

Coastal CURRENTS

News from the South Carolina Coastal Management Program

Summer 2013

A Note from the Division Director



Since our last newsletter, Coastal Zone Management (CZM) regulations and policies have experienced high-profile treatment in news coverage across the nation. Although CZM is implemented every day in coastal states, extreme events often reshape and define how coastal laws and policies are understood by the public at large. The northeastern states continue to reel from the long-term effects and financial costs of Superstorm Sandy, and South Carolinians frequently reflect on the devastating impacts and disruptions caused by Hurricanes Hugo, Floyd and other major coastal storm

events. What has become abundantly clear through decades of experience is that resilience doesn't happen by accident – it requires a concerted and coordinated effort at all levels of government as well as engagement with public and private stakeholders. In South Carolina, we are continuing to develop our CZM program to address current challenges and prepare for an uncertain future. From local beach management planning to state regulatory enhancement and regional efforts like the Governors' South Atlantic Alliance and The Southeast Regional Partnership for Planning and Sustainability (SERPPAS), we recognize that ensuring the long-term economic and environmental resilience of South Carolina's coast is a collaborative effort.

With the start of the 2013 Hurricane Season upon us, we're rolling out a new tool, South Carolina StormReporter, to expedite the collection and analysis of storm-related damage to the beach and beachfront structures. I hope you'll take a few moments to sign up and to learn more about our other efforts

Sincerely,

Carolyn Boltin-Kelly
Deputy Director, DHEC Ocean and Coastal Resource Management

South Carolina StormReporter

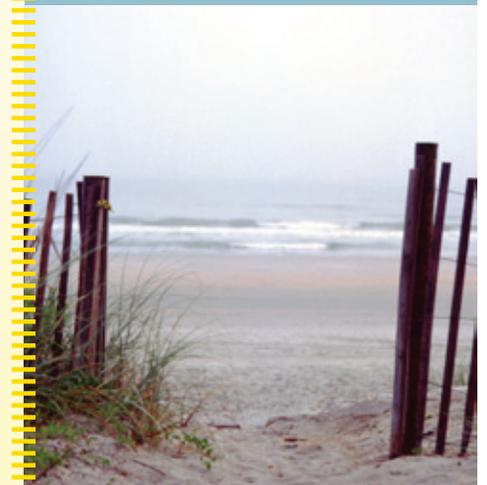
As part of its preparation for the upcoming hurricane season, DHEC will release a new online tool. South Carolina StormReporter is a cooperative effort led by DHEC to facilitate communication and beachfront damage assessment information among coastal municipalities and state coastal resource managers. Damage assessment information collected through the system enables DHEC to efficiently analyze post-storm beach conditions and expedite recovery activities, including permitting and other regulatory decisions. Learn more and join today:

stormreporter-sc.stormamart.org/

Blue Ribbon Committee on Shoreline Management

In January 2013, the Blue Ribbon Committee on Shoreline Management (BRC) completed its deliberations and formulation of specific policy and regulatory recommendations for improved beachfront management. Following the close of a 30-day public comment period, the Final Report and public comments were presented to the DHEC Board in April. Read the report on our website:

www.scdhec.gov/environment/ocrm/blue_ribbon.htm





Local Comprehensive Beachfront Management Plans

Under the Beachfront Management Act (BMA), beachfront municipalities are required to prepare Local Comprehensive Beach Management Plans. DHEC's Coastal Management Program provides technical assistance to local beachfront communities with developing and updating their plans.

DHEC is currently using improved process guidelines that standardize the format and organize the information in the local plans to be user-friendly. The improved guidelines also identify opportunities for municipalities to bolster their other planning efforts, such as comprehensive planning, hazard mitigation, and FEMA Community Rating System improvements.

The local plan for the Town of Kiawah Island was approved by DHEC in December 2012, the City of Myrtle Beach's plan was approved in January 2013 and Horry County's plan was approved in April 2013. DHEC staff is currently assisting North Myrtle Beach, Beaufort County and Folly Beach with plan updates. To find out more about Local Comprehensive Beach Management Plans, visit: www.scdhec.gov/environment/ocrm/local_beach_plans.htm

2013 Tide Chart

The 2013 DHEC Tide Tables are now available! Please visit our website to view individual months, download a convenient desk version or learn where to pick up your copy at any of the listed distribution locations. Quantities are limited!

