

FOR IMMEDIATE RELEASE: DECEMBER 8, 2022

## MEDIA CONTACTS

Ben Cunningham, Esquire  
South Carolina Environmental Law Project  
[ben@scelp.org](mailto:ben@scelp.org), (843) 527-0078

Tamika Gadsden or Cyrus Buffum, Co-chairs  
Friends of Gadsden Creek  
[friendsofgadsdencreek@gmail.com](mailto:friendsofgadsdencreek@gmail.com)

## **Decision Issued in Appeal of Permit to Fill Gadsden Creek**

CHARLESTON, S.C. — South Carolina Administrative Law Court Judge Ralph Anderson ruled on Monday, December 5 to uphold a permit issued to WestEdge Foundation, allowing it to proceed with filling and building on Gadsden Creek, a 3.925-acre tidal creek – one of the last remaining on the Charleston peninsula.

The South Carolina Environmental Law Project represented the grassroots community organization Friends of Gadsden Creek in the June hearing to challenge 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 the creek and surrounding saltmarsh.

Friends of Gadsden Creek argued that the decision to issue the permit and certifications violated critical area regulations, water quality regulations and policies contained in the Coastal Zone Management Program document designed to protect saltmarsh ecosystems.

WestEdge, 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 are disappointed by the Court's ruling and respectfully disagree with many of the Court's conclusions and analyses although we are glad the Court rejected the rationale DHEC employed to approve the permit in the first place,” said Ben Cunningham, staff attorney at the South Carolina Environmental Law Project. “While we are glad the Court noted that Friends of Gadsden Creek has ‘some valid concerns’ regarding this proposed project, those concerns were not given sufficient weight by the Court in its reasoning. Similarly, while we are glad the Court recognized ‘that Gadsden Creek, in its historic manifestation as a sinuous natural creek and marsh ecosystem was very important to the local community’ the Court did not properly consider how important Gadsden Creek remains to the local community today.”

“The fight is far from over,” added representatives from Friends of Gadsden Creek. “This decision is just one step in a long process. Friends of Gadsden Creek is currently considering our legal options and, in the meantime, continuing with our activism efforts. Our dedication to the protection of Gadsden Creek and fight against environmental racism in Charleston has not wavered.”

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.

“Despite this ruling, we continue to hold the City of Charleston responsible for addressing the flooding and contamination that they themselves have caused,” said Friends of Gadsden Creek. “We continue to urge the City to explore an economically viable alternative, rather paving over the last vestige of this vital wetland.”

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.

“In 1940, when homes in this area were threatened with ‘slum clearance’, John Harris and 39 other residents resisted Jim Crow power structures to sign a petition in protest,” said Friends of Gadsden Creek. “Inspired by the long-term resilience of the Gadsden Green community, we will continue in this fight until vital protections for Gadsden Creek and the surrounding community are secured.”

Further information about the legal challenge can be accessed here: [www.scelp.org/cases/gadsden-creek](http://www.scelp.org/cases/gadsden-creek)

###

*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](http://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.friendsofgadsdencreek.com](http://www.friendsofgadsdencreek.com).*