

MINUTES  
Heritage Trust Advisory Board  
Thursday, August 20, 1987, 10:00 AM  
Rembert Dennis Building, Columbia, SC

Members Present

Sid Gauthreaux (Chairman)  
Chuck Compton  
Jack Gould  
Nell Smith  
Wade Batson  
Christie Fant  
Mike Foley (for Fred Brinkman)  
Claudette Cureton  
Fran Eargle  
Bruce Rippeteau  
Ed Drane  
James Timmerman

Members Absent

Eugene Foxworth  
John Hassell  
Michael Ray

Other Attendees

Tom Kohlsaatt  
Stuart Greeter  
Mike Creel  
Ed Duncan  
Jerry Adams  
Jean Burns  
Doug Rayner  
Marion Edmonds  
Mary Edmonds  
James Lesesne  
Charlie Sweatt  
Steve Bennett  
John Nelson  
John Cely  
Mark Dutton  
Steve Smith  
Zach Corontzes  
Thad Myers  
Ron Carter  
Arlie Porter  
Larry Robinson  
Sally Murphy  
Buford Mabry  
Jim Quinn  
Ben Gregg  
Gail Wright  
Betty Spence

Chairman Gauthreaux called the August 20 meeting of the Heritage Trust Advisory Board (HTAB) to order. Dr. Gauthreaux noted that Christie Fant would be retiring and thanked her for her efforts over the years. He then introduced Chuck Compton, Mary Edmonds, Thad Myers and Charles Sweatt. The May 12 meeting minutes were approved as presented.

Dewees Island Discussion

Dr. Timmerman passed out a chronological list of events leading up to the purchase of Capers Island and explained the process. Ed Duncan passed out copies of the original easement, original development plan and the current easement. He explained the difference between the two easements and showed slides of the view of Dewees Island from Capers Island. Charles Sweatt disagreed with the value of Capers Island when it was purchased in 1977 and indicated that the current easement was not as good as the original (a



transcript of Charles Sweatt's comments are attached to the original minutes.) Charles Compton made a motion to arrange a future HTAB meeting to discuss Dewees Island only. The motion passed.

#### Budget Committee

Tom Kohlsaas passed out copies of the proposed budget for the Heritage Land Trust Fund (HLTF). He noted five protection projects which had the approval of the Budget Committee to be added to the HLTF budget. Senator Smith made a motion that the staff develop plans to utilize a corps of volunteers to regularly inspect Heritage Preserves.

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Christie Fant presented a brief history on the involvement of Archives and History in the Heritage Trust Program and thanked the Wildlife Department and various members for their contributions. Ms. Fant said that information will be gathered on the Fish Haul Creek site to be presented as a proposed protection project at the next meeting. Ms. Fant reported that the 66 acre Nipper Creek Site had been purchased and is the first property acquired under the Heritage Trust Program as an archaeological site.

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### Management Plans on Heritage Preserves

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### Other Business

Mike Foley explained the need for repair of the causeway at Huntington Beach State Park. A public information meeting will be held on September 9.

### Schedule Next HTAB Meeting

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The meeting was adjourned.



Remarks by Charles Sweatt, following a presentation on the Dewees Island conservation easement by Dr. James A. Timmerman and Ed Duncan.

SWEATTT: "It's much easier for all of us if we have a little bit of humor. It makes a very difficult situation go more smoothly. This is not easy for any of us. What we have is a significant breach of trust by a public body under terrific pressure by Robert Royall and Andy Laurent. These fellows (indicating by hand motion the wildlife department are not the villains); they are the goats. They are my friends. I value them as professionals and I value their integrity. And I am proud to say that they are South Carolinians. And I am grateful that they're with the South Carolina Wildlife and Marine Resources Department.

But I also know the horrendous pressure that has come down on them by a rather unscrupulous element that seems to run rampant in this state, that puts themselves a little above the citizen, that puts themselves above the government and more important puts themselves above the welfare of the children of this state in the future.

These fellows (indicating the wildlife department) deserve not only our support but our sympathy for what they've been through.

Andy Laurent and Bob Royall should be the ones in here taking the heat and having to answer the questions. Now on my way up here today I had no intention of as the saying goes "pulling skeletons out of the closet," but sometimes things are thrust upon us. I guess its called escalating.

