



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

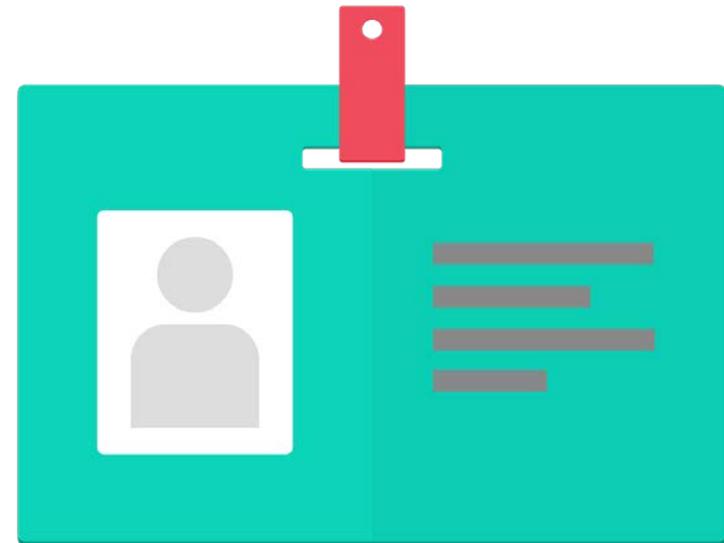
- What is “Beach Preservation” in South Carolina?

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

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# Beach Preservation Stakeholder Workgroup

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# SC Beach Preservation Process

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# Stakeholder Workgroup - Timeline

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# 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

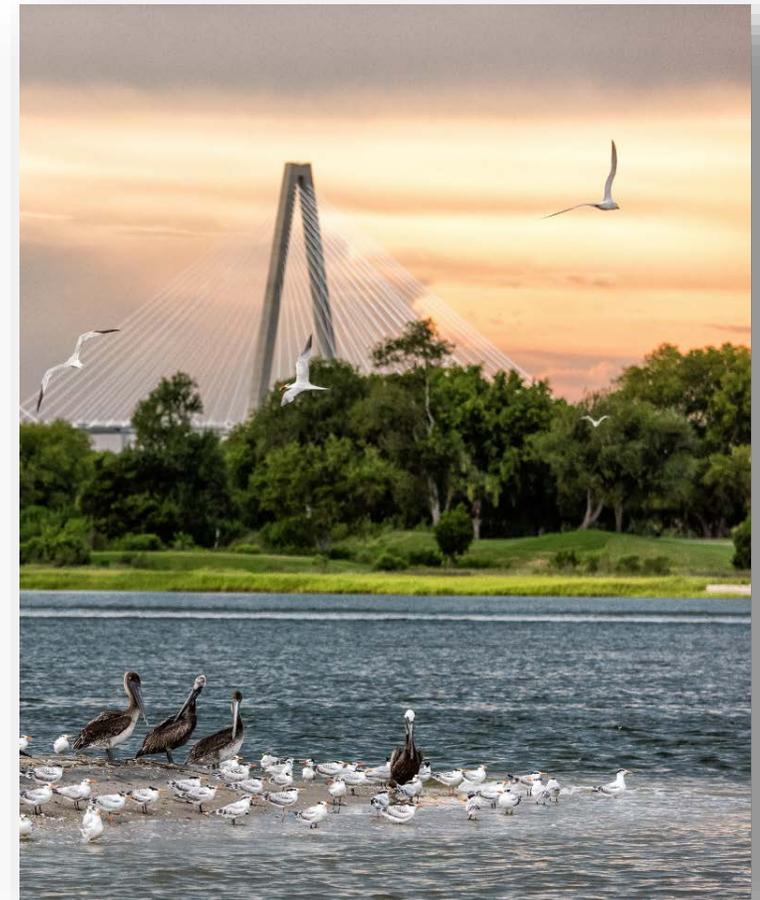
## Program Goals (§48-39-30)

