

U.S. Fish & Wildlife Service

John H. Chafee Coastal Barrier Resources System (CBRS) Unit M06, Morris Island, South Carolina Summary of Proposed Changes

Type of Unit: System Unit

County: Charleston

Congressional District: 1

Existing Map:

The existing CBRS map depicting this unit is:

- [45-016A](#) dated December 6, 2013

Notice of Availability:

The U.S. Fish & Wildlife Service (Service) opened a public comment period on the proposed changes to Unit M06 via Federal Register notice. The Federal Register notice and the proposed boundary (accessible through the CBRS Projects Mapper) are available on the Service's website at www.fws.gov/cbra.

Establishment of Unit:

The Coastal Barrier Resources Act (Pub. L. 97-348) enacted on October 18, 1982 (47 FR 52388), originally established Unit M06.

Historical Changes:

The CBRS map for this unit has been modified by the following legislative and/or administrative actions:

- Coastal Barrier Improvement Act (Pub. L. 101-591) enacted on November 16, 1990 (56 FR 26304)
- *Federal Register* notice (79 FR 21787) published on April 17, 2014, in accordance with Section 3 of Pub. L. 101-591

For additional information on historical legislative and administrative actions that have affected the CBRS, see: <https://www.fws.gov/cbra/Historical-Changes-to-CBRA.html>

Proposed Changes:

The proposed changes to Unit M06 are described below.

Proposed Removals:

- Two structures and adjacent fastland along Sweetgrass Creek Road near its terminus

Proposed Additions:

- An undeveloped secondary barrier island known as Long Island and associated aquatic habitat located between Folly Island and Long Island River (including a minor area that is privately owned and subject to a conservation easement held by the South Carolina Battleground Preservation Trust, located at the western end of Long Island)
- Wetlands along Seaside Creek in the vicinity of Secessionville, along Clark Sound in the vicinity of Oceanview and Lighthouse Point, and along a tributary of Parrot Point Creek north of Fort Johnson Estates subdivision

Other Modifications/Information:

- Modification of the boundary of the unit to account for natural changes along a portion of the shoreline of Folly Island on the south side of Lighthouse Inlet. This modification results in a small addition of mostly open water.
- An area of wetlands that is owned by the City of Charleston and subject to a deed restriction (held by The Trust for Public Land) is currently within System Unit M06, located on Cummings Point at the northern end of Morris Island. This area is not proposed for reclassification to an Otherwise Protected Area (OPA) because the deed restriction was not in place when this area was first included in 1982 within the CBRS.

Unit M06 Summary of Proposed Changes (continued)

- A portion of Lighthouse Inlet Heritage Preserve (owned by the Charleston County Parks and Recreation Commission and managed under a cooperative partnership with the South Carolina Department of Natural Resources) is currently within System Unit M06. This area is not proposed for reclassification to an OPA because it was acquired for conservation and/or recreation by the County after the area was first included in 1990 within the CBRS.

For information about the Service's guiding principles and criteria for assessing CBRS boundary modifications, visit www.fws.gov/cbra/maps/Boundary-Modifications.html.

Technical Corrections Assessment:

A technical correction is a correction to a CBRS map to fix a legitimate mapping error. The Service receives numerous requests from property owners and other interested parties who seek to remove areas from the CBRS based on an alleged "technical mapping error." The Service considers a technical mapping error to be a mistake in the delineation of the CBRS boundaries that was made as a result of incorrect, outdated, or incomplete information (often stemming from inaccuracies on the original base maps). The Service generally does not recommend removal of areas from the CBRS unless there is clear and compelling evidence that a technical mapping error led to their inclusion within the CBRS. In order to determine whether a technical mapping error exists, the Service conducts a comprehensive review of the history of the CBRS unit in question which generally includes an assessment of the Service's background records for the unit, the controlling and historical CBRS maps of the area, the historical development status of the area, aerial imagery, and any materials submitted by interested parties. When the Service determines that a technical correction to a map is warranted, we prepare a new comprehensively modernized map for the area. The updated map becomes effective only if adopted through legislation enacted by Congress.