The very first item on this well-prepared and distributed sheet (handed out by Dr. Timmerman) is called the Gene Little appraisal dated November 31, 1974. Let me show you an environmental assessment dated exactly the same day done by the wildlife department to accompany the application to the BOR, which is the Bureau of Outdoor Recreation, which at the time was run by one great Mr. James Watt. And I'd like to go through this environmental assessment with you. It's invaluable.

The introduction opens "Capers and Dewees islands are two of South Carolina's coastal sea islands located in Charleston, South Carolina, in the area between the Isle of Palms and Cape Romaine National Wildlife Refuge. We know that. And this was one of the important reasons for acquiring the two islands. And as I go through here you will find continuous reference to acquiring 'two' islands, Capers 'and' Dewees.

"These islands lie about three miles from the mainland and are part of an extensive zone of barrier islands, coastal saltmarshes and estuaries that typify the coast the South Carolina. Both islands are characterized by low, heavily-forested dune ridges and barrier beaches separated from the mainland by the Atlantic Intracoastal Waterway and 'wide expanses' of beautiful marsh interlaced with networks of tidal creeks.



"Capers and Dewees islands 'both' consist of open sandy beach zones facing the Atlantic Ocean. And it goes on and describes the quality of those beaches and the quality of the salt marsh behind them. "Water quality in the area is excellent and is classified as SA by the South Carolina Department of Health and Environmental Control. The area contains numerous tidal creeks, mudflats and intertidal oyster beds.

This is a good report. It's excellent. We can almost see this pristine magnificence before our eyes because of this excellent report. It goes on: "Capers and Dewees provide valuable habitat for many species of waterfowl and birds, mammals, reptiles, fisheries and invertebrates, threatened and endangered species, of particular significance to the Heritage Trust department. Those threatened and endangered species are listed.

Now we will go on into an inventory. "Dewees Island is comprised of 297 acres of highlands and 650 acres of undeveloped salt marsh. Capers Island is separated from Dewees by Capers Inlet and is further bounded by Santee Pass," so forth and so on.

"Traditionally these two islands, 'these two islands,' have been have been used for agriculture, fishing, forestry and outdoor recreation." Underlined and highlighted - they are among the two relatively, they are the last relatively undeveloped South Carolina sea islands remaining south of the Cape Romaine refuge.

"In recent years many similar islands have been developed as private, residential resort communities, and this trend has approached a critical stage along the South Carolina coast." What was true in 1974 has come true today we know.

"The purchase of these two islands would be a significant addition to the lands now held in public trust, including the adjoining Cape Romaine refuge and Santee properties to the north." That is a pretty good description, both geographically and aesthetically of the intended purchase in 1974. This accompanied the application to BOR, Bureau of Outdoor Recreation.

I'll close on this particular portion. This is an excellent report. At this time two-thirds of South Carolina's coastal area have either undergone major development or are in the process of being developed, for the most part. The acquisition of Capers and Dewees islands would therefore be a significant step in the state's coastal zone management program.

I can't argue with anything that's in here. I don't think a one of us would. The simple facts are that since we've had to go back to November first 1974, this is where it started. The intent was both islands.

Capers Incorporated, which was owned by the Reynolds Metal Company in Richmond, Virginia offered those islands to the state of South Carolina for less money than we paid to Bob Royall for one of them. The conservation easement, whether or not it has value, possibly is a moot point. So we were shafted out of Dewees Island. Let's face it.



Let me show you the transfer, since we're dragging up, we're talking up. And we want everything to be accurate.

CHUCK COMPTON: "Excuse me sir. You didn't introduce yourself or I must have missed it. Are you expressing your own opinion, or a group's?"

SWEATTT: "I'm expressing my opinion and I think that of many, many others. I will, I will. As you may know the Sierra Club, the Atlantic Coast Conservation group, which I'm sure you're all very familiar with, Audubon and the Save the Wando. And we have worked closely for years with the Heritage Trust Department. I can remember coming before this board and begging for nesting areas to be set aside for sea turtles and so forth. And I regret that we have to take this type of action today.

The simple facts are. It is incumbent upon you to protect the birthright of South Carolinians. The Dewees Island conservation easement was nothing but a bone that was thrown to the people of South Carolina after Ed Royall and another group of investors persuaded the state to front them the money so that they bought two islands and we ended up with one.

And in return that bone was the conservation easement. Whether or not we paid for it with blood. Whether or not we paid for it with money or whether or not we paid for it with the future of our children is what this board's going to have to decide. Whether or not that first conservation easement was valid, whether or not it was any good is not the issue. The issue is the state owns it. It has a value. Andy Laurent assigned a value of \$610,000 for that conservation easement. I'm sorry Doc (indicating Dr. Timmerman).

