

U.S. Fish & Wildlife Service

John H. Chafee Coastal Barrier Resources System (CBRS) Unit M11, Harbor Island, South Carolina Summary of Proposed Changes

Type of Unit: System Unit

County: Beaufort

Congressional District: 1

Existing Map:

The existing CBRS map depicting this unit is:

- [45-021A](#) 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 M11 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 M11.

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 M11 are described below.

Proposed Removals:

- Two structures on Ocean Marsh Lane in the Harbor Island (Phase I) subdivision
- One structure on Little Horse Island Drive
- A small area of fastland including two structures, located at the end of Harbor Oaks Lane
- One structure on Coffin Point along Sea Pines Drive

Proposed Additions:

- Wetlands and small areas of fastland on Harbor Island in the vicinity of the Harbor Island subdivision
- Minor areas of privately owned wetlands that are subject to a conservation easement (held by the Beaufort County Open Land Trust), located on Harbor Island east of Sea Island Parkway near the terminus of Harbor Key Drive and Harbor Drive North
- Areas of undeveloped fastland and wetlands on the north end of Horse Island in the Harbor River
- Wetlands along Wards Creek in the vicinity of Gay Fish County Road and U.S. Highway 21 (Sea Island Parkway)
- Small areas of fastland and wetlands south of Inglewood Circle near its intersection with Janette Drive
- Fastland and wetlands along Middle Point Road, including one residential structure

Unit M11 Summary of Proposed Changes (continued)

Other Modifications/Information:

- Areas of fastland and associated aquatic habitat located on Harbor Island that are privately owned and subject to a conservation easement (held by the Beaufort County Open Land Trust) are currently within System Unit M11. These areas are not proposed for reclassification to an Otherwise Protected Area because the conservation easement was not in place when the areas were first included in 1982 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 M11 in 2011 by an interested party who sought to appeal the Service's determination that a property located on Coffin Point along Sea Pines Drive is within the CBRS. Following that first request, the Service received additional requests from property owners to remove a neighboring property on Sea Pines Drive and other properties along Harbor Oaks Lane and Ocean Marsh Lane from Unit M11. The property owners assert the properties were improperly included within the CBRS in the past either based on a mapping error or the level of development that exceeded the CBRA criteria at the sites when they were first included in 1990 within the CBRS.

Service Findings

The Service has carefully assessed the information submitted over the years by the private property owners, Beaufort County, and other interested parties as well as the materials that are typically reviewed as part of a technical correction assessment. The Service found that two structures along Ocean Marsh Lane in the Harbor Island (Phase 1) subdivision, two structures and a small area of fastland (i.e., land above mean high tide) along Harbor Oaks Drive, and one structure on Coffin Point along Sea Pines Drive (which is currently bisected by the CBRS boundary) are appropriate for removal from the CBRS. The neighboring structure along Sea Pines Drive is not appropriate for removal from the CBRS. The Service also identified an additional mapping error affecting a structure on Little Horse Island Drive. 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).

Unit M11 Summary of Proposed Changes (continued)

Ocean Marsh Lane

The Service's review of the two properties on Ocean Marsh Lane in the Harbor Island subdivision found that there were no structures on-the-ground in 1990 when this area was first included within the CBRS. Therefore, the density of development within Unit M11 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 and found that although there was sewer, electrical, and a public water supply available to each lot or building site, the road (which was not paved at the time), did not have a reinforced road bed. Therefore, the removal of this area from the CBRS is not based on the level of infrastructure on-the-ground at the time the area was included within Unit M11. However, the structures are appropriate for removal because the CBRS boundary in the area where the structures are located 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 (USGS) Topographic Quadrangle that was used as the base map for the October 24, 1990, CBRS map.

Harbor Oaks Lane

The Service's review of the two properties at the end of Harbor Oaks Lane found that there were no structures on-the-ground in 1990 when this area was first included within the CBRS. Therefore, the density of development within Unit M11 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 and found that there was not a full complement of infrastructure to each lot or building site. However, the structures are appropriate for removal from the CBRS because the boundary in the area where the structures are located 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 USGS Topographic Quadrangle that was used as the base map for the October 24, 1990, CBRS map.

Sea Pines Drive

The Service reviewed the area on Coffin Point where requests were received to remove from the CBRS two structures along Sea Pines Drive, and found that there are currently twelve structures scattered along the spit within the CBRS. The Service's assessment considered the density of development that existed on-the-ground when Unit M11 was expanded to this area in 1990. Because Unit M11 is made up of two separate segments and the structures along Sea Pines Drive are located in the northern segment, the Service calculated the density of development only for the northern segment. The northern segment was comprised of approximately 42 acres of fastland, and contained approximately six structures in 1990 when it was first included within the CBRS. Therefore, the density of development on-the-ground was about one structure per seven acres of fastland, which is below the density threshold to be considered "undeveloped" under CBRA.

The Service's review of the area on Coffin Point also considered the level of infrastructure that was on-the-ground and available to each lot or building site in 1990 when this area was first included within the CBRS. We currently do not know the dates when the electrical service and fresh water supply were on-the-ground and available to each lot or building site for this area (the wastewater disposal system is septic tanks). However, these dates are irrelevant because the road on the spit is gravel and is not a road with a reinforced road bed (as specified by the statute). The Service does not consider this area to have the full complement of infrastructure necessary to meet the development threshold. Therefore, the area on Coffin Point (except for one structure that is currently bisected by the CBRS boundary crossing the spit) is not appropriate for removal from the CBRS. The structure that is bisected by the boundary is appropriate for removal from the CBRS because it was part of a row of structures that were on-the-ground to the north of the CBRS boundary when Coffin Point was first included within the CBRS. It appears the intent was to place the CBRS boundary south of this row of structures at the 1990 break-in-development (i.e., where development ends, either immediately adjacent to the last structure in a cluster of structures or at the property parcel boundary of the last structure). The CBRS boundary crossing the spit was an addition made by a Congressional Committee on the draft map that was reviewed and approved by Congress and used in producing the official October 24, 1990, CBRS map.

Unit M11 Summary of Proposed Changes (continued)

Little Horse Island Drive

During the Service's comprehensive review of Unit M11, an additional mapping error affecting a structure on Little Horse Island Drive was identified. This structure was on-the-ground when the area where it is located was first included in 1990 within the CBRS. This structure is appropriate for removal from the CBRS because the boundary in that 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 USGS Topographic Quadrangle that was used as the base map for the October 24, 1990, CBRS map.

Unit M11 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 M11.

	<i>Total Acres</i>	<i>Fastland Acres*</i>	<i>Associated Aquatic Habitat Acres**</i>	<i>Shoreline Miles</i>	<i>Structures***</i>
Existing Unit	3,383	78	3,305	2.6	
Added to the CBRS	248	31	217	0.0	1
Removed from the CBRS	10	10	0	0.0	6
Reclassified Area****	0	0	0	0.0	0
Proposed Unit	3,621	99	3,522	2.6	
Net Change	238	21	217	0.0	(5)

*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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