

# Changes possible in beach setback law

By SAMMY FRETWELL

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Major seaside resorts, such as Myrtle Beach, might get a break from a sweeping coastal development law that was intended to push new construction away from the sand dunes.

The 1988 law has not worked as envisioned – and some people now say the idea of “retreat” from the beach isn’t realistic on heavily developed parts of the coast.

As a result, a special coastal study commission is expected to examine whether development rules should vary from beach to beach in South Carolina. It would be at least a year before any changes in the 23-year-old law are recommended to the Legislature.

Wes Jones, chairman of the state’s new Blue Ribbon Committee on Shoreline Management, said it’s easier to apply the retreat policy to places that are less developed than those that are lined with hotels, such as Myrtle Beach. The law may need to be more flexible for some beach communities than others, he said.

“Part of our job is to identify the variances” found on the state’s coast, Jones said after the group’s inaugural meeting Tuesday. “That’s so you don’t feel like when you’re doing things for Myrtle Beach, they’re done the same way at Edisto.”

The committee, for instance, may need to discuss giving Myrtle Beach a break on the state’s seawall ban if money ever dries up for shoreline widening projects, he said.

“That doesn’t resolve the retreat issue, but it at least (prevents) a tremendous economic loss to the state,” said the Hilton Head Island lawyer, a former state coastal regulator.

The Myrtle Beach area, where high-rise condo towers and hotels run along the seashore, anchors the state’s multibillion-dollar tourism economy. Parts of its shoreline has seawalls, which prevent the ocean’s waves from routinely pounding expensive buildings. Other parts of Myrtle Beach do not have the walls. Most seawalls on the coast were built before the beach management law went into effect. South Carolina has about 24 miles of seawalls on its developed seashore.

Critics say that while seawalls protect buildings, they are bad for the beach because they worsen erosion. The force of the waves hitting seawalls digs out the beach more rapidly and washes sand away.

Coastal geologist Rob Young, a blue ribbon panel member, was skeptical of treating communities differently under the law. Young said he believes the state should stick with its policy of moving development farther away from the beach.

“I don’t think it’s realistic to abandon” the retreat policy, said Young, a professor at Western Carolina University in North Carolina and a shoreline development expert. “We have chronic erosion problems, and sea level is rising, whether we want to admit it or not. So those problems are not going to get any better.”

In South Carolina, the sea level has risen about 1.5 feet in the past century. The trend is expected to continue. Global warming is believed to be contributing to rising sea levels worldwide.

South Carolina’s 1988 beach law banned new seawalls and reconstruction of any that are substantially damaged. It also limited the size of new buildings near the beach and stopped most new construction seaward of an imaginary building line, both of which are based on local erosion rates. The idea was to push development back from the seashore because it was critically eroding. When beaches erode, the public has less dry sand to walk on. Taxpayers also find themselves paying the difference when federal flood insurance doesn’t cover all the losses to seaside homes and businesses hit by major hurricanes.

The seawall ban was considered a cornerstone of the law when it was first approved, and later revised in 1990. But it has not been debated much over the years because the state has spent tens of millions of dollars renourishing beaches to make them wider. In turn, that has kept the ocean away from buildings, making them less dependent on seawalls for protection.

State officials, however, say it is becoming harder to find beach renourishment money. Meanwhile, offshore sand deposits are relatively scarce along the northern S.C. coast near Myrtle Beach, according to the Department of Health and Environmental Control’s coastal division.

Patrick Moore, a lobbyist with the S.C. Coastal Conservation League, said he understands the idea that beaches are different, but his organization would likely oppose any effort to weaken state seawall rules.

The idea of giving special treatment to some areas of the coast is nothing new in South Carolina. The state already exempts Folly Beach from much of the beach law because the Charleston Harbor jetties have worsened erosion there.

Last year, the Legislature voted to exempt Fripp Island from restrictive setbacks that limit development close to the beach, which has a long seawall. And this year, oceanfront property owners on parts of Hilton Head Island have settled a case with DHEC in which the agency agreed to back away from strict seaside development rules.

The 16-member committee includes Charleston Mayor Joe Riley, Realtors Association chief executive Nick Kremydas and former DHEC board chairwoman Elizabeth Hagood. It meets again mid-April. More discussion of the state's retreat policy is expected next month. The committee is the second blue ribbon panel to look at coastal laws. The first recommended many rules that wound up in the 1988 beach law.