The media has found that in more than one - . You know that they have to find it in two places, and then confirm it in a third before they will print it. It has been widely circulated that that conservation easement has been given a value of \$610,000. But that really is not the case. The case is do we protect what little we have left of this original deal or do we squander it in the name of greed.

Now, I'm going to be more brief than your original presentation (presentation by Dr. Timmerman and Ed Duncan) because you're right. This has been a complicated thing over a matter of years. And a lot of it, as a South Carolinian, I am not at all proud of. A lot of it I really would rather've left uncovered.

So let's look at the conservation easement. Let's look at what this board can do to carry out it's mandate. Now Doc mentioned, and I was questioned about my interest in this yesterday. Yes, I have a personal interest in this because I am a South Carolinian. The Sierra Club has offered their thoughts on this and they are scathing. The Audubon has done the same and the Atlantic Coast Fisheries -. With which the wildlife department and Heritage Trust work hand in hand with all of these organizations. And quite frankly this is one the



reasons behind supreme disappointment. And some of these fine men were forced by those of less integrity than they have into doing things that are not in the best interests of the department, of the department's mandate and clearly not in the best interests of the people of South Carolina.

The new easement is not an improvement - period! And I will go on to mention why. The detailed development plan of 1985, excuse me 1975. The original easement called for 150 dwellings. The development plan only called for 85 lots. That's all it could sustain. Now we're going to raise that to 300. Think for a moment. Dewees Island, this is the original plan, why was it amended? You want to know why?

Dewees Island has a rate of erosion of 23.66 feet per year. I went right down to the books and got the ten-year average, 23.66 feet per year. Wild Dunes, and as you know this is not the first time there's been some shenanigan in changing the conservation easement on this thing. The original conservation easement may not have been all it should have been. It's not what the state of South Carolina deserves, but it's what we have and it has served its purpose because it stipulated single family lots, not planned unit development or not so-called cluster villas, which is a nice word for saying they're condominiums but we call 'em individual residences. We pack 'em together and that makes 'em cluster villas.

There isn't that much high ground left on Dewees Island. At the rate of erosion of 23 feet a year, it just isn't there any more. That's why they want the new plan. Now, if recall that Doc mentioned some conversation about back in 1984 and early 1985 when this same problem arose. As a matter of fact, I (remember-'inaudible') that this committee handled that problem at that time. Your minutes, if you look back in your minutes from that meeting, which was, Oh bear with me.

But you have minutes of a meeting in which this same issue came up. There was a proposed -. Yes sir, thank you very much. (Tom Kohlsaat hands Mr. Sweatt the Heritage Trust Advisory Board minutes from Feb. 22, 1985). It was February 22nd, 1985. Bob Royall and Andy Laurent then began pressuring the wildlife department to change the conservation easement on that island because they thought they had a potential developer. And they did.

Drake Development Company went over there and did a thorough study and they said For us to be really profitable we got to have more units. So they come, they get good honest men in the wildlife department and they force 'em into making concessions that shouldn't be made.

It was brought to the attention of this body, this body charged with protecting public property in South Carolina, very special places like Capers and Dewees islands. And you protected it in 1984. I'm going to ask you to do the same thing again.



Now, there's been some discussion about how much improvement this is. There's some talk about the old plan allows dredge and fill. Keep in mind the old plan, poor as it was, was done in 1975, that was prior to the Coastal Zone Management Act of 1977. Since 1977 dredge and fill of saltwater wetlands is absolutely prohibited. So that is no reason, that is not even a lean, flimsy excuse to give away the public's right to something, to say in return I won't dredge and fill. Because dredge and fill is now against the law. It cannot be done legally.

There was some talk about this being a gift. I think we've dispelled that and have different matters of opinion. But even Andy Laurent has put a value of \$610,000 on it. He did that in 1975, he did it again in 1976. And he did that because of the great criticism that was heaped upon the state for paying such a high price for only one island.

You must realize that Seewed Incorporated, the owners of Capers and Dewees paid \$2.2 million for two islands. We paid 'em \$2.69 million for one island. They put \$400,000 in the bank, in their pocket, and they still had an island left. Sweet deal. We got stuck boys; we got snookered. That was 12 or 13 years ago. Let's don't get snookered now.

