use Hotel/Motel Conversion Program shall be required to comply with Chapter 16-5 of the **Ordinance** to the extent reasonably practical. In such circumstances where an existing **structure** is or, upon conversion under the Program will be, a **nonconforming structure**, the

Applicant shall make reasonable efforts to eliminate the nonconformities and lessen the extent of any such nonconformities to the extent reasonably practical. Examples of existing nonconformities that may not be reasonably practical to eliminate include, but are not limited to the following: setbacks, buffers, and lot coverage.

d. A hotel or motel converted to a multi-family residential development under the Adaptive Re-Use Hotel/Motel Conversion Program shall be entitled to a density conversion ratio of up to 1 **guest room** to 1 **dwelling unit** if the following requirements are met:

i. Existing guest rooms are not permitted to be reduced or increased in size in order to increase the number of units; however, it is permitted to combine multiple dwelling units into a singular dwelling unit.

ii. 6% maximum required building square footage dedicated as interior communal space requirements. Elevators, hallways, stairwells, and other areas used exclusively for ingress and egress cannot be counted towards the square footage for this requirement.

iii. Maximum required **open space** shall be provided at a rate of 10% of the building square footage.

iv. No less than twenty-five (25%) percent of the **dwelling units** in the **development** shall be occupied by at least one person that is a full-time employee of a lawfully licensed business located within the Town of Hilton Head.

e. Notwithstanding anything to the contrary in Table 16-5-107.D.1 of this Ordinance, a **change in use** pursuant to the Adaptive Re-Use Hotel/Motel Conversion Program shall require a minimum of 1 off-street parking space for each **guest room** in the **development** prior to conversion (1 per guest room).

Chapter 16-10: Rules of Measurement

Sec.16-10-102. Rules of Measurement

B. Density

1. Commercial Conversion

For conversion of non-residential square footage (commercial conversion) to residential or mixed-use development, density shall be based on the existing gross floor area and the minimum unit sizes established below:

Minimum Unit Sizes

Unit Type	Market-Rate Conversion Minimum Unit Size	Workforce Housing Conversion Minimum Unit Size	Adaptive Re-Use Hotel/Motel Conversion Program Minimum Unit Size
Micro Efficiency	NA	280 square feet	210 square feet
Studio	NA	400 square feet	300 square feet
1-bedroom	800 square feet	560 square feet	420 square feet

2-bedroom	1,075 square feet	750 square feet	562 square feet
3-bedroom	1,330 square feet	930 square feet	698 square feet

2. Density

A measurement of intensity of the **development** of a **parcel** of **land**, calculated by dividing total number of **dwelling units** by the **net acreage** of the **parcel** for residential **development**; by dividing the total number of guest rooms by the net acreage of the **parcel** for **hotel development**; and by dividing the total number of square feet of **gross floor area** by the **net acreage** of the parcel for other nonresidential **development**. In **mixed-use** developments, acreage allocated to residential **use** shall not be used to calculate nonresidential **density**, and acreage allocated for nonresidential **uses** shall not be used to calculate residential **density**; and acreage allocated to **hotel use** shall not be used to calculate other nonresidential **density**, and acreage used for other nonresidential **uses** shall not be used to calculate **hotel density**. Where residential and nonresidential **uses** are combined in a single **building**, the **density** of each **use** within the **building** shall be calculated separately. When computation of the **density** results in a fraction, the result shall not be rounded up to the nearest whole number.

(Revised 5-17-2016 - Ordinance 2016-07)

3. Gross Floor Area

The area within the inside perimeter of the exterior walls of a **building** or other **structure** with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky. Unless expressly provided otherwise, **gross floor area** is measured in square feet.

4. Net Acre

A measurement of the area of a **parcel** of **land**. A **net acre** includes all **land** and fresh water **wetlands** lying within the perimeter boundary of the **parcel**.