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



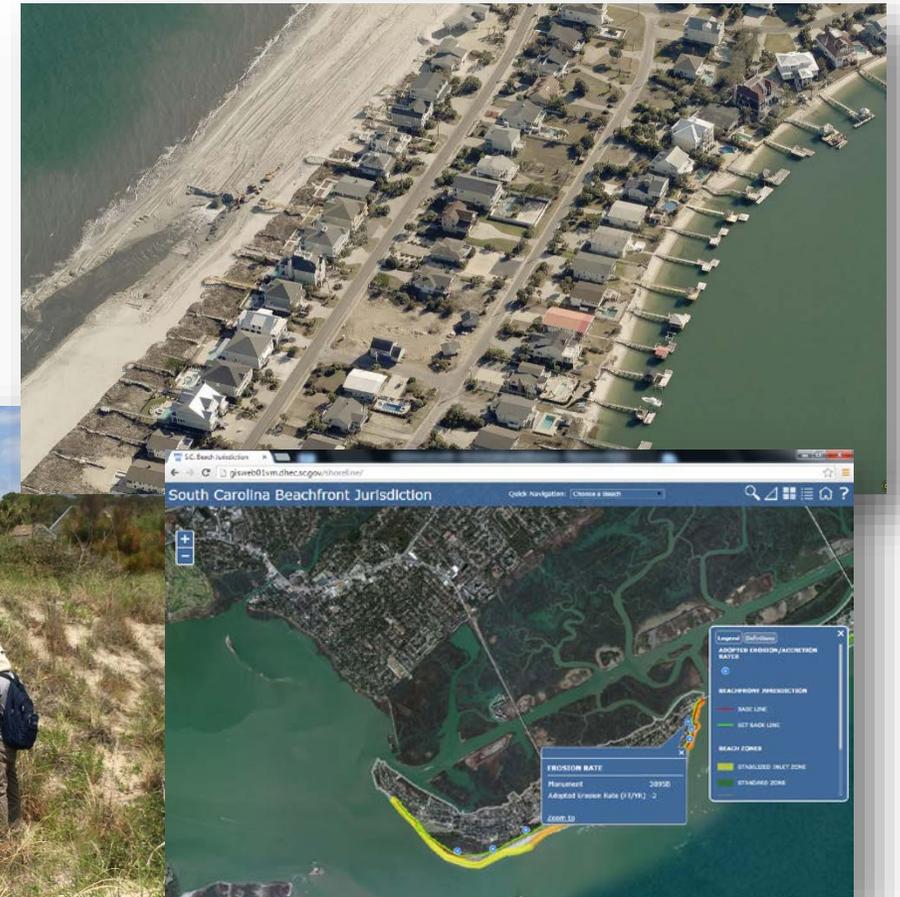
# Office of Ocean and Coastal Resource Management

