



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

SC Beach Preservation Stakeholder Workgroup

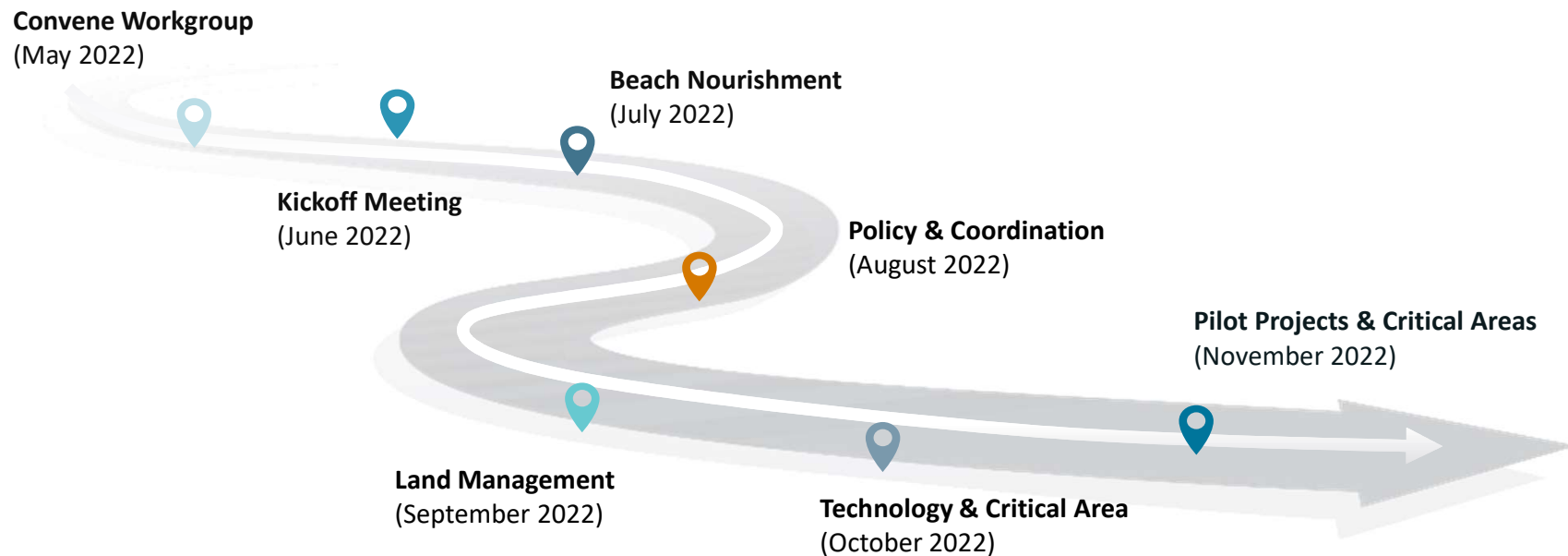
November 17, 2022



Agenda

- Welcome, Introductions and Timeline
- Pilot Project Discussion
 - Success Criteria
 - Erosional Issues
- South Carolina Beaches Critical Area
- Wrap-up & Next Steps

Stakeholder Workgroup - Timeline



Important Dates

- **Draft Report**
 - November 30
- **Workgroup Comments Due**
 - December 9
- **Meeting** *(if needed)*
 - December 12
- **Final Report**
 - End of December



Pilot Project Discussion



Discussion Summary

- **Statute Language**
 - Section 48-39-130(D)(2)
 - Section 48-39-320(C)
- **Discussed Current Processes & Project Specifications**
- **Identified Process Opportunities**
- **Need for Project Specificity**



Process

Process	How is this currently handled?	How should it be handled?
Submittal of Study Proposal	Internal review	Internal and Ad hoc technical committee review
Public Notice	No public notice	Provide opportunity to comment Notify adjacent property owners
Resource Agency Coordination	Discretionary	Resource Agency participation in Ad Hoc Committee
Authorization	OCRM written acknowledgment	Align authorization with permitting process
Appeal	RFR to DHEC Board	Minimum - maintain current process (Agency decision, contested case, RFR to DHEC Board)

