

2025



STUDY of the
**SOUTH CAROLINA
CONSERVATION BANK**



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South Carolina House of Representatives **GOVERNMENT EFFICIENCY & LEGISLATIVE OVERSIGHT COMMITTEE**

Chairman Jeffrey E. "Jeff" Johnson

Vice-Chair Chris Wooten

AUTHORITY

The Legislative Oversight Committee, created in December 2014, is a vehicle for oversight used by the House of Representatives. The Committee's specific task is to conduct legislative oversight studies and investigations of state agencies at least once every seven years. The Committee has the authority to conduct studies at any time of state agencies within the Committee's jurisdiction, even outside of the seven-year cycle.

VISION

For South Carolina agencies to become, and continuously remain, the most effective state agencies in the country through processes which eliminate waste and efficiently deploy resources thereby creating greater confidence in state government.

MISSION

Determine if agency laws and programs are being implemented and carried out in accordance with the intent of the General Assembly and whether they should be continued, curtailed, or eliminated. Inform the public about state agencies.



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Scott Montgomery
Richard B. "Blake" Sanders



Education & Cultural Affairs Subcommittee

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Photo by Mac Stone

SOUTH CAROLINA CONSERVATION BANK

MISSION

The mission of the South Carolina Conservation Bank is to improve the quality of life in South Carolina by conserving significant natural resource lands, wetlands, historical properties, archeological sites, and urban parks.

HISTORY

In 2000, individuals embarked on an effort to identify significant South Carolina lands and determine how they could be protected and sustained. This effort resulted in the Land Legacy Initiative—a grassroots effort by many individuals, groups, and businesses that found a need to preserve greenways, open spaces, and parks in urban areas in order to promote balanced growth, well-being, and quality of life in South Carolina.

The Land Legacy Initiative also uncovered a critical need to fund the preservation of—and public access to—many types of South Carolina land, including wildlife habitats, natural areas, historical sites, sites of unique ecological significance, forestlands, farmlands, watersheds, open space, and urban parks.

Accordingly, the South Carolina General Assembly, in a bipartisan effort, passed the South Carolina Conservation Bank Act, which was signed and ratified by the Governor in April 2002.

BOARD

The South Carolina Conservation Bank Act establishes a seventeen-member board to govern the Conservation Bank.

The board consists of:

- The Chairman of the Board for the Department of Natural Resources, the Chairman of the South Carolina Forestry Commission, the Commissioner of Agriculture, the Secretary of Commerce, the Secretary of Transportation and the Director for the South Carolina Department of Parks, Recreation, and Tourism all of whom serve ex officio and without voting privileges.
- Three members appointed by the Governor from the state at large.
- Four members appointed by the Speaker of the House of Representatives, one each from the third, fourth, and sixth Congressional Districts and one member from the state at large.
- Four members appointed by the President Pro Tempore of the Senate, one each from the first, second, fifth, and seventh Congressional Districts.



FINDINGS

During the study of the South Carolina Conservation Bank (SCCB), the Economic Development, Transportation, and Natural Resources Subcommittee adopted ten findings pertaining to economics, easements, income tax credits, leadership, project criteria, agency independence, land trusts, reimbursable grants, and budget.

Findings note information a member of the public or the General Assembly may seek to know, or upon which they may desire to act.

1

FINDING ONE

The South Carolina Conservation Bank plays a vital role in preserving the state's forestlands, farmlands, and wetlands, which contributes to the state's economy in various direct and indirect ways.

The SCCB's mission is "[t]o improve the quality of life in South Carolina through the conservation of significant natural resource lands, wetlands, historical properties, archeological sights, and urban parks."¹ The Bank accomplishes its mission, in part, through the issuance of grants for the purpose of securing lands for these vital interests. Since its inception, the SCCB has awarded approximately \$359 million in grants, helping protect more than 413,746 acres across the state. This investment translates to an average cost of \$869 per acre.² Through strategic partnerships with the federal government, state agencies, and private philanthropy, each dollar granted by the SCCB helps safeguard nearly four dollars of real estate.³

Agriculture is one of the state's leading industries and underscores the economic significance of the Bank's work. With more than 22,600 farms and 4.6 million

acres of farmland, agriculture is South Carolina's largest private industry, supporting 259,215 jobs and generating \$51.8 billion in annual economic impact.⁴ By helping landowners preserve agricultural land through voluntary conservation easements, the SCCB assists in ensuring the continuity of agricultural activities, and supports and sustains rural communities by protecting farm-based businesses and related economic output.⁵

In addition to supporting South Carolina's agriculture industry, the SCCB collaborates with military installations across the state to prevent land use conflicts and preserve critical training grounds. In FY 2023 alone, South Carolina received \$6.5 billion in defense spending "which provide[d] direct funding for the Department of Defense (DOD) personnel salaries, defense contracts, and construction of military facilities in the state."⁶ Since 2006, Beaufort County and the United States

PROTECTED FARMS IN SOUTH CAROLINA



AB Farms
Anderson County
126 Acres



Lever Farms
Newberry County
116 Acres



Parris Family Farm
Spartanburg County
149 Acres



Rivers Farm
Sumter & Lee County
1,017 Acres



Watson Farm
Chester County
359 Acres



Photo by Mac Stone

Department of Defense have benefitted from the Readiness and Environmental Protection Integration (REPI) Program, which funds land protection to prevent land uses that would otherwise interfere with or restrict military operations around Marine Corps Air Station in Beaufort.⁷

Through its grantmaking authority, the SCCB plays a key role in implementing these land protections. For example, in 2025, the Open Land Trust worked with the Rhodes family and the United States Navy to protect 898 acres in Dale, South Carolina (known as Essex Farms) through a voluntary conservation easement.⁸ The REPI program provided funding for the project. The Bank and the Beaufort County Green Space Program⁹ provided additional funding, with the Bank contributing 14% and the Beaufort County Green Space Program contributing 7% of the total project cost.¹⁰ This easement “ensures the land will remain primarily undeveloped and dedicated to agriculture and forestry for future generations.”¹¹

Through funding voluntary land easements in REPI-designated areas, the SCCB has helped safeguard an

additional 6,000 acres across South Carolina in just the past two years thanks to its partnership with the REPI program.¹² This partnership is crucial for ensuring long-term economic benefits. Protecting land under flight corridors “improves training, helps create a dark night sky that mimics military combat situations, and protects irreplaceable natural resources.”¹³ And, as noted in REPI program analysis, “[t]his spending by DOD personnel, contractors, and their families creates significant economic activity, attracts related industries and investments, and generates important state and local government tax revenues.”¹⁴

In sum, by conserving forest lands, farmlands, wetlands, historical properties, archaeological sites, and urban parks through voluntary, partnership-driven transactions, the SCCB improves the quality of life and strengthens South Carolina’s economy. The SCCB “contribute[s] to South Carolina’s economy by encouraging conservation investments and the local spending they generate.”¹⁵ In doing so, the SCCB helps sustain rural agricultural communities and support military readiness, both of which reinforce the state’s long-term economic vitality.

2

FINDING TWO

The Conservation Bank utilizes conservation easements and fee simple acquisitions as its primary tools to protect land, with average costs of \$437 per acre for easements and \$1,804 per acre for fee simple acquisitions.

The SCCB does not own land, take title to land, or own conservation easements itself.¹⁶ Instead, its primary role is “to make financial awards to eligible entities to buy land or buy conservation easements . . . on important lands . . . to facilitate real estate transactions that result in conservation.”¹⁷

Eligible trust fund recipients such as land trusts or state agencies must use SCCB funds to purchase either fee simple interests or conservation easements on designated properties. A fee simple interest “represents the most complete form of property ownership, granting full and irrevocable ownership of the land and any structures on it.”¹⁸ By contrast, a conservation easement “is a legal agreement used to permanently protect property from residential and commercial development.”¹⁹ “Every fee simple purchase must have 100% public access, and access easements must have at least partial public access.”²⁰

According to the SCCB, of the 208 projects it funded in the last six years, 114 awards were directed to public access projects and 94 awards were directed to private lands.²¹ The SCCB awarded almost \$125 million (85% of funds awarded) to public lands and 21.5 million (15% of funds awarded) to easements. However, those 15% of funds protected roughly twice as many acres, with conservation easements saving 66,091 acres and fee simple acquisition saving 36,352 acres.²² This data highlights the cost efficiency of easements in securing large scale land protection.

Recent acquisitions illustrate both approaches. In May of 2025, the Open Space Institute acquired the 1,644-acre Beech Hill Tract in Dorchester County from Davis Land & Timber Limited Partnership of Greenwood for \$11.5 million. Nestled between the Edisto River Wildlife Management Area and Givhans Ferry State Park, permanent protection of this property “will prevent fragmentation of natural areas, link previously protected lands, expand public recreational

opportunities, and catalyze further conservation in the Lowcountry, some 30 miles northwest of Charleston.”²³ The property “will soon become a state forest managed by the South Carolina Forestry Commission (SCFC), with the entire tract expected to be enrolled in the South Carolina Department of Natural Resources Wildlife Management Area Program.”²⁴ The funding for this fee simple acquisition came from a \$3.1 million SCCB grant, \$4.125 million from Dorchester County’s Greenbelt Program,²⁵ and support from the SCFC.²⁶

In December of 2023, the Nature Conservancy (TNC) worked with the Elliott family, a South Carolina family, to preserve 1,218 acres of family-owned property in Hampton County known as Lowlands.²⁷ Located in the Savannah River Basin of South Carolina, the Lowlands is in “an area that provides drinking water for more than 500,000 South Carolina and Georgia residents.”²⁸ The conservation easement on the property set aside “[a] permanent buffer of bottomland hardwoods along more than two miles of Long Branch Creek . . . [that] will never be harvested to ensure water quality on the Savannah River.”²⁹ As noted by TNC’s executive director, “Lowlands is a shining example of how South Carolina does conservation so well[.] . . . The family gets to keep ownership of their land, while our businesses and conservation communities and the state invest in protecting its natural resources. Those resources—including clean drinking water—benefit us all.”³⁰

To date, the Bank has awarded \$232,985,770 in grants for 127,359 acres protected in fee simple and \$126,622,223 for 286,386 acres conserved through conservation easements.³¹ These figures equate to approximately \$1,804 per acre for fee simple purchases compared to just \$437 per acre for conservation easements, indicating that voluntary easements provide land protection at significantly lower public expense.³²

TWO WAYS TO SAVE LAND

FEE SIMPLE ACQUISITIONS

Legal agreement between a landowner and a conservation organization or State agency to purchase land for an agreed-upon price.