(Revised 11-4-2020 - Ordinance 2020-26)

A RESOLUTION OF THE TOWN OF HILTON HEAD ISLAND

2025-____

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND DENYING THE APPLICATION FOR ZONING TEXT AMENDMENT WHICH REQUESTS AN AMENDMENT TO CHAPTER 16 OF THE MUNICIPAL CODE, THE LAND MANAGEMENT ORDINANCE, TO ADD SECTION 16-4-106 TO ESTABLISH AN ADAPTIVE RE-USE HOTEL/MOTEL CONVERSION PROGRAM AND AMEND CHAPTER 16-10, RULES OF MEASUREMENT.

WHEREAS, on October 7, 2014, the Town Council did adopt a new Land Management Ordinance (LMO); and

WHEREAS, on December 11, 2024, Chris Breen, with Blue Hour Housing, submitted a request for a proposed text amendment to the Land Management Ordinance (LMO) Sections 16-4, Use Standards, and 16-10, Rules of Measurement, to allow for a new use to be established called Adaptive Re-Use Hotel/Motel Conversion, and to establish minimum unit sizes for the use.

WHEREAS, the Planning Commission held a public hearing on January 15, 2025 at which time a presentation was made by staff, the applicant, and an opportunity was given for the public to comment on the proposed text amendment application; and

WHEREAS, the Planning Commission, after consideration of the presentations by the applicant and staff and the criteria set forth in Section 16-2-103, voted 5-3-0 to recommend that Town Council deny the proposed text amendment application; and

WHEREAS, after due consideration of said text amendment application and the recommendation of the Planning Commission, the Town Council, upon further review, finds that the requested zoning text amendment does not meet the criteria as set forth in Section 16-2-103 of the LMO.

NOW, THEREFORE, BE IT, AND HEREBY IT IS, RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THAT THE TOWN COUNCIL HEREBY DENIES THE PROPOED TEXT AMENDMENT APPLICATION.

MOVED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS _____ DAY OF _____, 2025.

THE TOWN OF HILTON
HEAD ISLAND, SOUTH
CAROLINA

Alan R. Perry, Mayor

ATTEST:

____Kimberly Gammon, Town Clerk

Public Hearing: January 15, 2025

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____

Adaptive Re-Use Hotel/Motel Conversion Program

Text Amendment To The Hilton Head Island Land Management Ordinance (LMO)

Hilton Head Island, SC
December 2024

Prepared By:
Blue Hour Housing
Richardson LaBruce (Finger, Melnick, Brooks & LaBruce, P.A.)

Overview

Hilton Head Island's Housing Challenges: Hilton Head's workforce faces several challenges including long commute times, poor living conditions, and overcrowding, which have led to staffing shortages for businesses on the Island. Rent prices have forced the workforce to live in areas far from work, such as Bluffton and Okatie, which leads to long commute times, increased transportation costs for employers, and traffic congestion. On Island, many workers are forced to live in overcrowded and substandard conditions so they can afford rent in areas close to where they work. These workers are critical to sustaining Hilton Head's businesses and driving future growth. Without them, businesses may be forced to limit operating hours or even shutdown.

Changes to Current Zoning: The existing Hilton Head Workforce Housing (WFH) Program has not adequately addressed these housing challenges. Many of the program's restrictions like minimum room sizes, specific unit mix requirements, and limitations on which members of the workforce can live in the converted properties have contributed to the lack of utilization for this program. A text amendment to the LMO that enables conversions of hotels to workforce housing will allow all members of Hilton Head's workforce to live affordably on Island, with high livability standards, without the need for Town funding.

Hotel Conversion Opportunity: Many hotels have struggled to perform in recent years due to the growth of hotel supply on the Island, rising expenses, and declining room rates. This has led to several select service hotels being under-capitalized over the years. While a lack of investment in these hotels could pose a problem for the Island, it also creates a unique opportunity for adaptive reuse into multifamily housing.

These hotels make ideal candidates for conversion to housing through their efficient layouts, central locations, and reduced costs compared to new construction. First, utilization of more efficient studio and 1-BR units will reduce overcrowding in large units (3-BR+ apartments, condos, or homes) on the Island and free up those units for families who need larger spaces. Second, these hotels are well positioned on the Island in central locations, often close to bike paths and the trolley route, which will make it easier for future tenants to commute to their jobs on Island. Finally, adaptive reuse of hotels enables developers to deliver housing without any Town subsidies, allowing Town dollars to flow towards other initiatives including partnering on new development.

