



South Carolina Department of Health and Environmental Control
Healthy People. **Healthy Communities.**

SC Beach Preservation Stakeholder Workgroup

Meeting #1
June 17, 2022



Agenda

- Welcome & Introductions
- SC Beach Policy – Background & History

BREAK

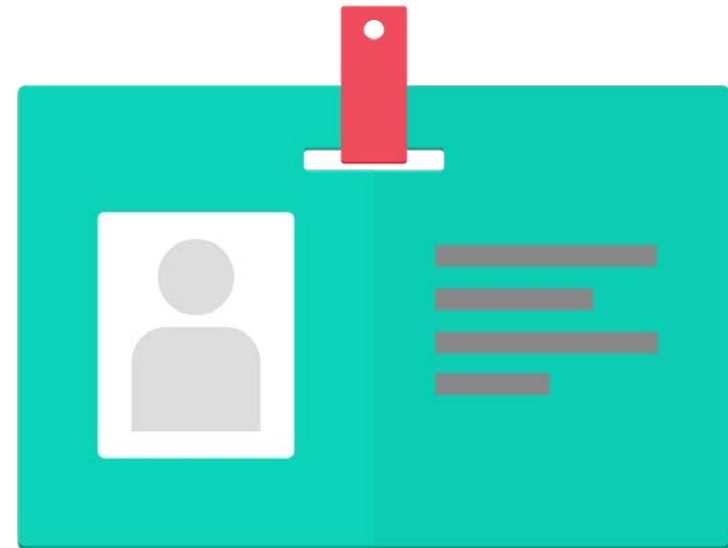
- What is “Beach Preservation” in South Carolina?

LUNCH

- Beach Preservation Stakeholder Workgroup – Themes & Topics
- Wrap-up & Next Steps
- Adjourn

Introductions

- Name
- Affiliation
- What are your goals from this process?

