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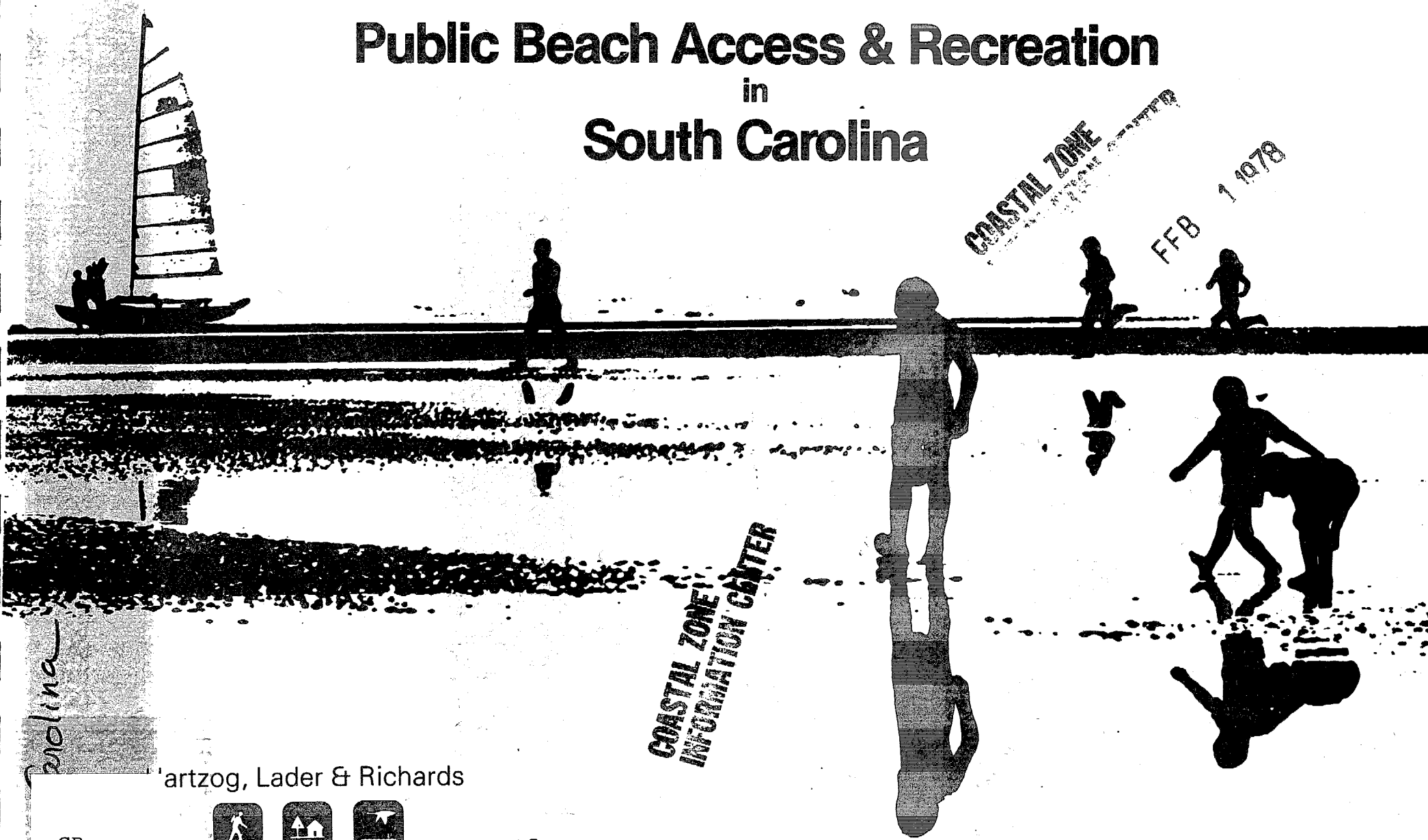
Executive Summary

# Public Beach Access & Recreation in South Carolina



COASTAL ZONE
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# EXECUTIVE SUMMARY

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SOUTH CAROLINA

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# Introduction

South Carolina beaches, amongst the State's greatest natural resources, represent many things:

*Sunbathing, swimming, fishing, boating, surfing, picnicking, bicycling, volleyball and touch-football, shell-collecting, jogging, sitting, thinking, and dreaming

*Vacation, a week or day away from home and work frustrations -- after maneuvering through traffic jams and finding a place to park the car

*Home for those who have long yearned to live by the sea and for many whose livelihood depends on beach recreation -- so long as land values and taxes do not become so high that older neighborhoods are overrun by more expensive commercial and residential development

*Posh resorts and private communities with quiet and isolation -- beyond the financial reach of most citizens and rapidly ensnaring prime coastal tracts

*Potential sites for power plants and industrial factories, offshore oil production, onshore refineries, and moorings for super-tankers

*The marriage of land and ocean, whose natural majesty and productivity are part of the national heritage.

Amidst these conflicting demands, most South Carolinians agree that there is a need for State and local governments to ensure the adequacy of public beach access and recreation for present and future generations.

At first glance, the United States seems to offer ample beach for everyone's recreation: 210 million Americans share 84,240 miles of shore. But more than half of this coast is in Alaska, and of the remainder, there are only 12,150 miles of beaches.

Just 6.5 percent of the total national shore is in the public domain, much of it reserved for military use. Only four percent of the coastline is suitable and available for public recreation. One-third of this amount is National Park Service or National Seashore frontage. It is no wonder that Jones Beach hosts six million persons per mile each summer!

Throughout the nation, consequently, coastal recreation has become a major issue. How does government ensure public access, both physical and visual, to the ocean's edge and, at the same time, allow private landowners' enjoyment of their historical and legal property rights?

No Federal law gives the public any right-of-way over private lands to reach the beach. California has placed management of its 1,072-mile seacoast in the hands of a state agency to ensure its use for the public's benefit. The Oregon Supreme Court opened roads and paths leading to the State's shoreline. Asserting that there is no such thing as a private beach, a Connecticut activist each summer leads busloads of black and Puerto Rican children in scaling walls, landing in small craft, and parachuting from the sky to swim at exclusive beaches.

South Carolina's coastal zone problems are aggravated by the State's great tourism and recreation potential.

How can the State best respond to the projected demand for coastal beaches and water-based recreation within specific environmental, market, and legal parameters? That is the question upon which this study of Public Beach Access and Recreation in South Carolina is premised.

# Public Beach Access And Recreation Plan

Beach recreation is a major use of South Carolina's coast. It is a source of immense economic and intangible benefits to State and local governments as well as private citizens. It is one of the State's chief distinguishing characteristics.

South Carolina provides its residents and visitors disproportionately great opportunities for beach access in comparison with other Atlantic states. Admittedly, economic motives underlie this fact: the State's businesses earn a significant share of the lucrative seashore recreation/vacation market. Whatever its reasons, however, the State is a pacesetter in public access to beaches.

But leisure trends and demand projections should alert South Carolinians that today's concerns about public access may rapidly develop into crisis proportions. The paucity of accessways and beach parks, the inadequacy of existing parking and public facilities, traffic congestion and litter, the strains on beaches near urban centers, hostility between beach community residents and their neighbors on holiday, and the exclusivity of prime beach areas all point to one conclusion: State and local governments must act!

State or local government acquisition of shoreline is the simplest solution, but the sites and quantities necessary to meet projected recreation demand are prohibitively expensive. In this time of economic austerity and doubts about government programs and spending, new alternatives must be sought.

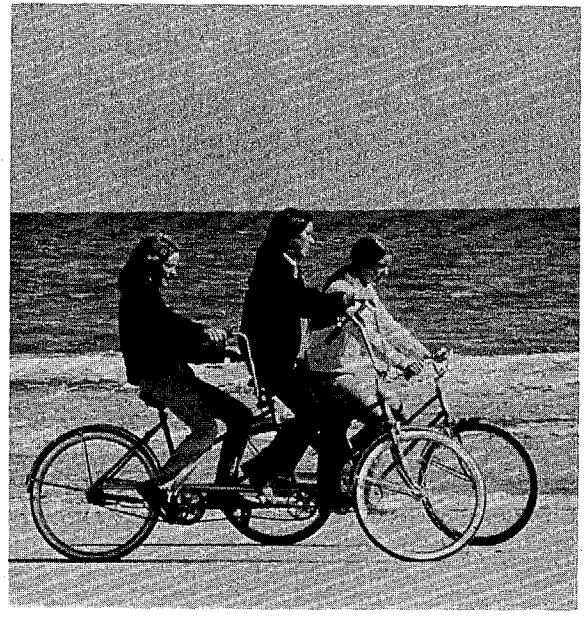
No solution to the problems of public beach access and recreation are likely to emanate from Washington. Nor would Federal mandates be desired by most South Carolinians. Their situation today is not so severe that solutions are impossible.

To the contrary, the State has ample resources to remedy its coastal recreation ills. This report's findings and policies, site planning recommendations, and proposed implementation mechanisms comprise a rudimentary beach access plan that is practical and effective.

What is now imperative is the public awareness, on the part of both public officials and citizens, of the need to act swiftly.

# Premises

Throughout this study, considerable differences of opinion were expressed by South Carolinians about methods of increasing public access to the beaches. Yet there emerged a consensus regarding certain premises upon which this coastal plan has been developed.



## The National Interest

South Carolina's beaches are a resource of national significance. In 1974, more than 10 million visitors sought refuge from their daily pressures on the State's coast. Industrial, defense, and commercial facilities, serving the entire country, make important claims to the coastal zone. The shoreline is home for an abundance of wildlife and vegetation that have disappeared from other parts of the nation.

