

The Lesser Squawk
Charleston Natural History Society
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Don't Forget to Pick Up
Your Bird Seed Nov. 8th
at Heath Farms in Mt. Pleasant

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The Lesser Squawk

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November 1997



By Jane Lareau

It's only September, and the Legislature won't even convene until January, but it is not a bit too early to kill one of the worst bills ever introduced in South Carolina.

When the S.C. Senate convenes in January, it will take up H.3591 which passed the House of Representatives this spring. The bill's formal title is the *South Carolina Property Rights Protection Act*. It is also known as the "takings" bill and/or the "inordinate burden bill."

H.3591 was written by lobbyists representing big coastal developers from Myrtle Beach, Hilton Head and the Charleston area, as well as out-of-state development interests from New Jersey, Florida, Texas and Georgia. Other supporters include corporate hog interests and the billboard, real estate, petroleum and other industries -- not my idea of "the little guy" these groups claim they are trying to help.

Why are they pushing this legislation? Because one of two things will result from it: either they'll make a lot of money off taxpayers or they will effectively stop communities from making any rules which might interfere with their development plans.

Here's how it will work: Let's say a community votes to limit strip shopping malls to certain intersections on a rural road. Under the bill, any person who owns land that is affected by this restriction can sue the community because he was deprived of the right to

Inordinate Burden Bill will be an inordinate burden to taxpayers

establish a strip mall. The community would have two choices: they could pay the would-be developer what the courts decide the land would have been worth with the shopping center. The taxpayers of the local community would pay the claim. Or the community leaders could remove the ordinance and allow the developer to do whatever he wanted.

All landowners affected by a new community standard would have the right to file claims, saying it placed an "inordinate burden" on them and they should be compensated. Now multiply this effect by every effort a community makes to take to protect historic resources, to control noise, to ensure health, pass safe building codes, protect the environment, develop drainage requirements ... You get the point. The cost to taxpayers would be incalculable. The volume of unnecessary lawsuits would cause the legal system to grind to a halt under the weight of all the new inordinate burden claims.

While this may sound preposterous to you and me, it is exactly what the bill would do. In plain English, this bill is a threat that says "Don't even try to pass new community safeguards or the taxpayer will pay."

This bill removes control of communities from the hands of locals and puts it in the hands of lawyers and judges who will decide what constitutes an inordinate burden and how much taxpayers will have to pay an unlimited number of developers. Taxpayers will be swamped with such tax increases that local communities and neighborhoods will have no choice: they will have to abandon efforts to protect their property values and quality of life. Sound too ridiculous to be true?

Let's take a real life example from Florida where this bill passed less than 2 years ago. In West Palm Beach, residents wanted to limit the number of high-rises on the waterfront. So they voted to restrict the height of new buildings on the waterfront to five stories. City taxpayers were slapped with \$25 million in "inordinate burden" claims from waterfront developers who claimed they had intended to build higher buildings, but now were prevented from doing so. Indeed, just the fear of such claims kept residents of Palm Beach County from adopting a growth management plan because their attorneys predicted it might give rise to "inordinate burden" claims. And Saratoga County residents were unable to get a complete ban on nudity in businesses because the owner of one night club threatened to sue under "inordinate burden."

H.3591 opens the door to an enormous transfer of wealth. The winners will be out-of-state developers and lawyers. The loser is the public -- forced to pay a king's ransom or forfeit property values and quality of life.

WHAT YOU CAN DO: Contact your senator today and tell him or her that (1) this dangerous bill will cost taxpayers too much; (2) it will cause endless, unnecessary lawsuits (Florida has had one claim filed every 16 days since the bill passed); and (3) it threatens our clean and safe quality of life. If you don't know how to reach your senator call Jane Lareau at (803) 723-8035 for more information.

CNHS Annual Oyster Roast Sunday, December 7th Goldbug Island (off Sullivan's Island Causeway) 4:00 to 6:00 p.m.

NEW LOCATION: Goldbug Island (turn left onto dirt road at sign located off Sullivan's Island Causeway before Ben Sawyer Bridge if going toward Sullivan's Island).

As usual, we will offer Oysters, Chili, Hog Dogs, Soft Drinks, Beer & Wine

-- with a healthy dose of Good Cheer



**A GREAT WAY
TO BEGIN**

YOUR HOLIDAY SEASON
Please RSVP by Dec. 1st (if possible)
to Bobbin Huff (803) 886-6911
(or use coupon)

COUNT US IN!
We'll be at the CNHS Annual Oyster Roast

Name: _____

No. in Party: _____ Adults @ \$12.00 each
____ Children over 6 yrs. @ \$6.00 each

Amount Enclosed: _____

Clip out and mail reservation to Bobbin Huff at
#28 21st Ave., Isle of Palms, SC 29451

NOTES FROM MCALHANY

By David Huff

Near the eastern side of the McAlhany Sanctuary, close to the northern edge of the small bridge that spans Cattle Creek, lie the remains of a sawmill that ran before and after the American Revolution. The dam that impounded the creek is now breached in two places and only 4 or 5 longitudinal timbers and a couple of transverse planks remain to mark the spillway; but we have deeds, plats and a will for and of Mr. John Milhouse that show the location. As thrilling as it is to stand and see the remains of so old a structure, on the bluff above the site and on the adjacent highlands, there are many signs of the Indians who lived here thousands of years before the mill was built.

While showing the mill site to Jeff Dennis on October 19th, we noticed 3 large sweet gum trees that had been girdled. It was very interesting to note that, although the normal sap that is exuded by a sweet gum is -- as its name implies -- "sweet" and clear to amber in color, what was flowing down the side across the 1.5' girdled space was white and not pleasant to smell. All three trees were still very healthy and one of the group had managed to grow what looked like a repaired cambium layer. We also noted small twin gouges on one of the trees that seem to indicate a beaver in the neighborhood. This leads me to ask our membership several questions: (1) Do beavers like the taste of sweet gum over other tree types? (2) Is the white sap flowing down the trees a fluid rich with cells designed to repair such damage and, if so, what is its nature?