## 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

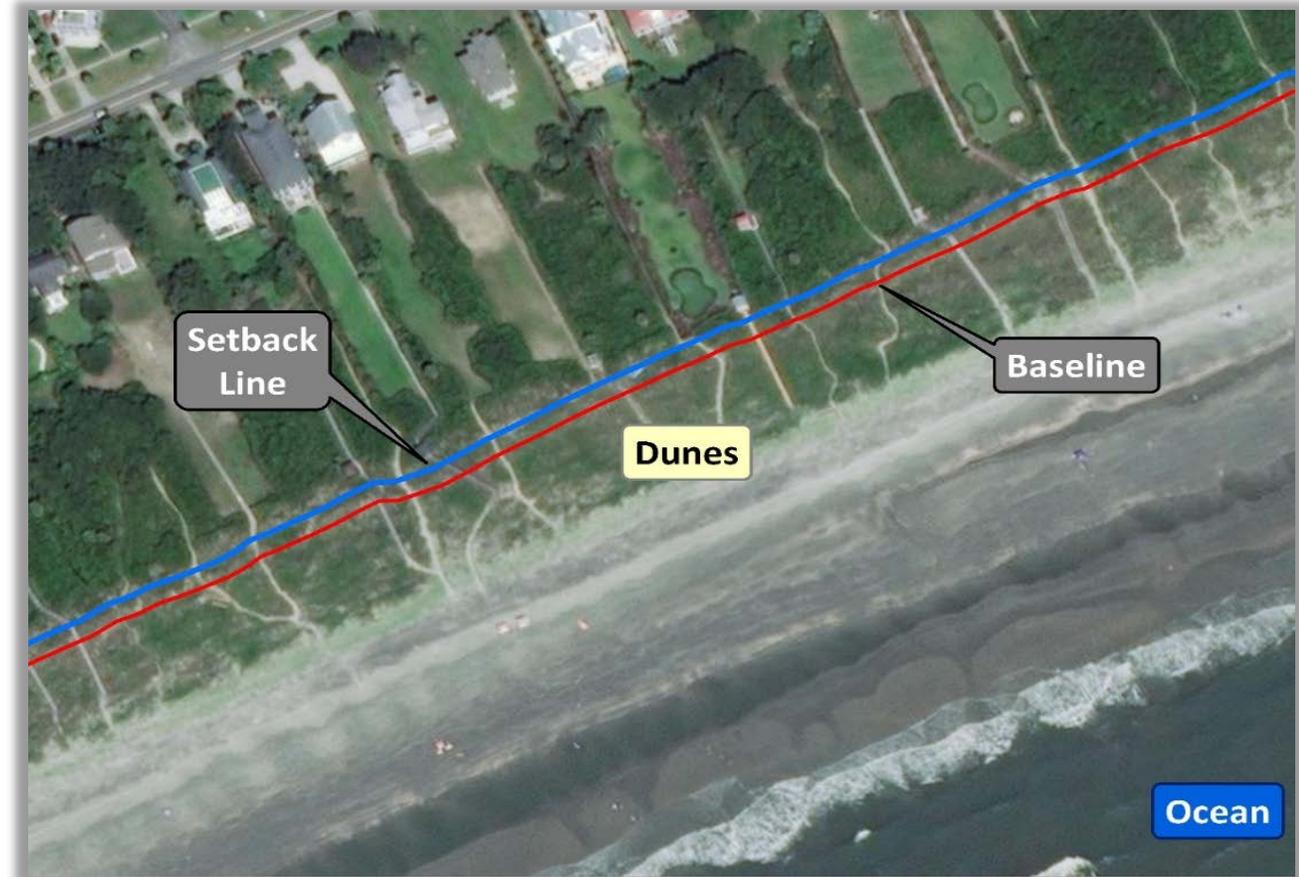
## State Beachfront Management

**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

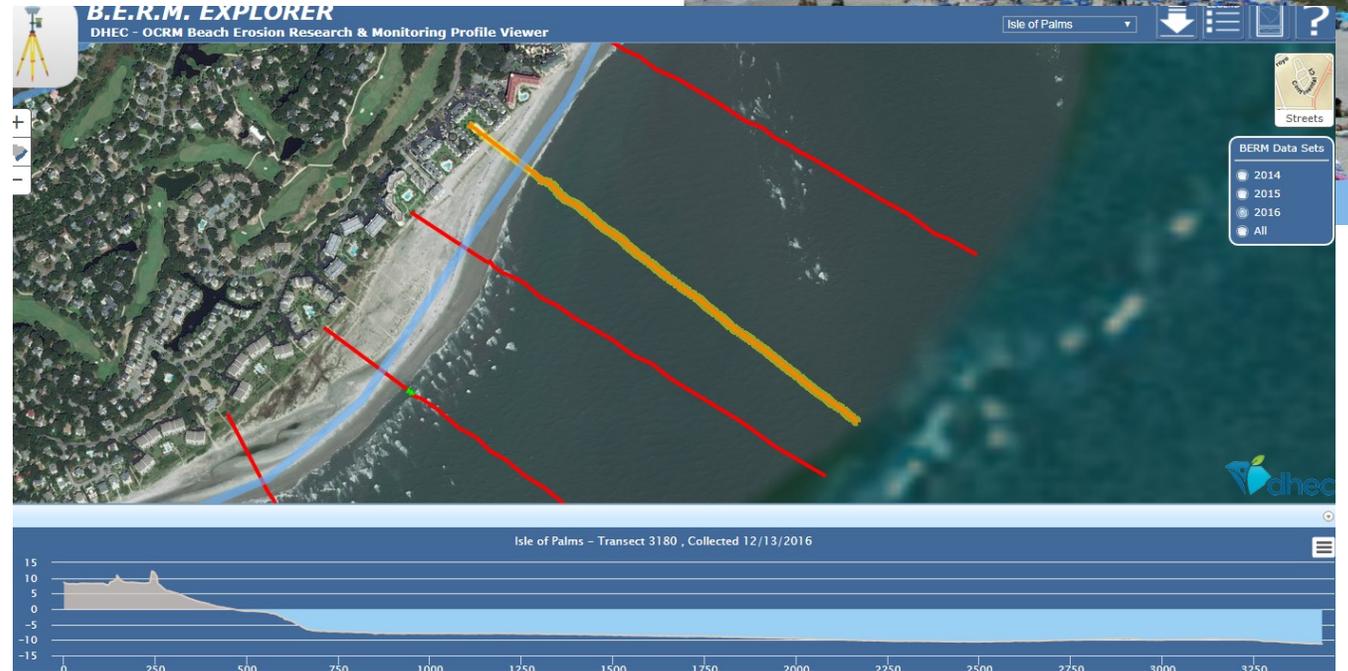
State Beachfront Management Plan

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