65% of Conservation Bank grants protect Public Parks and Preserves through Fee Simple Acquisitions.

225

TOTAL # OF PROJECTS

127,752

ACRES CONSERVED

\$235,485,770

GRANTS AWARDED

\$670,446,243

FAIR MARKET VALUE

CONSERVATION EASEMENTS

Legal agreement between a landowner and conservation organization or government agency that protects land from development or other activities that could harm its natural resources.

35% of Conservation Bank grants protect Farms and Forests through Conservation Easements.

338

TOTAL # OF PROJECTS

286,732

ACRES CONSERVED

\$127,173,223

GRANTS AWARDED

\$460,447,504

CONSERVATION EASEMENT VALUE

3

FINDING THREE

Landowners who conserve property through the Conservation Bank may be eligible for a South Carolina state income tax credit equal to 25% of the appraised value of the conservation easement, capped at \$250 per acre and \$52,500 per year, as well as federal income and estate tax deductions.

Enacted in 2002, the South Carolina Conservation Incentives Act³³ provides tax benefits to landowners in the state who voluntarily conserve land through donations or conservation easements.³⁴ Like the Bank's grant program, these incentives are designed to encourage private landowners to participate in land conservation efforts.

Specifically, the Act "allows a taxpayer, who is entitled to and claims a federal charitable deduction for a gift of land for conservation or for a qualified conservation contribution on a qualified real property interest located in South Carolina, to claim a South Carolina income tax credit equal to 25% of the total amount of the deduction attributable to the gift of land for conservation or to the qualified real property interest associated with the qualified conservation contribution."³⁵ The credit—which has remained unchanged for nearly 25 years—is capped at \$250 per acre of property, with a maximum of \$52,500 per taxpayer per year.³⁶ Any unused credit may be carried forward until used.³⁷ This unused credit "may

be transferred, devised or distributed, with or without consideration, to another taxpayer upon written notification to, and approval, the Department [of Revenue] of the transfer."³⁸

While the state income tax credit is certainly a meaningful financial incentive, many landowners ultimately choose to place their property under a conservation easement because "they love the land . . . [and] are so passionate about their land, so sentimentally attached to it."³⁹ The tax credit serves as a benefit that reinforces that decision. The credit's transferability adds an additional benefit since because the tax credits do not terminate, landowners who cannot use the full credit may sell them to others.⁴⁰ "And there's a market for them right now," with one market returning approximately 85 cents on the dollar.⁴¹ Taken together, these features of the Act support the SCCB's mission by incentivizing private participation in preserving the state's natural resources.

4

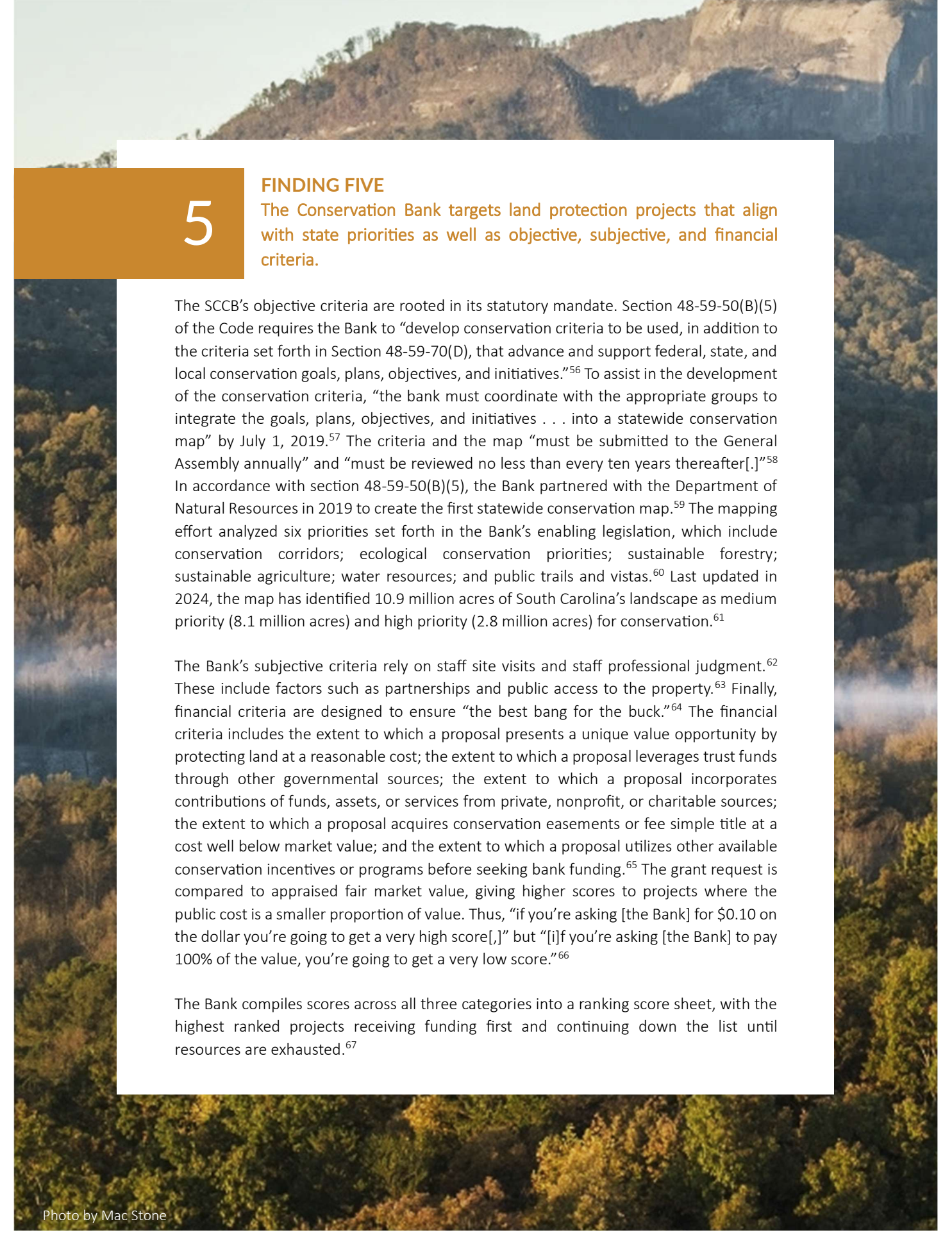
FINDING FOUR

The Conservation Bank is governed by a 17-member board and operates with only four full-time employees, making it one of the smallest state agencies by staff size.

The SCCB's 17-member board of directors is composed of ex officio state officials⁴² and appointed members from both the legislative and executive branches.⁴³ Each member "must possess experience in the areas of natural resources, land development, forestry, farming, finance, land conservation, real estate, or law."⁴⁴ Members serve staggered four year terms without compensation,⁴⁵ and the board elects a chairman and other officers "as necessary from its membership."⁴⁶ The board's primary responsibility is to set policy and approve financial awards⁴⁷ to eligible entities for the purchase of land or conservation easements.⁴⁸ Presently, the board has four vacancies, and one member serves in holdover status.⁴⁹

With the advice and consent of the Senate, the board appoints an executive director to manage the Bank's

daily operations and oversee the state's conservation initiatives.⁵⁰ Like the board members, the executive director must have experience in relevant land use, legal, or financial fields.⁵¹ The executive director is tasked with administering grants, hiring staff, and managing the operational aspects of the SCCB.⁵² The executive director and staff "make[] recommendations for funding to [the] board."⁵³ They also are responsible for managing the application review process, performing due diligence, ensuring compliance with statutory and grant requirements, and coordinating with land trusts and state agencies.⁵⁴ Currently, the SCCB operates with only four full time employees, making it one of the smallest agencies in the state by staff size.⁵⁵ Despite this fact, the SCCB manages millions of dollars in grants and hundreds of conservation projects statewide.



5

FINDING FIVE

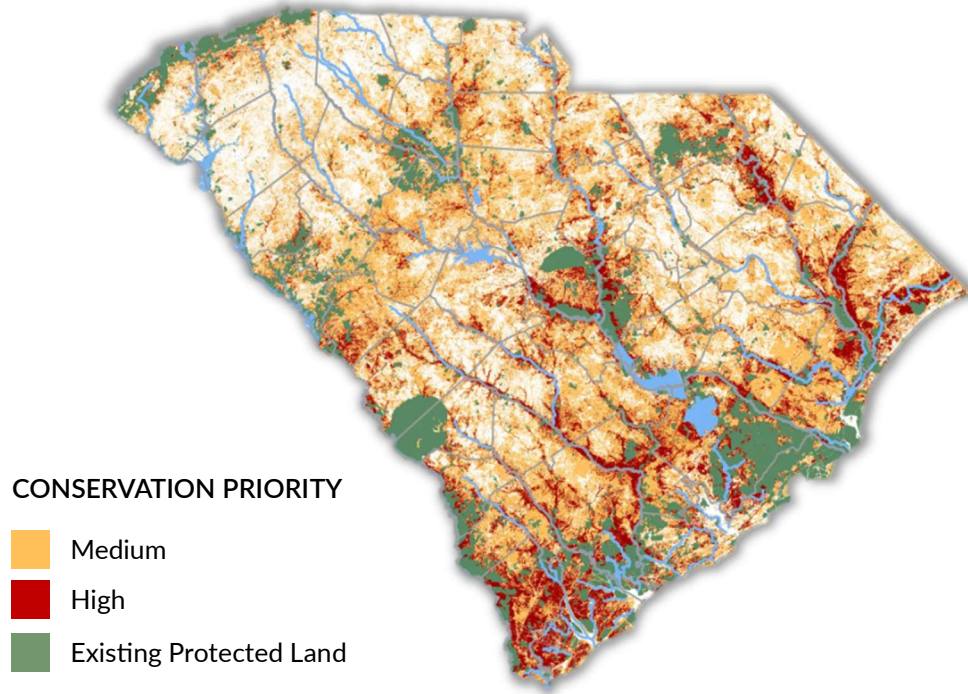
The Conservation Bank targets land protection projects that align with state priorities as well as objective, subjective, and financial criteria.