By converting these hotels to residential use through addition of kitchens in each room and upgrades to residential building code, Hilton Head Island can ensure livability standards while solving one of the largest challenges the island faces – lack of obtainable housing. These conversions have proven to be effective across the country, including in many resort communities such as Vail, CO, Breckenridge, CO, Miami, FL, Cape Cod, MA, and Las Vegas, NV, among others.

Key Outcomes: Studio and 1-BR units focused on the Island's workforce will allow both domestic and international workers to live affordably on the Island, which is an opportunity that is increasingly unavailable. Increased housing availability will reduce commute times, improve living conditions, and increase satisfaction for the Island's workforce, ultimately reducing worker shortages and turnover, allowing Hilton Head businesses and community to thrive into the future.

Ordinance Text Amendment Review Standards

In determining whether to recommend that Town Council adopt or deny the proposed text amendment, the Planning Commission may weigh the relevance of and consider whether the proposed Text Amendment addresses the following items:

a. Is in accordance with the Comprehensive Plan

Housing is a core component of the Comprehensive Plan. The word “housing” is mentioned 234 times in Hilton Head’s Comprehensive Plan and the need for additional supply of housing is well-documented. This text amendment will fulfill the Comprehensive Plan’s goals of creating Additional Housing Supply (Obtainable efficiency units) through Commercial Redevelopment (Hotel conversions) using Zoning Incentives (Increased density) without the need for Town funding. Key statements from the Comprehensive Plan that address each underlined area are included below:

Additional Housing Supply

- “The Town is actively seeking opportunities to foster an increase in housing to accommodate the needs of existing and future populations.” (Pg. 61) and this text amendment will enable this goal.
- The Workforce Housing Strategic Plan suggests the Island should set a goal to facilitate constructing 200 total net new, obtainable housing units yearly. (Pg. 61)
- Availability / Affordability was the top mention of impediments to housing on the Island. (Pg 65)
- Many young professionals and families are also settling or working in Bluffton, Hardeeville, Savannah, and other communities in between. Recently, the Island has seen a decrease in its available workforce and many service jobs go unfilled. (Pg 139)
- Encourage a variety of housing types to meet the needs of the population. (Pg 144)
- Identify methods to support construction of new workforce housing by 2024. (Pg 146)
- Work toward regional solutions to workforce housing issues that result in the construction of quality workforce housing. (Pg 185)

Commercial Redevelopment

- Through the workforce housing initiative, Town planners have been looking at ways to make the redevelopment of commercial properties more accessible to allow for housing and other commercial opportunities. (Pg 74)
- Monitor areas that have high concentrations of aging structures to target for potential redevelopment. (Pg 144)
- Research opportunities to encourage property owners of dilapidated structures to rehabilitate and convert the buildings to workforce housing as a means to provide both redevelopment and additional housing. (Pg 144)
- Continue to encourage re-purposing or revitalization of existing commercial spaces/structures or buildings through flexibility or incentives for redevelopment. (Pg 144)
- Monitor trends in housing development to provide housing options that meet market demands. (Pg 144)

Zoning Incentives

- Opportunities for the economy “leverage ways to attract young professionals and families so more people live and work on the Island”
- Evaluate opportunities for diversity in housing costs and transportation modes by establishing incentives for redevelopment of abandoned and underutilized spaces. (Pg 159)
- Create incentives and/or public/private partnerships for redevelopment with goals of diversity in housing types and cost, and types of transportation modes. (Pg 172)
- Encourage employer assisted housing programs to entice more employees of various professions (teachers, police officers, fire fighters, etc) to live within Town limits. (Pg 159)
- The Town should continue to assess development standards and building codes to foster private sector development of needed and diverse, obtainable housing options. (Pg 196)