The United States Congress, in the Coastal Zone Management Act of 1972, declared the national policy "to preserve, protect, develop, and where possible, to restore or enhance, the resources of the nation's coastal zone for this and succeeding generations." Under this Act, South Carolina has received financial assistance for planning, and this study has been sponsored, in part, as an element of the State's coastal zone management program. The Act's policy, therefore, has been a foundation of this beach recreation plan.

The national interest in the conservation of critical environmental areas and the expansion of public beach access are the major points pertaining to recreation. Recognition of these interests by State and local governments is of paramount importance to the entire East Coast of the United States and is in their own economic self-interest. Public agencies -- Federal, State, and local -- and private enterprise must cooperatively establish the priority of public recreation on the coast insofar as it does not jeopardize irreplaceable natural resources.

## State and Local Prerogatives

Notwithstanding the national interest, South Carolina's State and local governments have long-established and well-founded prerogatives regarding the coastal zone. Modest public expenditures can augment the recreational character of beaches. Public planning, if responsive to market preferences, can both affect and satisfy demand.

Land-use decisions can best be made by those who know the land and the community best: local government, vested with an array of regulatory devices under the police power, can employ these to expand public beach recreation opportunities while protecting residents' rights. The variety of local responses can demonstrate the different values and conditions of coastal communities.

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Since many local communities serve as State playgrounds during beach-going months, the State must relieve them of excessive fiscal burdens. Both State and local governments must conceive new funding mechanisms to provide for the costs of beach acquisition, maintenance, and safety. County governments should provide financial and peak-season man-power assistance to beach communities. A major share of these costs should be allocated to citizens statewide and amortized so that future generations share the costs of benefits they receive.

State government, with the counsel of regional planning agencies, can lend an overview to the coastal planning process. New coastal parks and a system of beach accessways can only be achieved by a State commitment to expanded public access.

Together, State and local policies can greatly influence the direction of and innovations in the leisure industry. Citizens' day and weekend use cannot be subordinated to tourism, and its economic benefits should be directed, in part, to general expansion and maintenance of recreation centers.

## Environmental Policies

The coastal ecosystem is an integrated network of air, water, soil, light, vegatation, fish and wildlife. People are a part, too. For untold reasons, they thrive near the sea, but their development activities often have undesirable consequences. Preservation of some coastal areas is warranted by the need for scientific investigation and natural fish and wildlife habitats. Conservation of the entire coast's natural features is required by their irreplaceable character.

Both human development and conservation, nevertheless, can occasionally be subordinated to human recreational needs. Neither profligate, destructive use nor the absolute prohibition of public access are alternatives. The land's and water's natural characteristics are the best parameters for balancing these interests when they conflict.

Beaches, and their total ecosystem, have limited carrying capacities in the environmental as well as recreational sense. The coast's bountiful harvests and abundant recreational opportunities should not be lost to future generations by straining these capacities. Beach conservation in South Carolina can be accomplished only after these carrying capacities have been determined, areas of critical environmental concern have been identified, and policymakers rest their land-use decisions on sound environmental analysis.

## Private Property Rights

The ownership and use of private property are fundamental concepts of both the Common Law and Federal Constitution. Coastal recreation in South Carolina has been primarily the product of private initiative. It would be foolhardy for public beach access measures to derogate these rights or frustrate this initiative.

Just compensation, under the Fifth Amendment mandate, must be paid for all coastal properties taken by State or local governments for conservation or recreation use. Alternatives to acquisition -- lesser interests than fee simple and regulation, for example -- may be employed for financial reasons, but these must also meet the Constitutional "taking" test.

But private property rights are not absolute. In past decades, courts have upheld many restrictions on real property. There is much reason for local communities to exercise their police power in innovative ways.

It is not property owners' rights, but their expectations which most frequently are affected by land use regulations. There is no right to guaranteed appreciation in land values. But neither can Government responsibly diminish values where significant investments, corporate or personal, have been made in reliance on existing regulations.

## Private Enterprise

Many facilities for beach recreation, especially vacation use, can most efficiently be developed and maintained by private enterprise. Government -- through taxes, permits, incentives, and regulations -- can order the business environment of the tourism and recreation industry so that its pursuit of profits prompts what public priorities demand.

A healthy and prosperous private sector is essential to South Carolina's economic and recreational climates. Public/private cooperation can achieve objectives unattainable to either sector. Although compromise on some issues, particularly those of environmental quality and social justice, are impossible, government must seek to foster and assist private initiative.

Similarly, the State's business community progressively views government as an arbiter and guardian of individual rights, personal and commercial. The provision of public beach access can be consistent with and complement commercial beach uses. What is most urgently needed are new mechanisms by which businessmen can profit -- and State and local governments can participate in these profits -- by beach day-use and vacation by lower- and middle-income residents and visitors.

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# Policies

The Public Beach Access and Recreation Plan merely summarizes and reflects the extensive market, environmental, and legal analysis found in the study's Technical Report. The Plan, based on these findings and the articulated premises, consists of general policies, site planning recommendations, and proposed implementation mechanisms. The policies purport to establish a framework for States and local government decisionmaking regarding public beach access and recreation.

## Economic Development

Findings. South Carolina's second largest industry, tourism, is based, to a great extent, on the Coast's attractions. Beach recreation generates millions of dollars and creates thousands of jobs.

Beach erosion and maintenance, air and water pollution, and other evidence of inadequate beach management are costly to taxpayers and imperil maximum economic development. Expansion and enhancement of beach access is critical to realization of the State's leisure industry potential.

Policy. Short-term economic benefits, resulting from piecemeal degradation of beach areas, must be subordinated to the long-term values of coastal conservation. Well-planned, concentrated development -- commercial, residential, and industrial -- can be economical to the public.

Further residential and commercial development will and should occur. But their planning should be provided by and conditioned on public beach recreation objectives. By capitalizing upon the economic benefits of tourism and recreation, the State can underwrite environmental measures that protect and enhance both natural and economic resources.

## Natural Conservation Areas

Findings. Important natural conservation areas are located on or near South Carolina's beaches. Dunes, wetlands, and tidepools, among other places, are ecosystems in themselves. They are valued for recreation, food production, scientific study, and education.

Although burgeoning coastal development threatens these areas, South Carolina has set aside many as wildlife refuges and parks, managed by Federal and State agencies. In some regions, such as Charleston County, recreational lands are dwarfed by conservation areas.

Policy. Environmentally significant natural areas and rare wildlife species should be preserved. Even when development is permitted, damage to natural beach features must be minimized.

Environmental protection measures, nevertheless, must be founded on scientific analysis and not merely on rhetoric. Oftentimes, recreational use is compatible with nature conservation. Wherever limited recreation would not endanger a specific beach tract, including current wildlife refuges and nature preserves, such use should be permitted. Without compromise on critical environmental issues, land-use decision-making must include reference to pressing demands for beach recreation.

## Coastal Zone Management

Findings. Under the Federal Coastal Zone Management Act, coastal states are undertaking diverse experiments in regional planning. In response to popular initiative, California has one of the nation's most comprehensive planning and regulatory frameworks. Other states have preferred narrow scientific investigations of shoreline problems. Although recreation is mentioned in all of these programs, it is receiving greatly different emphasis among the states.

Policy. South Carolina's coastal zone management program is not to be one primarily of land-use control. Its orientation will be toward environmental concerns and the control of broad growth patterns, rather than comprehensive site-specific planning. Public beach access, nevertheless, shall be a major focus of the program. Further study and implementation of the State's beach recreation demand and carrying-capacity should be based upon this Plan and be an integral part of the coastal plan.

## Air and Water Quality

Findings. Clean air and water are valuable economic resources and are essential to residents' and visitors' good health and aesthetic enjoyment. The State's beaches presently suffer from little air and water pollution. But proposed developments and pressures for increased industrial use of the coastal zone may introduce pollutants.

Meteorological and littoral phenomena along the coast would exacerbate any such damage to coastal air and water. Intensive transportation corridors leading to the beaches and automobile parking centers may introduce additional pollution. High-rise buildings and concentrated development also increase pollution by changing natural wind patterns.

Policy. All potential pollution-generating developments -- residential, commercial, and industrial -- should be planned, designed, and operated to maintain and improve the coast's air and water quality. Particular concern should be placed on existing and proposed facilities which impact recreation areas.

Major projects -- such as airports, highways, refineries, power plants, and manufacturing plants -- should not only comply with all applicable Federal, State, and local environmental protection measures, but also be required to be sited, designed, constructed, and operated according to technological procedures which minimize pollution.

Such facilities and new residential developments should be required to contribute to public transit systems and/or to provide ample parking spaces for beach users. Open space and architectural circulation systems should be encouraged.

## Beach Appearance

Findings. Residents and visitors alike cherish South Carolina's beaches for their scenic beauty. At some points, public and commercial beach access and recreation have been provided with respect for the coast's aesthetic quality. In other places, however, new developments have injured the coast's visual resources.

Amongst the eyesores are litter; billboards; cutting and grading of natural landforms; inappropriate scale, height, materials, and colors of buildings; overhead lines and towers; and man-made structures blocking natural views.

There is great variety in the characters of coastal communities, and South Carolinians differ greatly in their social values and concepts of beauty. But under the police power, local beach communities can apply general design guidelines to restore or preserve their appearances.

Policy. Visual access to beaches and the ocean should be considered an essential part of the State's tourism and recreational appeal. Local governments should ensure that new developments do not degrade the scenic quality of their beaches.

Design standards and permit procedures should be a part of every beach community's and county's general plan. Sign ordinances should designate scenic accessways and generally reduce the visual impact of highway and street advertising. County and city plans should maximize open spaces, protect view corridors and natural landforms, and minimize the effect of visually intrusive structures. When existing mechanisms are ineffective, design review processes should be established by local governments.