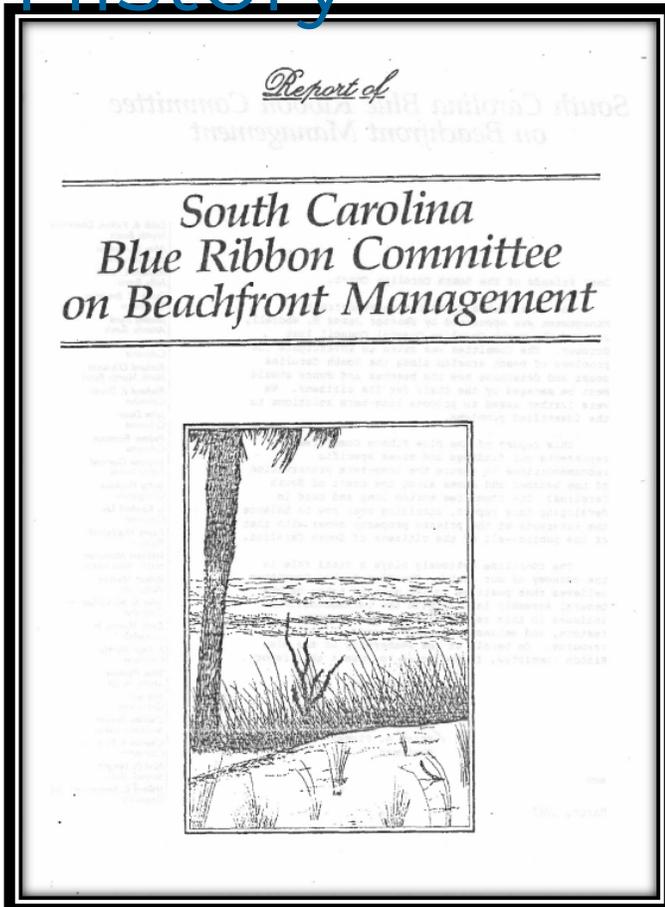
“Critical Line” set at the landward toe of the primary dune, or at the erosion scarp line for eroding beaches

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.”

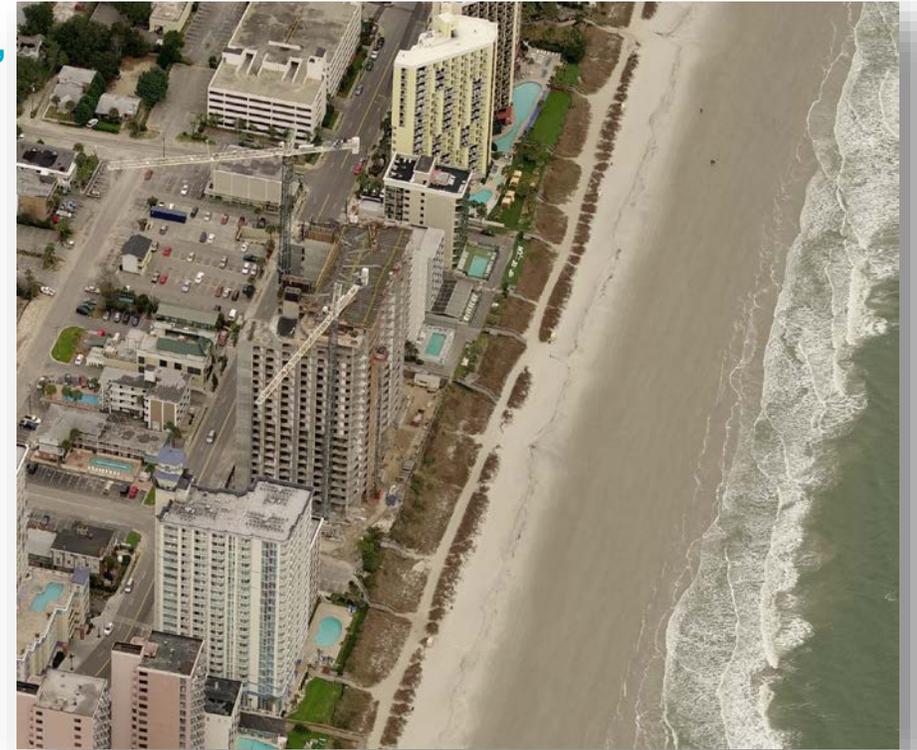
Created two new lines of beachfront jurisdiction (baseline and setback line)

