

## Potential Effects on Property Owners

Unless KDP decided to make the Captain Sam's Spit development into a gated community within a gated community, such as The Settlement, and Spit property owners agreed to maintain the infrastructure, KDP would transfer ownership of the infrastructure to Kiawah Island Community Association. Thus, all property owners would be responsible for maintenance.

By not allowing the Spit and nearby hammock islands to be removed from the Coastal Barrier Resource System, as had been proposed by the Town in 2008, federal flood insurance protection would not be available to Spit property owners for rebuilding roads or water and sewer lines after hurricanes.

Moreover, Eiser pointed out the marshes, creeks and beaches below mean high tide are held in trust by the State for all citizens of the State. The Attorney General's office is responsible for protecting the property belonging to the people. Conservation League witnesses pointed out by constructing the revetment/bulkhead in the proposed area, the citizens would no longer be able to pull their boats up on the shore, have picnics, watch the dolphins strandfeeding, fish or enjoy the beauty of the sandy beach and river in that area. In addition, the Diamondback terrapins who live in the Kiawah River would not be able to use this favored area to nest and lay their eggs.

Dr. Michael Dorcas, Associate Professor of Biology at Davidson College, NC, was called as an expert witness by CCL. Dr. Dorcas has done extensive research on Diamondback Terrapins on Kiawah. He stated the turtles lay their eggs almost exclusively in the dunes above where the revetment/bulkhead would be constructed. If the revetment were constructed, the turtles would not be able to scale the structure and access their nesting grounds in the dunes along the river, which could lead to a loss of the species on Kiawah. Judge Anderson questioned Dorcas about the fate of the turtles if the revetment were permitted. If the revetment/bulkhead were over 12 inches tall, Dorcas said the females would be unable to climb over it to lay their eggs. If the females were able to nest, the babies would not be able to climb down, over and through the revetment/bulkhead and return to the water. KDP attorney Walker pointed out South Carolina game law allows the taking of two terrapins per day, so it was perfectly legal if the Kiawah terrapins were completely eliminated as long as the bulkhead did not take out more than two per day. Dr. Dorcas said a permit to take terrapins most likely would not be issued if someone applied for it.



Diamondback Terrapin

The parties will have 30 days to write briefs in the form of proposed orders after the transcript of the hearing is received. Judge Anderson will make his decision after their receipt.

Barbara Winslow  
Editor, TALK

## Benton's Painting

R.L. Benton

843-530-1761

Licensed, Insured & Bonded

Serving Kiawah since 1979

Call today for your free estimate!