Project Specifics

Project Specifics	How is this currently handled?	How should it be handled?
Sponsor	State agency or university	An unbiased institution should be involved
Study Design Specifics	Undefined	Although dependent on type of study, timeline and other high-level details should be required.
Bonding	Required if considered a Pilot Project under 48-39-320(C); Cost of removal	Require for removal and restoration
Project Standards	No material harm to flora, fauna, physical or aesthetic resources; Reasonably anticipated that the use will be successful in addressing an erosional issue	Reviewed by Ad Hoc Committee. Criteria for monitoring. Control site and comparisons analysis. No adverse impacts and non-invasive species
Success Criteria	Undefined	Demonstrate how study/project addresses an erosional issue and how success will be determined.
Reporting / Determination of meeting success criteria	OCRM; resource agency input	Report(s) and determination of meeting success criteria should be sent to OCRM and the Ad Hoc Committee
Public comment on final results and Department determination	Undefined	OCRM website; gather public comment at end of study timeframe

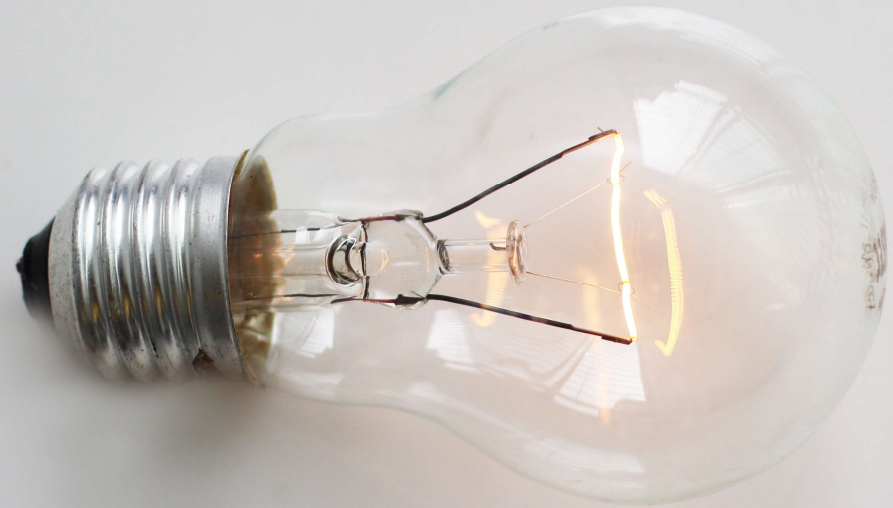
Statutes: Pilot Projects

- **SECTION 48-39-320(C)**

- Notwithstanding any other provision of law contained in this chapter, the board, or the Office of Ocean and Coastal Resource Management, may allow the use in a pilot project of any technology, methodology, or structure, whether or not referenced in this chapter, if it is reasonably anticipated that the use will be ***successful in addressing an erosional issue in a beach or dune area***. If success is demonstrated, the board, or the Office of Ocean and Coastal Resource Management, may allow the continued use of the technology, methodology, or structure used in the pilot project location and additional locations.

Discussion

1. What is the erosional issue being addressed and how is it being defined?
2. How do we determine when and if a pilot project has been successful?
3. What measures determine if you are successfully addressing an erosional issue?
4. How do we establish success criteria?
 - Control site
 - Compare to existing or prior methods? (nourishment, for example)
 - Ensure that impacts do not occur to beach dune and critical area?