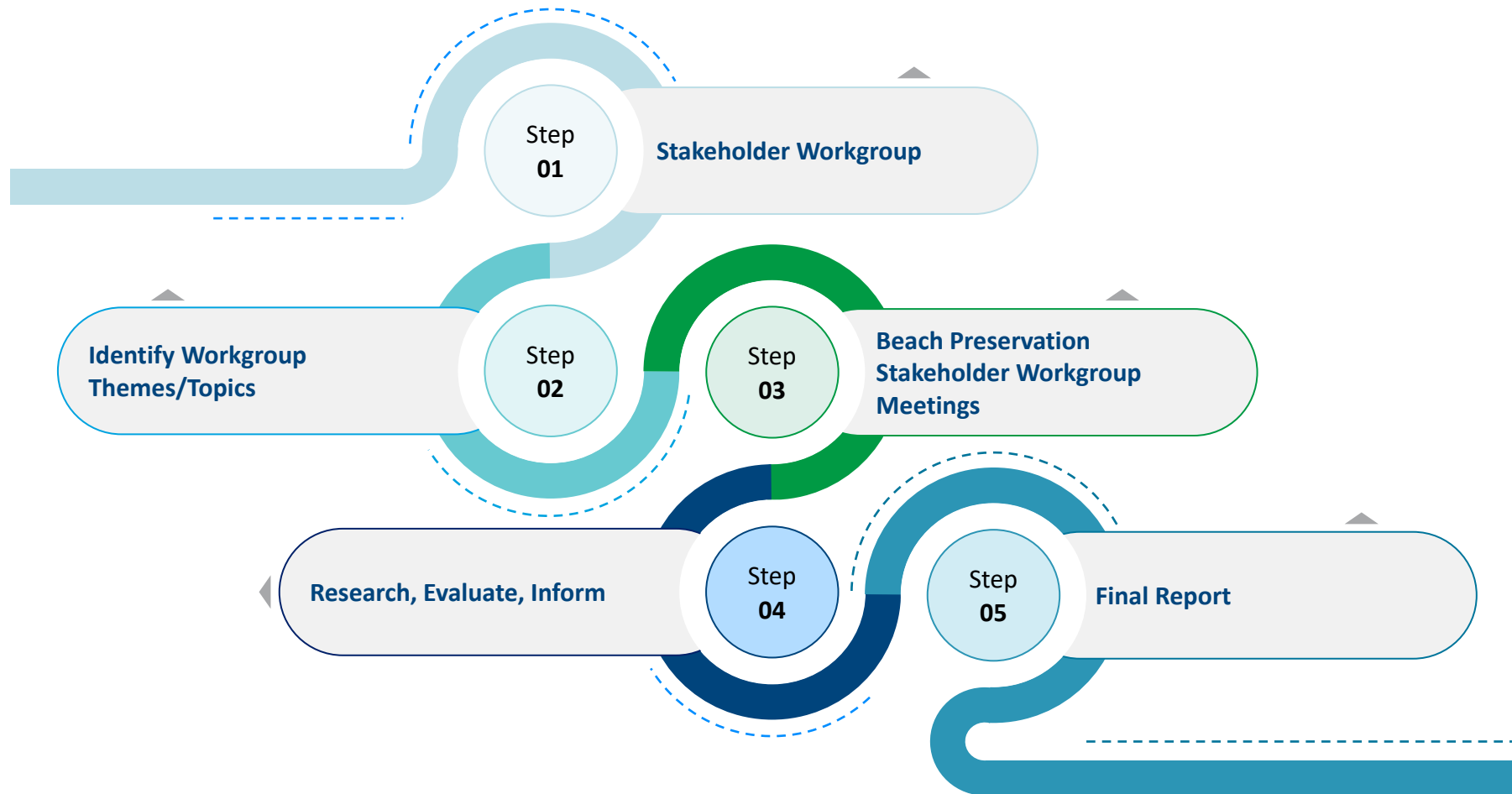




South Carolina Department of Health and Environmental Control

Beach Preservation Stakeholder Workgroup

SC Beach Preservation Process



Stakeholder Workgroup - Timeline



Workgroup Guiding Principles

- Commitment
- Transparency
- Mutual respect
- Active participation
- Dialogue and listening
- Solution-focused
- Strive for consensus
- Perspective of the full SC coast





Office of Ocean and Coastal Resource Management

DHEC OCRM is the designated state agency responsible for implementing the **SC Coastal Management Program**

Voluntary partnership between NOAA and the State

Federal CZMA enacted in **1972** to preserve, protect, develop, restore and enhance the resources of the coastal zone

State CZMA enacted in **1977** under the Coastal Tidelands and Wetlands Act



Office of Ocean and Coastal Resource Management

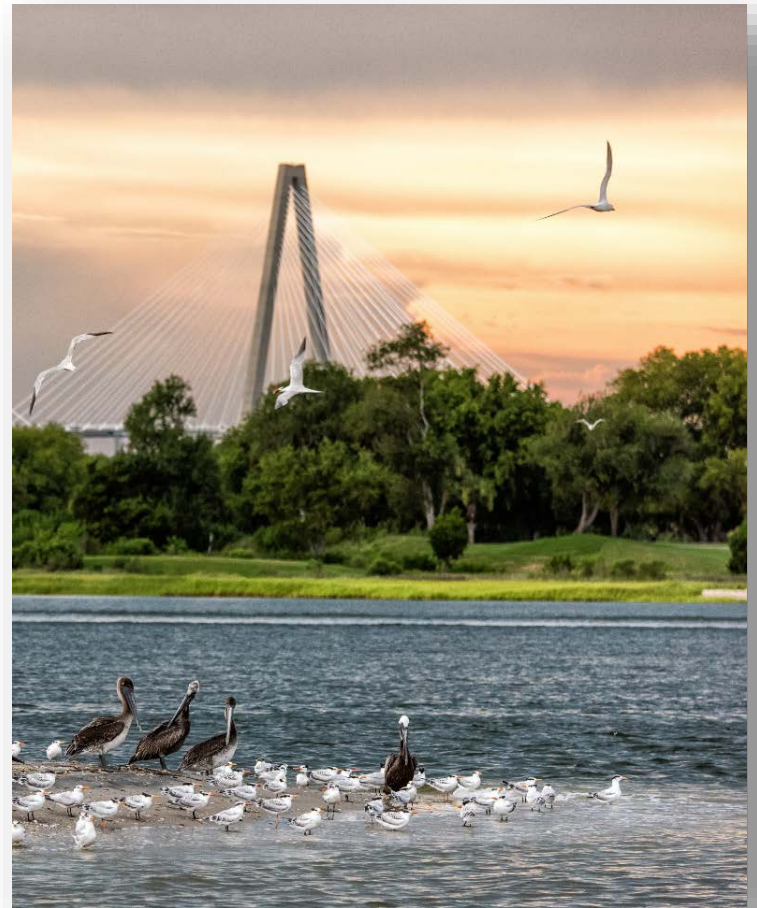
Program Goals (§48-39-30)