As shown in the numerous references above, creating pathways to redevelop properties through adaptation of the zoning code is critical to alleviate the housing shortage on Hilton Head Island. This amendment takes properties with a current use that has many shared characteristics with residential properties and adapts these properties to be fully suitable for long-term use. Further, these conversions do not require capital investment from the Town, which allows capital to be allocated towards furthering other parts of the Comprehensive Plan.

b. Is required by changed conditions

Over time, hotels have struggled to perform financially due to the growth of select service hotel keys on the island, rising expenses, and declining room rates. For example, when the Home2 Suites and SpringHill Suites were developed along William Hilton Pkwy, the neighboring hotel properties (Days Inn and Red Roof Inn) suffered significant declines in profitability and value. This has occurred across the Island and has led to several hotels being under-capitalized over the years. While a lack of investment in these hotels poses a current problem for the Island, it also creates a unique opportunity to convert these properties into housing and through adaptive reuse. The other changed condition is the lack of obtainable housing options on the Island that has been an issue for over 5 years now with no other solution in sight. This issue will only get worse if not addressed and the best way to solve it is to increase housing supply. Given the lack of developable land, adaptive reuse is an attractive solution.

c. Addresses a demonstrated community need

The word “housing” is mentioned 234 times in Hilton Head’s Comprehensive Plan and the need for additional supply of housing is a well-documented community need. As stated in the Comprehensive Plan, “14,500 commute onto the Island for work. The demands of the tourism economy and service industry requiring a large workforce is evident; however, with little obtainable housing, higher cost of living, or by choice, many people employed on the Island live elsewhere.” (Pg 76) Further the Comprehensive Plan looks to “improve transit and housing to meet workforce needs” (Pg 141) These conversions will increase obtainable housing on-Island and reduce commuter traffic.

d. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the Town

Similar to the Workforce Housing Program, which was approved for higher density housing, the proposed districts where this amendment applies are Low to Moderate Density Residential (RM-4) District, Moderate

Density Residential (RM-8) District, Moderate to High Density Residential (RM-12) District, Community Commercial (CC) District, Light Commercial (LC) District, Main Street (MS) District, Sea Pines Circle (SPC) District, Medical (MED) District, Mitchelville (MV) District, Planned Development Mixed Use (PD-1) District, Waterfront Mixed-Use (WMU) District, Stoney (S) District. These districts would all benefit from an increase in housing supply, specifically to ensure that businesses are able to sustain within and around them.

e. Would result in a logical and orderly development pattern

The proposed text amendment only pertains to currently developed sites that are set up for accommodations. This text amendment only pertains to the redevelopment of hotels that are underperforming due to newer product in the market, through reuse to solve one of the Town's most pressing needs, housing. Therefore, this would not result in a disorderly development pattern on the Island as it will not be of interest to most other hotel owners. This text amendment enables the conversion of underperforming hotels into multifamily, preventing these properties from falling into further disrepair. Through multifamily conversion with large capital improvements, the Town can ensure the longevity and safety of these properties, while guaranteeing that they meet community standards.

f. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment

This text amendment does not propose to change the existing topography for any properties, other than minor site modifications that may be required for accessibility/ADA compliance and additional open space for tenants. Environmental resources and hazards should not be affected. It should be noted that many of these hotel sites have functioned well for 25+ years.

FAQ

Why are there no income restrictions?

We believe that these units are naturally occurring obtainable housing given the room sizes. Income restrictions would restrict many essential Island workers from the opportunity to rent these units due to income that is too high or too low. We do not want any of the units to sit vacant and limiting the units to a small subset of workers / wages could create an issue. Instead, this text amendment focuses on maximizing usability and protecting units for individuals or families whose primary residence is on Hilton Head Island and are working on the Island. We have found that municipalities that have focused more on prioritizing local workforce housing vs prioritizing income restrictions have had more success in addressing their housing needs.

Will this cost the Town anything financially?

These conversions do not require any capital or subsidy from the Town. This will allow for the town to allocate capital to other projects, while still supporting the goal of increasing housing supply on Island for all members of the Hilton Head Community.

Can units be used for short-term rentals?