The SCCB's objective criteria are rooted in its statutory mandate. Section 48-59-50(B)(5) of the Code requires the Bank to “develop conservation criteria to be used, in addition to the criteria set forth in Section 48-59-70(D), that advance and support federal, state, and local conservation goals, plans, objectives, and initiatives.”⁵⁶ To assist in the development of the conservation criteria, “the bank must coordinate with the appropriate groups to integrate the goals, plans, objectives, and initiatives . . . into a statewide conservation map” by July 1, 2019.⁵⁷ The criteria and the map “must be submitted to the General Assembly annually” and “must be reviewed no less than every ten years thereafter[.]”⁵⁸ In accordance with section 48-59-50(B)(5), the Bank partnered with the Department of Natural Resources in 2019 to create the first statewide conservation map.⁵⁹ The mapping effort analyzed six priorities set forth in the Bank's enabling legislation, which include conservation corridors; ecological conservation priorities; sustainable forestry; sustainable agriculture; water resources; and public trails and vistas.⁶⁰ Last updated in 2024, the map has identified 10.9 million acres of South Carolina's landscape as medium priority (8.1 million acres) and high priority (2.8 million acres) for conservation.⁶¹

The Bank's subjective criteria rely on staff site visits and staff professional judgment.⁶² These include factors such as partnerships and public access to the property.⁶³ Finally, financial criteria are designed to ensure “the best bang for the buck.”⁶⁴ The financial criteria includes the extent to which a proposal presents a unique value opportunity by protecting land at a reasonable cost; the extent to which a proposal leverages trust funds through other governmental sources; the extent to which a proposal incorporates contributions of funds, assets, or services from private, nonprofit, or charitable sources; the extent to which a proposal acquires conservation easements or fee simple title at a cost well below market value; and the extent to which a proposal utilizes other available conservation incentives or programs before seeking bank funding.⁶⁵ The grant request is compared to appraised fair market value, giving higher scores to projects where the public cost is a smaller proportion of value. Thus, “if you're asking [the Bank] for \$0.10 on the dollar you're going to get a very high score[,]” but “[i]f you're asking [the Bank] to pay 100% of the value, you're going to get a very low score.”⁶⁶

The Bank compiles scores across all three categories into a ranking score sheet, with the highest ranked projects receiving funding first and continuing down the list until resources are exhausted.⁶⁷

CONSERVATION PRIORITY MODEL



CONSERVATION PRIORITY

- Medium
- High
- Existing Protected Land

The mapping effort analyzed six priorities set forth in our enabling legislation, which include:



Conservation Corridors



Sustainable Agriculture



Ecological Conservation
Priorities



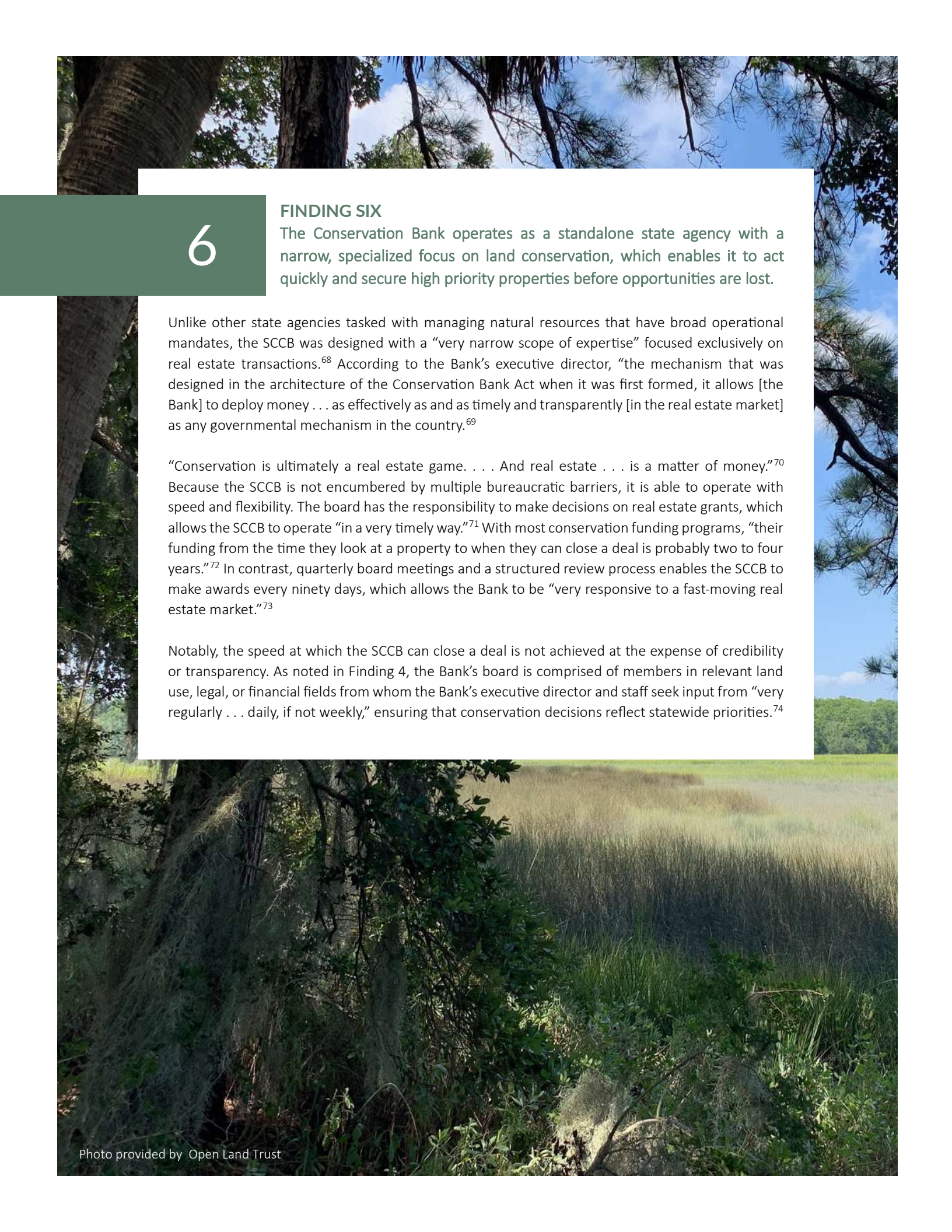
Water Resources



Sustainable Forestry



Public Trails and Vistas



6

FINDING SIX

The Conservation Bank operates as a standalone state agency with a narrow, specialized focus on land conservation, which enables it to act quickly and secure high priority properties before opportunities are lost.

Unlike other state agencies tasked with managing natural resources that have broad operational mandates, the SCCB was designed with a “very narrow scope of expertise” focused exclusively on real estate transactions.⁶⁸ According to the Bank’s executive director, “the mechanism that was designed in the architecture of the Conservation Bank Act when it was first formed, it allows [the Bank] to deploy money . . . as effectively as and as timely and transparently [in the real estate market] as any governmental mechanism in the country.”⁶⁹

“Conservation is ultimately a real estate game. . . . And real estate . . . is a matter of money.”⁷⁰ Because the SCCB is not encumbered by multiple bureaucratic barriers, it is able to operate with speed and flexibility. The board has the responsibility to make decisions on real estate grants, which allows the SCCB to operate “in a very timely way.”⁷¹ With most conservation funding programs, “their funding from the time they look at a property to when they can close a deal is probably two to four years.”⁷² In contrast, quarterly board meetings and a structured review process enables the SCCB to make awards every ninety days, which allows the Bank to be “very responsive to a fast-moving real estate market.”⁷³

Notably, the speed at which the SCCB can close a deal is not achieved at the expense of credibility or transparency. As noted in Finding 4, the Bank’s board is comprised of members in relevant land use, legal, or financial fields from whom the Bank’s executive director and staff seek input from “very regularly . . . daily, if not weekly,” ensuring that conservation decisions reflect statewide priorities.⁷⁴

7

FINDING SEVEN

The Conservation Bank does not negotiate real estate transactions directly; instead, it relies on land trusts and other partners to structure deals and ensure compliance with conservation easements terms.

The SCCB only works with voluntary landowners who are interested in conservation.⁷⁵ The Bank, however, does not negotiate directly with these landowners. Instead, the Bank relies on a network of eligible trust fund recipients to manage land,⁷⁶ which include certain state agencies,⁷⁷ municipalities and counties of the state,⁷⁸ or “a not for profit charitable corporation or trust authorized to do business in this State whose principal activity is the acquisition and management of interests in land for conservation or historic preservation purposes”⁷⁹ These entities are the Bank’s “boots on the ground” that “generate the projects . . . and who know properties” throughout the state “like the back of their hand.”⁸⁰

According to the SCCB, “there’s a whole network of non-profits . . . who operate on their own dime” that “have their own administrative costs they fundraise for in their own communities.”⁸¹ The SCCB works with roughly 25 different land trust organizations that are geographically spread throughout the state.⁸² Importantly for the Bank, these land trust non-profits “are of their communities, and they have relationships with landowners,” which provides the Bank with “a network to effectively put the real estate deals together.”⁸³ Importantly for the state, the land trust network allows the SCCB “to minimize . . . the costs of staff to do the deals and also the [cost of] staff to monitor and steward the properties after they’re acquired.”⁸⁴ In all, the land trust network “really reflects a tremendous cost savings to us and allows us to stay laser focused on the real estate.”⁸⁵

LAND TRUSTS IN SOUTH CAROLINA



8

FINDING EIGHT

Recent increases to the Conservation Bank's budget reflect a legislative focus on transparency and fiscal accountability.

In FY2025, the SCCB received a significant increase in its appropriations from the General Assembly by proviso.⁸⁶ As explained by the Bank's executive director, the General Assembly "saw the work we're doing and decided that perhaps the Bank . . . could serve as a clearinghouse for all conservation land transactions, including money that may have gone to other sister agencies."⁸⁸ The increase was seen not as a doubling of the budget for conservation initiatives, but rather as a repurposing of funds toward the agency deemed best equipped to handle real estate transactions efficiently and transparently.⁸⁹ The SCCB attributes this confidence to its narrow statutory focus that "allows it to be very responsive to the real estate market . . . in a transparent way."⁹⁰ The proviso "has been the most effective tool to create the coordination between those agencies that acquire conservation lands: Forestry, DNR, and Parks."⁹¹

9

FINDING NINE

The Conservation Bank leverages reimbursable grants to enable land trust partners to act quickly in competitive real estate markets, while also providing time to pursue and secure matching federal funds.

