



**Meeting Notes from the
Beachfront Jurisdictional Line Stakeholder Workgroup
November 14, 2018**

The Beachfront Jurisdictional Line Stakeholder Workgroup met on Wednesday, November 14, 2018, in the County of Governments (COG) 2nd Floor Conference Room, Charleston, SC.

WELCOME, REVIEW WORKGROUP CHARGE:

At 10:00 a.m. S.C. DHEC OCRM Chief Elizabeth von Kolnitz welcomed the Workgroup members and explained that this meeting's agenda provides for continued conversation on a recommended primary dune definition. Ms. von Kolnitz further explained that DHEC OCRM compiled general conclusions from the conversations during the first two meetings, and that staff has provided a list of additional questions of the Workgroup to help focus on the details for the final dune definition recommendations. Ms. von Kolnitz stated that a goal for today would be to take a limited amount of time at the end of today's meeting to introduce "extraordinary erosion" to the Workgroup and discuss informational/data needs the Workgroup may have moving forward with this topic.

The following members were in attendance:

Emily Cedzo
Blanche Brown
Michael Katuna
Ray Chandler
Josh Eagle
Bill Eiser
April Donnelly
Nick Kremydas
Rocky Browder
Jean Ellis
Jane Darby

Additional members of the public in attendance were Sandy Stone, Island Realty and Linda Tucker, SCBA (South Carolina Beach Advocates).

MEETING GOALS:

Lawra Boyce and Kristy Ellenberg as the Workgroup Facilitators (Facilitators) reviewed the objectives to ensure the Workgroup stayed on track with the goals. The Facilitators reviewed the information packet provided to each of the members for inclusion in their resource binders. This packet included meeting 2 notes, the current agenda, slide show handouts for this meeting's presentation, a breakdown of the dune definition characteristics that required further clarification, as well as additional reference materials. The Facilitators also reviewed the Workgroup values and DHEC OCRM policy to Protect, Preserve, Enhance and Restore the beach/dune system, and asked the members to not only keep the big picture in mind while moving through this process, but also to ensure the definition recommendations are workable, usable and can feasibly be implemented.

INFORMATIVE SESSION:

A presentation entitled *Dune Dimension Examples* was given by Jessica Boynton, S.C. DHEC OCRM Shoreline Specialist. This slide presentation utilized satellite, drone and LiDAR aerial

imagery with parcel overlay data to offer a visualization of the length, width and height of dunes in three site examples. The specific length of 500' was shown in each of the site examples and showcased the variability in the number of properties a dune may span depending on parcel sizes.

- An inquiry was made about the availability of comparative photos or data from 10 years ago that could be used to analyze the stability and longevity of a dune. Ms. Boynton stated that a comparative analysis of historic and current aerial imagery and LiDAR data can be provided for one or two example sites at the next meeting.

CONTINUED DISCUSSION ON DUNE CHARACTERISTICS – FACILITATED DISCUSSION:

The Facilitators addressed the Dune Definition Characteristics sheet provided to the Workgroup at the beginning of today's meeting. This sheet outlined five different dune definition characteristic topics that were identified during previous Workgroup discussions and were noted by DHEC OCRM as needing further discussion to clarify associated details. These characteristics and additional questions include:

1. Continuous or nearly continuous (associated length?);
2. Minimum crest height and/or base width (specify values?);
3. Vegetated with species native to South Carolina (age, density, spatial coverage?);
4. Dry sand beach landward of the high tide mark (how much dry sand?);
5. Dune persistence in current location (associated time period?).

The discussion for the following topics included, but was not limited to:

- Continuous or Nearly Continuous Terminology:
 - Include distinctions for Natural vs. Man-made?
 - Do acceptable breaks in the dune need to be defined?
 - Specify shore parallel widths?
 - Exclusion and/or impacts of dune walkovers, emergency access, etc.
 - State's role in possibly requiring walkover extensions on accreting beaches.
 - When is functionality lost?
- Functionality:
 - Facilitators: is this a term that needs to be defined?
 - Functionality of primary dune vs. location of jurisdictional line – are they separate?
 - Purpose is to prevent waves from reaching high ground thereby providing protection.
 - FEMA definition language of 'typically not eroded and overtopped' addresses dune function.
 - Does this language create an implementation issue? Are metrics needed?
 - Metric considerations - dune height; known crest elevations where a dune may be overtopped at a "normal" tide; Mean Higher High Water
 - A dune more than 200' landward of Mean High Water should not be considered as a primary dune as referenced in 1977 regulatory language
 - Technical definition of primary vs. function/purpose of primary dune
 - Technical definition denotes "first"; however, should the primary dune for purposes of setting the jurisdictional line be defined as the first dune from the ocean landward? Protective benefits?
 - Ms. von Kolnitz asked the Workgroup if they thought there was confusion with the general public that 'primary dune' means the first dune? Should terminology be changed to address public confusion?