No, units are not permitted to be used as short-term rentals. As is, units are already being used for short-term rentals so this would eliminate those temporary uses.

How will this text amendment ensure additional housing for Island workforce?

A minimum of 25% percent of the dwelling units in a conversion shall be occupied by at least one person that is employed by a lawfully licensed business located within the Town of Hilton Head. Paired with the length of stay requirement, we expect these properties to be filled almost entirely with people who are working on the Island.

Why is there a 1:1 conversion?

A 1:1 conversion is key to maintaining obtainable pricing. When units are combined, that rent is shared across all the remaining units at the property, driving up rental rates for the other tenants. Additionally, combining units creates increased costs. 1:1 density will allow developers to minimize renovation costs due to room layout changes, which will maximize the ability to provide rents affordably.

Why is there a reduction in minimum room size compared to the Workforce Housing Conversion Program?

Similar to the 1:1 conversion reasoning above, the minimum unit sizes ensure rooms do not have to be combined to meet unit size requirements. More units and less construction keeps rents obtainable. Often when units are combined, they don't reduce the number of people living in those rooms, rather it forces residents to share fewer cooking facilities. We believe the current minimum room size has prohibited most developers from utilizing this program due to the heavy cost burden of reconfiguring room layouts.

Why is this not a part of the Workforce Housing (WFH) Program?

The Workforce Housing Program was designed for new development and conversion of commercial properties but was not written with specific consideration for hotels. This program has put limitations on size of units and income limits which restrict who is able to live in the units, leading to a lack of program utilization. The goal of this conversion program is to create a simple, efficient process by which hotels on the Island can convert to

long-term housing, with an opportunity to increase Hilton Head's housing capacity. Creating a simplified, easier to administer process, with appropriate language to ensure the intent of the text amendment is met, will reduce the Town of Hilton Head's nearly impossible burden of managing and monitoring properties and their tenants.

Who will be living in the units?

We expect both domestic and international workforce, which are key to Hilton Head Island's businesses to live at the property. These tenants will be individuals throughout all stages of their life, specifically providing an opportunity for individuals out of college to live, work, and establish roots on the Island. Rooms are expected to have either 1 or 2 individuals living in them. These units will be for long-term tenants. We expect converted properties to contain a mix of furnished and unfurnished units based on tenant needs.

Why is there only one parking spot required per room?

These units will be focused on housing 1 or 2 people, who are domestic or international workers. For the rooms rented to international workforce (H-2B), there will not be a need for cars. Given this, we expect most tenants to not have a car and therefore will not need a parking space. These properties are located near bike paths and trolley stops which encourage tenants to utilize bikes and public transportation to get around the Island. Traffic congestion should be alleviated with more people living on the Island and using intra-island forms of transportation rather than needing to drive onto the Island each day.

What will be included in the units?

All units will be required to include personal kitchens, which will be equipped with a stove / stovetop, refrigerator, sink, and microwave. Each unit will also have its own private / attached bathroom and closet. While not required, we expect conversion renovations to include new paint, flooring, hardware, bathroom finishes, among other items.

What will the building code requirements be for a conversion?

The change of use to residential will require the building to have fire and life safety systems that are up to code. This includes sprinklers, emergency exit, and fire alarm systems. In addition, buildings will address ADA needs, and any other building code requirements need for a change of use.

How fast can these units be converted?

Unlike new construction, a hotel property can be converted into housing in less than 6 months. This is vastly faster than the time needed for new construction projects, which can take years. A program like this can quickly reduce the housing shortages Hilton Head Island currently faces.

What amenities will be provided to ensure livability?

The proposed amendment requires 6% of building square footage is dedicated as interior communal space. In addition, 10% of the property shall be dedicated as open space. Examples of amenities that may be provided may include a gym, bike storage areas, excess storage facilities, shared laundry facilities, indoor lounge area, outdoor picnic tables, pools, and other gathering spaces.

