

110TH CONGRESS
2D SESSION

H. R. 6389

To modify Captain Sam's Inlet Unit M08 of the John H. Chafee Coastal Barrier Resources System in Charleston County, South Carolina, and to revise the System map relating to the unit.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2008

Mr. BROWN of South Carolina introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To modify Captain Sam's Inlet Unit M08 of the John H. Chafee Coastal Barrier Resources System in Charleston County, South Carolina, and to revise the System map relating to the unit.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS AND PURPOSE.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) The John H. Chafee Coastal Barrier Re-
6 sources System (the System) was created by Con-
7 gress when it enacted the Coastal Barrier Resources
8 Act of 1982 (CBRA). The System is a collection of

1 specific areas of land and associated aquatic habitats
2 delineated on maps adopted by Congress.

3 (2) The System was expanded by amendments
4 adopted in 1990 and currently contains 856 units
5 and areas consisting of approximately 3.1 million
6 acres of undeveloped coastal land and associated
7 aquatic habitat.

8 (3) The original non-digital System maps were
9 based on information that is now between 18 and 26
10 years old and were drawn without precision. Since
11 1990, to avoid inequities and to correct mapping er-
12 rors, Congress has enacted 17 public laws to modify
13 43 units.

14 (4) The State of South Carolina has a well-es-
15 tablished and respected coastal management pro-
16 gram to manage beachfront development. The
17 State's program is designed to protect sensitive and
18 fragile areas from inappropriate development and to
19 provide adequate environmental safeguards with re-
20 spect to the construction of facilities in the coastal
21 zone.

22 (5) Between 1988 and 1999, State and local
23 regulations did not authorize development of the
24 western end of Kiawah Island. However, in 1999,
25 South Carolina established a setback line that rep-

1 resents a detailed analysis of long-term accretion
2 trends in the area. Establishment of the setback line
3 authorized development of a portion of Captain
4 Sam’s Inlet Unit M08 that was previously not au-
5 thorized for development. In 2005, the Town of
6 Kiawah Island’s Town Council adopted a Develop-
7 ment Agreement to authorize and regulate develop-
8 ment of the area.

9 (6) Kiawah Island is a world-renowned, envi-
10 ronmental award winning community known for re-
11 sponsible and sound development.

12 (7) Kiawah Island and the associated beach,
13 dune, and hummock habitats provide a range of op-
14 portunities to increase the ecological health and
15 value to numerous native plant and animal species.

16 (8) To maintain the integrity of the System, the
17 modification of Captain Sam’s Inlet Unit M08 de-
18 scribed in section 3 and the habitat enhancement ac-
19 tions described in section 4 will increase the fish and
20 wildlife habitat value of the Unit and areas in prox-
21 imity to the Unit.

22 (b) PURPOSE.—Congress declares that it is the pur-
23 pose of this Act to enhance the ecological value of Captain
24 Sam’s Inlet Unit M08 and areas in proximity to the Unit
25 by modifying the Unit in a manner that adds 178 acres

1 and removes approximately 61.5 acres which will soon be
2 developed using a very low density approach, and by en-
3 couraging implementation of voluntary, supplemental eco-
4 logical enhancement projects. The Unit modification will
5 enable all residents of the area to be treated comparably.

6 **SEC. 2. DESCRIPTION OF CAPTAIN SAM'S INLET UNIT M08.**

7 (a) IN GENERAL.—Captain Sam's Inlet Unit M08 in-
8 cludes the area along Captain Sam's Inlet at Kiawah Is-
9 land's western end. It was created in 1982 and expanded
10 in 1990. The Unit currently includes the western end of
11 Kiawah Island, neighboring fast land to the north and as-
12 sociated aquatic habitat. Current acreage of the Unit is
13 approximately 1,182 acres, including roughly 200 acres of
14 fast land and 982 acres of associated aquatic habitat.

15 (b) UNIT M07/M07P OR BIRD KEY.—A separate,
16 much larger System unit covers the eastern portion of
17 Kiawah Island. That Unit, known as Unit M07/M07P or
18 Bird Key, is approximately 7,094 total acres, including
19 roughly 687 acres of fast land and 6,407 acres of associ-
20 ated aquatic habitat.