Whether or not that old conservation easement is perfect, I won't argue. It has its flaws. But there is no reason to take an erosional island with a maximum density of 150 units and say the island is reduced in size - the front beach has eroded as you can see (point to 1975 and 1987 drawings of Dewees Island) here the front beach is eroding. So instead of 150 units here, we have less land - high ground - to build on. Let's double the density. And that's the rationale in which they're trying to convince you to condone this sacrilege.

I will close very briefly. Yes, it is a hot item in Charleston County. It's a hot item in Columbia. I don't think there's been as many editorials in the News and Courier in Charleston, South Carolina, on any one subject since Sherman got outside on the other side of the Ashley River and began bombarding the city. This is a hot item. You have municipalities, government agencies that are totally outraged by this thing.

They're not wild-eyed environmentalists. They are governments that are outraged. They also are human beings that have children and grandchildren. And those children and grandchildren is the reason why these islands were purchased. It's the reason for the conservation easement. It's the reason for this committee."



Comments by Dr. Timmerman on the purported \$610,000 value of the Dewees conservation easement and a reading of a letter from Andy Laurent which said that no such value had ever been assigned to that easement by him.

DR. TIMMERMAN: "As far as the break of trust Buford (Buford Mabry) do you want to respond to that."

MABRY: "No, I think Doc that we've presented through Ed's presentation and your presentation what we believe to be the true facts in the thing and while Mr. Sweatt may have his opinion of what may have happened 13 or more years ago. And his opinion of the difference between the old and new conservation easement.

I think that in the analysis, and I'm sure that those in the news media, I think we have. I'm sure, don't we have some people in the news media here from Charleston. Live Five news. Who's in the back back there? "Arlie Porter." (Indicating Arlie Porter from the News and Courier). Mr. Porter probably has done any analysis of both old and new conservation easements. And I don't think that anybody can question but the new conservation easement gives this department stronger control over what happens on, what will happen on Dewees Island than the old conservation easement.

Just one point. Just one point. Look in the old conservation easement if you would Mr. Porter and tell us where in there, tell us where the old conservation easement would have restricted the height of the buildings that could have gone on Dewees Island.

CHARLES SWEATT interjected: "Let me answer that question."

MABRY: "No sir, I'm not asking you Mr. Sweatt."

PORTER: "It doesn't say anywhere."

MABRY: "No sir, it does not, but in the new conservation easement, excuse me Mr. Sweatt, in the new conservation easement, doesn't it say that it's restricted to two stories.

PORTER: "It says two stories from the ground floor up."

MABRY: "That's right, two stories. So that, that's one point, just a minute Mr. Sweatt I'm not talking to you right now. Now erosion, as Mr. Sweatt made the point is a concern in the Charleston area, is it not Mr. Porter. Is the old conservation easement, is the word erosion, is it addressed in terms of setback of what the old conservation easement would do for erosion."

PORTER: "In the old easement? In the old management plan it does, yes."

MABRY: "In the old easement, the legal document that restricts that restricts the development, it does not say anything about setback, does it Mr. Porter?"



PORTER: "Let's talk about this later."

MABRY: "At any rate, there are no provisions...."

Discussion at this point is interrupted and halted by Commissioner Compton and advisory board chairman Dr. Sidney Gauthreaux. There are comments by Gauthreaux on the development plan, upcoming input by the department and public. "This is clearly an issue that needs tremendous amounts of additional discussion and investigation and there's no way that we and complete that today."

GAUTHREAUX: "So I will permit you Charlie to make one statement, a short and brief statement and then I would recognize Dr. Timmerman to point out where further discussion will continue while this advisory board continues."

SWEATTT: "The original conservation easement did not, did not put a height limitation. That is precisely correct. But it did say to be compatible with the natural surroundings, okay. Now with that compatibility, the federal flood regulations, which you may notice that the revised has moved all structural development down to the only portion of the island that remains eligible for federal flood insurance."

So I can't buy, while his verbiage is absolutely correct, that has no effect on the discussion here about whether is the new easement better than the older because the older and the newer, there would be no difference in the methods or amounts of construction. The real crux of the issue here is density, as well as the integrity of any conservation easement that the children of South Carolina are entitled to."

CHUCK COMPTON: "Mr. Chairman. Since this is going to come to the commission, this advisory board's opinion and review is going to be very important. I'd like to make the recommendation, especially since the presentation, although it was very emotional and well-presented by Mr. Sweatt, I see a lot of holes."

I think the integrity of these people that he's attacked should have the opportunity either through their representatives to be present to address some of these, although I think many of the issues that he states are emotional and not factual. I personally resent the way that he has attacked the integrity of Dr. Timmerman, Ed Duncan, the staff, saying they compromised their position."