In concluding this report, I must stress that there is such a tremendous number of interesting things to study at McAlhany, and we make a special point of opening up every month for visits (3rd Sunday, Sept. to May). Also we will have work groups doing such things as repair and maintenance.

*Thank You
Mrs. McAlhany!*

NOVEMBER "OPEN HOUSE" AT MCALHANY SANCTUARY

PLEASE JOIN US
Sunday, November 16th
at the McAlhany Sanctuary.
Gate opens 8:00 a.m. until dusk.
Spend your Sunday wandering
this magnificent 368-acre
sanctuary on the Edisto River.
This is an unstructured visit
so do your own thing --
Enjoy picnics, boating,
fishing, hiking, birding, animal
watching or whatever
suits your fancy (no pets).
There are sanitary facilities at the
cabin, a covered picnic area
w/ grill and access to the oxbow
lake. For directions
call Don Watts at 797-6783.

**ANNOUNCING
the arrival of
BRIANNA
GWYNNE
BRUNSON
born 10/17/97
8 lbs, 21 in.
Our Congratulations
to Sarah and Jeff
Brunson on the new
arrival.**

Unusual Sightings

By Bob Chinn

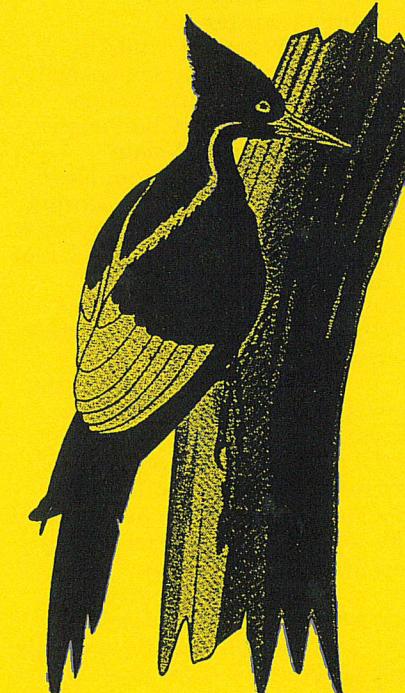
Charlie Walters spotted to
following on a recent trip to Fort
Moultrie:

Cape May Warbler
Prothonotary Warbler
9 Winter Wrens
Singing Black-bellied Cuckoos
2 Merlins

L.E. Cribb spotted a
Bald Eagle
taking over the
Osprey Nest at the
Dill Property on October 15th

Ben Smith spotted a
Hooded Warbler in
Mount Pleasant

Frank Bremer of
Edisto Beach was visited
by a white-tail fawn
in his yard



Backyard Birder

By Van Atkins

No one should have to ask what an Indian summer is after the weather we have enjoyed the last of September and the first two weeks of October. It was great weather for us, but it sure slowed the migration of birds down to a dribble. Very few people have called in with sightings, but we did have a few. Mike Aldendorfer said she had a Veery in her yard. Ben Smith was still seeing Painted Buntings and on October 15th he had a pair of Hooded Warblers. On October 11th my wife and daughter saw three Rufous hummers in our yard early in the morning; when I arrived home late in the afternoon they were no longer around.

We still have Red-headed, Red-bellied and Downy Woodpeckers at our feeders. On October 15th we had our first Robin.

I don't know whether no one reads this column or no one who reads this column has a computer, as I have had no response to last month's article



about CAROLINA BIRDS CHAT LINE. There are several other chatlines as well as a lot of Web Sites. CNHS now has its own web site at (chns@usa.net) -- check it out.

There is a new television series on PBS Saturdays at 5:50 p.m. called *BIRDWATCH* with DON and LILLIAN STOKES. It is a 13-week series which is great for people who love birds.

GOOD BIRDING, VAN

*Contact me with your backyard
sightings at 766-7000 or fax
556-1592 or e-mail vatkina@
awod.com*

Christmas Bird Count Sunday, Dec. 28th

*Contact Ed Blitch
@ 795-5277
Refreshments
afterwards*

BECOME A MEMBER OF CNHS

Join the National Audubon Society (and receive its bi-monthly magazine) for \$20 per year and you automatically become a member of CNHS.

(PLEASE PRINT)

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November Meeting Tues. Nov. 11th 7:00 pm Charleston Museum

The November Meeting features Thomas M. Murphy, M.S., of the South Carolina Department of Natural Resources who will show slides and inform us on the Wood Storks that now nest in the ACE Basin. Be sure to come and learn more about the fascinating "Big Birds" of the Lowcountry.

November Outings

Sat., Nov. 15th
8:00 a.m.
Sewee Visitors Center
Meet at Bi-Lo
Parking Lot
at IOP Connector

One-half day Birding Outing lead by Charlie Walters and Ben Smith. Sewee Visitors Center is central point; includes Moore's Landing, Sewee Shell Mound and I'On Road. Meet at 8:00 a.m. in the Bi-Lo Parking Lot in Sweetgrass Shopping Center (IOP Connector)

Sat., Nov. 22nd
7:30 a.m.
Birding on the
Dill Property
K-Mart on James Island

A birding adventure on the Dill Property on James Island, led by Bob Chinn. Meet in the parking lot at the K-Mart on James Island at 7:30 a.m.

For more information on outings
contact Bob Chinn at 552-7884.

The Lesser Squawk, newsletter of CNHS is published monthly except for the months of June, July and August. Deadline for copy is the 10th of the month preceding publication. Send submissions to:
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