To protect the quality of the coastal environment and to promote the economic and social improvement of the coastal zone and of all the people of the State

To encourage sound development of coastal resources with due consideration for the environment

To protect the sensitive and fragile areas from inappropriate development and provide adequate environmental safeguards

To protect and, where possible, to restore or enhance the resources of the State's coastal zone for this and succeeding generations



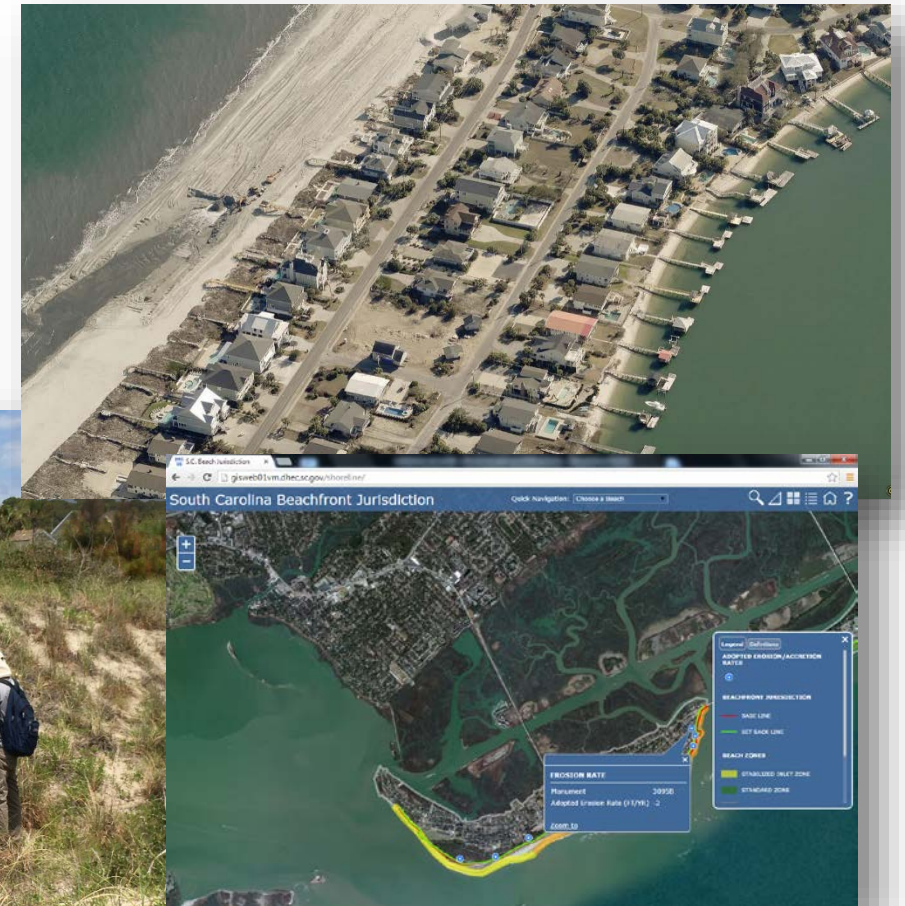
Office of Ocean and Coastal Resource Management

Regulatory Programs

- Critical Area Permitting
Coastal waters, tidelands, beaches and beach/dune systems
- Federal & State Consistency Certification
- Compliance & Enforcement

Coastal Services

- Data Management
- Local Government Planning & Assistance
- Technical Capacity Development



State Beachfront Management

Beachfront Management Policies (§48-39-260)

Protect, preserve, restore, and enhance the beach/dune system, the highest and best uses of which are declared to provide:

- Protection of life and property by acting as buffers
- Source for the preservation of dry sand beaches which provide recreation and a major source of revenue
- An environment which harbors natural beauty
- Natural habitat for indigenous flora and fauna



State Beachfront Management

Beachfront Management Policies (§48-39-260)

Severely restrict the use of hard erosion control devices

Encourage the use of erosion-inhibiting techniques [soft solutions] that do not have long-term adverse impact

Promote carefully planned nourishment as a means of beach preservation and restoration

Preserve and enhance public access to assure full enjoyment by all citizens; encourage purchase of land adjacent to ocean to enhance access

Involve local governments in long-range beach management planning



State Beachfront Management



Beaches and beach dune systems are critical areas and fall under OCRM's direct permitting authority.