With State assistance, local governments should reduce litter along the beaches and provide for better beach maintenance. State legislation to this end should be enacted.

No development or traffic that would conflict with the visual form of dune ridgelines or destroy their vegetation should be permitted. The natural silhouette of dunes should be preserved.

Local governments should restrict or ban oceanfront construction that would hamper another oceanfront building's visual access of the beach unless no alternative is economically or physically feasible.

Commercial facilities near the beach -- including, but not limited to hotels, motels, and restaurants -- should be required to utilize natural landscaping to reduce their visual impact on the natural environment. Residential developments should be encouraged to protect existing vegatation and complement it with landscaping that minimizes the appearance of intense development.

## Signs

Findings. Throughout the State, signs and billboards block coastal views, clutter the appearance of beach communities, and detract from the coast's natural beauty. Some local governments have not adopted sign ordinances; and where they have, design criteria and enforcement are inadequate.

Policy. Local governments should consider adoption of ordinances containing at least the following provisions: New off-premise commercial signs should be prohibited, and existing ones should be removed after a reasonable amortization period. On-premise commercial signs should be permitted for identification and promotional purposes, but only if they are designed as an integral part of the structure. Public information and directional signs should harmonize with surroundings.

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## Community Planning

Findings. As a result of Federal and State incentives and urban growth, regional planning agencies and municipalities throughout the coast are developing or revising comprehensive community plans. In few of these is public beach access emphasized.

Policy. Public planning agencies are capable of directing urban growth and promoting public objectives. Public beach access and recreation should be among their chief socio-economic concerns. The specific recommendations of this Plan should be incorporated into existing and future comprehensive local plans. Inconsistencies should be reconciled after maximum public discussion and input.

## Distinctive Beach Communities

Findings. Beach recreation -- day use and vacation -- derives special advantages from the particular architectural, historical, and scenic qualities of individual communities. Their distinctiveness results in loyal leisure markets.

But in many places high-rise condominiums, shopping centers, hotels and motels have replaced architecturally interesting or distinctive neighborhoods. Lower-income residents have been priced out of increasingly affluent communities. Traffic congestion from summer day users has diminished the recreational experience for many visitors and plagued residents.

Policy. Beach communities and neighborhoods should be protected from intense urbanization, and their unique characteristics preserved and enhanced. Community advisory committees should assist local governments in determining how new development can be compatible with earmarks of their respective beach communities. Inappropriate development should be prohibited, and incentives should encourage restoration of existing structures. Care should be taken to maintain opportunities for residence and retirement by persons of all income levels.

## Transportation Planning

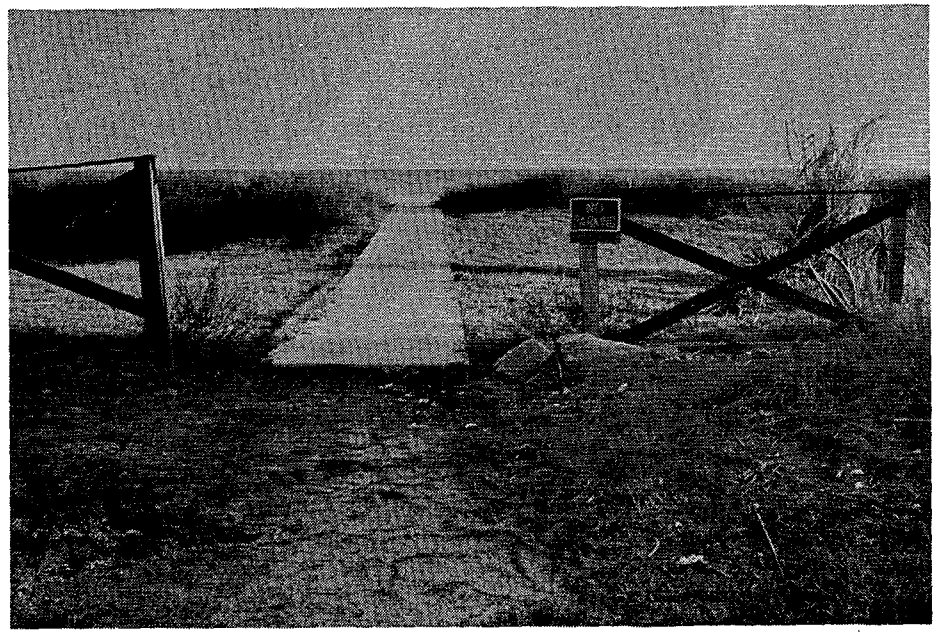
Findings. New roads, although necessary to increase beach access, may effectively impede access in two ways: by decreasing the amount of potential recreational land available while increasing recreational demand in the area; and by increasing traffic loads on local beach community roads and compounding their parking problems. New highways, however, may effectively disperse beach use demand and may relieve the Ocean Highway of traffic.

Policy. State and local officials should be mindful of the effects of transportation planning on beach access and recreation. Recreation demand should not be exacerbated by road siting, but neither should repairs be neglected to discourage access. The need for additional recreation space near beaches should be reflected in remote parking areas, easily accessible from major arteries and connected by mass transit to beach areas.

## Parking

Findings. Beach-use surveys demonstrate the critical need for additional parking at every public beach area along the coast. Even conservative projections indicate tremendous increases in demand during the next fifteen years, resulting in a magnification of the present parking problems. A major limitation on public access is likely to be the shortage of automobile parking space.

Policy. State and local governments must establish the provision of additional parking space as a chief priority of their recreation planning. Remote sites, connected to the beach by mini-buses or other public transportation, should be developed wherever possible. Off-island parking should be provided for coastal state parks. Authorized weekend and holiday use of private, commercial parking spaces should be sought.



## Surfing

Findings. Surfing is an increasingly popular type of coastal recreation. Several South Carolina beaches enjoy surf conditions which attract enthusiasts from all parts of the State and its neighbors. But careless surfers and loose boards pose genuine safety threats to swimmers.

Policy. Surfing should be recognized by coastal communities as a legitimate beach sport. Restrictions may be appropriate if their objective is swimmer safety and not the frustration of surfers. Their access should not be confined to limited beach areas or hours if such regulations substantially diminish surfing opportunities.

## Law Enforcement

Findings. Law enforcement and the maintenance of order at recreation centers generally require police officers with special training and temperaments. Particularly at beaches, police patrol is necessary for reasons of public safety, traffic control, and citizen assistance. Those beaches which are not located within municipal police jurisdictions, however, generally lack police attention.

Policy. Law enforcement at public beach recreation areas must be provided jointly by municipal, county, and State patrolmen. County sheriffs' departments should bear primary responsibility for attending to beach areas outside municipalities' corporate limits.

## Assistance to Communities

Findings. Coastal communities, constrained by relatively small tax bases, must service large numbers of seasonal residents and visitors. Their operating budgets are dependent upon financial assistance from the State and Federal governments. Yet State priorities for local grant applications -- such as those for highway safety, law enforcement, and road improvements -- are frequently determined by year-round, permanent population figures.

Policy. Grants to local governments from State and Federal agencies should be allocated not on permanent, but on peak season population. Consideration should be given to the extreme burdens imposed on beach communities by citizens throughout the State and tourists from elsewhere.

## Erosion Prevention/Abatement

Findings. Neither publicly nor privately owned beach areas are immune from erosion. Federal and State programs attempt to prevent or abate this loss of beach because it diminishes both economic values and recreational opportunities.

Policy. No public funds or assistance for erosion control should be made available to beaches which have no public access. Erosion prevention/abatement priorities should be generally consistent with the importance of each site to the State Beach Access and Recreation Plan.

# Site Planning Recommendations

To raise these policies from the level of abstraction, specific site planning recommendations are necessary. They were formed within the context of this study's express premises and are the product of market, environmental, and legal analysis. Their objective is the practical maximization of South Carolina's public beach recreation opportunities.

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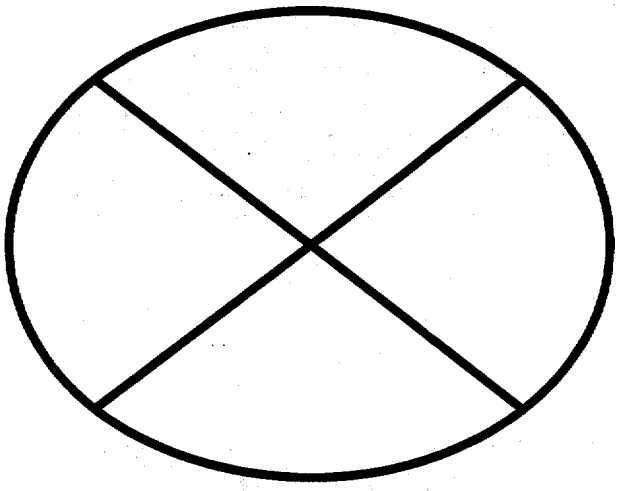

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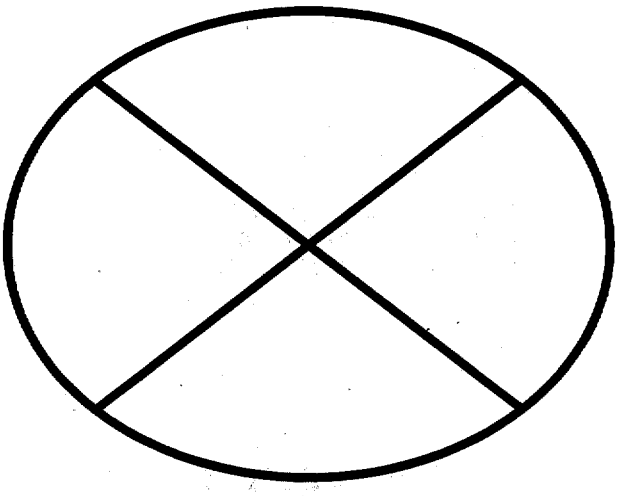