The SCCB's reimbursable grant funding program is a unique tool that allows the Bank to make grant awards to its nonprofit land trust partners, which then enables those nonprofits to purchase property quickly under the seller's timeline.⁹² This structure enables the SCCB to maintain fiscal accountability while giving its land trust partners the means needed to compete with private buyers for high priority properties.⁹³

This funding model also allows the Bank and its partners to pursue federal matching opportunities, which often operate on longer timelines than private real estate transactions permit. For example, in 2023, the 1,809 acre "Andrews Tract" came on the market. The property was part of the Black River Initiative, described as "a community-inspired vision to establish a new recreational water trail connecting a growing network of public lands along 70 miles of river through Williamsburg and Georgetown counties."⁹⁴ The South Carolina Department of Parks, Recreation and Tourism (SCPRT) desired to purchase the tract as the next strategic addition to the network of properties already under the SCPRT ownership and management along the Black River. However, the closing deadline would not accommodate the federal grant timeline and the state's complex acquisition approval process. One of SCCB's partners, the Open Space Institute Land Trust (OSILT), was able to engage in a fee simple real estate deal and purchase the Andrews Tract quickly using a \$5.8 million grant from the Bank. Thus, the Bank was in a position to make an award to OSILT that allowed OSILT to buy the property under the seller's timeline, which then gave SCPRT time to repurchase the property and seek federal matching funds to reimburse SCCB.⁹⁵

10

FINDING TEN

As part of the state's annual budget process, each agency must identify a 3% reduction in general fund appropriations in case strategic cuts are required. For the Conservation Bank, a 3% reduction in FY 2025-26 amounts to \$487,809. Examples of projects the Bank would not be able to fund with a 3% general fund reduction include:⁹⁶

- Dalzell Bay, a fee simple acquisition by Naturaland Trust in 2022 that captured 61.10 acres of the bays and surrounding uplands in Sumter County with an \$80,000 grant award. The protected land is valued at approximately \$145,000.00⁹⁷ Of the thousands of bays that once existed across South Carolina's Atlantic Coastal Plain, fewer than 10% still function today.⁹⁸ According to the Naturaland Trust, "[t]he bay itself is protected by a Wetland Reserve Program easement, but the bay is at risk without an informed conservation entity being at least a part owner to protect and restore it."⁹⁹
- Hiott Station, a 561.80-acre tract of land in Colleton County protected by a conservation easement secured by Lowcountry Land Trust in 2024 in an effort to conserve the ACE Basin's cultural history and natural resources.¹⁰⁰ The net award was \$175,000.00. The protected land is valued at approximately \$817,500.00.¹⁰¹
- Pearl Bottoms, a 60.30-acre tract of land in Greenville County under a conservation easement secured by the Greenville County Historic and Natural Resources Trust to preserve "a working cattle farm in a rapidly developing area near North Greenville University."¹⁰² The net award was \$143,000.00. The protected land is valued at approximately \$595,000.00.¹⁰³
- Cedarleaf Farm, a 64.96-acre tract of land in Chester County protected by a conservation easement secured by the South Carolina Farm Bureau Land Trust.¹⁰⁴ "In 2015, the property was designated as a state archeological site due to the prevalence and quality of arrowheads found there, some dating to 7,000 B.C."¹⁰⁵ The net award was \$90,000. The protected land value is approximately \$235,000.00.¹⁰⁶

Without sufficient funding, opportunities to secure similar high-value properties will inevitably be lost, leaving the state further behind in meeting the long-term conservation goal identified in Recommendation 1.



Dalzell Bay

Photo provided by Naturaland Trust



RECOMMENDATIONS

During the study of the South Carolina Conservation Bank, the Economic Development, Transportation, and Natural Resources Subcommittee (“Subcommittee”) of the House Legislative Oversight Committee (“Committee”) adopts **10** recommendations.

With any study, the Committee recognizes these recommendations (e.g., continue, curtail, improve areas potentially, and/or eliminate agency programs, etc.) will not satisfy everyone nor address every issue or potential area of improvement at the agency. Recommendations are based on the agency’s self-analysis requested by the Committee, discussions with agency personnel during multiple meetings, and analysis of the information obtained by the Committee. This information, including, but not limited to, the Initial Request for Information, Accountability Report, Restructuring Report, and videos of meetings with agency personnel, is available on the Committee’s website.

RECOMMENDATION ONE

The Committee recommends that the General Assembly consider enacting legislation that establishes a statewide conservation goal such as conserving 30% of the state's land by 2030 as proposed in H.5125 (2020).

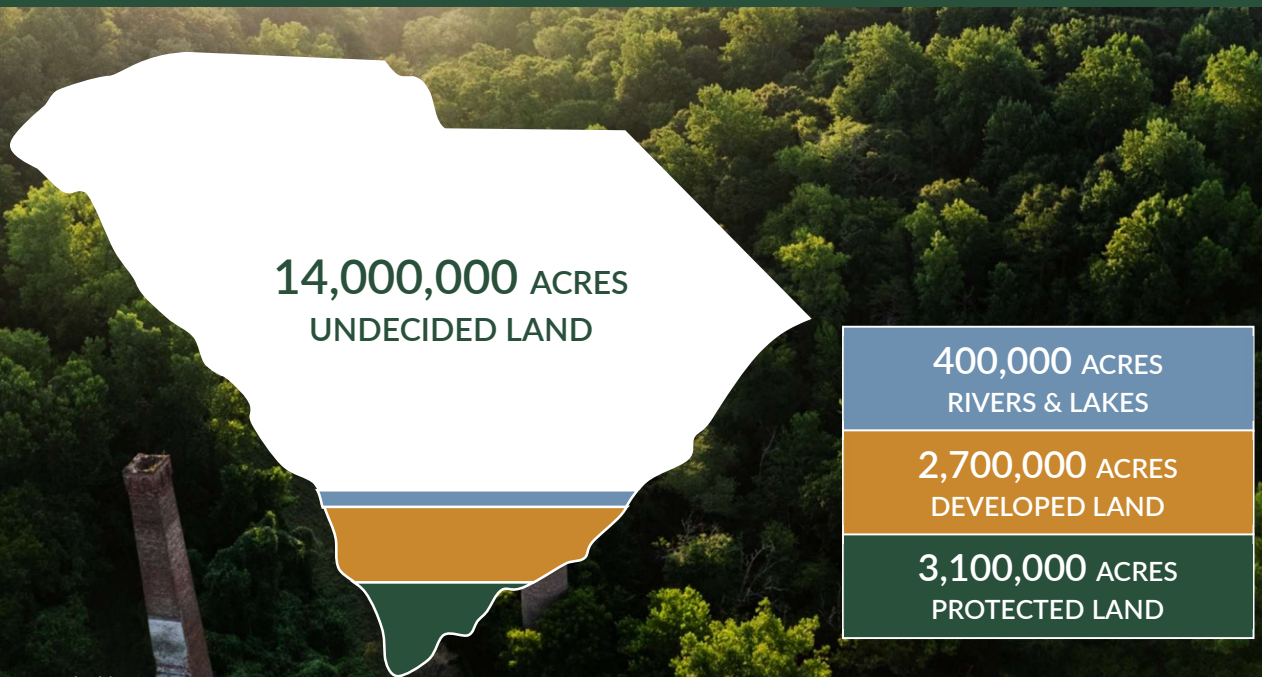
South Carolina's rapid population growth highlights the urgency of establishing a statewide conservation goal. As the Bank observed during subcommittee testimony, last year the state "welcomed 90,000 new people into the state, which, to put it in perspective, is 20,000 more people than the entire city of Greenville."¹¹⁰ For every one person leaving the state, more than two new residents arrive, making South Carolina one of the fastest growing states per capita in the nation.¹¹¹

In 2020, a bipartisan group of House members introduced the South Carolina Thirty-By-Thirty Conservation Act, which sought to set a clear and measurable benchmark for land conservation in South Carolina—namely, to conserve 30% of the state's lands by 2030.¹¹² While the bill did not advance, it reflected a bipartisan effort to give the state a defined long term target.

According to the Bank, in 2025, the state has about 5.5 million residents, and conservative projections anticipate reaching 10 million by 2070.¹¹³ "And all those people are going to live on the same 20 million acres in South Carolina, which is going to require new homes, new roads, new schools . . ."¹¹⁴ **Currently, of the 20-million acres in South Carolina, the Bank estimates that 3.1 million acres are protected, 2.7 million acres are developed, and roughly 400,000 acres consists of lakes and rivers, which leaves 14 million acres undecided.**¹¹⁵ This anticipated influx of residents will undoubtedly intensify pressure on landscapes, water resources, wildlife habitats and the very qualities residents value most: "our hunting and fishing opportunities, clean water, local produce on local farms" and the like.¹¹⁶

Establishing a statewide goal would provide a needed long-term vision for conservation planning and serve as a counterbalance to ongoing industrial expansion in the state.

BREAKDOWN OF 20 MILLION ACRES IN SOUTH CAROLINA



14,000,000 ACRES
UNDECIDED LAND

400,000 ACRES
RIVERS & LAKES

2,700,000 ACRES
DEVELOPED LAND

3,100,000 ACRES
PROTECTED LAND

RECOMMENDATION TWO

The Committee recommends that the General Assembly consider enacting legislation to designate the Conservation Bank as the central clearinghouse for state funds used by agencies for strategic land acquisitions.

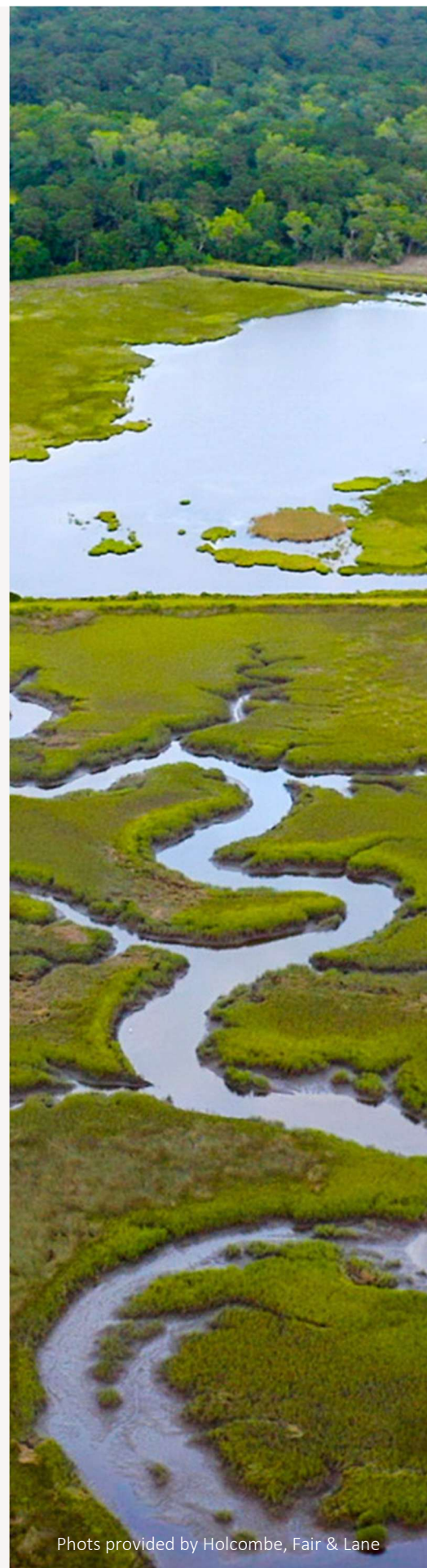
As observed in Finding 8, in FY 2025, the General Assembly substantially increased the Bank's appropriation. This was not intended as an expansion of funding, but rather as a redirection of resources to the agency viewed as best positioned to manage complex land transactions in a timely and transparent manner. While the South Carolina Forestry Commission, the South Carolina Department of Parks, Recreation and Tourism, the South Carolina Department of Natural Resources, and the South Carolina Office of Resilience are essential partners in advancing conservation priorities, the General Assembly has already demonstrated a preference for channeling land acquisition resources through the Bank. Statutorily designating the SCCB as the clearinghouse for all strategic land acquisition funding would allow for better coordination, transparency, fiscal oversight, and prioritization of land acquisitions.