"Beaches" means those lands subject to periodic inundation by tidal and wave action so that no non-littoral vegetation is established

"Beach/Dune System" is the area from the mean high-water mark to the setback line

State Beachfront Management

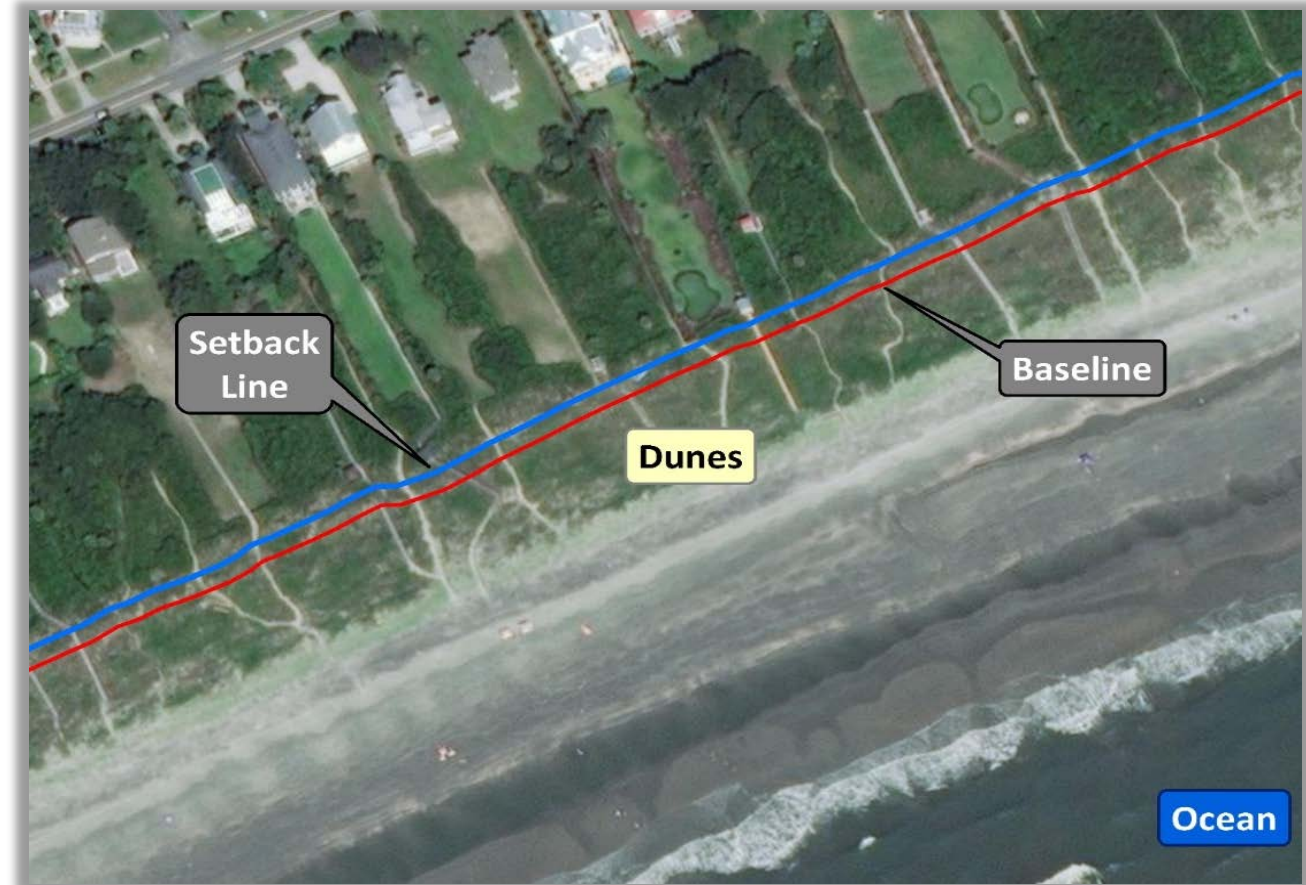
Jurisdictional lines delineate the extent of direct permitting authority for activities within the beaches and beach/dune system critical areas.