'Jurisdictional Dune' for example? The policy goal is to denote what the dune looks like for the jurisdictional baseline. There was some agreement that 'jurisdictional dune' might be helpful.

- Persistence/Permanence/Longevity:
 - Mature vegetation is an indicator.
 - Various resources were identified as possible tools to determine persistence:
 - NAIP Imagery
 - Pictometry©/CONNECTExplorer™
 - Community surveys and assessments such as renourishment monitoring studies and post-storm studies
 - DHEC OCRM beach profile data going back approximately 30 years
 - LiDAR data going back approximately 20 years
 - Persisting for at least one year, a dune would have experienced all seasonal cycles; however, a 10-year record was offered as a more appropriate timeframe in determining dune longevity
 - Workgroup question: what is the concern with using a shorter-lived dune for establishing the jurisdictional lines?
 - DHEC OCRM answer: establishing the baseline on an unstable dune can present coastal management issues as development may be allowed in areas that are susceptible to erosion.
 - Historic timeframe used by DHEC OCRM in determining dune permanence after a beach renourishment project was 3 years of stability.
 - Emergency berms are not dunes.
 - Persisting man-made dunes with vegetation may be considered when determining location of jurisdictional dune line.
- Native Vegetation:
 - The presence of vegetation is functionally important to the protective purpose of a dune.
 - Will specifying criteria such as dune persistence and vegetation age, density, species composition, etc. be more restrictive than necessary and create political resistance?
 - It may be best to generally address vegetation without too much specificity.
- Dune Height and/or Base Width Metrics:
 - Elevation of dune crest relative to Mean High Water – is this a better metric than the toe-to-crest height? Would this elevation value differ from beach to beach?
 - Discussion of different datums (i.e. NAVD29 vs. NAVD88)
 - Use all available data.
 - Determining elevation values eliminates another layer of staff subjectivity by removing need to identify the dune toe.
 - Use of elevation instead of height may help qualify smaller dunes that reach the required elevation.
 - Could staff use either an absolute elevation metric or a height metric?
 - If maintaining relative height metric (toe-to-crest), should seaward or landward toe measurement location be specified?
- Dry Sand Beach:
 - Determination of Mean High Water mark from aerial and/or drone imagery can be difficult.

- o Presence of dry sand beach is necessary to support a dune but specific parameters are not necessary for inclusion in the definition of a primary/jurisdictional dune.

SUMMARY:

The Workgroup discussion on the dune characteristics as outlined above, involved a significant amount of overlap between topics.

Discussion Highlights:

- ❖ Use of "Jurisdictional Dune Line" instead of "Primary Dune" could help staff during discussions with the public.
- ❖ Use "continuous or nearly continuous" terminology.
- ❖ Keep length of 500' as specified in the current definition.
- ❖ Include "typically not eroded and overtopped".
- ❖ Focus on issues with current definition to avoid being too restrictive.
- ❖ Inclusion of some additional criteria can be more descriptive than restrictive and offer clarification to the definition.

Note: An important factor to remember regarding the dune definitions for the other states is that each state may be using that definition differently than South Carolina.

NEXT STEPS:

"Marina" –

1. Role of local government in defining more restrictive parameters than the state for where development occurs.
2. What to do when there are no dunes at all? When none of the dunes in the dune field meet the definition of a primary dune. Where does the line go?
3. Ideas to educate & communicate jurisdictional lines with the public.

Requested additional information and next steps:

- a) DHEC OCRM to provide jurisdictional line case study information for a specific site location in Debordieu.
- b) DHEC OCRM staff will use the information from the Workgroup to draft a regulatory definition prior to the next meeting.

The Meeting was adjourned at 2:00 p.m. by Ms. von Kolnitz.