RECOMMENDATION THREE

The Committee recommends that the General Assembly consider amending Section 48-59-30(d) (Supp. 2024) of the Code, as proposed by the Conservation Bank, to establish a \$100,000 minimum financial threshold for non-profit entities to qualify as eligible trust fund recipients.

As noted in Finding 7, in securing conservation easements with voluntary landowners, the Bank does not negotiate with landowners directly but instead relies on a network of "eligible entities" to manage land, which include certain state agencies, municipalities and counties of the state, or "a not for profit charitable corporation or trust authorized to do business in this State whose principal activity is the acquisition and management of interests in land for conservation or historic preservation purposes and which has tax exempt status as a public charity under the Internal revenue Code of 1986."¹¹⁷ According to the SCCB, the requirements for a not-for-profit charitable corporation is subjective and leaves the door open to organizations with vastly different levels of capacity.

To help ensure accountability, the SCCB recommends that nonprofit organizations possess at least \$100,000 in liquid assets or be accredited by the Land Trust Alliance. If neither condition is met, the organization needs to be formally sponsored by an established agency that does meet those criteria.¹¹⁸ As explained by the SCCB, these proposed changes are "simply an attempt to try to put a baseline expectation on what the organization must have available" in order to manage the financial and legal responsibilities associated with land conservation.¹¹⁹



Photos provided by Holcombe, Fair & Lane

RECOMMENDATION FOUR

The Committee recommends that the General Assembly consider amending Section 48-59-40 (A) (Supp. 2024) of the Code, as proposed by the Conservation Bank, to expand the Bank's board from 17 to 18 members by adding the Chief Resilience Officer of the South Carolina Office of Resilience as an ex officio member.

The SCCB works closely with the South Carolina Office of Resilience on multiple large-scale land conservation projects.¹²⁰ While the Chief Resilience Officer regularly attends the Bank's board meetings and is an "integral part" of the Bank's team, the Chief Resilience Officer is not currently a statutory member of the board.¹²¹ However, in recent years, the Office of Resilience contributed substantial funding to priority acquisitions. In FY 2023 alone, the Bank completed 64 projects totaling approximately \$8.3 million, with much of that funding coming from the Office of Resilience for "several big projects."¹²² This amendment, which is supported by the current Chief Resilience Officer,¹²³ would codify and strengthen an already productive working relationship.

RECOMMENDATION FIVE

The Committee recommends that the General Assembly consider amending Section 48-59-50(B) (Supp. 2024) of the Code, as proposed by the Conservation Bank, to better reflect how information is shared and disseminated to the Governor, Lieutenant Governor, and General Assembly.

Section 48-59-50(B)(3) of the Code requires the SCCB to submit an annual report containing certain information, including "a list and description of all grants and loans approved, and all acquisitions of land or interests in land obtained with trust funds since the bank's inception."¹²⁴ This has resulted in a requirement to include historical data in each year's report, rather than focusing on the most recent grant activity.

As noted by the Bank, this historical data could instead be provided through other means, such as on the Bank's website, while the annual report itself could be tailored to reflect only the grants awarded in the current reporting year.¹²⁵ Amending the statute as proposed by the Bank would align the statute with best practices for information sharing and streamline the annual reporting process while also increase efficiency and maintain transparency in the reporting process.

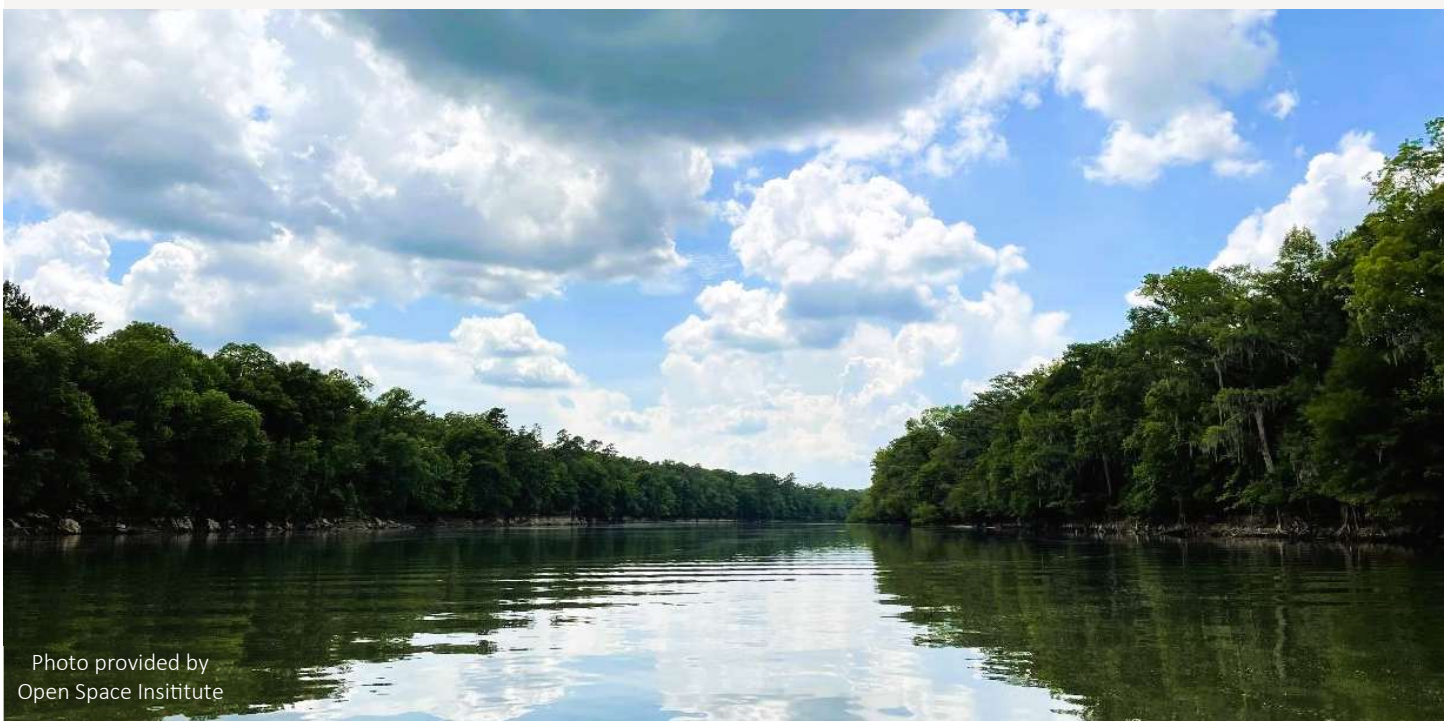


Photo provided by
Open Space Institute

RECOMMENDATION SIX

The Committee recommends that the General Assembly consider amending Section 48-59-70(F)(2) (Supp. 2024) of the Code, as proposed by the Conservation Bank, to provide for staggered two-year terms for members of the grant review committee.

Section 48-59-70(F)(2) provides that the SCCB Board chairman “shall establish a grant review committee to review, comment, and make recommendations on proposals received by the bank. The chairman shall appoint five members of the board to serve on the committee for a term of no more than one year, and no member may serve consecutive terms.” According to the SCCB, one-year terms for committee members limits continuity and disrupts the flow of deliberations on complex grant applications.¹²⁶ This amendment resolves those issues.

RECOMMENDATION SEVEN

The Committee recommends that the General Assembly consider amending Section 48-59-80(D) (2008) of the Code, as proposed by the Conservation Bank, to remove the requirement that the Bank must be named as an insured on a title insurance policy approved to the board.

Section 48-59-80(D) provides, in part, that SCCB “must be named as an insured on a title insurance policy acceptable to the board and obtained by the loan recipient for loans it makes to eligible trust fund recipients.” As noted by the Bank, the current statutory requirement that the Bank be named as an insured on title insurance has created legal complications. Because the Bank is statutorily prohibited from taking a possessory interest in real estate,¹²⁷ some insurance companies have refused to name the Bank as an actual insured,¹²⁸ a position supported by the South Carolina Attorney General’s Office.¹²⁹ SCCB has attempted to address the intent behind Section 48-59-80(D) in its grant agreements by requiring grant recipients to maintain title insurance and allowing the Bank to recover its grant funds if a title defect arises. But the language is buried in the grant agreement, not the insurance policy itself.¹³⁰ Amending section 48-59-80(D) to remove the insured requirement would achieve the statute’s objective of ensuring protection of public investment through an executed grant agreement without the difficulties caused by requiring the Bank to be named on the policy itself.

