

walker Park Revetment on April 21 and finally Kiawah Island on April 24.

Leonard Long, KRA/KDP principal, in an April 27 letter to then DHEC-OCRM Project Manager Alan Flemming, stated “I want to first clarify that the sheet pile project is not linked in any way, shape, or form to KDP, II’s application for a revetment that is currently on appeal to the Administrative Law Court. KDP, II intends to proceed with the placement of the sheet pile regardless of the outcome of the revetment permit appeal. To the extent that Thomas & Hutton, our project engineers, inadvertently suggested in its filings with your office that the sheet pile is associated with the revetment permit application, they made an error. My understanding is that they are in the process of filing a new NOI correcting this misstatement.”

The US Fish and Wildlife Service (USFWS) in a June 23 letter to DHEC-OCRM current Project Manager Greg Wahl and signed by Field Supervisor Timothy Hall, said “Given (1) the potential impact to federally and state listed species and their habitat (2) the absence of a development plan, and (3) the pristine nature of the environment in the vicinity of the proposed project, we recommend that this permit be denied.”

In a July 10 letter to Kevin Shoemake of Thomas & Hutton, Wahl asked for additional information, including the “intended purpose(s) of the sheet pile system.” Because KRA/KDP had requested a waiver from permit coverage, they were advised “the proposed sheet pile wall project would be considered part of a larger common plan for development or sale (LCP) if the project is in preparation for future development.” He pointed out the NOI indicates the project is part of a LCP, as well as Long’s April 27 letter.

Wahl further cited the SC Coastal Program Document, guideline #7, and directs DHEC-OCRM staff “to consider the possible long-range, cumulative effects of the project, when reviewed in the context of other possible development and general character of the area. He again asked for a development plan along with any proposed dock master plans so staff can evaluate the long-range, cumulative effects. Wahl pointed out the area of residential development is classified by the SC Coastal Zone Management Plan as being an area of special resource significance. Wahl asked for a new NOI to be submitted as well as other needed information.

Department of Natural Resources Coastal Environmental Coordinator Susan Davis, in her July 22 letter to Wahl, commented the southern end of Kiawah Island is used

for nesting by the federally threatened loggerhead sea turtle and pointed out the federally endangered leatherback sea turtle had been reported nesting there. Federally threatened piping plovers use the same area for foraging and roosting. SC species of highest conservation priority Wilson’s Plover, American oystercatcher, red knot and Marbled Godwit frequent the area. All these species are impacted by beach armoring, disturbance from human activity and pets and habitat loss and degradation. She requested DHEC-OCRM give these particular species “full consideration in the review of this project.”

On July 28, Kevin Shoemake of Thomas & Hutton replied to Wahl’s July 10 request for more information, responding to each technical item. KRA/KDP Attorney Trenholm Walker also sent a July 28 letter responding to the “Coastal Zone Consistency” comments in Wahl’s letter. In it, he defined the purpose of the sheet pile project: “to protect KDP’s land including a possible future road and possible utilities that might be installed at and below grade, respectively, on the south side of the sheet pile and, in particular, to try to ameliorate the potential effect of OCRM’s strategy to deny or delay permitting to thwart the possible development allowed under the zoning and other applicable laws and regulations.

Further, “The revised Notice of Intent for the sheet pile states specifically that the larger plan for development is the overall development of Kiawah Island. I refer you to Item III, B of the revised NOI signed by Ray Pantlik on April 24, 2009. The larger plan for development is certainly not the peninsula parcel alone, as indicated in your letter.”

Walker enclosed excerpts from the 2005 Town of Kiawah Island Development Agreement with KRA/KDP which “provide the general parameters of this limited residential development. It will consist of no more than 50 single family residential units that will be sited in keeping with the existing topography and landscape. (*Ed. Note: the 2005 Development Agreement (DA) may be found at www.kiawahisland.org Click on Town Documents on the left, then DA. The referenced pages are 17-23*).

“The improvements (except for a few beach access boardwalks (as are ultimately permitted) and minimal signage) will be constructed landward of the setback line and a significant distance away from the first dune adjacent to the ocean,” he continues.

“KDP has no illustration of a dock master plan nor is one needed. (*Ed. Note: On p. 22 of the DA, included in those excerpts accompanying this letter, it states, Property Owner (KRA/KDP) may construct up to 2 community*