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

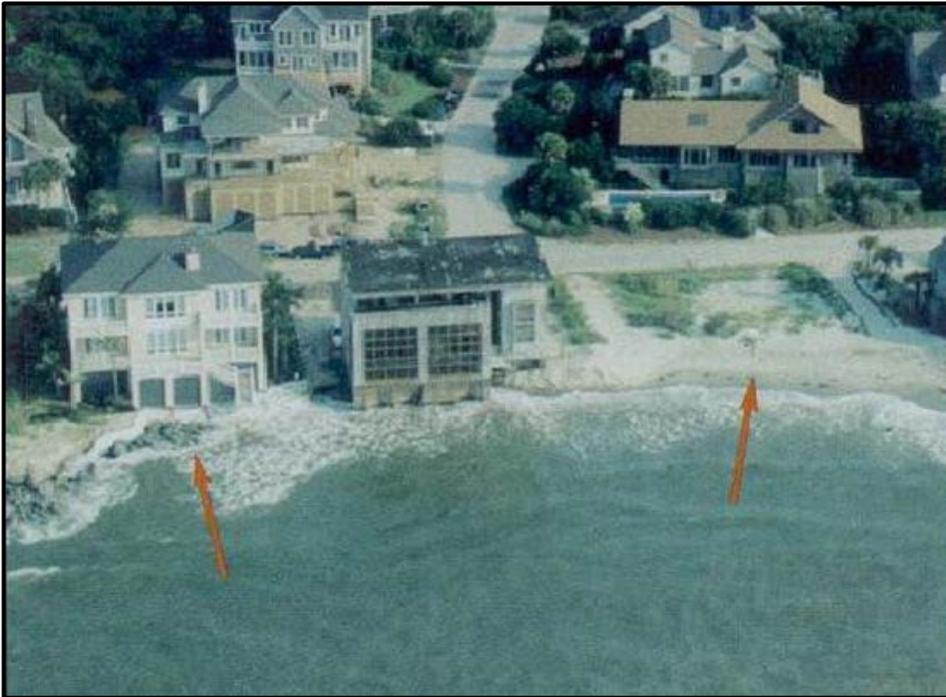
Limited construction between the baseline and setback line

