



EMERGENCY ORDER
Renourishment
All Coastal Counties
16-EO-HM3

WHEREAS, the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management (SCDHEC-OCRM), an agency of the State of South Carolina, organized and existing under the authority of S.C. Code Ann. §48-39-10 *et seq.* (1978 & Supp. 2004), finds that there exist emergency conditions caused by Hurricane Matthew to beaches facing the Atlantic Ocean in the State of South Carolina and therefore located within the “critical area” jurisdiction of SCDHEC-OCRM, and

WHEREAS, SCDHEC-OCRM finds these emergency conditions endanger the health, safety, welfare, and resources of residents of the coastal zone as well as the general population of the State of South Carolina.

NOW, THEREFORE IT IS ORDERED that SCDHEC-OCRM, pursuant to the authority of S.C. Code Ann. §48-39-130(D)(1), hereby issues an emergency order to allow owners of the front beach properties, whose lands and buildings abut the Atlantic Ocean, to conduct minor renourishment using sand from an upland source in those areas of the beach threatened by erosion due to the aforementioned hurricane, according to 23A S.C. Code Ann. Regs. 30-1 *et seq.* All activities must be coordinated with SCDHEC-OCRM and the local government with jurisdiction over the site prior to any work being performed.

IT IS FURTHER ORDERED that nothing herein is to be construed or implied as relieving the affected property owner of any responsibilities, duties or liabilities he may have to other agencies, local, state, or federal, exercising authority and jurisdiction over the affected area. Since sea turtle nesting season officially extends from May 15 to October 31, anyone working on the beach under this order is advised to exercise extreme care to insure there are no impacts to this endangered species. Any destruction of adults, juveniles or eggs will result in substantial penalties and is in violation of Federal law.

IT IS FURTHER ORDERED that this emergency order, 16-EO-HM3, is to cease to have any force and effect after November 7, 2016, unless extended by this agency. Pursuant to S.C. Code Ann. §48-39-130(D)(1), property owners may request an individual emergency order from the Department if an emergency persists.

Specifically, all work must conform to the following requirements:

1. The Department must be notified in writing of all activities performed under this Emergency Order within 72 hours. This notification should include the property

owner's name, the property address, and the date renourishment was conducted. This information must be submitted in the form of an email to Rheta DiNovo, Regulatory Division Director, at dinovorg@dhec.sc.gov.

2. The amount of sand added under this Emergency Order must be documented and submitted to the Department in the form of number of truck loads of sand and or volume of sand.
3. Renourishment sand must originate from an upland source and be approved by Department staff as beach compatible. Material must be clean and free of any debris.
4. Sand placed on the beach must be located between the extended property lines of the property receiving the sand.
5. Sand may be stabilized with sand fencing and beach vegetation pursuant to the permitting requirements in Section 30-17.
6. The contractors performing work under this Emergency Order shall be in direct contact with the South Carolina Department of Natural Resources (DNR) Marine Turtle Conservation Program (MTCP) representative. Daily, early surveys of the beach are performed to document turtle nesting activity and MTCP representative shall be consulted each morning prior to any work being performed on the beach. In the event a nest is disturbed during construction and/or sea turtle adult is encountered, all work should cease and the DNR MTCP should be contacted immediately. The MTCP contact is Michelle Pate who can be reached at 843-953-9052 (office) or PateS@dnr.sc.gov.
7. A copy of the issued Emergency Order shall be in the possession of anyone performing emergency renourishment.

AND IT IS SO ORDERED



Elizabeth B. von Kolnitz
Chief, Ocean and Coastal Resource Management
SC Department of Health and Environmental Control

October 8, 2016

Date