

Appeal under way to allow Kiawah revetment

COLUMBIA -- Conservationists fought in court today to stop what they see as the first step in the development of 50 homes on an unstable portion of Kiawah Island.

Chief Administrative Law Judge Ralph Anderson III heard opening arguments by attorneys for the Kiawah Development Partners, the state Department of Health and Environmental Control and the Coastal Conservation League. The Kiawah developers appealed DHEC's December decision to allow only 10 percent, or 270 feet, of the construction of an erosion barrier. The developers want to build a 2,783-foot bulkhead and revetment to stop erosion next to Beachwalker Park.

The judge can decide whether to uphold DHEC's decision, allow the developers to construct the full length of the barrier or require the agency to take another look at the situation. The hearing is expected continue the rest of the week. Anderson won't likely rule from the bench, so a decision will come sometime later.

Developers attorney Trenholm Walker said DHEC should have based its decision on the barrier itself, not any "alleged" effects of residential development. Any new home construction would have to go through a separate vetting process, Walker said. He also said that the town's zoning laws allow for residential development on the undeveloped spit of dunes at Kiawah's southwestern end, an area near Capt. Sam's Inlet that has grown faster than the rest of the island.



"What's before the court is the effects of the revetment," Walker said.

The agency must, however, make its decisions in the true-life context, said Davis Whitfield-Cargile, an attorney for DHEC's Office of Ocean and Coastal Resource Management.

Additionally, the Conservation League argued that the barrier and subsequent development would put marine life, specifically diamond terrapins turtles and piping plover birds, in jeopardy. A 40- to 80-year cycle would put future homes under a breach that the barrier couldn't protect, said league attorneys Amy Armstrong and James Chandler Jr.

In addition to calling witness Leonard Long, executive vice president for Kiawah Development, Walker is expected to call on experts to testify on the lack of impact on marine wildlife.

Long said the state coast is dotted with "hundreds and hundreds" of revetments. The one his company is proposing would include holes where vegetation could grow to give it a natural appearance that could harbor wildlife. He relied on the reputation of Kiawah's longtime investors for their environmental protections, such as strict beachfront development setback requirements.

The conservationists are expected to call on witnesses to discuss the marine wildlife issues and the spit's instability.