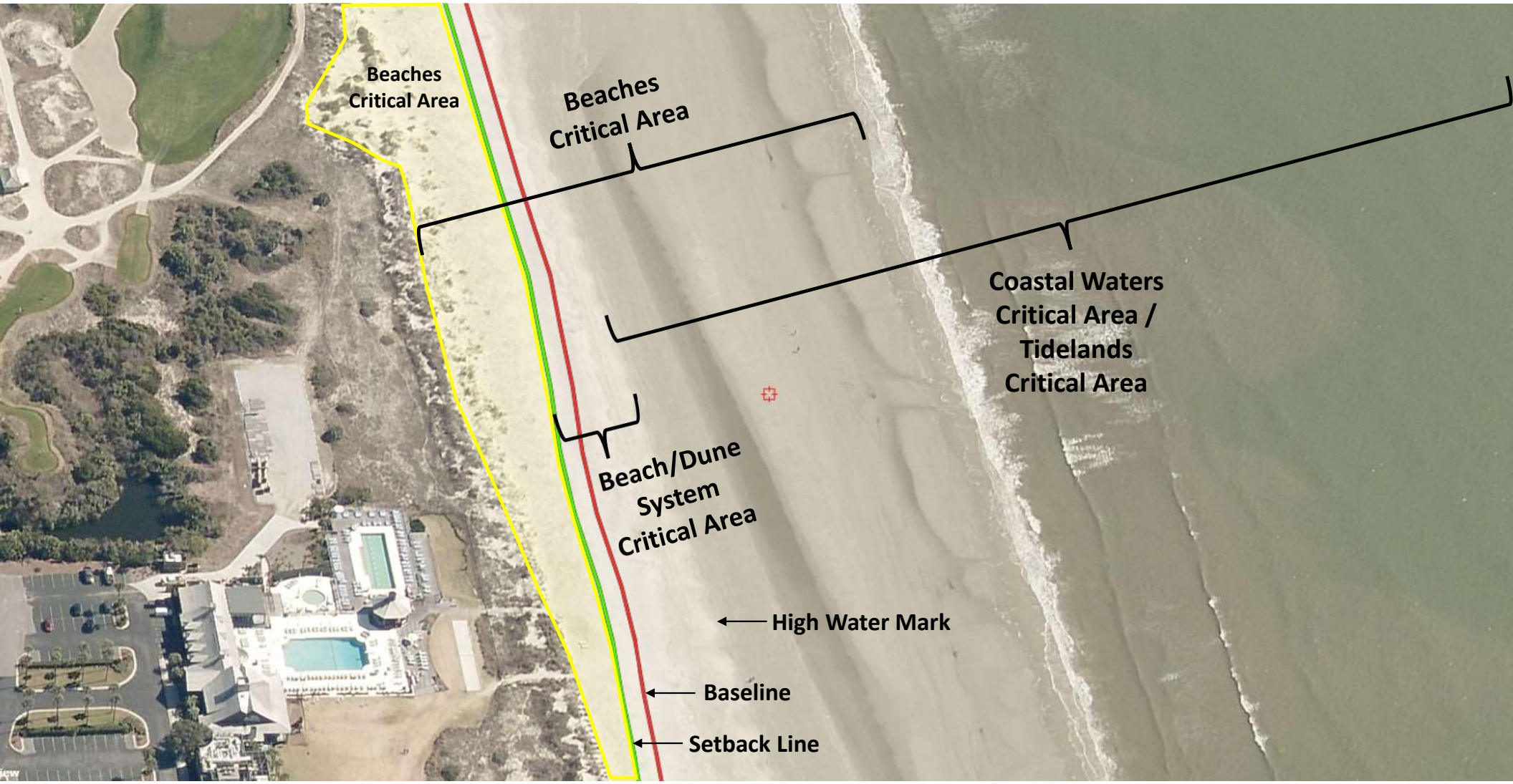
South Carolina Beaches Critical Area



Discussion Summary

- **Statute**
 - Section 48-39-10 Definitions
 - Section 48-39-80 Development of coastal management program
- **Regulation**
 - R.30-10 Critical Area Boundaries
 - R.30-13 Specific Project Standards for Beaches and the Beach/Dune System
- **Beaches Critical Area Examples**





Beaches
Critical Area

Beaches
Critical Area

Coastal Waters
Critical Area /
Tidelands
Critical Area

Beach/Dune
System
Critical Area

← High Water Mark

← Baseline

← Setback Line

Discussion Summary

Takeaways

- OCRM should be able to assert jurisdiction in the beaches critical area
- Detail and specificity is needed in the regulation to support this authority
- Need to identify activities to be regulated in this area
- Agreement that erosion control structures should be prohibited in the beaches critical area.