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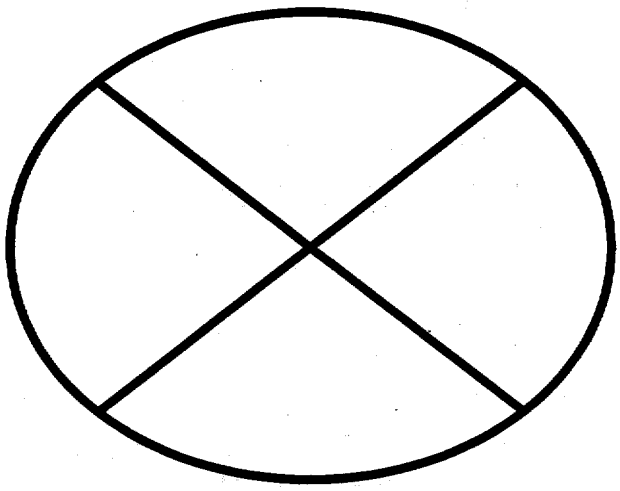

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# Waccamaw Region

## Waties Island

Waties Island -- teeming with fish and wildlife, its ocean beach beautiful -- is the only unspoiled sea island on the State's northern coast. It should be acquired for use as a state park.

Although its use should not be intensive, the Island can support recreation. To allow it to fall victim to development pressures would be to lose the Waccamaw Region's last opportunity to punctuate Grand Strand commercialism with a natural setting. To designate it as a wilderness area would be an environmentally unnecessary loss of potential beach recreation.

An innovative use for the Island would be to develop an environmental interpretation/recreation center. Island trails, overlooks, and displays, with mainland cabins and campgrounds, could make it a living, playing museum of coastal ecology. It could be a layman's nature study center amidst swimming, fishing, and picnicking facilities. Conservation easements would ensure that its recreational use would not precipitate development or intensive uses. As a hybrid between a refuge and recreation center, it would appeal to both recreational and educational interests. Its proximity to North Carolina promises extensive use from both Carolinas.

All or most of the Island, the causeway, and property on the western side of the mainland at Little River Neck should be acquired. For enhancement of both the visitor's natural experience and the market value of land retained by the present owners, a buffer zone should be maintained. At a minimum, parking areas for 150 cars and 150 campsites with parking spaces should be located on the mainland. Motor access to the Island should be limited to maintenance and emergency vehicles.

Current negotiations between the State Department of Parks, Recreation and Tourism and the owners should be encouraged and expedited. Sale, preferably, or long-term lease terms could be structured to provide significant tax advantages to the owners. Federal funds would be available for acquisition; development and maintenance assistance should be sought from North Carolina. Relinquishing this property for general public recreation would be a noteworthy, civic-minded act on the part of the owners.

## The Grand Strand

There is ample public access to Grand Strand beaches, but these are almost entirely commercial in nature. By enforcing design and construction regulations, local governments should maintain this zone as one of North America's favorite beach playgrounds.

The Grand Strand should be recognized as providing only moderate, at best, day-use recreation. It can absorb even more intensive commercial vacation use so long as facilities are not dominated by day users. Demand for beach recreation here will largely be determined and allocated by private promotion, accommodations, and entertainment, their quality and quantity.

In North Myrtle Beach and Atlantic Beach, remote parking areas should be built and connected by mini-bus, with County assistance, to dedicated pedestrian beach accessways. Provision of such parking should relieve Myrtle Beach of some non-commercial day-use congestion.

The Grand Strand is a prime example of how private enterprise, and public coffers in turn, benefit from use of beaches as a public resource. Continued intensive commercial use will be of great economic benefit to the entire State. Part of the revenues earned by private establishments here and throughout the coast should be tapped, or an add-on tourism tax imposed, to sustain day-use beach parks.

To support the beach maintenance and safety precautions occasioned by such intense, commercial use, the existing concession program should be continued. This self-sustaining program, obliging private concessions to bear beach maintenance responsibilities, should be a model for other commercial beach areas.

## Myrtle Beach State Park

A major reason for the need to develop additional state parks in the Waccamaw Region is that the intense pressures on Myrtle Beach State Park's recreational carrying capacity cannot otherwise be abated. This park, nevertheless, will continue to absorb major day-use beach demand because of its full complement of recreation facilities, good swimming, and surfing.

Intensive day use of this park should be continued, vacation use should be held at a moderate level so that middle and lower income vacationers can have easy access to Myrtle Beach's commercial recreation facilities.

Development of Waties Island and Waccamaw Neck as parks would draw away some North Carolina visitors, but those who are attracted by Myrtle Beach's recreation facilities will likely continue to vacation here. Provision of parking at North Myrtle Beach would mitigate day-use demand here to help allow for vacation use.

Higher user fees should be instituted here rather than at the new parks in an attempt to re-distribute existing demand. User-fee levels must be determined as a means of offsetting all the regional parks' development and maintenance costs.

## Surfside Beach

To relieve local visitation congestion in Myrtle Beach and Surfside Beach, the latter's municipal government should dedicate at least twenty beach access easements under its police power. Remote parking and mini-bus transportation should be provided with County, State, and Federal assistance.

## Garden City Beach

Under Georgetown County jurisdiction, Garden City Beach should serve the recreation needs of local residents. Beach access for those whose property does not front the ocean should be provided through regulation or acquisition accessways through less-than-fee interests.

## Huntington Beach State Park

Like Myrtle Beach State Park, Huntington Beach State Park's recreational carrying-capacity will continue to be strained even if additional coastal parks and accessways are developed.

Lower user fees than at Myrtle Beach State Park should be instituted here to induce dispersal of beach-goers until new recreation patterns are established. Such fees, nevertheless, should underwrite development and maintenance costs generally, and not on a pro-rata, individual park basis.

This State park can and must absorb intensive day use from the entire region. Its facilities and distance from Myrtle Beach suggest that its vacation use will be limited.

## Litchfield Beach

North Litchfield Beach is a recognized private community, its beach access limited to residents. Before the undeveloped parcel to the south is developed, however, the County should endeavor to purchase, under the Beaufort County subdivision regulations plan, several accessways. Moderate day use would thereby be permitted.

The Litchfield Beach area is a popular residential/commercial summer destination. There are insufficient parking spaces and inadequate natural activity buffers to warrant introduction of day recreation to present land uses. Its vacation use will be exclusively commercial, and day use will be limited to residents and guests.

## Pawleys Island

Similarly, Pawleys Island should continue to serve as a residential/ commercial community. Several beach accessways should be legally established for residents of interior homes, but more-generalized recreational use would be inconsistent with the Island's present uses.

## Debidue Beach

The private community at Debidue Beach presently has the most exclusive private access of all the State's beaches. A cooperative public/private arrangement similar to that between Charleston County and the developers of Kiawah Island should be sought.

One access point at the edge of the property, with a 50-car parking area, would make the beach far more accessible to Georgetown residents. Such dedication would only moderately increase overall public access, but merits negotiation.

## Waccamaw Neck

The land adjacent to Waccamaw River, commonly known as Waccamaw Neck, should be acquired by the State or Georgetown County. It is potentially an important regional park with fishing, picnicking, and boat-launching facilities.

Beach access could be provided by ferry to North Island. Day parking should be available at the mainland for 250 automobiles. One hundred fifty campsites, with parking and attendant facilities, should also be developed there.

The establishment of such a park would significantly relieve recreation pressures on Huntington Beach State Park, especially, and Myrtle Beach State Park. The foundation which presently owns this tract has been very cooperative with the State in the past, and negotiations for this tract should be vigorously pursued.

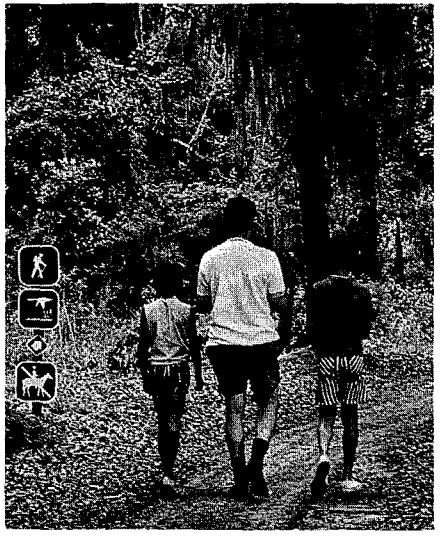
## North and South Islands

Although ferry access to North Island is recommended, its ecosystem is too fragile to support intense recreational use. It is currently a privately-owned wildlife preserve and perpetuation of that use should be guaranteed by public acquisition of all or part of the Island through the Heritage Trust Program.

Moderate day-use beach access should be permitted on the southern one mile of North Island or the northern mile of South Island.

## Cat Island

Since it is primarily a waterfowl area, has little beach, and lacks road access, Cat Island is best left as a remote, primitive camping area. To cross the Intercoastal Waterway -- a recurring problem in the formulation of this beach access plan -- a 65-foot bridge would be required. That great an expense can be marginally justified only by moderately intense recreation, which Cat Island cannot support.



# Berkeley-Charleston-Dorchester Region

## Cedar Island and Murphy Island

Cedar and Murphy Islands, as part of the Santee Coastal Reserve, have been appropriated to conservation purposes. But some limited areas on both islands could sustain primitive camping, particularly along the Intracoastal Waterway. These should be developed in conjunction with the Reserve's interpretive nature program.