www.scdhec.gov/environment/ocrm/tides2013.htm



"New Moon Over Hobcaw Beach" by Donald Withers

Adopt-a-Beach Update

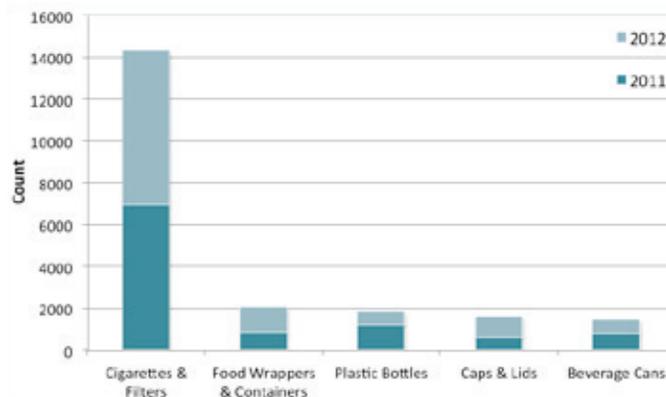
Adopt-A-Beach volunteer organizations demonstrated their commitment to clean and healthy beaches in 2011 and 2012, collecting almost 5,100 lbs. of debris! Once again, cigarette filters are a major culprit, often numbering beyond any reasonable efforts to count (Figure 1). DHEC



Photo Credit: Beach Properties of Hilton Head

sincerely thanks our Adopt-A-Beach partners for their efforts and we hope to have all of them reaffirm their commitment to participate in the 2013-2016 term.

Figure 1. Top 5 types of debris removed from South Carolina beaches by Adopt-a-Beach volunteers



If your organization would like to participate, please visit our website for details: www.scdhec.gov/environment/ocrm/adopt-a-beach.htm



Coastal Public Access Improvement Grants Awarded

DHEC is pleased to announce that ten coastal municipalities will receive state funding for public coastal access improvement projects. Twenty-three (23) total projects will be enabled by these grants.

Each coastal access enhancement project provides a valuable opportunity to invest in facilities that promote the responsible use and enjoyment of our coastal resources by our residents and visitors.

The funding for the coastal access improvement grants was made available through a state budget proviso that allows DHEC to expend a portion of available beach nourishment funds on coastal access improvement. Individual project budgets are in the process of being finalized, and each municipality is required to provide matching local funding for each project.

Municipalities that will receive state funding for public coastal access improvement are:

- **Horry County:** three (3) beach access point renovations
- **City of North Myrtle Beach:** six (6) dune walkovers
- **City of Myrtle Beach:** six (6) dune walkovers
- **Georgetown County:** East Bay Boat Landing renovation
- **Charleston County:** water access and parking improvements along S.C. 174
- **Charleston County Parks:** McLeod Plantation promenade and waterfront access
- **Town of Mount Pleasant:** coastal resource interpretive signs for Shem Creek Park
- **Town of Sullivan's Island:** five (5) beach access walkways
- **City of Folly Beach:** East Ashley beach access renovations
- **Town of Port Royal:** Waterfront Promenade and boardwalk renovation



Mapping Estuarine Shoreline Hazards

In March 2013, DHEC completed a joint effort with the U.S. Army Corps of Engineers' Silver Jackets program and Georgia Southern University to map and characterize estuarine shorelines in southeastern South Carolina. The final report contains a number of key findings and outcomes that will directly benefit the continued implementation and analysis of South Carolina's coastal management program. In addition to providing DHEC with an improved classification scheme and hierarchy for structures located within the state's Critical Area jurisdiction, the Analyzing Moving Boundaries Using R (AMBUR) analysis highlights and adds clarity to the complex interaction of natural and anthropogenic factors that shape the estuarine system.

Read the final report: www.scdhec.gov/environment/ocrm/docs/USACOE_Silver_Jackets_Shoreline_Report_2013.pdf



Legal Update – Cases before the S.C. Supreme Court

Tommy W. Berry, Sr. and Jo S. Berry v. SCDHEC Office of Ocean and Coastal Resource Management

(Docket No. 2010-CP-26-6091)–

This action challenges the Department's issuance of an Administrative Enforcement Order for the violation of an issued permit to construct a replacement bulkhead. The Supreme Court of South Carolina issued a published opinion on March 27, 2013. The Court affirmed the circuit court's decision to dismiss the action for lack of subject matter jurisdiction. A petition for rehearing has been filed and is under consideration.