Possible Recommendation(s)

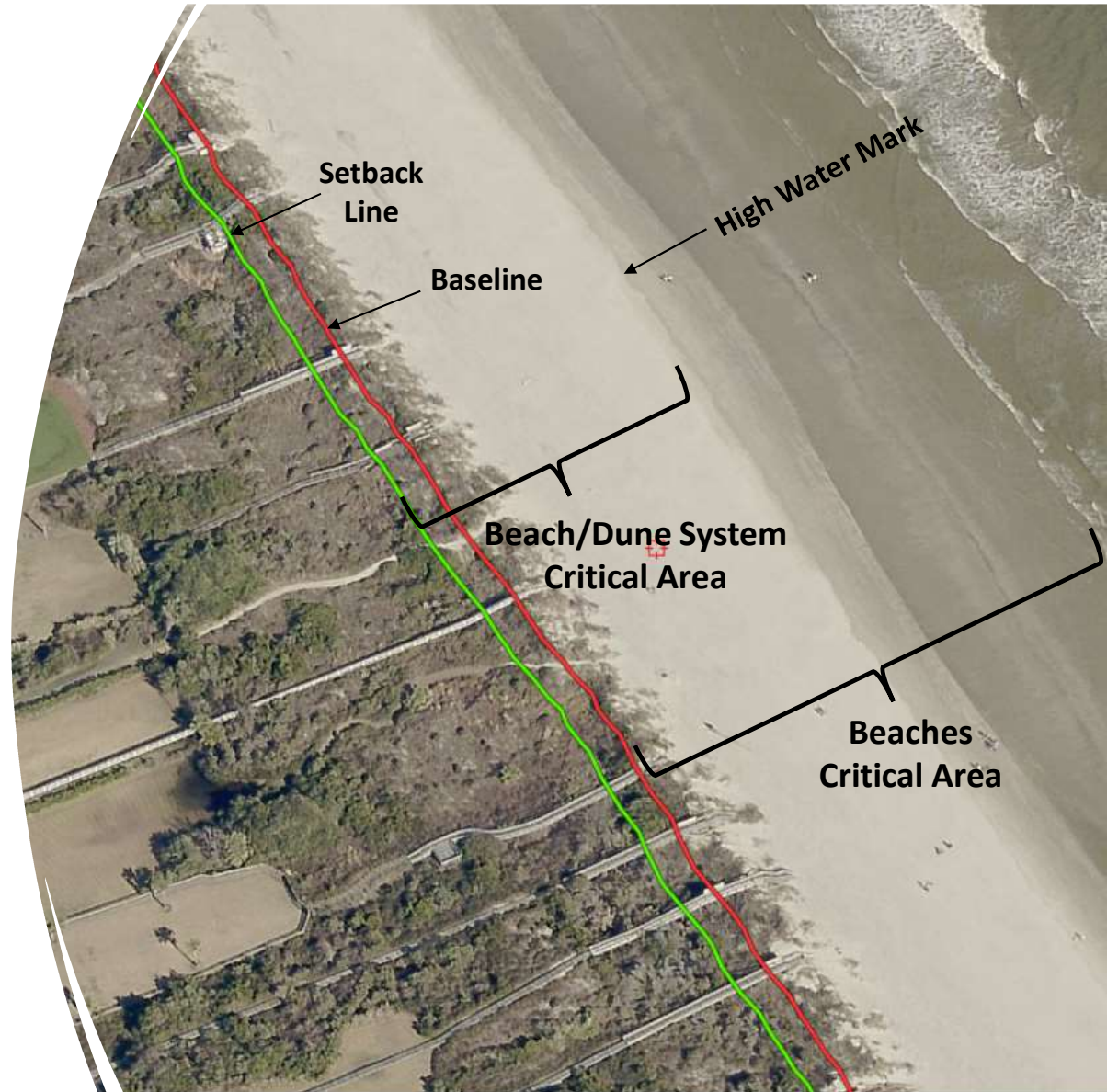
- Change the definition of beach/dune system or
- Include “beaches critical area” in the existing project standards



Beachfront Critical Areas

- **SECTION 48-39-10 Definitions**

- (H): "**Beaches**" means those lands subject to periodic inundation by tidal and wave action so that no nonlittoral vegetation is established.
- (J)(4) **beach/dune system** which is the area from the mean high-water mark to the setback line as determined in Section 48-39-280



Beaches Critical Area – Erosion control structures

Current Law

- No new ECS seaward of the setback line.
- ECS seaward of the setback line destroyed more than 50% (above grade) cannot be repaired and must be removed.



