



**Meeting Notes from the
Beachfront Jurisdictional Lines Stakeholder Workgroup
October 24, 2018**

The Beachfront Jurisdictional Line Stakeholder Workgroup met on Wednesday, October 24, 2018, in S.C. DHEC OCRM's 3rd Floor Conference Room, Charleston, SC.

WELCOME, WORKGROUP CHARGE:

At 10:00 a.m. S.C. DHEC OCRM Chief Elizabeth von Kolnitz welcomed the workgroup and introduced S.C. DHEC's Director of Environmental Affairs, Myra Reece. Ms. Reece stated the importance of collaboration when facing challenging and polarizing issues, and emphasized the critical nature of this workgroup's effort to the state of South Carolina. Ms. von Kolnitz then described the charge of the workgroup and how the final workgroup recommendations for a regulatory definition of primary dune and extraordinary erosion will feed into the legislative timeline, as outlined in a process flowchart presented to the group. Ms. von Kolnitz acknowledged that there may be other questions/issues regarding the beachfront jurisdictional lines process, and while this workgroup is the start of these discussions, it is important that the workgroup focus on the current charge and provide input on all sides of an issue, even if the ideal outcome of consensus is not reached. Ms. von Kolnitz further stated that the outcome of the workgroup's efforts will be captured in a final report.

INTRODUCTIONS, PROCESS OVERVIEW:

Lawra Boyce, Community Engagement Coordinator in DHEC's Office of Environmental Affairs and Kristy Ellenberg, Public Participation Coordinator in DHEC's Bureau of Water introduced themselves as Workgroup Facilitators (Facilitators) and asked the Workgroup members to introduce themselves and describe a goal they would like to accomplish as part of this effort.

The following members were in attendance:

Blanche Brown
Rocky Browder
Josh Eagle
Emily Cedzo (arrived at 12:00 p.m.)
Jean Ellis
Jane Darby
Bill Eiser
Nick Kremydas
Ryan Fabbri
April Donnelly
Tim Kana

The following process goals were provided by attending members: All feel comfortable with definition of primary dune; Defined process for staff and stakeholders; Definitions that are clear, easily implemented and consistent with statute; Solution that is in the best interest of all South Carolinians; Provide clarity for DHEC as they are responsible for implementation; Better define and reduce ambiguities in the current process; Have a long-range plan to avoid significant beach line changes; Ensure "extraordinary erosion" considers difference between storm erosion and pattern of erosion; A more workable definition of primary sand dune that is implementable and will minimize appeals; Common sense definitions and workable

solutions; A more transparent and better laid out process that feels less rushed and provides more opportunities to voice opinions and better understand issues; Balanced discussion of long-range plans, changing systems, and property rights; Revisit original intent of law to safeguard the coast, provide protection, make the coast safer and protect private investments.

The Facilitators acknowledged the additional members of the public in attendance (Sandy Stone, Island Realty; Adam Stein, NOAA). The Values and Workgroup Guidelines were detailed by the Facilitators prior to DHEC OCRM led presentations. The purpose of these presentations was to provide a foundation for discussion.

INFORMATIVE SESSION:

A presentation entitled *Beachfront Management* was given by Elizabeth von Kolnitz which provided a history and overview of beachfront management in South Carolina.

A presentation entitled *Beachfront Jurisdictional Lines: The current process* was given by Jessica Boynton, S.C. DHEC OCRM Shoreline Specialist, which provided information on the current process for establishing the beachfront jurisdictional lines in the standard zone and stabilized inlet zones.

Questions and discussion resulting from Ms. Boynton's presentation included:

- Authorization vs. Notification process for rebuilding of beachfront homes and pools after damaged beyond repair determination has been made
- DHEC OCRM authorization of 5,000 sq. ft. homes when local ordinances are more restrictive
- DHEC OCRM process for handling breaches and access points in relation to the 500 ft. length requirement
 - Possible guidance on varying scenarios that would provide enough flexibility to account for variability in the field yet limit subjectivity to minimize opportunities for legal challenges. Also consider how such guidance may impact data collection efforts.
 - Possible use of a topographical line to define a primary dune rather than a set of various conditions.

A presentation entitled *Sediment Transport & Sand Dune Formation* was given by Matt Slagel, S.C. DHEC OCRM Beachfront Project Manager, which provided information on beach sediment transport and sand dune formation.