[www.judicial.state.sc.us/opinions/
HTMLFiles/SC/27237.pdf](http://www.judicial.state.sc.us/opinions/HTMLFiles/SC/27237.pdf)

Kiawah Development Partners II v. DHEC and S.C. Coastal Conservation League

(Docket No. 09-ALJ-07-0029-CC)–

This matter concerns an application by Kiawah Development Partners II to place a 2,783' by 40' bulkhead and revetment on the Kiawah River at Captain Sam's Spit. The Supreme Court of South Carolina issued an opinion February 27, 2013 (the Court withdrew its initial opinion published November 21, 2011). The Court affirmed an administrative law court decision authorizing Respondent to construct a bulkhead and revetment on Kiawah Island. A petition for rehearing was granted and held on June 5, 2013.

[www.judicial.state.sc.us/opinions/
HTMLFiles/SC/27065.pdf](http://www.judicial.state.sc.us/opinions/HTMLFiles/SC/27065.pdf)

SCDHEC v. Philip Pryzborowski

(Docket No. 07-ALJ-07-0254-CC)–

This action challenges the Department's issuance of an Administrative Enforcement Order for the violation of the prohibition on docks over a 1000 feet. The Supreme Court of South Carolina issued an unpublished opinion on October 10, 2012 (which means this ruling has no precedential value). The Court affirmed the court of appeals decision as modified dismissing the Administrative Enforcement Order by DHEC.

[www.judicial.state.sc.us/opinions/
unpublishedopinions/HTMLFiles/SC/2012-
MO-039.pdf](http://www.judicial.state.sc.us/opinions/unpublishedopinions/HTMLFiles/SC/2012-MO-039.pdf)

Too Tacky Partnership v. SCDHEC and Mayo Read, Jr.

(Docket No. 2007-CP-10-1520)–

This action challenges the Department's issuance of a dock permit to construct a private dock within a property easement that is located on a lot with an existing dock. The Supreme Court of South Carolina heard oral arguments on November 14, 2012, and on December 5, 2012, dismissed the writ as improvidently granted. Therefore, the South Carolina Court of Appeals' decision affirming the circuit court's ruling upholding the Department's issuance of the permit stands.

[m.sccourts.org/opinions/displayOpinion.
cfm?caseNo=4616](http://m.sccourts.org/opinions/displayOpinion.cfm?caseNo=4616)

Legislative Update

The 2012-2013 Session of the South Carolina General Assembly commenced on January 8, 2013. The following bills were introduced and referred to the Senate Committee on Agriculture and Natural Resources.

S48 is a bill that would allow breached impoundments that originally impounded a parcel of tideland or marshland to be repaired or restored under certain conditions.

[www.scstatehouse.gov/sess120_2013-2014/
bills/48.htm](http://www.scstatehouse.gov/sess120_2013-2014/bills/48.htm)

S121 is a bill that would allow owners of property along the Atlantic Ocean to apply for a permit to protect their property and associated structures via seawall, rock revetment or other method of protection, if emergency conditions exist or have existed in the past.

[www.scstatehouse.gov/sess120_2013-2014/
bills/121.htm](http://www.scstatehouse.gov/sess120_2013-2014/bills/121.htm)

S294 is a bill that would allow local accommodation tax revenue to be used for beach renourishment, and allow a local government to hold this revenue for more than two years if it is designated for control and repair of waterfront erosion.

[www.scstatehouse.gov/sess120_2013-2014/
bills/294.htm](http://www.scstatehouse.gov/sess120_2013-2014/bills/294.htm)

S503 (similar H3390) is a bill that would allow a coastal municipality, after approval by referendum, to impose an additional 1% "beach preservation fee" on accommodations to be used for renourishment, erosion mitigation, monitoring, and other defined measures to preserve dune systems and maintain public beach access.

[www.scstatehouse.gov/sess120_2013-2014/
bills/503.htm](http://www.scstatehouse.gov/sess120_2013-2014/bills/503.htm)

[www.scstatehouse.gov/sess120_2013-2014/
bills/3390.htm](http://www.scstatehouse.gov/sess120_2013-2014/bills/3390.htm)

For additional information, including regulatory notices and announcements, please visit our website:

[www.scdhec.gov/environment/ocrm/
public_notice.htm](http://www.scdhec.gov/environment/ocrm/public_notice.htm)

To subscribe to DHEC Coastal Management Public Notice emails (released daily), go to:

[www.scdhec.gov/environment/ocrm/
subscribe_notice.htm](http://www.scdhec.gov/environment/ocrm/subscribe_notice.htm)

