



Administrative Law Judge Halts his Decision Authorizing Construction at Captain Sams Spit

For Immediate Release:
April 16, 2016

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CHARLESTON COUNTY, SC (April 16, 2016) – Administrative Law Judge Ralph K. Anderson, III issued an order staying the construction of a 2,873 foot long vertical bulkhead that he authorized in March. In his Amended Order on Remand, dated March 22, 2016, Judge Anderson gave approval to the structure after being directed by the Supreme Court to consider their December 2014 ruling. On March 23, the day after the Judge issued his opinion, the Coastal Conservation League (“CCL”), represented by the South Carolina Environmental Law Project (“SCELP”), filed motion asking the Judge to stay the effect of his decision. On April 15, after CCL and Kiawah Development Partners, II (“KDP”) submitted written arguments, Judge Anderson issued an order preventing the construction of the vertical bulkhead he approved.

Judge Anderson’s Order on Remand comes after the Supreme Court’s 2014 ruling that the public benefits from protecting the Kiawah River shoreline in its natural condition and that coastal resources such as the Spit must be used to the maximum benefit of the public rather than solely benefiting a private developer. The Supreme Court has previously halted construction on the spit at CCL’s request, and the Judge’s decision was based on these prior rulings. Amy Armstrong, chief counsel for SCELP says that the order “is necessary to prevent destruction and degradation of a valuable public resource and is consistent with the Supreme Court’s prior decisions.”

Dana Beach, Executive Director of the Coastal Conservation League says: “We remain committed to protecting this beautiful, fragile, and unstable dune field from the damage this massive wall would cause. Kiawah Island, and South Carolina, can’t afford to have multi-million dollar houses built in this dangerously erosional location, and we cannot accept the loss of irreplaceable wildlife habitat from this ill-conceived project.

CCL and SCELP also filed a notice of appeal of Judge Anderson’s Order on Remand in the Court of Appeals, while simultaneously filing a motion to transfer the appeal to the Supreme Court.

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