

BERESFORD CREEK FLOODPLAIN WETLAND FILL

The Clements Ferry corridor is rich with environmental, historical, and cultural treasures that have, until recently, remained untouched by development.

CASE BRIEF

On behalf of the Coastal Conservation League, we are challenging a permit for a commercial development that stands to destroy an extensive wetland system in the Clements Ferry corridor.

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Nestled between thousands of acres of tributaries, creeks, tidal marsh, and freshwater wetlands, the Clements Ferry corridor has a history older than the settlement of Charleston itself. But the corridor is now seeing increasingly more development pressure, even though much of it falls within a designated floodplain.

This case seeks to protect floodplain wetlands under threat in this special area. Beresford Creek, one of the largest tributary systems along the corridor, connects the Cooper River at Clouter Creek to the Wando River and has an extensive wetland system.

These floodplain wetlands serve critical functions of buffering against stormwater and maintaining water quality. Yet, in spite of deep roots in the Charleston community, a local businessman has proposed to destroy a portion of these wetlands in order to create additional buildable area to construct a commercial office and parking lot.

Dredging and filling these wetlands would destroy the area's ecological character and runs contrary to DHEC's own regulations which mandate that wetland impacts from commercial development must be avoided unless no feasible alternatives exist and the project is water dependent.

Not only does the proposed fill fail to comply with the applicable legal criteria, but it also knowingly places development in a high-risk area that is subject to flooding.

Working with our partners at the Coastal Conservation League, we publicly detailed our concerns and objections to this harmful proposal, yet DHEC granted authorization nonetheless. On October 28, 2019, after the DHEC Board refused to reconsider staff's authorization, we filed an appeal with the S.C. Administrative Law Court challenging the permit.

The proposed development is a very bad idea and its authorization is both illegal and exactly the kind of business as usual we urgently need to unshackle from as we face increased flooding.

Better leadership on wetland protection is emerging in our state and we are stepping up efforts to foster it. In the meantime, we will do all we can to ensure that existing laws and protections are enforced in this case.



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