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

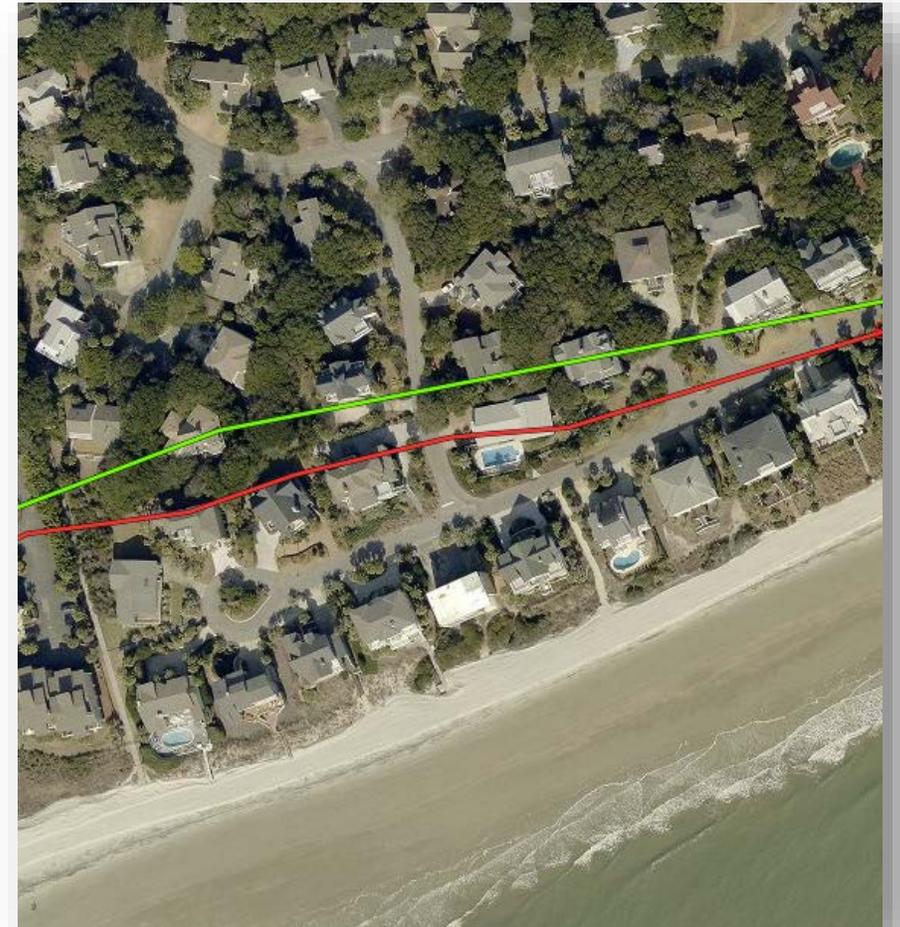
Provided for “Special Permits” seaward of baseline

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

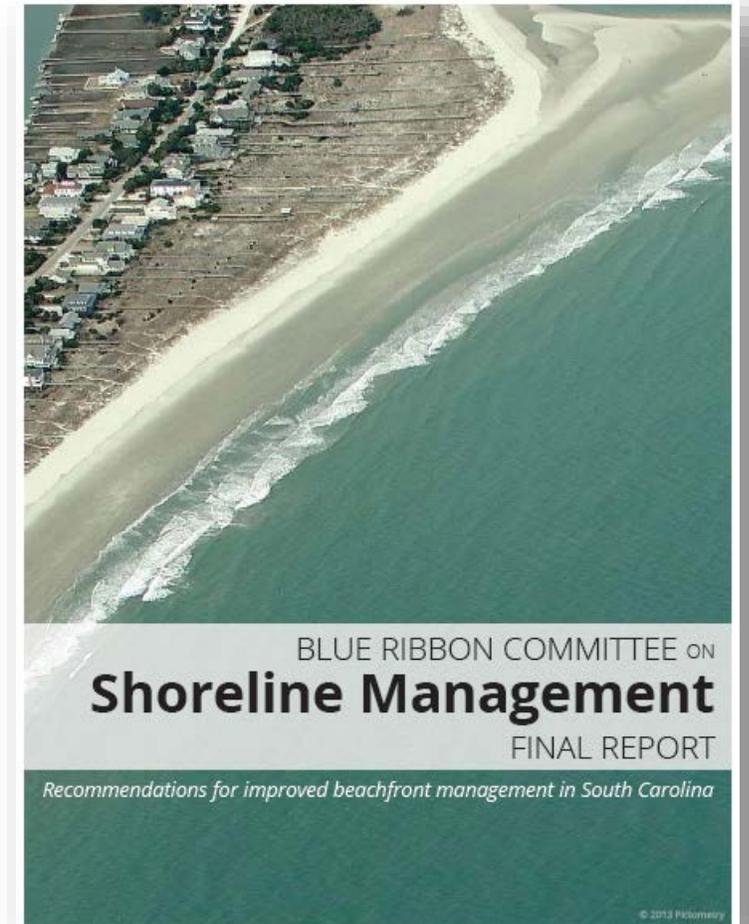


## BRC Discussion: Retreat vs Preservation

### *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?

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# What is Beach Preservation?

