

**Purpose:**

To protect, preserve, restore and enhance the beach/dune system, which:

- protects life and property by acting as a buffer during storms
- provides for recreation and tourism, which is vital to state and local economies
- provides natural beauty, which enhances the well-being of citizens and visitors
- provides a habitat for indigenous flora and fauna, including endangered species

**Authority:**

- S.C. Code Ann. Section 48-39-250 to 48-39-360 (supp. 2001)
- 23A S.C. Code Ann. Regulations 30-13 through 30-21 (supp. 2001)

**Regulated activities and impacted public:**

All activities that impact the beach dune system are regulated. Those impacted include beachfront property owners, the beach-going general public, coastal tourists, and those that benefit from revenues generated by proximity and utilization of the beaches.

**Geographic jurisdiction:**

All beachfront areas of the State, which are one of the critical areas defined in S.C. Code Ann. Section 48-39-10(J). The landward limit of jurisdiction is the setback line, which is mapped by DHEC-OCRM based on the long-term erosion rate for each beach.

**Description:**

- Jurisdictional lines are established once every 10 years based on the current condition and location of the beach. Once established, the lines are mapped and state plane coordinates of the lines are made available to surveyors. See attached map.
- Erosion rates are also established once every 10 years. Rates are calculated based on historical data documenting the change in the shoreline over time. These rates are also made available to surveyors and the public.
- Two lines of jurisdiction—the baseline, typically at the dune crest, and the setback line, landward of the baseline a distance equal to 40 times the long-term erosion rate for the area.
- Three methods for establishing the baseline.
  - If the shoreline is in an inlet area, the baseline is located at the most landward shoreline in the last 40 years.
  - If the shoreline is not in an inlet area, and a dune exists, the crest of the dune is the baseline.
  - If the shoreline is not in an inlet area, and a dune does not exist, the location of where the dune crest would be is calculated based on the volume of sand on the beach.
- Seaward of the setback line:
  - New construction is limited to 5,000 square feet of heated space.
  - Existing structures can be rebuilt if destroyed, but must be moved as far landward as possible.
  - No new seawalls, revetments, or bulkheads can be built.

- Permits are required for non-routine activities:
  - 30-day public notice period
  - Adjacent property owners must be notified of the proposed activities
  - Public hearings are held upon receipt of 20 requests or at the request of an elected official
- Routine minor activities, such as dune walkovers, are allowed after notification to DHEC-OCRM as per the general permit requirements for the activity
- Contracts for sale and transfers of real property affected by the jurisdictional lines must contain disclosure statements that the lines affect the property and include the DHEC-OCRM determined erosion rate for the property.
- 12 of the eligible 18 beachfront local governments have developed local comprehensive beach management plans that include such elements as: current and historic erosion rates, an inventory and plan for public access and parking, an inventory of turtle nesting and other important habitats, a zoning and land use plan consistent with uses allowed for areas seaward of the setback line, an analysis of beach erosion control alternatives, a post disaster plan, and a detailed strategy for preserving and enhancing public access.
- A Beach Restoration Trust Fund has been established, however, it has no funding.

**Appeal Process:**

- Permit decisions must be appealed within 15 days.
- The Administrative Law Judge (ALJ) Division hears appeals. They are typically heard within 4-6 months, depending on complexity.
- The ALJ decision may be appealed to Coastal Zone Management Appellate Panel (CZMAP). They are typically heard within 3-4 months
- CZMAP decision must be appealed within 30 days.
- Circuit Court review typically takes 12 months or more.

**Strengths:**

- Setback line positions are based on long-term erosion rates, with higher setbacks in areas with higher erosion rates.
- Large commercial structures can no longer be built too close to the beach.
- No new seawalls can be built, and existing seawalls cannot be rebuilt if they are ever destroyed.
- Buyers, via the disclosure requirements, are notified of erosion risks when they purchase property.

**Shortcomings:**

- The minimum setback distance is not adequate to protect the dune field and should be increased from 20 feet to 50 feet.
- No reliable state funding exists for beach nourishment.
- Inadequate funding exists for public access protection, acquisition and maintenance. State and local governments cannot afford to acquire these costly properties.

## OCRM Beachfront Jurisdictional Lines on the Isle of Palms



300                      0                      300 Feet



 **Setback Line**  
 **Baseline**