There are two lines of beachfront jurisdiction:

- **Baseline** is the more seaward line

- **Setback Line** is the more landward line

South Carolina law requires DHEC to establish and review the positions of the baseline and setback line every 7 to 10 years.



State Beachfront Management

Technical assistance including data collection and analysis

Coastal Management Program policy analysis

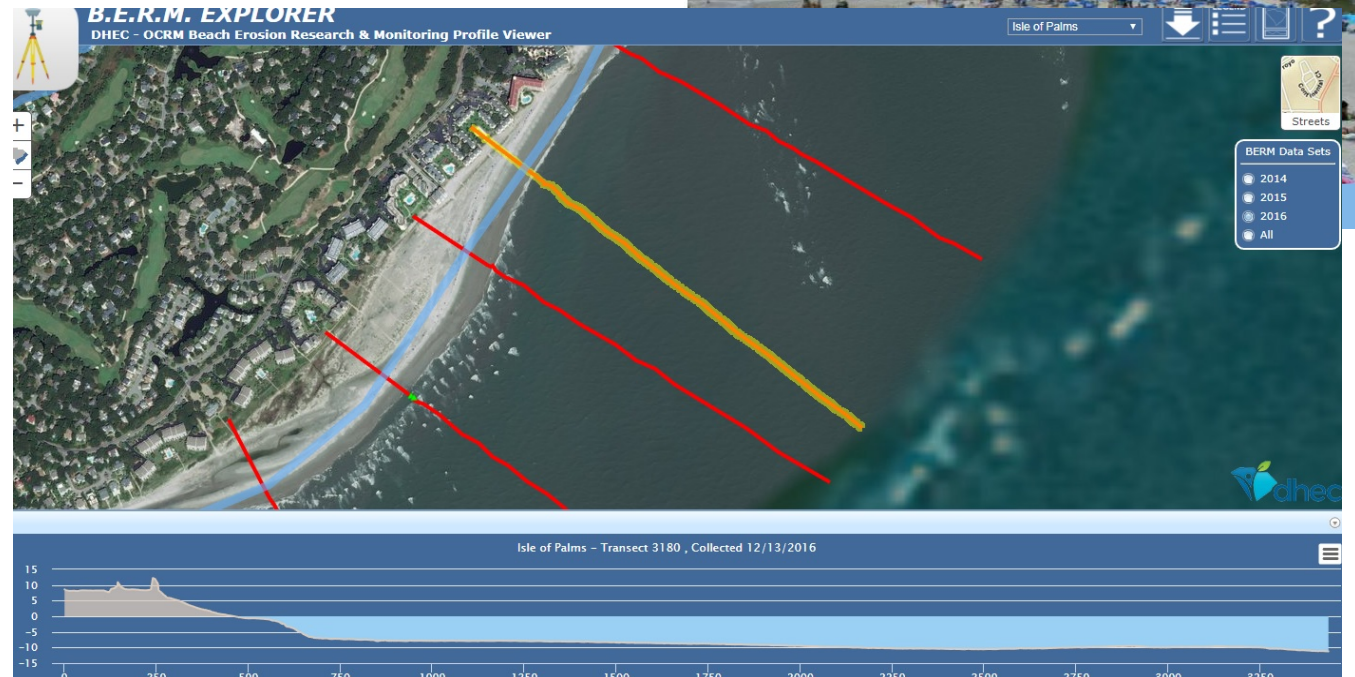
State Beachfront Management Plan

Local Comprehensive Beachfront Management Plans



2021

City of Folly Beach Local Comprehensive Beachfront Management Plan



Beachfront Management History

SC Coastal Tidelands and Wetlands Act 1977-1988

Limited beachfront jurisdiction

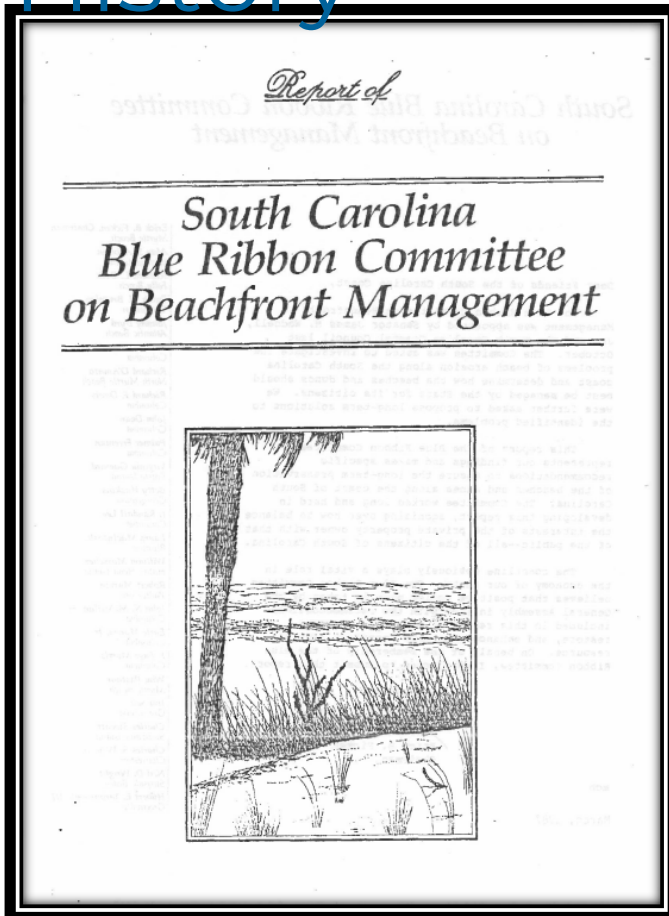
“Critical Line” set at the landward toe of the primary dune, or at the erosion scarp line for eroding beaches

No jurisdiction landward of this line

Seawalls routinely permitted



Beachfront Management History



1987 Blue Ribbon Committee

Appointed by SC Coastal Council in 1987

Asked to propose long-term solutions to beach erosion issues, while balancing public and private interests

Studied the effects of unregulated development and the proliferation of seawalls

Concern that tourism revenue might decline

Recommended changes to the 1977 SC Coastal Tidelands and Wetlands Act, resulting in the **1988 Beachfront Management Act**



1987 BRC – “Retreat” Discussion

Finding(s) of Fact

It is in both the public and private interest to plan a gradual retreat from the beach/dune system by:

- Discouraging new construction in close proximity to beach/dune system
