

OCEAN AND COASTAL RESOURCE MANAGEMENT – Proposed Amendment

R.30-14, Administrative Procedures (Coastal Division)

State Register Document 4810

Summary:

The Department of Health and Environmental Control (“Department”) proposes amending R.30-14, Administrative Procedures with respect to the review process for revising jurisdictional lines and erosion rates affecting beachfront properties. 1976 Code Section 48-39-280 requires the Department to establish and review the position of beachfront jurisdictional setback lines, baselines, and erosion rates once every seven (7) to ten (10) years. Existing Coastal Division Regulation 30-14.F provides that a landowner may request a review of the jurisdictional lines or erosion rate affecting his or her property within one (1) year of adoption. However, statutory changes under Act No. 387 of 2006 limit the review of a Department decision to fifteen (15) calendar days. This proposed regulatory amendment would clarify the review process to allow sufficient time for affected landowners to understand the Department’s methodology in setting jurisdictional lines and erosion rates, and bring any substantiating evidence to the attention of the Department’s Office of Ocean and Coastal Resource Management for staff determination. The amendment would provide landowners a timely review and would comply with Act No. 387 of 2006.

The Department published proposed revisions to the state’s beachfront jurisdictional setback lines, baselines and erosion rates on October 6, 2017. Based on comments received from landowners, community leaders, the conservation community and others during the initial 30-day public comment period, the Department extended the public comment period until April 6, 2018. Existing jurisdictional lines will remain in place until final revised lines are adopted.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of this promulgation.

Link to Notice of Final Regulation submitted for legislative review:

<http://www.scstatehouse.gov/regs/4810.docx>

***Note: This Notice of Final Regulation did not receive a joint resolution of approval or meet the requisite 120 days of legislative review. As such, the amendments have not taken legal effect.

History and Status:

Notice of Drafting published:	November 24, 2017
Drafting comment period closed:	December 27, 2017
Board approval to publish Notice of Proposed Regulation:	February 8, 2018
Notice of Proposed Regulation published:	February 23, 2018
Proposed Regulation comment period closed:	March 26, 2018
Public Hearing:	March 27, 2018
General Assembly review period of Notice of Final Regulation began:	March 28, 2018

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