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Hearing Set to Begin in the Fight for Gadsden Creek

CHARLESTON, S.C. — A hearing that will impact the eventual fate of Gadsden Creek, one of the last remaining tidal creeks on the Charleston peninsula, is set to begin on Monday, June 6 in Administrative Law Court in Columbia.

The South Carolina Environmental Law project is representing Friends of Gadsden Creek in a challenge of a permit issued by the South Carolina Department of Health and Environmental Control (DHEC) that authorizes the elimination of 3.923 acres of critical area which encompasses Gadsden Creek and its associated wetlands.

WestEdge Foundation, Inc., a non-profit entity created by the City of Charleston and the MUSC Foundation, obtained the Critical Area Permit and Water Quality and Coastal Zone Consistency Certifications from the state environmental agency in July of 2021 to make way for the next phase of a multimillion dollar mixed-use development.

“We have filed this lawsuit against WestEdge Foundation Inc. and DHEC to not only uphold the rule of law, but to represent the voice of the people of Charleston, who demand revitalization and reparations for Gadsden Creek and the nearby Gadsden Green community,” said representatives from Friends of Gadsden Creek. “This includes the 900+ members of Friends of Gadsden Creek, the 2,000+ attendees of the Charleston Area Justice Ministry’s 2022 Nehemiah Action (which centered the demand for the Creek’s revitalization), and the hundreds of public comments delivered to City Council, SCDHEC, and the US Army Corps of Engineers since 2018.”

Friends of Gadsden Creek alleges that DHEC ignored the plain language of critical area statutory policies and its own critical area regulations in issuing the permit and certifications. The agency also failed to apply the controlling policies of the South Carolina Coastal Zone Management Program document and its water quality regulations.

“We look forward to the community and experts voicing their objections to this project and beginning the process of scrutinizing an unfortunate decision by the Department of Health and Environmental Control,” said Ben Cunningham, staff attorney at the South Carolina Environmental Law Project.

Gadsden Creek is a navigable waterway that is home to a variety of plants and animals and is used regularly as an outdoor classroom for area schools. Its destruction could also result in the worsening of stormwater flooding according to several experts.

In addition to the environmental impact of the project, Gadsden Creek and the Gadsden Green community have a long history of racially motivated disenfranchisement, dating back to the 1870s. Friends of Gadsden Creek feels that the proposal to fill the creek continues the cycle of environmental and social injustice, by seizing what is left of a vibrant and important natural resource in the neighborhood.

“We see this fight to stop the WestEdge permit application as a necessary step to address environmental justice,” said representatives from Friends of Gadsden Creek. “A step that the City of Charleston must take in order to account for decades worth of harm inflicted on Gadsden Green residents and their surrounding natural environment.”

Further information about the legal challenge can be accessed here:

www.scelp.org/cases/gadsden-creek

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The South Carolina Environmental Law Project is a nonprofit public interest law firm. We use our legal expertise to protect land, water and communities across South Carolina. Learn more at www.scelp.org.

Friends of Gadsden Creek is a grassroots, community-led campaign opposing the destruction of Gadsden Creek, and the continued patterns of injustice inflicted upon the Gadsden Green community. Learn more at www.friendsofgadsdenecreek.com.