The shallow and treacherous waters of the South Santee River make boat access to Murphy Island difficult. It should be left as a wilderness area.

Some additional recreational use, however, could be made of Cedar Island. A pier, wildlife observation blinds, and canoe trails would greatly enhance its recreation appeal.

Two state ferries should leave from Moore's Landing: one could stop at Hampton Plantation, beach access points on Bull Bay, Murphy, and Cedar Islands. The other would go to beach access points on Bull and Capers Islands.

## Francis Marion National Forest

Although Francis Marion National Forest has no ocean frontage, it can facilitate low-cost beach access for vacationers by serving as a dormitory for beach day-use.

Itself an attraction, the Forest has ample space for, at least, an additional 50 to 100 campsites. Tourism promotional materials could alert vacationers to the twofold benefits, relative ease, and budgetary advantages of combining a national forest camping trip with afternoon drives to the beach.

## Bull Bay and Bull Islands

For reasons similar to those applicable to Murphy Island, Bull Bay Island should be left primarily to conservation use. A beach access point for limited day use should be designated and linked by ferry to Moore's Landing and Cedar Island.

Bull Island could sustain nature photography, bird watching, and similar recreational activities and thereby permit limited access to the Cape Romain National Wildlife Refuge. Limited beach day-use would be consistent with the area's conservation objectives.

By including Capers Island as a stop on a state ferry from Moore's Landing to Bull Island, both increased ferry traffic and dispersion of Charleston metropolitan day-use beach demand can be accomplished. Since there is inadequate recreation and support facilities on Bull Island to entertain most people for an entire day, the existing ferry service is under-utilized. By linking Bull to Capers and developing Capers Island, more frequent ferry service would be justified and limited beach recreation on Bull Island would become more popular.

Additional paved parking at Moore's Landing would increase the appeal of this ferry access and draw some potential Isle of Palms marina-users. State and County authorities must cooperate to make Moore's Landing an attractive alternative to the Isle of Palms marina lest this beach access plan result in increased burdens on that community.

## Capers Island and Dewees Island

Already State-owned, Capers Island should be developed as a major recreation area to attract Charleston area beachgoers for intensive day use.

Principal access would be via State-owned toll ferry service from the Isle of Palms marina, to which would be added additional paved parking spaces at State and Charleston County expense. Secondary access would be via the Moore's Landing ferry. Ferry service and the provision of parking constitute minor costs relative to beach site acquisition.

State-licensed concessions should be developed at distinct activity centers throughout Capers Island. Bicycles, electric vehicles, beach equipment, food, and beverages should be available. Fifty primitive campsites and no fewer than four comfort stations should be built.

The State's profit percentage from concessions and user fees should offset, at least in part, beach maintenance. Provision should be made for the elderly and handicapped as well as back-island campers.

The sale of development rights by Dewees Island's owners has resulted in significant diminution of its market value. Although it should consequently be available for public acquisition on reasonable terms, Dewees is not essential to this beach access plan if Capers is developed as recommended.

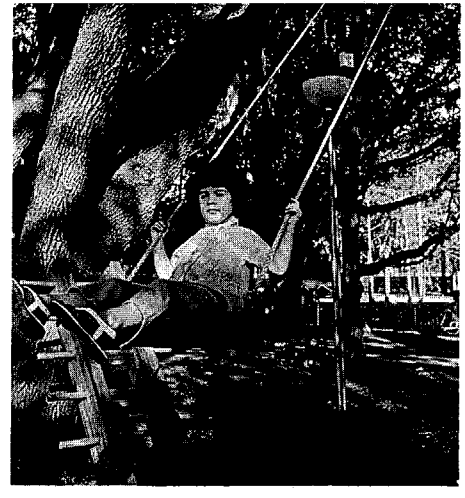
Charleston County might acquire Dewees and maintain its natural state. Primitive camping should then be provided.

## Isle of Palms

South Carolina's most crucial beach access problem is the provision of day-use recreation areas in the Charleston metropolitan region. Isle of Palms presently bears a major portion of this burden, and its problems will inevitably be exacerbated by beach recreation trends and projections.

Only dispersion of Charleston residents to other beach access points recommended in this plan and development of new commercial beach vacation facilities can avoid severe problems for the Isle of Palms and neighboring beach communities.

Intensive public recreational development of Capers Island would alleviate this pressure. Provision of parking at and expansion of the Isle of Palms marina would mitigate Capers access pressures on Isle of Palms. Although secondary ferry service to Capers Island from Moore's Landing would divert some Charleston residents to that route, the Isle of Palms marina would still be the principal means of access.



The classic solution to much of the Charleston day-use demand problem is public acquisition of the undeveloped northern end of Isle of Palms for park purposes. This alternative, however, would likely be too costly to be realistic and would distress many Isle of Palms residents who do not welcome massive infusion of day-users along the beaches of their residential community.

The County, nevertheless, should acquire accessways in this undeveloped northern part of the island before it is subdivided. Lest additional public access to Isle of Palms' beaches result in greater traffic congestion through the heart of the city, this area should not be developed into a major public recreation center without causeway access. Since a bridge spanning the marsh and waterway would be prohibitively expensive, moderate public beach use and government incentives for development of a middle-class, low-cost private beach club are recommended.

## Sullivans Island

Sullivans Island shares the Isle of Palms' problems in nearly equal dimensions. Its traffic congestion potential is not so great, but local residents fear intensive day-use pressures just as much.

Although most of the Island's oceanfront property is developed, there are many potential public accessways which can be acquired by local government purchase or regulation. Moderate day use would thereby be encouraged.

The most evident need is for parking, and County assistance should be made available to purchase and pave a site for beach-use parking.

Both Sullivans Island and Isle of Palms should explore mechanisms which could make day-use of their beaches more economically advantageous to the local community and private enterprise. The Myrtle Beach concession/maintenance system could be applied on a smaller scale. State assistance for beach maintenance, in addition or in the alternative, is also necessary.

## Morris Island

Although the tip of Morris Island could serve as a public beach area, access would be extremely difficult. The Charleston Harbor is too dangerous for small craft, and the run from Folly Island requires a difficult oceanfront run.

The Island should be maintained, therefore, as a conservation area.

## Folly Island

Folly Island is widely regarded as a public beach, and its proximity to Charleston makes it a prime recreation area, despite an eroding beach. In the near-term, existing facilities should be improved, parking and comfort stations added, and beach access easements acquired by the State and County.

Federal community improvement funds should be secured as seed money to encourage upgrading of the oceanfront commercial district. Through concessions, local government should provide more recreation opportunities and an improved beach maintenance program.

The municipality, with State, County, and Federal assistance, should develop, over the long-term, a beach-oriented public activity center. Because of the Island's narrow configuration and erosion problems, the Environmental Protection Agency or another authority may effectively prohibit further commercial or residential development. Accessways should be acquired by regulation or purchase to open this beach to truly public use.

A small beach park should also be established for moderate use. The prime location would be the present Coast Guard Station site. If the present tracking system is revised or replaced, it should be acquired under the Federal Surplus Property Act and dedicated to public recreational use.

Perhaps because of the limited existing access, Charleston has not maximized its tourism industry by emphasizing the nearby beaches which can complement an Historic Charleston vacation. Public acquisition of additional accessways and provision of limited beach facilities would permit promotion of far more attractive vacation packages. Each of the recommended day-use areas -- especially Capers, Folly, and Kiawah Islands -- should be planned as destinations for vacationers staying in hotels and motels elsewhere in the metropolitan area.

## Kiawah Island

Kiawah Island has the potential of becoming a commercial vacation center of the same magnitude and character as Hilton Head Island. Much of this tourism will be incremental, rather than drawn from other State resort areas. In this way, the economically up-scale weekend and vacation demand for Charleston beaches will be largely satisfied.

The Island, therefore, will have a significant, beneficial impact on the State and local economies. But the provision of additional commercial beach access, however important economically, is no substitution for addition of accessways for day-users and vacationers of low- and middle-income levels.

Kiawah's developers have agreed to permit public access to the western portion of the Island and to provide public beach facilities, supported by parking fees. Regardless of whether this park is the result of public blackmail for zoning approval, private benevolence, or some mixture thereof, it is a noteworthy example of public-private cooperation.

The 150 parking spaces, nonetheless, will be grossly inadequate to accommodate public demand. The County, with State assistance, should acquire an off-island parking site and provide shuttle transportation to Kiawah Island during the summer months.

## Seabrook Island

Seabrook Island is another private community. Its beach access is restricted to property owners and their guests. Although the development has one beach parcel that could be made available for public acquisition, it is not essential to this beach access plan.

### Botany Bay and Edisto Islands

Notwithstanding its state park, Edisto Island is under-utilized as a beach recreation site. More than Botany Bay, which is exclusively residential, Edisto Island offers accessway opportunities which can be acquired by local government through purchase or regulation.

Promotion is needed to convey its proximity. But existing images and recreation patterns suggest that to Charleston, Edisto Beach offers minimal relief to the region's day-use recreation pressures.

### Edisto Beach State Park

Edisto Beach State Park is a more natural setting for intensive day-use than Folly Island. It should be promoted as an intensive day-use beach.

Development of additional campsites and vacation cabins would allow Edisto Beach State Park to support more vacationers of low- and middle-incomes. Because of Edisto's distance from Charleston, its use will consist primarily of day-users and vacationers from other parts of the State.



### Bear Island

The Bear Island game management area, operated by the State Wildlife Resources Department, should include facilities for off-season tidewater camping. Otherwise, it should be left to its present conservation use.

## Low Country Region

### Hunting Island State Park

Hunting Island State Park's natural features compare favorably with other beach areas, and it is within easy driving distance of most Beaufort County residents and military personnel. Facilities must be added to make it a more interesting place to visit, and its image needs to be highlighted by Low Country promotion.

