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Appeal filed in Captain Sams Spit Preliminary Plat Extension

KIAWAH ISLAND, SC – On Thursday, August 4, **South Carolina Environmental Law Project** filed an appeal on behalf of **PreserveKiawah, Inc.**, a non-profit group comprised of Kiawah property owners, challenging the Town of Kiawah Island Planning Commission’s July 6 decision to extend the approval of the Kiawah developers’ preliminary subdivision plat for Captain Sams Spit for another year.

The plat, initially approved in 2015, lays out plans to construct 50 single family homes on this 190-acre dynamic, teardrop-shaped isthmus located on the southern end of Kiawah Island, surrounded by the Kiawah River, Captain Sams Inlet and the Atlantic Ocean.

Captain Sams Spit is a unique and important habitat for wildlife, including diamondback terrapins, endangered red knots and bottlenose dolphins, as well as a valuable natural resource to the citizens of South Carolina. It is one of only three undeveloped publicly accessible barrier islands in the state. In the seven years since the preliminary plat was initially approved, rising sea levels have drastically changed the landscape of the island, making portions of the plan impossible to accomplish. Specifically, the neck of the Spit, which connects it to the mainland of Kiawah, has become so narrow that a road and other infrastructure cannot be constructed without impacting protected critical area or the beach/dune system.

While the plat extension does not give the developer the ability to move forward with any portion of the proposed project, it is a key component for any future development.

“We must do everything we can to ensure that the Spit remains a protected resource for current and future generations of South Carolinians who benefit from having such a valuable natural area to recreate in and enjoy,” said Amy Armstrong, Executive Director at South Carolina Environmental Law Project. “The preliminary subdivision plat is a necessary precondition for these ill-advised development plans that SCERP has been fighting for nearly 13 years. Not only has the plat approval expired, the plan cannot even be accomplished as proposed because of the significant changes to the Spit over time, as anyone who visits the Spit frequently is keenly aware.”

The appeal was filed on the following grounds:

- The Planning Commission’s extension approval was unlawful because the plat is not a “site specific development plan” under either the South Carolina Vested Rights Act or the Town of Kiawah Island’s town ordinances.
- Even if the plat did fall under the vested rights provisions of these laws, the Town of Kiawah Island lacked authority to grant any extension after the two-year vesting period had lapsed or to grant extensions beyond 7 years.

“PreserveKiawah greatly appreciates SCEL P’s representation in this appeal,” said Perry Molinoff, President of PreserveKiawah. “Our organizations are committed to work together as we seek to ensure that the pristine barrier island known as Captain Sams Spit is protected as a natural resource and habitat.”

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PreserveKiawah is a non-profit public interest group dedicated to promoting responsible development and governance of the Kiawah Island area, protecting the distinctive character of the community and preserving its unique natural environment. Learn more at www.preservekiawahisland.org.

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.