

# IMPLICATIONS OF BLUESTEIN V SULLIVAN'S ISLAND LAWSUIT MEDIATION SETTLEMENT<sup>1</sup>

## SUMMARY

**BEFORE THE SETTLEMENT** The Town's Management Plan for the land in the 190-acre protected land trust provided for limited thinning of vegetation in the first 100' between the property line of front beach property owners and the beach. Outside of this so-called 100' Transition Zone, no cutting was allowed, except for the annual trimming of myrtles and groundsel to 5' and removal of invasive species.

**AFTER THE SETTLEMENT** Cutting is expanded within the Transition Zone. Cutting of trees is allowed outside of the Transition Zone for the first time. The lawsuit settlement covers all vegetation in the 2-mile stretch from station 16 to 28.5 from property lines seaward (approx. 150 acres).

**THE RESULT:** *Thousands of trees and countless shrubs will be removed. Diversity of trees and shrubs that are necessary for birds, insects and other species to thrive will be eliminated.*

**Public safety will be reduced** by removing the most important protection from the island's #1 threat: hurricane storm surge. The height, density, coverage and type of vegetation, "the vegetative wall", absorbs the wave energy and reduces how far storm surge penetrates inland.

With the removal of storm surge protection, **FEMA Flood Rates can be expected to increase island-wide, and the financial risk significantly increases** for damage to homes, public property & infrastructure during storms.

As the water table rises, with fewer trees and shrubs to absorb standing water through their roots, **standing water and risk from mosquito-borne illness will increase.**

**Taxpayers are on the hook** to 1) Hire an engineering firm to survey the land and delineate wetlands, create design plans to clear the land and control erosion, and work with regulatory agencies to secure permits for the entirety of the 150-acre settlement area 2) Implement and maintain the design plan in the 100' Transition Zone and along beach paths 3) Oversee the implementation and maintenance of the design plan outside of the Transition Zone.

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### TRANSITION ZONE (from first 100' from property line seaward from Station 16 to 28.5) <sup>1</sup>

Transition Zone in the first 40'	BEFORE	AFTER
Tree Size/Type removed:	ALL trees < 6" diameter removed Cedars & Pines of all sizes removed	ALL trees removed, excluding 16"+ diameter "Live" Oaks, Magnolias & Palmettos
Bushes & other vegetation	Removed, regardless of size or type	Removed, regardless of size or type
Heavy Machinery Allowed	n/a	YES <sup>2</sup>

Transition Zone In the next 60'	BEFORE	AFTER
Tree Size/Type removed:	ALL trees < 3" diameter removed	ALL trees removed, excluding 16"+ diameter "Live" Oaks, Magnolias & Palmettos
Bushes & other vegetation	Underbrush and most myrtles removed	Removed, regardless of size or type
Heavy Machinery Allowed	n/a	YES

**THE RESULT in the Transition Zone:** hundreds of more trees and countless shrubs and other vegetation will be removed than were allowed to be removed in the pre-mediation management plan. Taxpayers are on the hook to implement and maintain every 5 years.

<sup>1</sup> Excludes private and publicly owned properties that extend to the ocean, such as the Lighthouse/Coast Guard property, SIES, and private properties between Stations 20-22.5

<sup>2</sup> Heavy machinery allowed: see page 5 of the settlement <https://sullivansislandsc.suiteonemedia.com/Web/UserControls/DocPreview.aspx?aid=235>

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**Outside of the 100' Transition Zone, between Station 16 and 28.5**, the Settlement breaks down the area from the Transition Zone seaward into three Zones (see below).

The size (as measured by diameter) of the trees to be removed varies by Zone <sup>3</sup>

Outside of 100' Transition Zone Station 16 to 28.5	BEFORE	AFTER
Cedar, Pine, Hackberry Trees	No cutting allowed	All removed under a certain size (12", 16", 18" diameter by Zone)
Myrtles	Myrtles (& groundsel) cut to 5' once per year (Mar – Nov)	50% removed; all others cut to 5'
Live Oaks, Magnolias & Palmettos	No cutting allowed	All removed under 6" diameter (exception: between Station 16 and 1715 Atlantic)
All other tree species	No cutting allowed <sup>4</sup>	ALL removed under a certain size (6", 8", 10" diameter by Zone). This will prevent any future trees AND will eliminate all tree species that seldom or never grow this large:  Hercules Club, Yaupon, cherry Laurel, Carolina Willow, Red Bay, Mulberry. Yet the Settlement says it will "improve diversity".

<sup>3</sup> Each of these Zones includes private or publicly owned properties that extend to the ocean, such as the Lighthouse/Coast Guard property, SIES, private properties between Stations 20-22.5

<sup>4</sup> Town does remove non-native invasives, esp. popcorn tree (Chinese Tallow) and privet throughout the accreted land.

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### ZONES

**Zone 1:** Station 16 beach path to 1715 Atlantic (western edge of property line)

**Zone 2:** 1715 Atlantic (western edge) to, and including, SI Elementary School (SIES) property

**Zone 3:** SIES property (eastern edge) to Station 28.5 beach path

**THE RESULT** Outside the Transition Zone: *thousands of trees and countless shrubs will be removed. Diversity of trees and shrubs necessary for birds, insects and other species to thrive will be eliminated.*

**Public safety will be reduced** by removing the most important protection from the island's #1 threat: hurricane storm surge. The height, density, coverage and type of vegetation, "the vegetative wall", absorbs the wave energy and reduces how far storm surge penetrates inland.

With the removal of storm surge protection, **FEMA Flood Rates can be expected to increase island-wide, and the financial risk significantly increases** from damage to homes, public property & infrastructure during storms.

As the water table rises, with fewer trees and shrubs to absorb standing water through their roots, **standing water and risk from mosquito-borne illness will increase.**

Outside the Transition Zone, **taxpayers are on the hook** to 1) Hire an engineering firm to survey the land and delineate wetlands, create design plans to clear the land and control erosion, and work with regulatory agencies to secure permits for the entirety of the 150-acre settlement area 2) Oversee the implementation and maintenance of the design plan (on a block-by-block basis, Town to do the cutting, if sufficient funds are donated).

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### BEACH PATHS:

**Town-owned:** All vegetation to be removed 4' on either side of town-owned beach paths/boardwalks.

**Private:** to be maintained at a width of 6.5' plus additional understory may be cleared to a maximum of 2' on either side. Town to do the cutting if sufficient funds are donated.

This will result in clearance of wildflowers and shrubs that butterflies and bees depend upon.