Beaches Critical Area – Erosion Control Structures

- What about new ECS in Beaches critical area that are landward of the setback line?
- What about repairing existing ECS landward of the setback line if destroyed?

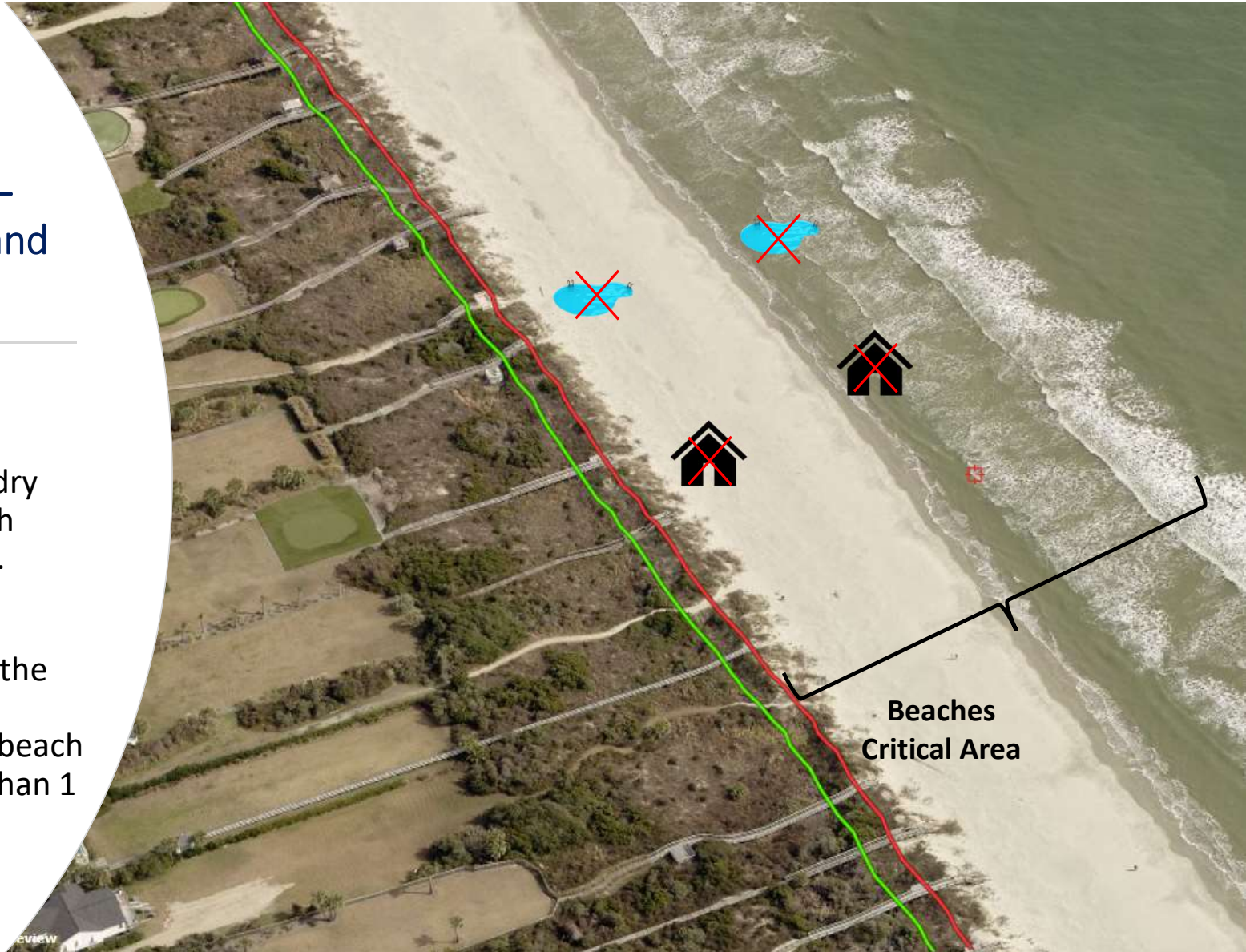
Recommendation?



