Wetlands/Clean Water Act: Environmental Organizations File U.S. District Court Action Challenging U.S. Army Corps of Engineers 404 Permit for South Carolina Mixed-Use Development

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The South Carolina Conservation League and three other environmental organizations filed an August 17th Complaint in the United States District Court (District of South Carolina) challenging the United States Army Corps of Engineers' ("Corps") issuance of a Clean Water Act 404 permit to the Cainhoy Plantation.

The other environmental organizations joining in the Complaint include:

- Coastal Conservation League
- Charleston Waterkeeper
- South Carolina Wildlife Federation

The Cainhoy Plantation is described as a Berkeley County, South Carolina, proposed mixed-use residential and commercial development.

The Complaint states that the development could involve the filling of 180 acres of wetlands pursuant to a Clean Water Act 404 permit issued by the Corps.

The Complaint involves three federal environmental statutory programs in challenging the development:

- Clean Water Act 404 Permit
- There were less damaging practicable alternatives presented to the Corps that would have allowed for the Cainhoy Plantation to proceed:
- With less harm to wetlands
- That would have fulfilled the project purpose by creating the same number of housing units but lessening wetland impacts
- National Environmental Policy Act
- Incorrectly determining that the development would not have a significant impact on the quality of the human environment
- Disregard of the significant impact on wetlands, endangered species, public safety, historic and cultural resources, and ecologically critical areas

- Endangered Species Act
- A Biological Opinion provided by the U.S. Fish and Wildlife Service improperly limited the action area

A copy of the Complaint can be downloaded here.