The Service was first contacted about Unit M06 in 2012 by a private property owner who sought to remove property along Sweetgrass Creek Road in the Sweetgrass Creek subdivision from the CBRS. Following that first request, the Service received additional requests from property owners to remove neighboring properties from Unit M06. The property owners assert the three properties at the end of Sweetgrass Creek Road were included within the CBRS in the past based on a mapping error in the depiction of the fastland (i.e., land above mean high tide) on the CBRS base map and the level of development at the site when it was first included in 1990 within the CBRS. Two of the properties have residential structures that were constructed in 1991 and 1992.

Service Findings

The Service has carefully assessed the information submitted over the years by the private property owners as well as the materials that are typically reviewed as part of a technical correction assessment. The Service found that the three properties at the end of Sweetgrass Creek Road within Unit M06 are appropriate for removal from the CBRS. CBRA's development criteria and the Service's findings related to this technical correction assessment are explained in further detail below.

CBRA requires that the Service consider the following criteria in determining whether a coastal barrier was undeveloped at the time of inclusion within the CBRS: (A) the density of development was less than one structure per five acres of land above mean high tide; and (B) there was existing infrastructure consisting of (i) a road, with a reinforced road bed, to each lot or building site in the area; (ii) a wastewater disposal system sufficient to serve each lot or building site in the area; (iii) electric service for each lot or building site in the area; and (iv) a fresh water supply for each lot or building site in the area (16 U.S.C. 3503(g)(1)). When assessing whether an area may be appropriate for removal, the Service also considers the location of geomorphic, cultural, and development features on-the-ground at the time the area was included within the CBRS (i.e., whether the CBRS boundary lines on the maps precisely follow the underlying features they were intended to follow on-the-ground).

The Service's review of the portion of the Sweetgrass Creek subdivision within Unit M06 found that there were no structures on-the-ground in 1990 when it was first included within the CBRS. Therefore, the density of development within Unit M06 was not considered. The Service's assessment considered the level of infrastructure that was on-the-ground and available to each lot or building site at the time the area was included within the CBRS. The Sweetgrass Creek subdivision had a full complement of infrastructure to each lot in place by 1988, which was

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before a portion of the subdivision was included within the CBRS. The Service also found that the CBRS boundary in this area was intended to follow the wetland/fastland interface, and the location of this interface as it existed at the time was not depicted correctly on the 1979 U.S. Geological Survey Topographic Quadrangle used as the base map for the October 24, 1990, CBRS map. Therefore, the three properties at the end of Sweetgrass Creek Road are appropriate for removal from the CBRS.

Unit M06 Summary of Proposed Changes (continued)

Acreage, Shoreline, and Structure Information:

The table below includes the acreage, shoreline, and structure changes associated with the proposed boundary of Unit M06.

	<i>Total Acres</i>	<i>Fastland Acres*</i>	<i>Associated Aquatic Habitat Acres**</i>	<i>Shoreline Miles</i>	<i>Structures***</i>
Existing Unit	8,159	116	8,043	4.3	
Added to the CBRS	2,633	161	2,472	0.0	0
Removed from the CBRS	1	1	0	0.0	2
Reclassified Area****	0	0	0	0.0	0
Proposed Unit	10,791	276	10,515	4.3	
Net Change	2,632	160	2,472	0.0	(2)

*Land above mean high tide.

**Associated aquatic habitat includes wetlands, marshes, estuaries, inlets, and open water landward of the coastal barrier, but does not include open water seaward of the shoreline. This information is derived from National Wetlands Inventory data.

***Approximate structure count derived from base map imagery. Gas and liquid storage tanks, structures without walls and a roof (e.g., picnic shelters), structures with fewer than 200 square feet, structures that are not affixed to a permanent site (e.g., recreational vehicles), and structures that are not located principally above ground are not included in this structure count because they do not meet the statutory definition of a "structure" (16 U.S.C. 3503(g)(2)).

****Reclassification means to change either all or a portion of a System Unit to an Otherwise Protected Area, or vice-versa.

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