21 **SEC. 3. MODIFICATION OF CAPTAIN SAM'S INLET UNIT M08.**

22 (a) NET EXPANSION.—The replacement map ref-
23 erenced in section 5 expands Unit M08 by 116 acres. The
24 modified Unit increases in size from approximately 1,182
25 total acres to approximately 1,299 total acres (roughly

1 164 fast land and 1,135 associated aquatic habitat). The
2 modification represents a ratio of approximately 3 acres
3 added:1 acre removed.

4 (b) SPECIFIC CHANGES.—The replacement map ref-
5 erenced in section 5—

6 (1) adds 178 acres to the Unit—25 acres of
7 land in the northeastern corner of the Unit and 153
8 acres of associated aquatic habitat; and

9 (2) removes 61.5 acres from the Unit—39 acres
10 authorized for development by the State in 1999 and
11 rezoned by the Town of Kiawah in 2005, and 22.5
12 acres on two adjacent islands.

13 **SEC. 4. SUPPLEMENTAL PROJECTS TO ENHANCE ECOLOGI-**
14 **CAL VALUE.**

15 (a) DENSITY REDUCTIONS AND CONSERVATION
16 EASEMENTS.—

17 (1) There are existing entitlements for 44
18 dwelling units on the 25 acres of fast land that are
19 being added to the Unit. To increase the habitat
20 value of the modified Captain Sam's Inlet Unit M08,
21 the owners of this land have indicated a willingness
22 on a voluntary basis to reduce substantially these
23 entitlements and grant conservation easements to an
24 appropriate conservation organization.

1 (2) There are existing entitlements for 460
2 dwelling units on the 61.5 acres that are being re-
3 moved from the Unit. To increase the habitat value
4 of the modified Captain Sam's Inlet Unit M08 and
5 the area being removed from the Unit, the owners
6 of this land have indicated a willingness on a vol-
7 untary basis to reduce substantially these entitle-
8 ments and, as a result, reduce allowable density.

9 (b) ECOLOGICAL ENHANCEMENT.—

10 (1) A privately funded project is being devel-
11 oped to increase the ecological health and habitat
12 value of the modified Captain Sam's Inlet Unit M08
13 and related habitat in and around Kiawah Island.
14 The South Carolina Department of Natural Re-
15 sources, the U.S. Fish and Wildlife Service, and re-
16 gional and local officials and interested conservation
17 groups are being consulted about project design and
18 implementation.

19 (2) The project is being designed as a valuable
20 public-private partnership project to increase the
21 overall ecological value of habitats for a diversity of
22 native fauna and flora. Species likely to benefit will
23 range from culturally and ecologically significant
24 plant species such as sweetgrass (*Muhlenbergia*
25 *filipes*), to indicator mammalian species such as the

1 bobcat (*Felis rufus*), and declining or threatened
2 avian species such as the piping plover (*Charadrius*
3 *melodus*) and painted buntings (*Passerine ciris*).

4 **SEC. 5. REPLACEMENT OF COASTAL BARRIER RESOURCE**
5 **SYSTEM MAP RELATING TO CAPTAIN SAM'S**
6 **INLET UNIT M08 IN CHARLESTON COUNTY,**
7 **SOUTH CAROLINA.**

8 (a) IN GENERAL.—The Coastal Barrier Resource
9 System map of Captain Sam's Inlet Unit M08 that is
10 dated October 24, 1990, and included in the set of maps
11 referred to in section 4(a) of the Coastal Barrier Re-
12 sources Act (16 U.S.C. 3503(a)), is replaced by the map
13 of the unit entitled “John H. Chafee Coastal Barrier Re-
14 sources System Captain Sam's Inlet Unit M08” and dated
15 March 2008.

16 (b) AVAILABILITY.—The Secretary of the Interior
17 shall keep the replacement map referred to in subsection
18 (a) on file and available for inspection in accordance with
19 section 4(b) of the Coastal Barrier Resources Act (16
20 U.S.C. 3503(b)).

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