



Administrative Law Judge Puts Captain Sams Spit Back in Jeopardy

The legal saga around proposed development on the pristine southern tip of Kiawah Island adds another chapter, with conservation groups and citizenry united in fighting against the latest judicial opening for the developers

For Immediate Release:
March 31, 2016

Contact: Amy E. Armstrong, Esquire
Director, S.C. Environmental Law Project
(843) 527-0078 Amy@scelp.org

CHARLESTON COUNTY, SC (March 31, 2016) – Captain Sams Spit on Kiawah Island is a pristine barrier island and critically important public trust resource providing habitat to a variety of rare, threatened and endangered species, including Red Knots, Loggerhead Sea Turtles, and strand-feeding Bottlenose Dolphins. Captain Sams Spit also has been the site of controversy and the subject of ongoing litigation for nearly a decade. The Coastal Conservation League, represented by the South Carolina Environmental Law Project (“SCELP”), has challenged each of the numerous permits issued to the Kiawah Development Partners (“KDP”) and their affiliates by S.C. Department of Health and Environmental Control (“DHEC”) authorizing construction activity in connection with the developer’s proposal to build a high-end residential development on the undeveloped, highly dynamic Captain Sams Spit. Most recently, SCELP, on behalf of the League, filed a notice of appeal of Administrative Law Judge Anderson’s Amended Order on Remand in the Court of Appeals, while simultaneously filing a motion to transfer the appeal to the Supreme Court.

Judge Anderson’s Amended Order on Remand authorizes KDP to construct a 2,873’ vertical bulkhead along the Kiawah River and a 270’ concrete block revetment extending 40’ into the critical area at Beachwalker Park. This decision 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. Amy Armstrong, chief counsel for SCELP, says that “Judge Anderson’s ruling crafts a new permit without any evidentiary support and runs contrary to the clear directives and sound analysis from the Supreme Court’s 2014 ruling.”

SCELP, for the League, has asked the Supreme Court to review the appeal of the Amended Order on Remand given that the case involves issues of significant public interest and legal importance, and that the Court is already intimately familiar with the factual and legal issues of the case. Judge Anderson issued the Amended Order on Remand on March 22, 2016. On March 23, 2016, SCELP, for the League, filed a motion for a stay of Judge Anderson’s decision. On March 30, 2016, SCELP filed the notice of appeal and motion to transfer to the Supreme Court.

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.

The **South Carolina Environmental Law Project** protects the natural environment of South Carolina by providing legal services and advice to environmental organizations and concerned citizens and by improving the state’s system of environmental regulation.