I would like to have this advisory board to have a meeting just to address these issues before they go to the commission and have other people here that are knowledgeable to answer some of these charges that have been made by Mr. Sweatt. And until then I don't see anything coming out of any further discussion today from this advisory board or of staff concerning the issue."

GAUTHREAUX: "I would accept that as a motion. Is there a second to that motion?"



CHRISTIE Z. FANT, advisory board member: "I second it. And may I add something. I had exactly the same reaction that the commissioner has had. While I very appreciate Mr. Sweatt's obvious concern and zealousness in following it up, I was very much disturbed by some of the accusations he made, some of the adjectives he used, that we have been snookered, sweet deals and so forth."

And as a friend, not a close friend, but one who knows Bob Royall, I have always found him to be an outstanding public citizen, not only an outstanding businessman, but one who is concerned about South Carolina. And I personally don't appreciate having things said about him. So I think we need to take all of that into account."

GAUTHREAUX: "Any further discussion."

TIMMERMAN: "Mr. chairman, by that time the owners may have some type preliminary development plan and I think that that would be a good time to maybe have them to review that at that time so it won't becoming second hand from us."



## Heritage Land Trust Fund Status -08/07/87

	Revenue	Expendit.	Balance
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Revenues to Date*			
Sav. R. Bluffs Carryover	150,000		
3rd Quarter 1986	341,000		
4th Quarter 1986	437,000		
1st Quarter 1987	241,000		
April Collections	99,000		
May Collections	100,000		
Interest	3,000		
Expenditures to Date			
Cartwheel Bay		249,000	
Junkyard (Bennett's) Bay		135,000	
Savage Bay		1,000	
Flat Creek Addition (Wall)		50,000	
Cathedral (Chitty) Bay***			
Sagittaria I		156,000	
Nipper Creek		45,000	
TOTALS	1,371,000	636,000	735,000
Projected Activity			
I. Through November 1987			
3 Months Collections @ 100M	300,000		
Sagittaria II		210,000	
Woods Bay Addition		42,000	
TOTALS	300,000	252,000	783,000
II. December through May 1988			
6 Months Collection @ 100M	600,000		
USFWS Sagittaria Reimbursement	30,000		
Sav. R. Bluffs Addition**		332,000	
Flat Creek Addition (Cooke)		30,000	
Cartwheel Bay Addition		145,000	
Junkyard (Bennett's) Bay Add'n		80,000	
TOTALS	630,000	587,000	826,000
III. Indefinite Time Frame			
Long Branch Bay		80,000	
Little Pee Dee St. Pk. Bay		80,000	
Lewis Ocean Bay, etc. Complex		1,500,000	
(York Subdivision Outcrop)		(13,000)	
(Branchville Bay)		(50,000)	
(Dalzell Bay)		(50,000)	
(Halfway Gut Branch Bay)		(30,000)	
(Reevesville Bay)		(20,000)	
TOTALS		1,660,000	
		(+163,000)	

\* Doc. Stamp revenues are transferred to us  
3-4 months after they are collected.

\*\* Market value less \$100,000 Goodhill Match

\*\*\* Purchase with Checkoff funds

() Proposed Additions to Budget



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Woods Bay Addition		42,000	
	<hr/>		
TOTALS	200,000	252,000	929,000
II. January through June 1988			
6 Months Collection @ 100M	600,000		
USFWS Sagittaria Reimbursement	30,000		
Sav. R. Bluffs Addition**		332,000	
Flat Creek Addition (Cooke)		30,000	
Cartwheel Bay Addition		145,000	
Lewis Ocean Bay I		750,000	
Little Pee Dee St. Pk. Bay		80,000	
Junkyard (Bennett's) Bay Add'n		80,000	
<Tilghman Property>		<50,000>	
	<hr/>		
TOTALS	630,000	1,467,000	92,000
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III. Indefinite Time Frame			
Long Branch Bay		80,000	
Lewis Ocean Bay II		750,000	
York Subdivision Outcrop		13,000	
Branchville Bay		50,000	
Dalzell Bay		50,000	
Halway Gut Branch Bay		30,000	
Reevesville Bay		20,000	
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TOTALS		993,000	

\* Doc. Stamp revenues are transferred to us  
3-4 months after they are collected.

\*\* Market value less \$100,000 Goodhill Match

\*\*\* Purchased with Checkoff funds