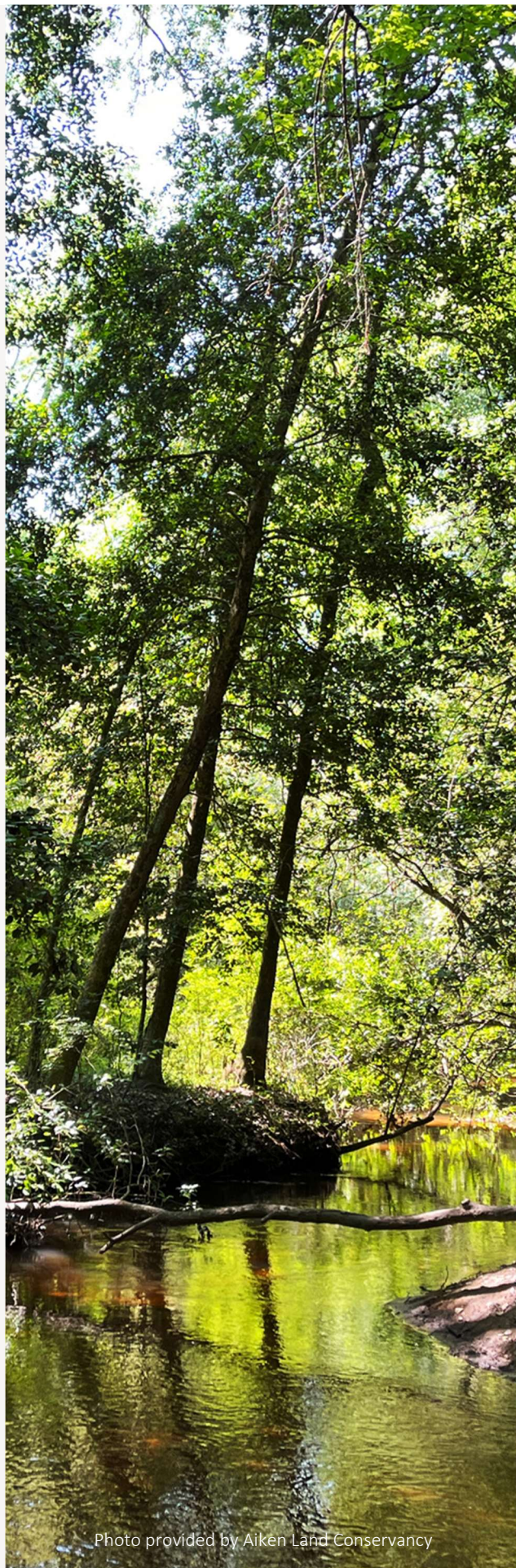


Photo provided by Aiken Land Conservancy

RECOMMENDATION EIGHT

The Committee recommends that the General Assembly consider amending Section 48-59-80(G)(1) (2008) of the Code, as proposed by the Conservation Bank, to align the language with federal and state tax laws so that the language marries with the perpetuity requirement underpinning tax laws associated with conservation conveyances, and to specify judicial extinguishment as the sole method for removing conservation restrictions.

Section 48-59-80(G)(1) currently authorizes easement extinguishment by the SCCB Board if the Board finds that the property no longer meets the criteria for trust fund acquisition, with an appeal to the Administrative Law Court.¹³¹ However, federal tax law governing conservation easement donation requires that such easements be granted in perpetuity to qualify for a charitable deduction.¹³² Federal rules further limit extinguishment to circumstances in which a court determines, through a judicial proceeding, that unforeseen changes make it impossible or impractical to continue using the property for conservation purposes.¹³³ Administrative or board-level terminations do not meet this standard, and easements subject to board termination risk disqualifying the donor from federal tax benefits.

As noted by the SCCB, “once we give a grant, we want it to be permanent. If the court says circumstances have changed and there’s a judicial order, so be it. But [we’d] like the courts to make that decision and to prevent . . . inconsistencies with federal law.”¹³⁴ Aligning state law with the federal perpetuity and judicial extinguishment requirements will protect donors’ tax benefits and bolster the integrity of conservation agreements.

RECOMMENDATION NINE

The Committee recommends that the General Assembly consider amending Section 48-59-100 (2008) of the Code, as proposed by the Conservation Bank, to clarify that public access is required only when grant funds are used to acquire land in fee simple.

Section 48-59-100 of the Code provides that “an easement acquired in whole or in part with trust funds must provide for public access consistent with the uses permitted by the terms of the easement.”¹³⁵ The General Assembly should amend section 48-59-100 to clarify that public access is required only when grant funds are used to acquire land in fee simple. According to the SCCB, the current statute is vague and could be interpreted to require public access for conservation easements on privately owned land.¹³⁶ The proposed clarification would make explicit the intent that the public access requirement applies solely to fee simple acquisitions and not to conservation easements.

RECOMMENDATION TEN

The Committee recommends that the General Assembly consider amending Section 48-59-110(A) (Supp. 2024) of the Code, as proposed by the Conservation Bank, to clarify that grant funds may be disbursed at or after a closing.

Section 48-59-110 provides, in part, that “[t]rust funds only may be dispersed *at the closing* of transactions in which an interest in land is acquired.”¹³⁷ In some cases, however, timing constraints involving the coordination of funds make this impractical, forcing the Bank to occasionally disburse grants to recipients after closing.¹³⁸ This amendment would clarify that grant disbursement may occur at or after closing.

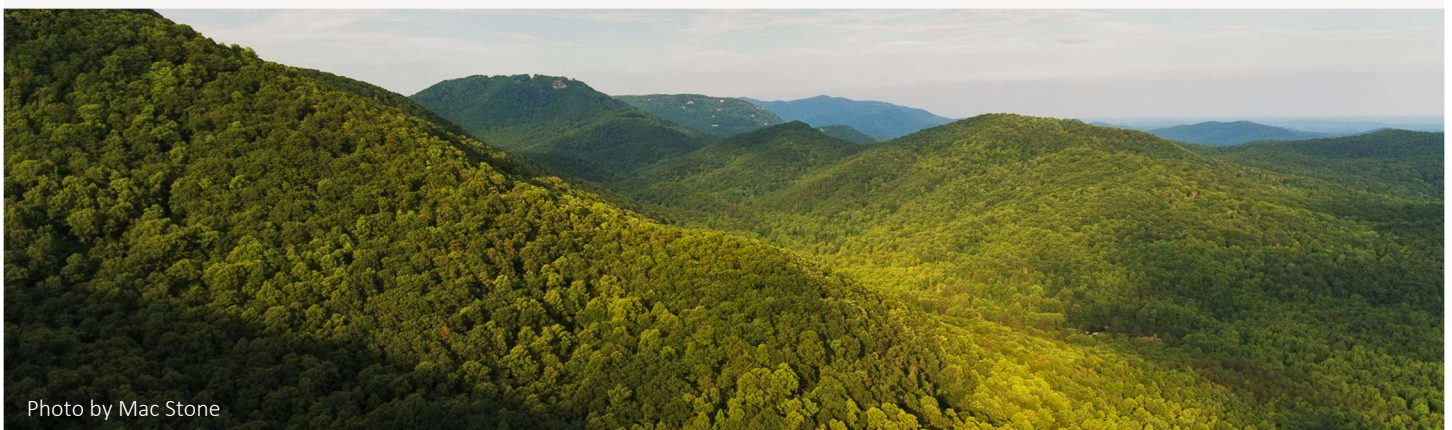


Photo by Mac Stone

APPENDIX A



South Carolina Conservation Bank

Conservation Priority Mapping

July 1, 2024

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Introduction

The South Carolina Conservation Bank (SCCB) has been tasked with developing statewide conservation priority maps that will be submitted to the South Carolina General Assembly as identified in South Carolina House Bill 4727 Section 48-59-50, B(5):

“(5) develop conservation criteria to be used, in addition to the criteria set forth in Section 48-59-70(D), that advance and support federal, state, and local conservation goals, plans, objectives, and initiatives. In order to assist in the development of conservation criteria, the bank must coordinate with the appropriate groups to integrate the goals, plans, objectives, and initiatives, as well as land use patterns, into a statewide conservation map. The map must be created by July 1, 2019, and the criteria and map must be reviewed no less than every ten years thereafter. The criteria list and map must be submitted to the General Assembly annually.”

In June of 2019, the first statewide conservation priority maps were produced by the South Carolina Department of Natural Resources for the South Carolina Conservation Bank. They consisted of five sub-maps (public access, ecological conservation priorities, cultural resources, private working lands, and water resources), and a final conservation priority model. Each of these sub-maps included one or more data layer(s) representative of the conservation category.

The priority maps were updated again in May of 2022 to consist of six sub-maps (conservation corridors, ecological conservation priorities, sustainable forestry and agriculture, water resources, proximity to urban interface, and public benefit), and a final conservation priority model map. From May of 2022, the South Carolina Conservation Bank planned to update the maps annually. Reports documenting the June 2019, May 2022, and July 2023 maps are available by request to the South Carolina Conservation Bank.

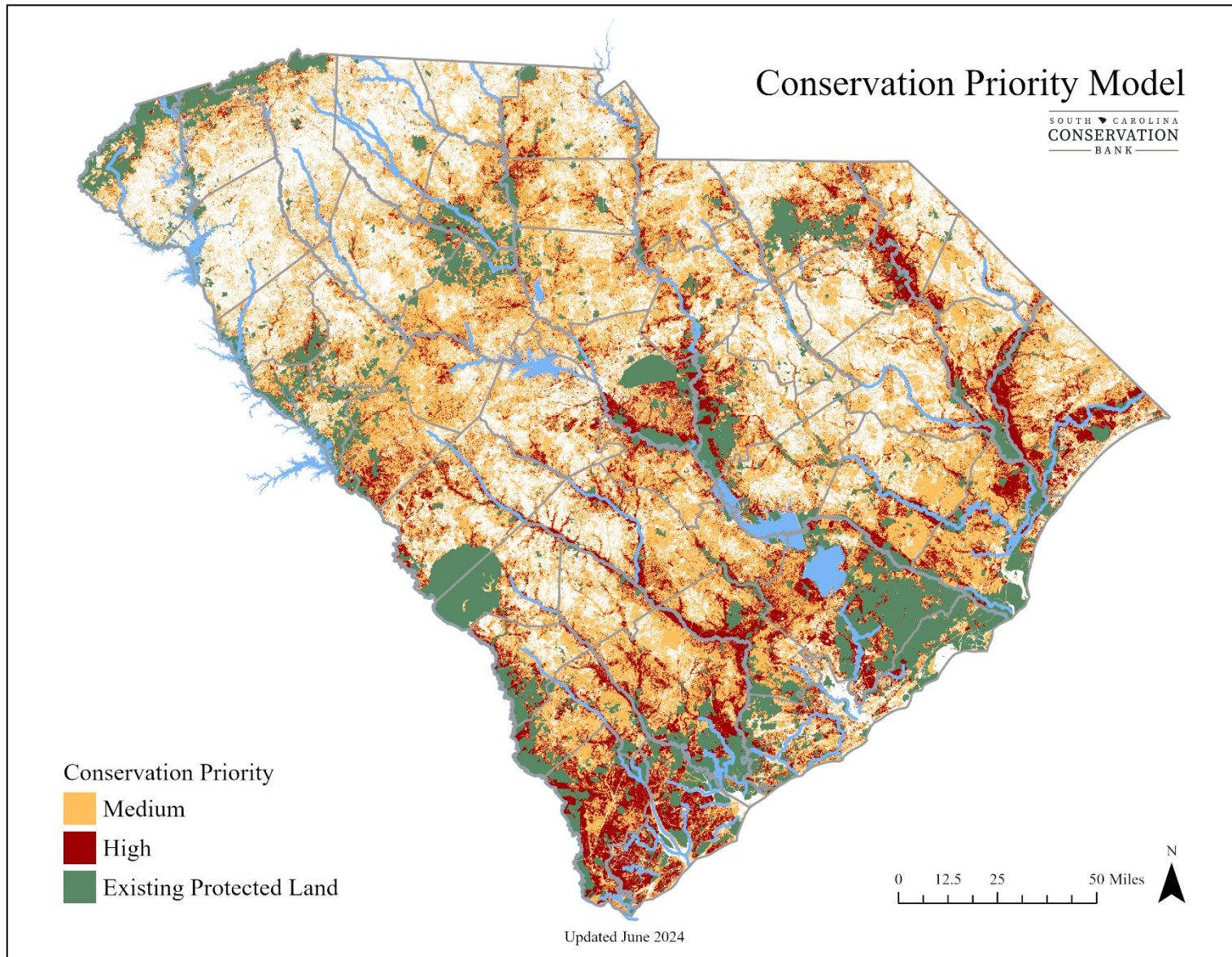
This document outlines the development of the July 2024 statewide conservation priority map. Included in this document are maps and statistics for current conservation conditions in South Carolina, the final statewide conservation priority map, and each of the 6 sub-maps. Finally, each data layer used is documented with how it was ranked for the sub-map.

