

From: Patel, Swati <SwatiPatel@gov.sc.gov>
To: Pisarik, Holly <HollyPisarik@gov.sc.gov>
Schimsa, Rebecca <RebeccaSchimsa@gov.sc.gov>
CC: Smith, Austin <AustinSmith@gov.sc.gov>
Date: 6/28/2016 10:35:08 AM
Subject: FW: Thursday's Meeting at Hilton Head Plantation

From: Tom Davis [mailto:tdavis@harveyandbattey.com]
Sent: Friday, June 24, 2016 3:57 PM
To: Vonkolnitz, Elizabeth
Cc: Heigel, Catherine E.; Patel, Swati; Reece, Myra; mshahid@nexsenpruet.com; Peter Kristian
Subject: RE: Thursday's Meeting at Hilton Head Plantation

Ms. Vonkolnitz:

I appreciate your reply to the email I sent two weeks ago. You continue to refer to "the unauthorized extension," ignoring the role the OCRM played in where the revetment was placed, and why. You mention the 2011 consent order, but not the specific on-site advice given to the HHP-POA's contractor as to where the revetment could go. I am amazed the OCRM feels no sense of responsibility for the actions of its agent, on which HHP-POA clearly relied.

You claim to appreciate the urgency of the issues facing HHP, but I don't think you do. Aside from the residents' loss of access to a valuable amenity, sand is now being deposited into the marsh, destroying marsh grasses; private residences are now exposed to tides; and the stormwater management plan is severely compromised. Nothing in your email alleviates these immediately pressing problems.

The HHP-POA has retained Mary Shahid of Nexsen Pruet to represent its legal interests in this matter, and I am copying her with this email. Given the OCRM's moral and legal obligations in this matter, I hope the agency works with Ms. Shahid to figure out a way to allow the HHP-POA to replace the revetment that was expressly authorized by Ms. Lamaker and further allow the sand fence that was permitted in 1999 to remain in place. These common sense interim actions will at least stop the bleeding pending approval of a longer-term solution.

Tom Davis
State Senator for District 46

From: Vonkolnitz, Elizabeth [mailto:vonkoleb@dhec.sc.gov]
Sent: Friday, June 24, 2016 3:32 PM
To: Tom Davis
Cc: Heigel, Catherine E.; SwatiPatel@gov.sc.gov; Reece, Myra
Subject: Re: Thursday's Meeting at Hilton Head Plantation

Senator Davis -

Thank you for your email concerning Hilton Head Plantation (HHP). We appreciate the urgency of the issues facing HHP, and seek to address these types of coastal management challenges in a collaborative manner. I hope that the information below will provide context for the Department's position and create a common understanding of our actions to date.

On June 9, 2016, we met on site at HHP to discuss circumstances surrounding the extension of the revetment placed along the beach between HHP and Pine Island. In a 2011 Consent Order, HHP acknowledged the extension was not an authorized activity and agreed to remove the extension.

Based on our discussions at the June 9 meeting, the Department agreed to provide additional analysis and determine whether any other considerations could be given for the area. We have been working internally to provide the most thorough evaluation of the circumstances, as requested.

While permitted erosion control structures can protect coastal property and infrastructure from erosion, they do so at the expense of the long-term health of the critical areas. The structures themselves can intensify erosional problems in their immediate vicinity, and in areas updrift and downdrift of the structure. Revetments interrupt the natural sand transport pathways and increase velocity along the face of the structure. At this particular site, the continued extension of the revetment increases scouring and exacerbates erosional conditions. This can result in the loss of dry sand along the spit to Pine Island and cause breaching to the estuarine marsh system.

We have and continue to be committed to working with HHP to provide information regarding options to protect the beach and the access to Pine Island. Attached is an outline of our communications with HHP. Other alternatives are available that would provide this protection of the shoreline without long term adverse effects from hardened erosion control devices.

HHP currently has an active permit that allows for renourishment from an upland source. Under this existing permit, HHP has approximately 8,000 cubic yards of sand available for placement at the site to address the emergency situation. After the June 9 meeting, we worked quickly with resource agencies to amend the existing state renourishment permit on June 10. This amendment allows for renourishment during the summer turtle nesting season. In addition, staff communicated with the US Army Corps of Engineers to ensure they were aware of the need for an expedited amendment to the existing federal permit, and provided the appropriate contact to HHP for obtaining the necessary amendments to allow this work. This existing permit would allow placement of sand at the site for a temporary fix until a larger renourishment project could be accomplished. The unauthorized extension, however, will first need to be removed as agreed.

We have strongly encouraged the submittal of a renourishment project application to provide a longer-term solution to the erosion issues at the site. As discussed, we will work as expeditiously as possible for a review of any project but must comply with the laws for public notice and coordination with other resource agencies.

Also mentioned in correspondences, the sand fencing installed at the site under its current configuration is not consistent with laws meant to ensure the protection of nesting sea turtles. We were informed by resource agencies charged with protection of these species that the fencing poses a danger to these threatened species and therefore must be removed as it currently exists. We have let HHP know that sand fencing may be reinstalled at the site; however, it must be authorized by a permit and constructed in a manner so as not to impede turtle nesting. We have provided HHP with information on the configuration and materials that could be permitted for use and again, will work to expedite any application received.

We recognize the challenges that come with managing these natural systems and the impacts on property owners. We appreciate your involvement in this important matter and look forward to a collaborative resolution.

Sincerely,
Elizabeth

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