Prospective Property Map

Although there are multiple properties that could be converted using this text amendment, many will likely not be converted as there are several factors such as whether the property is up for sale, the purchase price, the capex required for conversion, and the location, among others that will limit the feasibility. As shown below, this amendment is effectively limited to five hotels, The Days Inn, Simple Rewards, Hampton Inn, S.R. Hotel, and the Red Roof Inn. As properties phase out over their lifetime and new supply is added, other properties may become feasible candidates for conversion.



From: [Chris Breen](#)
To: [Shawn Leininger](#); [Missy Luick](#); [Trey Lowe](#)
Cc: [Matt Karle](#); [Shea Farrar](#)
Subject: Hotel Conversion Text Amendment Follow Up
Date: Friday, January 17, 2025 5:29:35 PM
Attachments: [image001.png](#)
[image003.png](#)
[Hotel Motel Conversion Text Amendment Comparison.pdf](#)

THIS MESSAGE ORIGINATED OUTSIDE YOUR ORGANIZATION

Shawn, Missy, & Trey – Thank you for the incredibly productive call earlier. We know it was scheduled on short notice and are very appreciative of the time you spent with us. I think it aligned us well on a potential pathway to accomplish the end goal of bringing additional housing to Hilton Head dedicated to the Island’s workforce.

We know you all have a great understanding of the Town’s needs through many conversations including Town Council member meetings and our goal is to receive your support on the text amendment put forth. To do this, and as a follow up to the call, I am including proposed next steps below. Apologies ahead of time for the length!

Timeline

- Town Council Meeting: February 4
- Planning Commission Meeting: February 19
- Town Council Meeting: March 4
- Town Council Meeting: March 18

Key Takeaway: We discussed the importance of this timeline, specifically starting with a February 4 Town Council meeting, to align our vision, gain Town Council feedback, and ensure that this is not pushed to a May timeframe.

Text Amendment Comparison

Attached to email.

Proposal to Align Text with Staff’s Amendment

- Goal: Ensure that the text amendment secures Workforce Housing / Housing for Hilton Head’s Workforce
 - Proposal: Amend text to “No less than 75% of the dwelling units in the development shall be occupied by at least one person that is a full-time employee of a lawfully licensed business located within the Town of Hilton Head.”
 - *Note: This allows for flexibility if someone wants to move and find a job, loses a job, retires, etc. This also ensures that we are providing housing for those that work in the community without tying to AMI restrictions that inhibit financing, are administratively burdensome, and don’t allow for employers to lease any units for workforce. Given 60-80% of AMI in Beaufort County is \$42,375-56,500, this would preclude a large number of workers (either living alone or with another person) across industries on the island.*
- Goal: Ensure there is adequate livability, namely communal space, for tenants
 - Proposal: Add “Laundry facilities” to excluded communal space areas. Add line of text that says

“existing hotel and motel lobbies are permitted as communal space if they are renovated to be dedicated as communal living space dedicated for tenant use.”

- *Note: Is the “Maximum required” language acceptable for staff? Our goal is to not have more than 6/10% be required and we felt that minimum allowed for this. In our view, staff will and is able to enforce a maximum required of 6/10%. If not, we are amendable to a change if staff’s view is that “minimum” cannot be used to create additional restrictions such as 15% interior space, which would make a project not feasible.*
- Goal: Ensure that there is adequate parking for tenants
 - Proposal: We proposed defining this as 1 parking spot per room with the understanding that unit sizes restrict capacity, current property layouts require this, and international workforce will likely not have cars, reducing parking need. This eliminates any subjectivity and ensure projects can move forward with a clear understanding of requirements.

Key Takeaway: Quickly work with staff on how to amend text proposed by Blue Hour to align with staff’s views based on their discussions. With alignment and staff’s support of the amendments, request that Town Council discuss proposal as amended, move back to Planning Commission on February 19, with amended text reconsidered at the March 4th Town Council meeting.

Please let us know when you are ready for a follow up discussion next week. We can be available at your earliest convenience and are hopeful that we can take the lead here to reduce workload for you all. Looking forward to finding alignment on this and appreciate the opportunity to discuss. Please let me know if I can provide any additional information.

Thanks,
Chris

Chris Breen

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