

# KIAWAH ISLAND TALK

News and Information of Interest to KPOG Members Issue No. 191

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## Kiawah River Bulkhead?

Kiawah Development Partners II (KDP, II/KRA) has filed a Stormwater Permit Request with SCDHEC-OCRM for construction of a 340 foot corrugated steel bulkhead on the Kiawah River. If granted, the permit would allow construction of an approximately 900 foot long access road extending southeast from the end of Beachwalker Drive, to service a 340 foot bulkhead composed of 4.5 foot wide sections of sheet pile driven 35 feet into the river bed on a bend of the Kiawah River. SCDHEC-OCRM has not determined either the existence or extent of the erosion. The Critical Area Regulations define bulkhead as a retaining wall designed to retain fill material, but not to withstand wave forces on an exposed shoreline.

A March 19 letter from Thomas & Hutton, engineering firm representing KDP, II, to SCDHEC-OCRM Regulatory Programs Project Manager Richard Geer states "KDP is undertaking this effort to protect its high land along the shoreline of the Kiawah River. In our estimation, the proposed plan of action is exempt from the requirement of a stormwater permit and further meets the statutory requirements for a waiver. The proposed activity satisfies the requirements of Section 72-302, Exemptions, Waivers and Variances from Law. Specifically, Section 72-302B.1 states, 'A project may be eligible for a waiver of stormwater management for both quantitative and qualitative control if the applicant can demonstrate that the proposed project will return that disturbed area to a pre-development runoff condition and the pre-development land use is unchanged at the conclusion of the project.' "

In the following paragraph, the letter states, "Upon completion of the installation, the contractor will restore the disturbed travel path to the same slope and grade that existed prior to the installation. This scenario meets the condition "the predevelopment land use is unchanged at the conclusion of the project."

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However, in its April 2 response to Kevin Shoemaker of Thomas & Hutton, Geer wrote, "Although permanent stormwater management for qualitative and quantitative control may not be necessary, the project will require coverage under the NPDES General Permit for Storm Water Discharges from Large and Small Construction Activities (2006 CGP) prior to initiating land disturbance." The appropriate charges for submittal were delineated for documentation, followed by **"Please note that this project will be considered to be part of a larger common plan for development or sale (LCP) if it is in preparation for future development. Make sure that question III.B is answered appropriately on the Notice of Intent (NOI)."**

Ray Pantlik, Director of Development for KDP sent an e-mail to Geer on April 19, citing "what is proposed by Kiawah Development Partners, Inc. is the installation of an interlocking steel sheet pile system. The above referenced project description (i.e. Kiawah River Bend Revetment (Site Preparation), ID# 10-09-04-0) could potentially leave the reader thinking this may be a preparatory step to the construction of the larger revetment proposed last year via the Critical Permit number OCRM-08-117-E which is currently under appeal." Further, Pantlik wrote

KDP looked forward to implementing it soon "given the continued erosion occurring at this project site."

In the final Notice of Intent (NOI) filed by Thomas & Hutton, received at SCDHEC-OCRM April 24, **under Section III. Site Information, Point B asks: Is this project part of a Larger Common Plan for Development or Sale (LCP), the YES box is checked and the LCP/Overall Development Name of Kiawah Island is listed.**

Leonard Long, KDP, II principal, in an April 27 letter to Project Manager Alan Flemming, said, "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."

Approximately 70 interested citizens have appealed the permit request and asked for a public hearing on the project whose name has morphed from Kiawah River Bend Revetment to Kiawah Island Beachwalker Park Bulkhead to the current name of Kiawah Island Sheet Pile Project. No date has been announced for the hearing.