The park can sustain moderate vacation use and should continue to absorb very intensive day use. Beaufort County, consequently, should acquire neighboring Harbor Island for park development. Harbor Island parking and camping facilities would alleviate the pressure on Hunting Island.

## Fripp Island

Fripp Island is another private community, its beach access restricted to property owners and their guests. Its exclusive character and logistical difficulty suggest that public access could not be realistically secured.

## Pritchards Island

Most of Pritchards Island is marshland. Since any bridge access to the mainland would endanger the marsh, the Island should be left as a wildlife area. Current plans for private development of an international conference center would not conflict with this beach access plan.

## St. Phillips Island

Access to St. Phillips Island is confined to boats, and the highway route from Beaufort to the ramp nearest the Island is quite circuitous. Principally because of these access problems, its private ownership and development plans, and its relatively small beach, St. Phillips is of minor importance to public beach access planning.

## Parris Island

Several small, inland parks are planned and should be developed near Parris Island. All lands within the confines of the U.S. Marine Corps base are considered environmentally or security sensitive. Recreational use would therefore be inappropriate.

## Callawassie Island

Calawassie Island, presently owned by the South Carolina Electric and Gas Company, should be purchased by the State and used as a tidewater camping area. Current plans for resort development should be revised in light of this study's market projections.

## Hilton Head Island

Hilton Head Island is the region's primary commercial vacation destination. Amidst its private communities, hotels, rental condominia, and cottages provide commercial access to thirteen miles of beach. There is, however, no clearly established public beach area.

The right-of-way at Coligny Circle adjacent to the Holiday Inn, popularly regarded as a public accessway, should be acquired by the State. But by itself, this area is not sufficient to satisfy public day-use demand.

A two-block interior park being considered for North Forest Beach, once clear title has been established, should be developed as a parking area for the Coligny Circle accessway and other nearby accessways which litigation may establish as having been dedicated by the developer. The Beaufort County Recreation Commission should develop and maintain these areas.

The crowding of the Coligny Circle beach area by summer day visitors could be alleviated by encouraging access through the 19 streets in North Forest Beach. This area, known as Hilton Head Beach Subdivision Nos. 1 and 2, fronts 4,900 feet of wide sand beach. Beach access advocates contend that the Hilton Head Company dedicated 36-feet rights-of-way at the end of each of these roads for general ocean access. But the developer and residents, claiming otherwise, claim that these easements were reserved solely for owners of subdivision lots.

There is no record of formal dedication of these accessways to public use. Whether they have been reserved to property owners' use or are open to general public access is an issue that must be determined by litigation. The market and environmental findings of this study could appropriately be incorporated into an amicus curiae brief to demonstrate the public need for additional beach access points.

Also disputed as public beach access points are the streets between the Hilton Head Inn and the Sea Pines Plantation ocean gate. Six streets with 50-feet rights-of-way and three walkways with 75-feet rights-of-way are frequently used by the public. The public's right of passage, nonetheless, has never been clearly established.

Even these actions, however, would not satisfy demand for non-commercial day-use of the beaches. The need for a separate public beach site can best be met by State acquisition of the Ashmore property near Port Royal Plantation. Parking for 150 cars, changing rooms, and comfort stations should be developed. Traffic congestion at the southern end of the Island would thereby be relieved.

At each of these public access points, licensed concessionaires should provide food, beverages, and beach items and, under the adoption of the Myrtle Beach system, be required to maintain the beach.

## Daufuskie Island

A public toll ferry to Daufuskie Island from Palmetto Bay Marina on Hilton Head Island would enhance the Island's property values. In return, the State should exact public beach access rights from the owners. Limited day use would thereby be available. Public costs would be limited to ferry service and provision of 50 additional parking spaces at the marina.

## Turtle Island

Because of its natural inaccessibility and environmental conditions, Turtle Island should be left as a conservation area.

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# Implementation Mechanisms

To implement the Beach Access and Recreation Plan's policies and site planning recommendations, several innovative government mechanisms must be fashioned. Generally, these implementation tools are modest in design and have been proved successful in other contexts. No massive California-like coastal bureaucracy is needed in South Carolina. The proposed implementation mechanisms offer, individually and as combinations, a variety of ways local governments and the State can contribute to realization of this Plan.

## Common Law Devices

South Carolina courts should employ traditional common law concepts in litigation seeking to retard the erosion of public recreational opportunities in the State's shoreline.

"Custom" would permit the State to claim an easement by public use on particular accessways. It could not be used, by single claim, to serve as the basis for declaring that an entire coastal strip belongs to the beaches. It promises most help when littoral owners have been unaware of their title to the beach and the State can demonstrate long public enjoyment of the site.

Under the theory of "prescription", a public easement can similarly be created in privately owned lands. Title would remain with the owner, but use of the land for recreational purposes would be shared with the public. Such an easement could be established by showing open, continuous, and adverse use of the land without the owner's permission.

"Dedication", like prescription, refers to rights in particular land parcels. To be enforceable, the theory depends on both the owner's intention to offer specific land or interests therein and acceptance by the public. Both can be either expressed or implied.

The issue of applicability of these theories in South Carolina is clouded. Although they may be useful in the reclamation of beaches previously used for public recreation, they are not effective planning tools. Each doctrine has shortcomings, and ad hoc adjudication alone will not adequately address South Carolina's beach recreation shortage.

## Legislation

Given the limitations of ad hoc judicial expansion of coastal recreation opportunities, the Legislature should adopt several substantive measures regarding beach access.

An Open Beaches Act would facilitate the application by State courts of any common law device which might expand public access to beaches. Essentially, the Act would guarantee that the public have free and unrestricted right to use beaches within the State to the extent that such rights may be extended consistent with the private property rights of littoral owners as may be protected absolutely by the Federal and State Constitutions.

The Act would acknowledge, therefore, that, even when private owners hold fee simple title to beachfront property, public rights of access and recreation may still exist. These rights could be affirmed through judicial application of traditional legal doctrines. It would authorize the State Attorney General to protect those rights and would specify evidentiary rules which shift the burden of proof to the property owner to refute the presumption that the public has established rights of recreational use in the beach.

The Act would declare the erection of signs designed to exclude the public from open beaches to be a criminal offense. Such legislation would be only part of a legislative package, and not a substitute for acquisition of accessways through purchase or regulation. Its principal aim would be to encourage clarification of disputed accessways through standardized procedures and litigation. A Public Rights-of-Way Commission would be established to avoid courtroom battles by defining those sites where the public clearly has access rights. But the Act would also limit the liability of landowners who make their beach access areas available to public use.

A Beach Maintenance Assistance Act would authorize State matching funds to help designated local governments clean, patrol, and maintain their beaches. Except for locally licensed or government-owned concessions, commercial activity on the State's beaches would be prohibited.

A fund would be established as an emergency pool from which local governments could promptly be granted, upon authorization of the Governor, emergency funds to combat threats to beach recreation, such as oil spills and hurricanes. The sources of monies for this would be general revenues (in recognition of the great economic benefits derived by the entire State from maintenance of its beaches) or a tourist tax.

Notwithstanding the Heritage Trust Program, a Beach Access Acquisition Program, under the jurisdiction of the State Department of Parks, Recreation and Tourism, should be eastablished by statute. Acquisition by purchase, sale/leaseback, scenic, open space and recreation easements should be authorized. The Act would adopt this beach access plan's priorities; and local governments would be encouraged to restrain development of any of these sites until negotiations for public acquisition are concluded.

The Act would establish a new fund, through which the State would annually for a period of years match all Federal grants received for beach park acquisition, such as those from the Land and Water Conservation Fund. Acquisition would be authorized only on a cost-effective basis, and special incentives would be fashioned for acquisition of less-then-fee simple interests that could expand beach recreation opportunities.

## Police Power Regulations

The police power has traditionally been thought to be properly concerned only with "the public peace, safety, morals, and health." Today, however, courts increasingly recognize that the concept of the "general welfare" embraces the public trust doctrine: that property rights in certain natural resources essential to the community must be vested in the general public. Thus, the doctrine is limited only by the scope of contemporary perceptions of the general welfare.

Strong deference is generally made by courts in favor of State and local government's flexible legislative use of the police power. As long as local regulations permit private landowners some economic uses for their lands while restricting them for public objectives, the acquisition of beach accessways through exercise of the police power should withstand constitutional attack.

Some diminution of property values through regulations requiring public beach access of oceanfront landowners will likely be tolerated if they are not discriminatory or unreasonable. Central to this judgment is the courts' perception of the public necessity. If nothing else, this market analysis of beach demand in South Carolina establishes the critical proportions of this issue.

A host of regulatory schemes can be employed to this end. Exclusive use zoning, flood plain zoning, building setbacks and official mapping, and transfers of development rights are the principal concepts which can be applied in South Carolina to expand public beach recreation opportunities.

Subdivision exactions and bonuses also merit consideration. The municipality, by approval of a proposed subdivision, enables the developer to profit financially. In return, local government may require the dedication of public easements for shore access, parking space, and beach support facilities sustained by user or parking fees. A "common fund" approach to such exactions could convert scattered parcels into a neighborhood beach park. Similarly, density bonuses could be offered developers as an incentive to dedication of beach accessways.

Compensable regulations may also be applicable to beach access problems. Funds need not be expended unless a court finds that the regulation actually constituted a "taking" without compensation. If compensation is then required, the initial cost is low since landowners do not recoup lost development value until the property is sold. Subsequent increases in land values do not affect the ultimate cost to government, which is based on the value prior to regulation. This system, therefore, is a means of constitutionally validating land use regulations which, in the absence of some compensation to the property owner, would be impermissible.