SMALL WORKGROUP DIALOGUE:

As part of a working lunch, the Workgroup was divided into 3 smaller groups of 3-4 members. Each smaller group was provided with 15 beachfront photos and asked to label each of the photos with either a green, yellow, or red sticker to denote definite primary dune characteristics, possible primary dune characteristics, or no primary dune characteristics, respectively.

FACILITATED WORKGROUP DISCUSSION:

Building from the small workgroup dialogue, the Facilitators then asked the Workgroup to discuss the primary dune characteristics, or lack thereof, which factored into the decision-making process for the presence and/or absence of a primary dune in each of the photos.

The Workgroup was in agreement that a primary dune was present in photos #1, #3, #4, #8, #11, #15 for the following reasons:

- Photo #1 – proximity to water, elevation, vegetation, continuity, and seaward and landward dune faces
- Photo #3 – relief, continuity, vegetation, dry sand beach
- Photo #4 – complicated due to active escarpment, but relief and backshore elevation are present

- Photo #8 – vegetated, however there were concerns regarding the man-made appearance, unestablished vegetation, and dune longevity
- Photo #11 – established vegetation
- Photo #15 – established vegetation

The Workgroup was in agreement that a primary dune was NOT present in photo #5 for the following reasons:

- Photo #5 – erosional scarp, no change in elevation landward of scarp, no defined toe/crest

The Workgroup provided mixed responses regarding the presence of a primary dune in photos #6, #7, #10, #12, #13, #14 for the following reasons:

- Photo #6 (2 maybe, 1 no) – no vegetation, gaps at walkovers which will not accrete sand, lack of continuity, appears man-made
- Photo #7 (1 maybe, 2 no) – lack of longevity, man-made, no vegetation, location of high-water mark as an impact to longevity, function as sacrificial emergency protective sand berm
- Photo #10 (1 yes, 1 no, 1 maybe) – focus of photo is not the primary dune, possibly the secondary, primary dune is likely seaward of the dune in focus
- Photo #12 (2 maybe, 1 no) – insufficient perspective in photo complicated discussion, however, there is an apparent dune breach and lack of continuity
- Photo #13 (1 maybe, 2 no) – vegetation, photo perspective made it difficult to determine the change in elevation (if any), apparent washover area
- Photo #14 (2 maybe, 1 yes) – photo perspective complicated determinations about location of high-water mark and dry sand beach

SUMMARY:

The Workgroup offered the following general information regarding primary dune characteristics.

❖ *Characteristics of a primary dune:*

- Rise/height of dune
- Dune vegetation
 - Type
 - Age
 - Density
- Continuity of dune
- Slopes of seaward and landward dune faces
- Proximity to water
- Proximity to dry sand beach
- Particle size and composition (unconsolidated sand – not soil or some other composition)

❖ *Characteristics that are NOT a primary dune:*

- Lack of stability/longevity
- No vegetation
- Undermined vegetation (exposed roots)
- Evidence of scarp
- No change in elevation landward of scarp
- Lack of elevation above beach face
- Undefined toe/crest
- Lack of continuity

❖ *Additional Characteristics to further consider in defining “primary dune”:*

- Can a man-made dune be considered a primary dune?
- Proximity to high-water mark
- Natural beach slope elevation could be a factor in determining toe/crest measurements
- Dune function and purpose

- Indicators of dune stability (i.e. vegetation age/density, erosion rates, etc.). There is a need to determine what is stable. Should stability be based on function?
- Erosion impacts (i.e. storm events and/or continuous)

NEXT STEPS:

"Marina" – this designation was provided for concerns/issues that were identified during the course of the meeting but are outside the scope of this workgroup.

1. Process for rebuilding beachfront homes and pools: Authorization (DHEC grants approval for the activity) vs. Notification (DHEC is made aware of the activity)
2. Coordination of local ordinances and state requirements

Ms. von Kolnitz thanked the members for their participation and reiterated that OCRM is striving for consensus on the recommendations and details that help OCRM draft policies, as opposed to voting.

Requested additional information and next steps from the Workgroup included:

- a) DHEC OCRM to obtain Army Corps of Engineers definition of built dune and offer as resource information
- b) A compilation of all coastal state definitions of primary dune into a matrix would aid in assessing how other states set beachfront jurisdictions – is there an alternative to dunes for setting beachfront jurisdiction (i.e. elevation)?
- c) Legal definition of dune does not necessarily have to be geological in nature – what are the possibilities of setting topographical lines on sections of beach with recent LiDAR data?

The Meeting was adjourned at 2:00 p.m. by the Facilitators.