



Press Release

FOR IMMEDIATE RELEASE

September 25, 2018

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*Administrative Law Judge Authorizes Development on Captain Sams Spit
for the Third Time*

CHARLESTON, SC – In a setback for Captain Sams Spit on Kiawah Island, Administrative Law Judge Ralph King Anderson, III, issued a Final Order and Decision on September 24, 2018, authorizing the construction of a road, steel sheetpile wall, and other infrastructure to facilitate a 50-house development on the pristine and fragile barrier island spit.

For more than a decade, the South Carolina Environmental Law Project (SCELP) and the Coastal Conservation League have fought senseless construction to protect a fragile resource, public access, and wildlife habitat. The first case went to the Supreme Court four times, with the groups ultimately prevailing, resulting in a ruling in April that concluded that the public benefits to preserving the Spit outweighed any benefits to developing it. And for the second time, the Justices rebuked Judge Anderson's prior decisions.

In an about face of the Supreme Court's ruling, the Administrative Law Court (ALC) concluded that the "economic benefits of developing the upland" outweigh preservation of the riverbank and Spit, authorizing the project to proceed. The ALC acknowledged that "the Spit is geographically and morphologically unstable and that inlets are the most dynamic part of barrier islands." And Judge Anderson recognized that the neck of the Spit has been eroding on the river side, resulting in a consistently decreasing width for the road and infrastructure access corridor. For example, between 2006 and 2016, when DHEC last took critical area measurements, the access corridor had shrunk from 97.52 feet to 29.25 feet.

"While the permit was issued base on DHEC's May 2016 critical line measurements, nearly two and a half years has passed. As time has passed, even more of the shoreline has eroded, and now the road cannot be built without impacting DHEC's critical area. Yet the permit is conditioned on the project having no impacts on the critical area. The ALC's ruling simply fails to address this reality of a consistently and severely eroding shoreline, along with the dangers of building in a vulnerable location. If we learn one thing from the natural disasters currently threatening our state, it is that we should not place people and structures directly in harm's way, particularly in the era of sea level rise, regular hurricanes, and major flooding," SCELP's Executive Director Amy Armstrong said.

“Judge Anderson’s decision is poorly-timed and insensitive. South Carolinians and coastal communities are right now struggling to keep their homes safe and dry from violent storms, rising tides, and severe erosion,” Coastal Conservation League Executive Director Laura Cantral said. “In the last 10 years, Captain Sams has lost 68 feet of land leading out to the Spit. This decision puts future homeowners at risk and threatens to destroy one of the state’s last undeveloped stretches of coastline.”

“Captain Sams is no place for 50 houses, a road, walls, and utility lines. It must be preserved for strand-feeding dolphins, sea and shorebirds, and present and future South Carolinians. Despite this decision, the fight is not over, and we won’t rest until the Spit is saved,” she said.

The groups plan to appeal the decision. They are filing a motion asking Judge Anderson to stay the effect of his Order while it is on appeal today.

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The **South Carolina Environmental Law Project (SCELP)** is a nonprofit public interest law firm, dedicated to the protection of the South Carolina's environment. Its mission is to protect 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.

The **Coastal Conservation League** is a nonprofit advocacy organization dedicated to protecting the coastal resources of South Carolina. Its mission is to protect the state’s natural landscapes, abundant wildlife, clean water and quality of life. Since 1989, the Conservation League has carried out this mission by working with citizens, local government and the state legislature.