To varying degrees, local government regulatory powers may be employed to expand South Carolina's shoreline recreational opportunities. If their application result in substantial diminution of coastal property values, compensation may serve to accomplish beach access objectives without extensive litigation. The techniques' limits are simply the skill of draftsmen, the scope of permitted uses, the lessening of reasonable private economic return, and -- most important -- the temerity of local governments.

## Access Limitations

In some local contexts, access limitations may be desired. There is evolving, nevertheless, a consistent line of judicial cases barring municipal government discrimination against non-residents and similar restrictions. Only those with a narrow and rational basis for classification may be sustained. But if demand levels meet this study's projections and this Beach Access Plan is not substantially implemented, some limitations may become necessary.

This may best be accomplished through sound planning techniques, such as limitation of vehicular access from the mainland to island communities or ferry transport. Only those local restrictions which are reasonably related to preservation of a unique resource and which do not totally exclude non-residents should be immune to constitutional attack.

## Beach Access Acquisition Program

Acquisition is the simplest approach to the expansion of public beach recreation. Several Federal programs -- including the Land and Water Conservation Fund, the HUD Open Space Land Program, and the Federal Surplus Property Act -- are realistic sources of assistance. Inter-governmental funding of beach access acquisition should be expanded to include county and municipal governments, too.

This Plan should serve as the guidelines for a comprehensive Beach Access Acquisition Program, established by statute and to be administered by the State Department of Parks, Recreation and Tourism. The agency should be empowered to establish or improve any public beach area by the acquisition and retention of lands, easements, and other property interests.

The Land Acquisition Trust Fund already exists, but lacks adequate funding to purchase even a minor portion of the sites recommended for acquisition in this Plan. The Legislature should focus specifically on beach access acquisition needs. The devaluation of certain areas as a result of the new Federal flood insurance regulations may make acquisition of several potential beach parks feasible.

## Easements

Although this Plan recommends public acquisition of several large park sites, less-than-fee interests comprise the main thrust of the proposed Beach Access Acquisition Program. Only in this way can a significant amount of public recreation opportunities be secured within the realistic capabilities of State and local agencies.

There is no need for the public to secure the entire fee if its objective is solely to guarantee public access to the beach. In today's economy, acquisition becomes feasible only when the public agency is required to acquire only those rights which are essential to accomplish its goal. Moreover, to be most consistent with South Carolina's philosophical emphasis on private property ownership, this Beach Access Plan must leave intact much of the present private land tenure along the coast and disturb as few of those owners' rights as possible.

Novel adaptations of the easement device should be structured. Like the recently established conservation easement, "recreation easements" would allow the property owner to retain the beneficial, though qualified, use of his land while contributing to the State's conservation and recreation efforts.



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## Gifts

Existing and new tax benefits should induce voluntary donation of lands and easements. In addition to the incentives of the Federal income tax laws authorizing deductions for charitable contributions, special tax concessions by State and local governments should be instituted. Property tax exemption, especially, should be applied.

To expedite such gifts, the State Department of Parks, Recreation and Tourism should contract with a private firm, on an incentive compensation basis, to pursue, negotiate, and secure beach access opportunities throughout the State. Land trades and any tax mechanism which can legally serve as an impetus to donation should be sanctioned.

## Right-of-First Refusal

The Beaufort County mechanism for acquiring public access in new subdivisions or planned unit developments should be adopted by other coastal counties. The county would thereby have a right of first refusal in purchasing public access within privately held tracts of beachfront land scheduled for development. This procedure, nevertheless, should be used only if a subdivision exaction or density bonus is inapplicable.

# Beach Maintenance Program

The Maintenance Assistance Program should be authorized by statute. The Act should

* declare the public policy of the State to be that, notwithstanding counties and local governments' primary responsibility, State government should share with its political subdivisions the burdens of beach cleaning and maintenance

* authorize allocation of a percentage of State revenues from existing sources or new ones, such as a tourism tax, to the funding of this program

* provide requisites for application for such funds by cities and counties

* designate responsibilities for cleaning and maintenance of public beaches

* provide for program administration by the State Department of Parks, Recreation and Tourism, and

* authorize contracts between certain cities and counties and between certain counties relating to beach maintenance.

The program, therefore, would provide for State financial assistance in the form of matching funds to qualified local governments for the purpose of cleaning and maintaining beaches subject to public access and recreation.

Should the proposed funding mechanism not be adopted, the program would be contingent upon legislative appropriations. Administration of the beaches and determination of the best uses of funds would be reserved to the recipient political subdivisions. PRT, as the program's administrative agency, would be empowered to enforce the statutory regulations and to distribute funds impartially. State parks would also receive assistance.

The program would not embrace erosion measures, beach nourishment, or physical construction. "Maintenance" would include, however, the collection and removal of litter, debris, and driftwood/seaweed, the elimination of sanitary and safety conditions which threaten personal health or safety, and the employment of lifeguards and special traffic police.

The program would in no way derogate the duty of cities and counties to clean and maintain all public accessways and beaches within their respective corporate boundaries. Neither would State assistance bar local user fees so long as they are non-restrictive.

Assistance would be conditioned, however, on the maintenance of each city or county applicant of at least one beach park or a reasonable number of marked accessways which meet minimum requirements of size and facilities: (1) sufficiently large or numerous to permit convenient public access to that section of beach for which assistance is sought; (2) adequate sanitation facilities in the vicinity to accommodate the average summer weekend use of the area; (3) adequate off-beach parking, public or commercial, to accommodate the number of average summer day visitors; and (4) adequate road and safe pedestrian access to the park or accessways from the nearest main highway and parking area.

These conditions should be designed so the program may serve as an incentive for local initiative. Qualified cities and counties would receive up to 50 percent reimbursement for eligible expenses incurred in beach maintenance. Maximum State assistance and minimum local programs would be established.

# Sources of Funds

The State Legislature and local governments must realize the economic importance of public beach access and recreation to South Carolina's businesses and tax base. Such recognition should be manifested, on both levels of government, by allocation of larger amounts of general public revenues to acquisition, development, and maintenance of South Carolina's beaches. The following additional sources of funds for the implementation of this Plan must be supplemented with general revenue funds.

## User Fees

Local government can require beach users to have in their possession tags which indicate payment of a seasonal, weekly, or daily user fee. The legal and political rationale for this approach is based on the community's need to defray maintenance, lifeguard, and police expenses incurred by resident and non-resident use of its beaches.

## Parking Fees

An alternative local government approach is the requirement that automobiles parked on public streets within a specified walking distance of public beaches or accessways bear a parking sticker indicating payment of a fee for beach access parking. Enforcement by local police and administration by an existing fee-collecting office would minimize expenses, and revenues would be earmarked for beach-related expenses.

## Transient Occupancy Taxes

State and local governments levy a four percent tax equivalent to a sales tax on hotel and motel room rentals, and revenues are placed in the general fund earmarked for school programs. Both an increase in this tax and local equivalents are potential sources of funds for beach programs. In California, the typical local rate is five percent, the maximum permitted by State law.

Local add-on taxes would allow users of commercial facilities, out-of-state visitors and inland residents to help defray the beach community's recreation-based expenses. If the present tax were increased, extra revenues could benefit the coast particularly, in recognition of the coastal zone's strong attraction to tourists and State residents. If an increase were deemed inappropriate or infeasible, current revenues might be apportioned differently so as to aid coastal communities in the acquisition and maintenance of public accessways.

## Property Transfer Tax

Property transfer taxes are commonly used by counties and cities under uniform state legislation. An increase in this tax, State or local, would probably have no real effect on real estate transactions and would not reduce existing local receipts. Revenues could be designated for beach access programs.

## Concessions

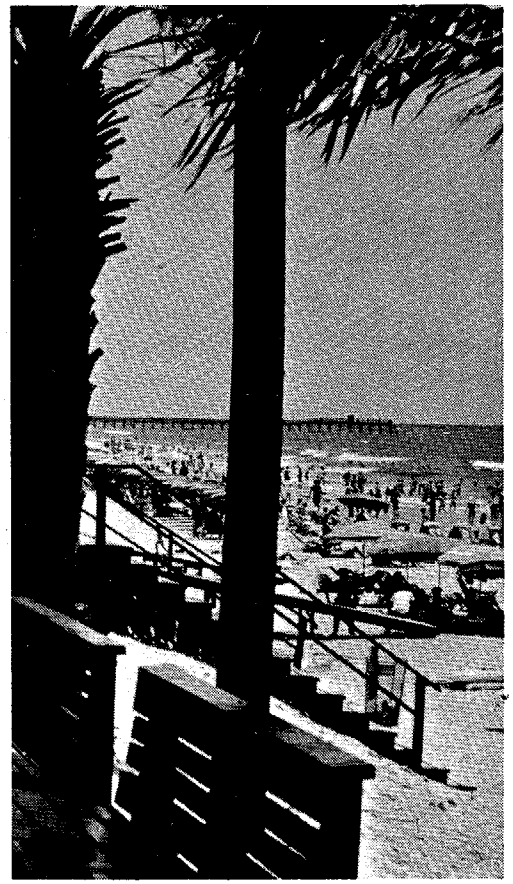
Local governments should either own or license beach concessions for the sale of food and beverages, umbrella, towel and boat rental, and related recreation needs. Variations of the Myrtle Beach system could be instituted at public access points of beaches within other municipal jurisdictions. Some portion of the profits derived from this commercial activity could be directly applied to beach maintenance, or licensees could bear substantial maintenance responsibilities.