Statewide Conservation Priority Model

South Carolina's land area is about 20 million acres. Currently, approximately 3 million acres of South Carolina's land area is under some form of protection (over 143,700 more acres than recorded in the July 2023 report). Approximately 2.3 million acres are developed. Both of these numbers increase annually.

This project has identified 10.9 million acres of South Carolina's landscape as medium priority (8.1 million acres) and high priority (2.8 million acres) for conservation (Map 1, Statewide Conservation Priority Model), which will help guide the South Carolina Conservation Bank's conservation funding activities. (The 2023 project had previously identified 8.6 million acres as medium and high priority.) A county-by-county breakdown of conservation priority acreage is found in Appendix A.

Map 1. Statewide Conservation Priority Model.



Current Conservation Conditions

The current status of conservation and land protection in the state provides context for conservation priority mapping and a baseline against which future conservation efforts can be measured.

There are approximately 20 million acres of land in South Carolina. Approximately 3 million acres are under some form of protection, representing more than 16% of the total land area.

Land Protection Over Time

Land protection has increased in the last three decades (Figure 1 and Map 2), with the largest increase in private land protection. Significant increases are also seen in state protected land. The South Carolina Conservation Bank was established in 2002 and began grants for conservation in 2004, bolstering the upward trend of increased conservation acreage.

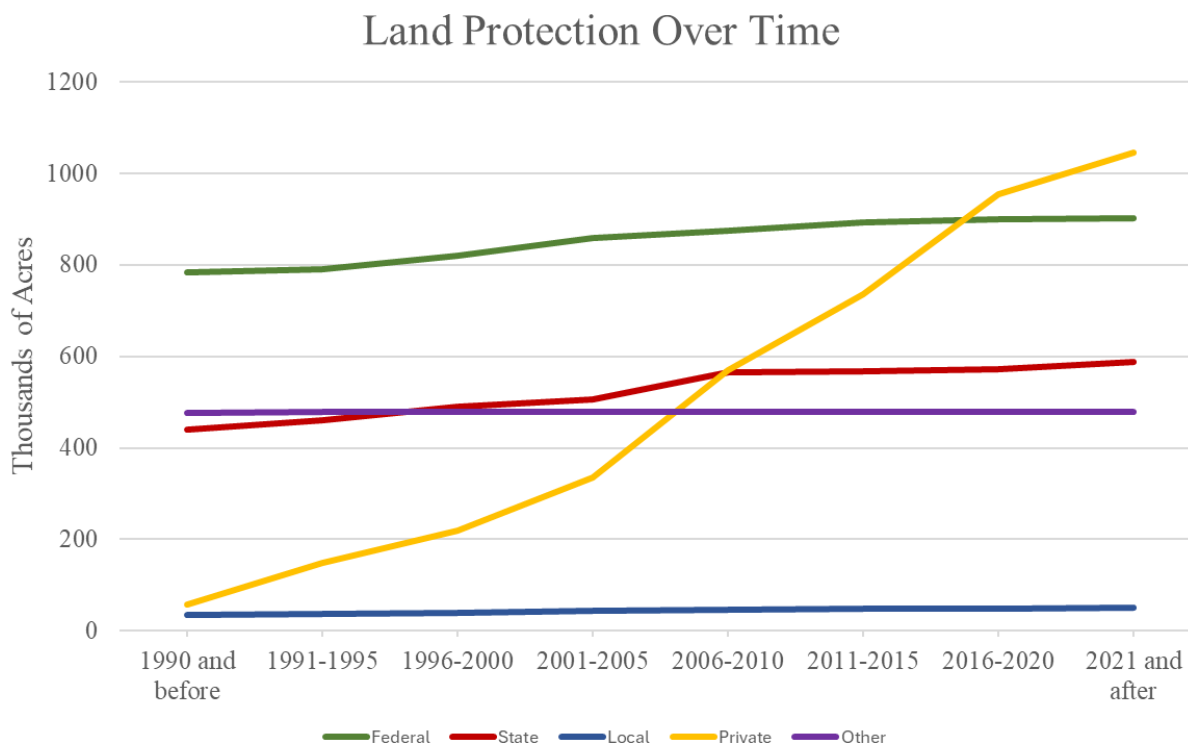
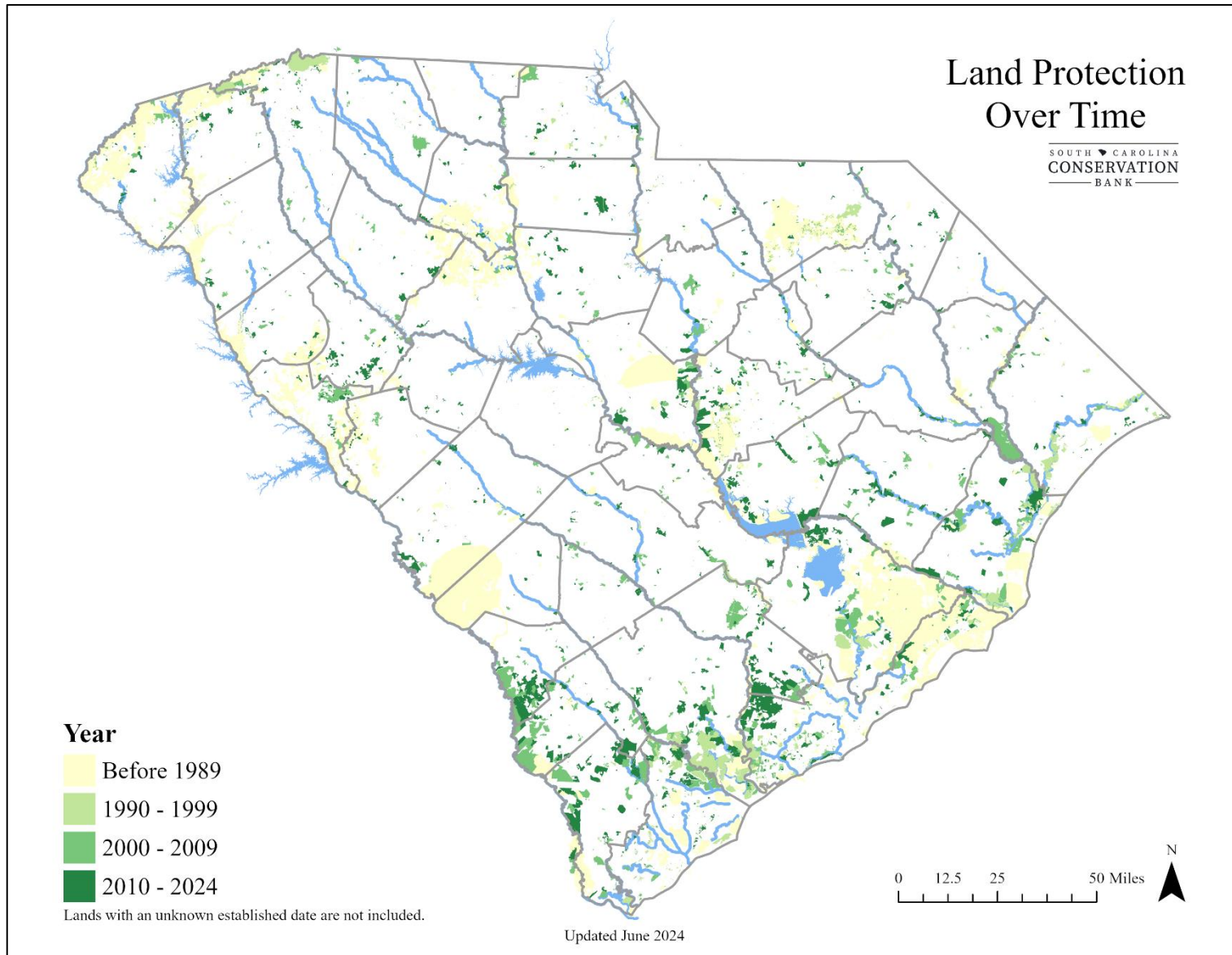


Figure 1. Land Protection Over Time*.^[1]

*The data are from the January 2024 release of The Nature Conservancy's Protected Lands dataset (exported May 14, 2024). 'Other' protected lands include those owned by the US Department of Energy and US Department of Defense, as well as some lands owned by Clemson University, the US Army Corps of Engineers, and Santee Cooper.

Map 2. Land Protection Over Time.



Current Land Protection by Entity

Protected lands in South Carolina are managed by different entities. Private and state protected lands together contribute to more than half of total protection (Figure 2, Table 1, and Map 3).