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**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<br>(Name of group or individual) | Interests<br>(What are their biggest concerns?) | Position<br>(What outcome is a "win" for them?) | Influence<br>(Do they have special power in the situation?) | Involvement<br>(What level of participation do you predict?) | Special Considerations |
|--|---|---|---|--|------------------------|
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OFFICE FOR COASTAL MANAGEMENT

DIGITAL COAST

Lunch



# Workgroup Topics & Themes





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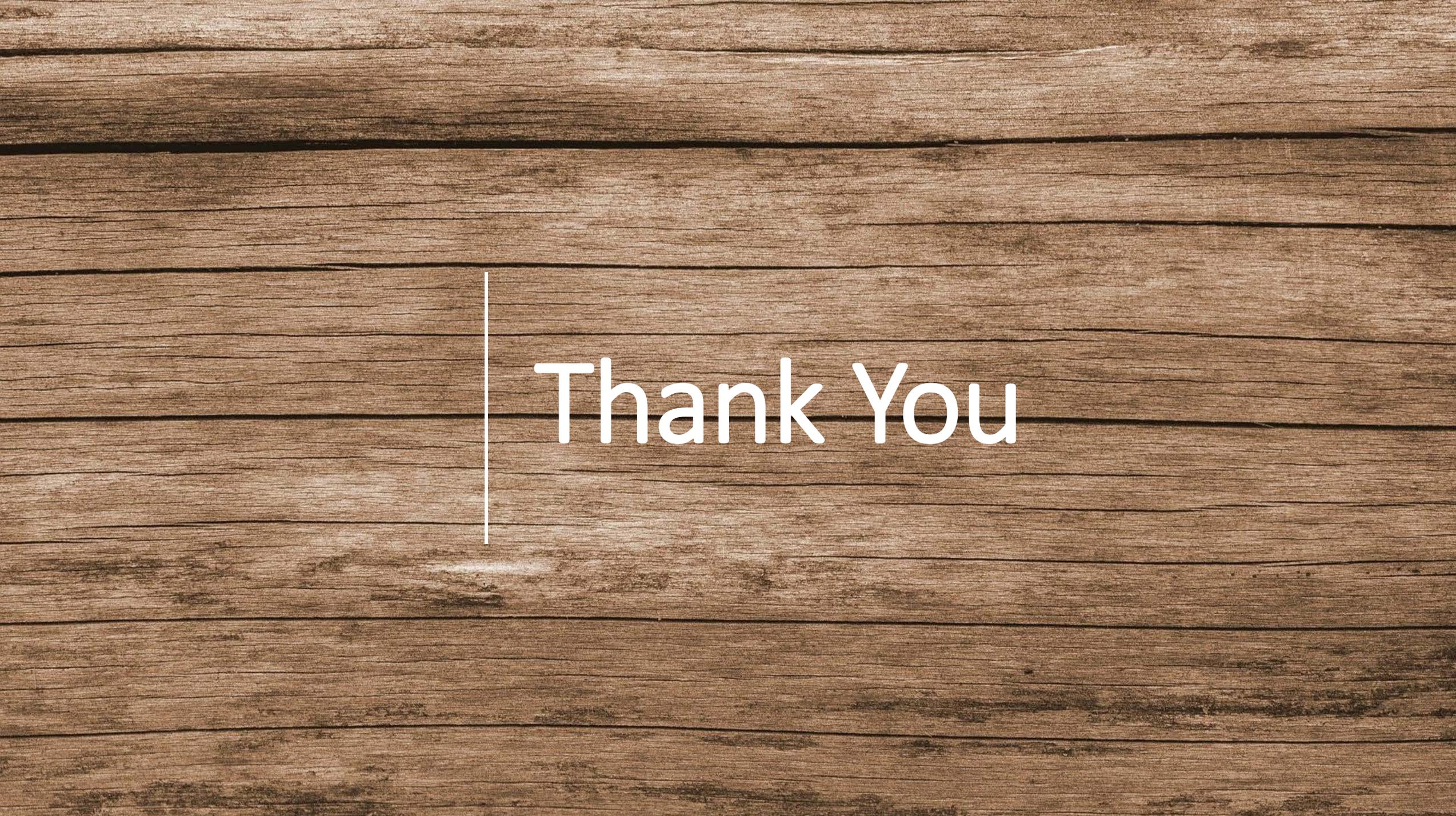
## Next Steps

- **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

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Thank You