## Oil Taxes and Revenues

Given the present exploration and demand for oil, South Carolina may be the subject of competition for energy resources. At least two sources of funds may be engendered by this phenomena. An excise tax on petroleum exports and imports could finance public acquisition of coastal properties and research/development regarding oil-spill prevention and clean-up. Also, any tideland oil revenues derived from the depletion of off-shore resources could be used, in part, to fund protection of the beaches and expansion of beach recreation opportunities.

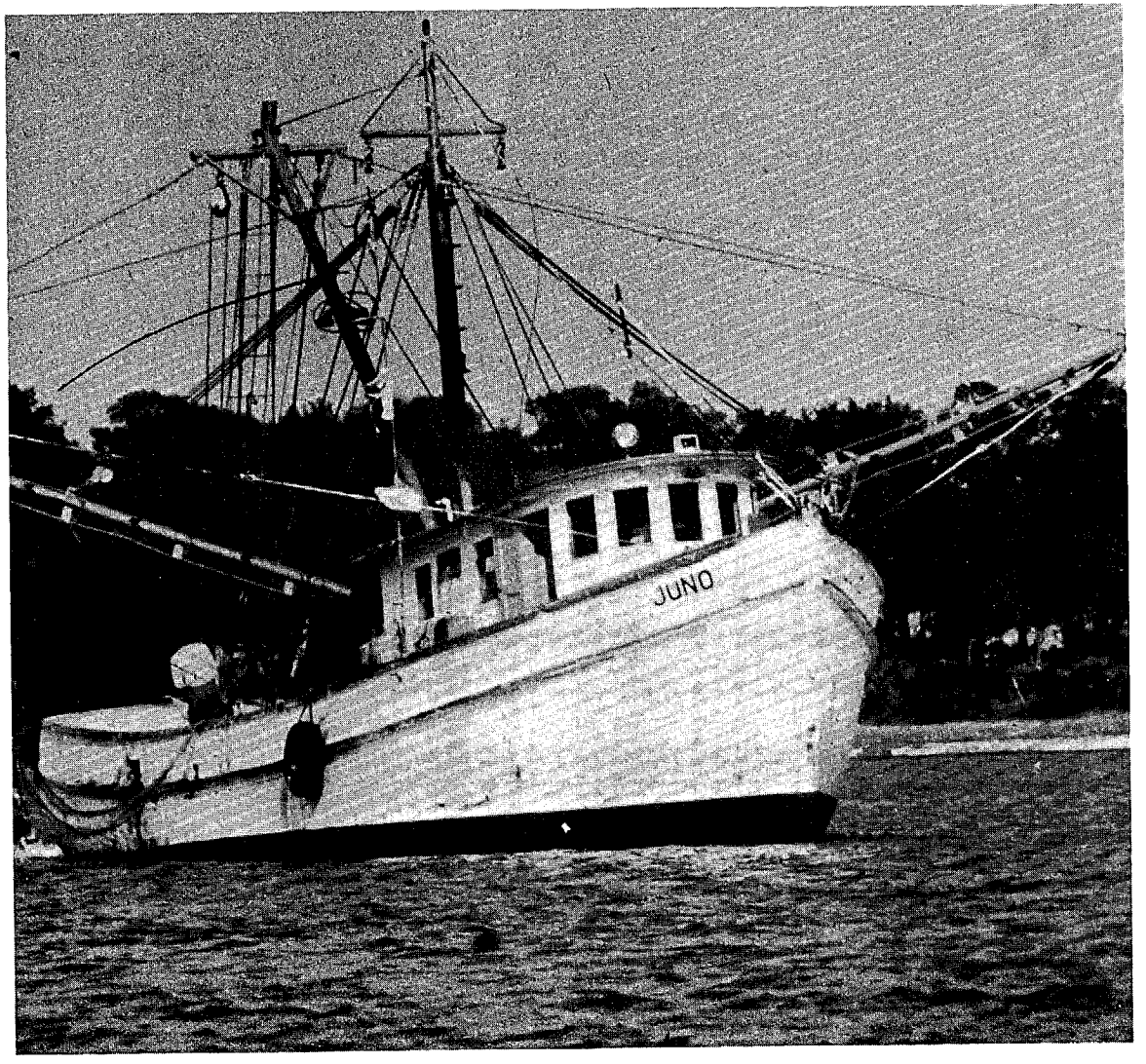
## Bond Issues

If the State's entire population were alerted to the projected demand for beach access in South Carolina, a bond issue could be authorized to fund acquisition of beach parks and accessways identified in this Plan or consistent with specific criteria. At least a bond issue for statewide park acquisition should be initiated, and a major portion of the funds secured should be applied toward public beach access objectives.



# PRT PROPOSALS

This study's Public Beach Access and Recreation Plan is consistent with and embraces the policy statement regarding "The Beaches" adopted on July 30, 1976, by the South Carolina Parks, Recreation and Tourism Commission. The following proposals are especially pertinent.



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# PRIVATE SECTOR ACTIONS

The challenge facing South Carolina is this: Within the restraints and limiting factors previously described, how can we serve an ever-increasing number of beach vacationers on a South Carolina seashore that cannot physically expand in size. The private sector of the State's billion dollar tourism industry has the major role in accommodating, serving and providing beach access for the majority of this rapidly-growing volume of vacationers who visit our beach areas. Therefore, a major portion of PRT's program to expand beach access opportunities will be to directly support, complement and provide guidance to the private sector of the tourism-leisure industry.

* Leisure Industry Technical Assistance - Assist private investors, developers and businesses in the development of ocean and beach-related facilities to serve visitors as well as residents (through staff of PRT Tourism Division and other units).

* Accommodating More Beach Users Within Limited Areas - In cooperation with private enterprise, develop design concepts and standards to serve larger numbers of future beach vacationers through accommodations and other facilities within the limits of available beach areas.

* Promotion to Expand Lower-Use Seasons - Gear PRT promotion and advertising to accommodate more total beach vacationers by extending beach vacations into seasons conducive to beach usage that are presently under-utilized. Work with local promotion agencies and the private sector in encouraging such efforts on the local levels.

* Build Ancillary Values of Beach Access - Beaches can be the lure to attract millions of vacationers and conventioneers whose feet need never to touch the ocean water or beach sand. Climatic conditions impose limits in South Carolina on the direct use of the oceans and beaches during some seasons. However, scenic and aesthetic values can be utilized year-round through ocean-view motel rooms and scenic overlooks while providing heated covered swimming pools along with golf, tennis, sightseeing and other indoor and outdoor recreation not directly associated with the beaches.

* Develop Inland Vacation Destinations - As beach access needs are expanded to accommodate the ever-increasing future demands, a part of PRT's program will be to develop and promote inland visitor destination areas, which will relieve some of the future "growth pressures" on the beaches while building the economy and recreation opportunities in the other areas of the state.

* Economic Incentives to Private Enterprise - Work with local governments in developing economic incentives to encourage private enterprise to provide beach access to serve the general public.

* State Parks as a Stimulus for Private Beach Developments - Continue PRT's policy of State Park development to stimulate adjacent private sector developments, such as privately-owned oceanfront campgrounds in the Grand Strand. Look to the private sector to provide some of the facilities within State Parks, including those in the beach areas.

# PUBLIC SECTOR ACTIONS

Public agencies on the local, state and federal levels have significant opportunities as well as responsibilities to serve South Carolina's public recreation needs, including those related to ocean or beach access. Through its State Parks, Recreation and Planning divisions, PRT will endeavor to help meet such needs through a number of programs for South Carolinians as well as visitors.

* Existing State Parks - Develop the full beach access potential of existing coastal State Parks while protecting the natural qualities of these environmentally-sensitive properties.

* Acquire Additional Park Lands - The fact that the four oceanfront State Parks accounted for over 40% of the total 10,500,000 visitors in the entire South Carolina State Park system last year is evidence of the fact that additional coastal park lands must be acquired to help meet public beach access needs in the future.

* Fuller Utilization of Existing Government-Owned Lands - Many thousands of acres of coastal lands in South Carolina are now owned by federal and state government agencies. Public agencies that own coastal lands should be encouraged to accommodate beach access and recreation needs wherever possible, consistent with conservation and other land use priorities for such properties. PRT proposes to consider cooperative working relationships with other agencies to help meet such needs.

* Technical Assistance to Local Public Agencies - PRT's Recreation Division is available to provide all available research, information, and guidance to help local public agencies develop plans to meet recreation needs, including coastal communities that may be involved in providing beach access.

* Research, Guidelines and Action Proposals - In cooperation with the U.S. Bureau of Outdoor Recreation, the South Carolina Coastal Zone Council, the Charleston County PRT Commission and other local groups, PRT has co-sponsored a public beach access study to compile all available facts and data, conduct market and legal research and develop ideas and proposed action courses that might be considered by interested public agencies as they make plans and decisions to accommodate beach access and related recreation needs. The findings of this study will be available to interested public agencies as well as the sponsors.

* Funding Assistance Programs - "There ain't no free lunch" - all approaches to public beach access are costly and somebody has to pick up the tab. PRT administers the Land and Water Conservation Fund of the U.S. Bureau of Outdoor Recreation at the State level and 50-50 matching funds from this source are available through the three coastal regional Councils of Government to help public agencies to fund local recreation projects. However, federal, state or local funds are far from adequate to meet the rapidly-growing public beach access needs of South Carolinians and the millions of out-of-state visitors who come to our State for beach vacations and recreation. In cooperation with other involved public and private groups, PRT proposes to seek or develop an adequate funding mechanism to help local areas meet their beach access and recreation needs in the future.

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# Credits

Hartzog, Lader & Richards is an independent professional firm rendering services to public and private organizations for the assessment, planning, design, impact analysis, and implementation of conservation, recreation, and development projects. This study's conclusions and recommendations have been derived solely from the professional judgment of the principals and the following assembled professional staff associates:

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