April 1, 2015

Senate Agricultural and Natural Resources Committee
Environmental Subcommittee
Gressette Building
1101 Pendleton Street
Columbia, South Carolina 29201

Re: Environmental Subcommittee Hearing; Senate Bill S.522; Dorchester County/Coastal Zone

Dear Senators,

Thank you for the opportunity to speak today on this important issue. My name is Andrew Wunderley and I’m Your Charleston Waterkeeper. I’m here today on behalf of the Ashley River system and its people — those who fish, swim, recreate, and earn a living from this wonderful river system.

Understanding the way the Ashley River works, it’s simply unwise to remove existing coastal zone protections from the headwaters of this system. We are opposed to bill S.522 and urge this committee to vote no.

Although, this issue is much bigger than the Ashley River and even Dorchester County — potentially effecting river systems in all 8 coastal counties — our Ashley River provides an excellent example of how the proposed bill would impact coastal river systems state wide.

The Ashley River’s watershed is huge. You’ll notice on the map that it extends through parts of Charleston County, into Dorchester County and then ends near lake Moultrie in Berkeley County. A watershed is simply an area of land that feeds all the water under it, or on it, into a waterway. All the rain that falls into this area eventually makes its way past White Point Gardens and to the Atlantic Ocean. What we do up in Berkeley County impacts Dorchester County, and finally impacts Charleston County.

In a watershed all living things — plants, animals, and humans — are connected by our relationship with water. In the headwater swamps and wetlands of a coastal river system there is almost no distinction between land and water. They’re one.
The Ashley River doesn't begin at Bacons Bridge Road. And its protections shouldn’t begin there either. The Ashley River begins just west of Moncks Corner near Lake Moultrie in the Wassamassaw Swamp. From there it flows South under 176, Interstate 26, and 78. In the Cypress Swamp it passes just Southeast of Ridgeville and bends gently East past Summerville.

This area is the Ashley River’s headwaters. Its coastal swamps and wetlands act like a giant filter for pollutants, sediment, and nutrients before they reach the lower Ashley River. They help ensure the quality of downstream tidelands and coastal waters.

From the Wassamassaw and Cypress Swamps the Ashley flows under Bacons Bridge Road and widens as it passes Old Fort Dorchester State Park, Middleton Place, Millbrook Plantation, Magnolia Plantation, and Drayton Hall.

This is the heart of the Scenic Ashley River — so designated and recognized by the General Assembly in 1998 for its unique and outstanding river resources. Along its entire length, the river provides high quality fish and wildlife habitat and harbors rare plants and animals as well as relics of our past. It provides countless recreational opportunities from fishing to paddling to sailing.

The General Assembly recognized the connection between headwater swamps and wetlands and coastal river systems when it designated our 8 coastal counties as the coastal zone in the 1970s. They understood that protecting the Ashley River’s coastal waters and tidelands wouldn't mean much without protecting its source waters in the Cypress and Wassamassaw Swamps.

Protecting a broad coastal zone is only one approach states take. Delaware and Virginia define the coastal zone more narrowly, however they also have additional protections in stand alone wetlands laws that provide special protections for coastal swamps and wetlands.

As it stands now, in South Carolina, coastal zone consistency review is the chief regulatory mechanism that requires a consideration of the relationship between upstream headwaters and downstream coastal waters and tidelands. That is a reflection of the special character of our critical area resources like those in the Ashley River and the public’s desire to maintain them in high quality for the benefit of future generations.

The Clean Water Act’s section 404 analysis is much narrower in scope, considering a project’s impact on immediate wetland areas and compensatory requirements. It does not, to my knowledge, require a broader consideration of how upstream wetland loss will impact downstream tidelands and coastal waters. That’s what coastal zone consistency review does.

Coastal zone consistency review also serves as a check on state and federal government permitting activity. We know government tries, but it doesn’t always get it right. We need this set of checks and balances on permitting activity in our coastal zone to ensure our tidelands and coastal waters are adequately protected for the public's benefit.

It makes sense that our coastal zone needs more protections. That's where the greatest development pressure was historically and is now. And coastal zone protections are especially important during this time of unprecedented population and economic growth.
Development without regard for conservation of the Ashley River’s headwater resources threatens the rivers water quality, fish and wildlife, and downstream tidelands and coastal waters. The Ashley River is one snapshot of what’s at risk if costal zone protections are rolled back from the headwater swamps and wetlands of our river systems. Similar efforts in other counties would threaten the Edisto River, the Black River, and the Pee Dee River, to name a few, unnecessarily risking coastal waters and tidelands.

The Ashley River doesn’t begin at Bacons Bridge Road. Removing protections from the headwaters of our coastal rivers undermines downstream protections for coastal waters and tidelands. Charleston Waterkeeper strongly encourages this subcommittee to vote no on bill S. 522.

Sincerely,

Andrew J. Wunderley, Esq.
Your Charleston Waterkeeper