- “Encouraging” those who have erected structures too close...to retreat”

The Blue Ribbon Committee therefore concludes...

“a retreat from the beaches over a 30-year transition period, in combination with selective beach nourishment, is the only practical approach...”

“retreat implemented over 30 years will allow owners of structures sited too close to the beach to realize the economic life of their structures and adjust their plans over a reasonable time period”

“retreat must be based on sound state and local beach management plans”

Beachfront Management History

1988 Beachfront Management Act (BMA)

“A forty-year policy of retreat from the shoreline is established.”

Created two new lines of beachfront jurisdiction (baseline and setback line)

Initially, **no new construction was allowed seaward of the baseline**

Limited construction between the baseline and setback line

No new seawalls allowed

Existing seawalls, if destroyed, could be replaced with sloping structures 10 feet from the building foundation



Beachfront Management History



Isle of Palms, Wild Dunes, 2 oceanfront lots

Lucas v. South Carolina Coastal Council

Lots were totally seaward of the baseline, unbuildable under 1988 BMA

Lucas sued, claiming a regulatory taking

Case went to US Supreme Court, which ruled in his favor and remanded the case for damages

Revisions to BMA following Lucas

Construction seaward of the baseline could now be authorized under a "Special Permit" in certain circumstances

Beachfront Management History

Retreat in the Beachfront Mgt Act (as amended)