Beaches Critical Area – Habitable Structures and Pools

Current Law

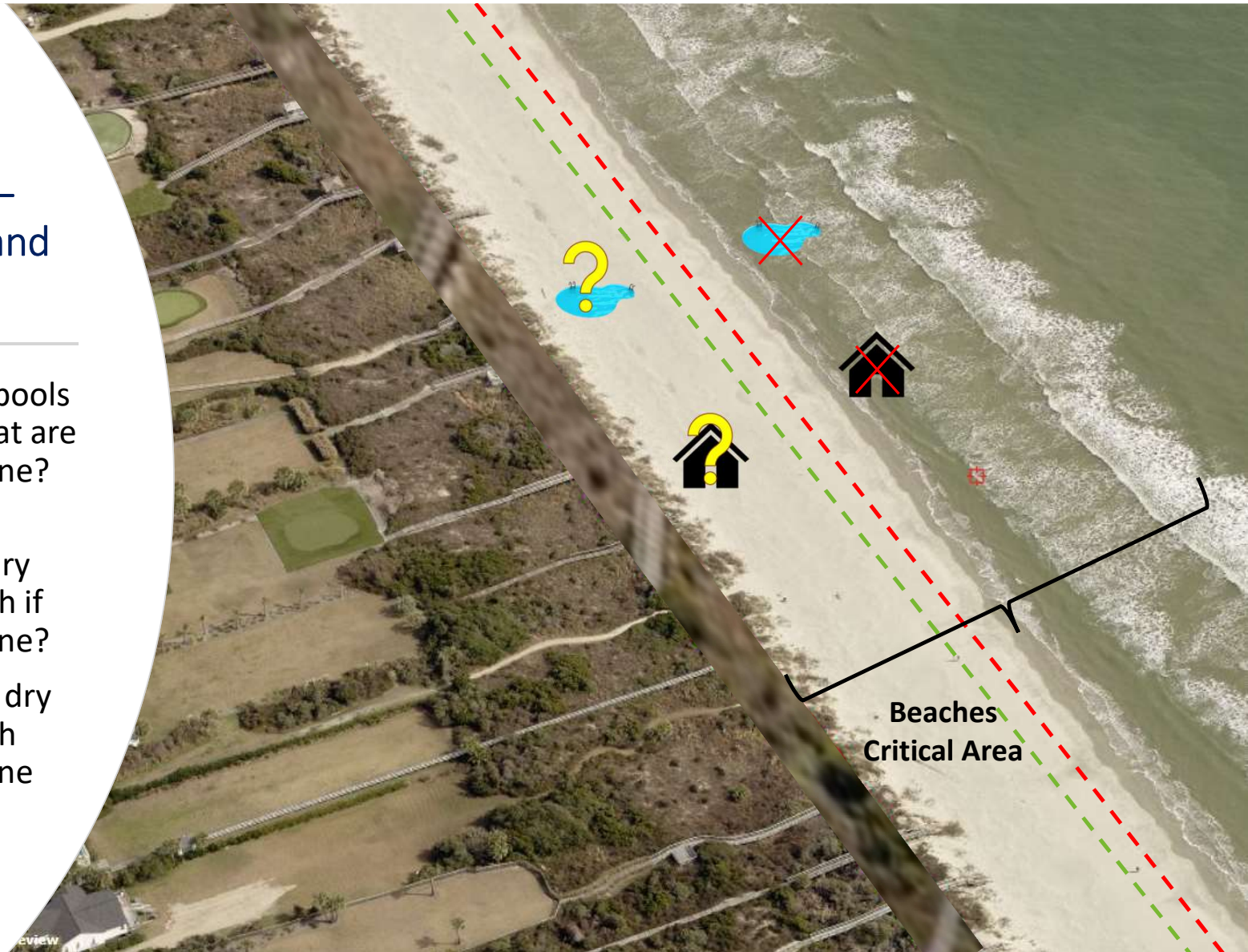
- No new HS or pools on dry sand beach or active beach areas seaward of baseline.
- If HS is built seaward of the baseline via a Special Permit and is on dry sand beach or active beach for more than 1 year it must be removed.



Beaches Critical Area – Habitable Structures and Pools

- What about new HS or pools in Beaches critical area that are landward of the setback line?
- What about repairing existing HS and pools on dry sand beach or active beach if landward of the setback line?
- What if HS or pool is on dry sand beach or active beach landward of the setback line for more than 1 year?

Recommendation?





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