Maintained “Policy of Retreat” but amended activities allowed

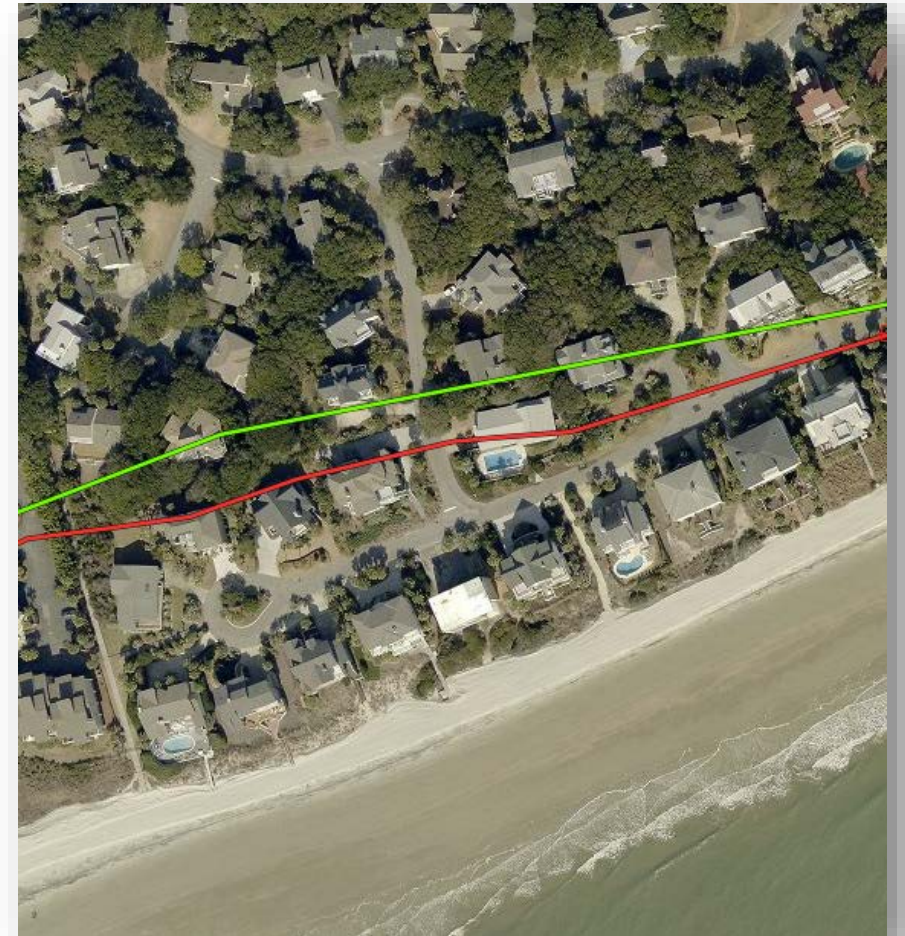
Provided for “Special Permits” seaward of baseline

Damaged structures can be rebuilt to original size

New habitable structures generally restricted to 5,000 sf seaward of setback line

Baseline can move seaward following renourishment / accretion

Destroyed seawalls cannot be rebuilt



Beachfront Management History

**2007-2010 Shoreline
Change Advisory
Committee (SCAC)**



**2010-2013 Blue Ribbon
Committee (BRC) on
Shoreline Management**

20 years since passage of the SC Beachfront Management Act

Need to evaluate policies to address continued threats of erosion, development and increase population growth.

Committees examined current conditions and made recommendations for improved beach mgt

- SCAC reaffirmed policies of BMA and identified 4 broad goals and 13 recommendations for shoreline mgt
- BRC considered SCAC work and developed 16 policy and regulatory recommendations for beachfront
 - Statutory, regulatory and internal policy changes based on BRC recommendations

BRC Discussion: Retreat vs Preservation

Reasons “Retreat” hasn’t happened

- No clear definition of retreat / subjective
- Existing policies or laws to implement retreat were limited
- Many beachfront lots too small to relocate structures landward
- Available land for relocation is scarce
- Few financial assistance programs or incentives
- Few Hurricane Hugo level storms / damage
- Renourishment

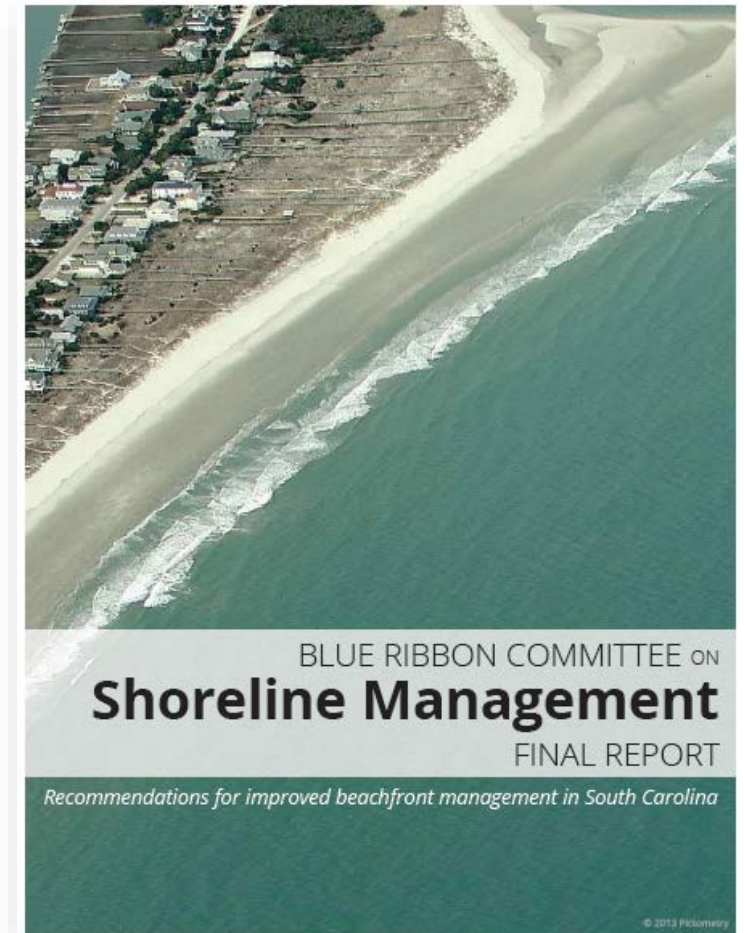


BRC Discussion: Retreat vs Preservation

Excerpt from Final Report...

“Ultimately, the committee recommends that the policy of the state should emphasize the **preservation of the beach and beach/dune system** rather than promote a policy of retreat that is vague and often impracticable or unattainable.”

“For the purpose of this recommendation, the term **‘preservation’** includes the implementation of coastal management techniques such as beach nourishment, the landward movement and/or removal of habitable structures whenever necessary and feasible, the conservation of undeveloped shorelines and sand dune creation and stabilization using sand fencing and native vegetation.”



Beachfront Management History



2018 Beachfront Management Reform Act (Act 173)

Replaced “retreat policy” with “beach preservation policy”

Restricts any further seaward movement of baseline

Established the beachfront jurisdictional lines for the 2016-2018 cycle

Amended administrative processes, timelines and public input requirements

Required promulgation of “Primary Oceanfront Sand Dune” definition



QUESTIONS

What does the Policy of Beach Preservation mean for the State of SC?

How is this policy being implemented?

Should additional strategies be considered?



Short Break

What is Beach Preservation in South Carolina?



What is Beach Preservation?

Maintaining the current state or status quo

Preserving natural functions

Pro-actively maintaining the functionality of the beach/dune system

Protecting and **enhancing** natural beach processes

Balancing habitat and environmental concerns with current development

Protecting the highly dynamic ecological processes and functions that shape, form and maintain the beach, dunes and nearshore habitat.

Small Group Activity

What is beach preservation?

What are we trying to preserve?

Who is involved and affected?

QUICK REFERENCE

Step Two: Stakeholder Analysis

Once the stakeholders have been identified, a simple stakeholder analysis will provide the information needed to design an effective participatory process. To get this information, complete the chart below.

Stakeholder (Name of group or individual)	Interests (What are their biggest concerns?)	Position (What outcome is a "win" for them?)	Influence (Do they have special power in the situation?)	Involvement (What level of participation do you predict?)	Special Considerations



OFFICE FOR COASTAL MANAGEMENT

DIGITAL COAST

Lunch



Workgroup Topics & Themes





Next Steps

- **Meeting Summary + Website**
 - A high-level summary of the meeting (presentation slides, decision points and takeaways) will be provided within the next 2 weeks
 - Website update
- **Learning Opportunity**
 - Public Trust Doctrine Webinar
 - Presentation by Josh Eagle
- **Next Meeting**
 - Theme: Beach Nourishment
 - July 15, 2022 (Same time/place)
- **Provide Your Feedback**

Stakeholder Workgroup - Timeline





Thank You