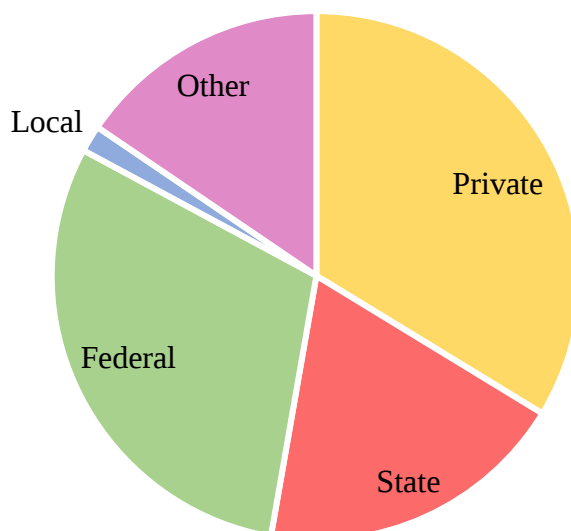


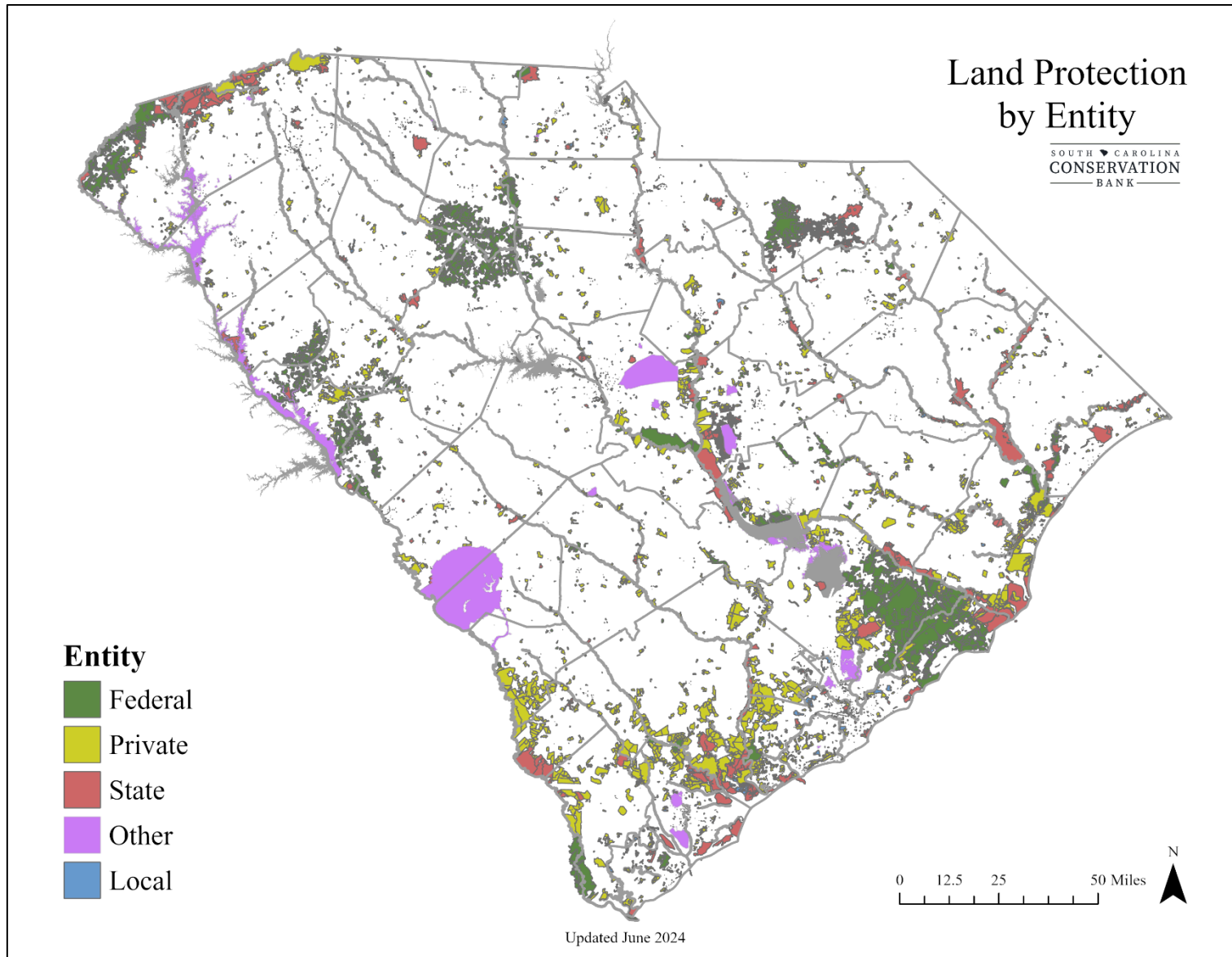
Figure 2. Land Protection by Entity.^[1]

Entity	Acres	% of Protected Acres	% of State Land Area
Federal	926,621	30.1	4.6
Private	1,037,543	33.7	5.2
State	585,929	19.1	2.9
Other	477,184	15.5	2.4
Local	50,160	1.6	0.3
Total	3,077,437	100	15.4

SC Total Land Area 19,971,591 acres

Table 1. Land Protection by Entity, with percentages of protected acres and total state land area.^[1] Total protected acreage increased by 143,724 acres since the July 2023 report, a 1.05% increase of total state land area.

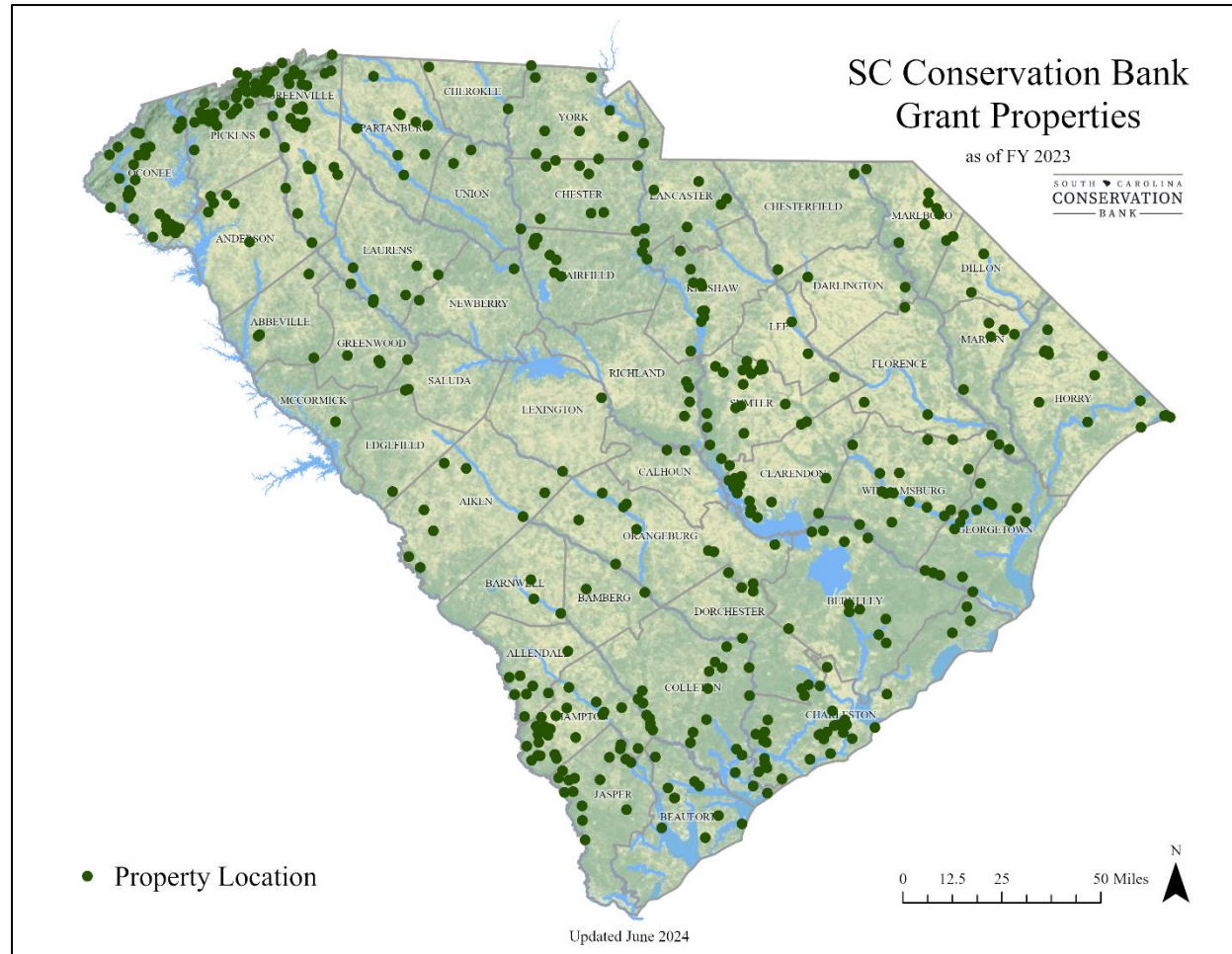
Map 3. Land Protection by Entity.



South Carolina Conservation Bank Projects

As of fiscal year 2023, the South Carolina Conservation Bank has helped conserve 375,282 acres in the State (21,266 additional acres since fiscal year 2022).

Map 4. Current South Carolina Conservation Bank Grant Properties.



Land Cover Conditions

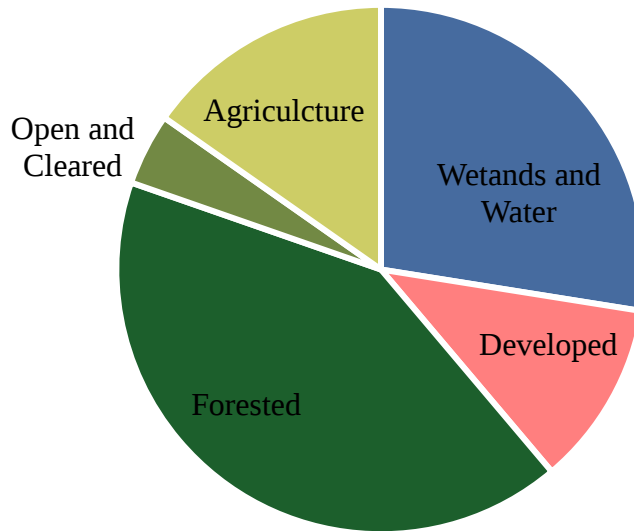


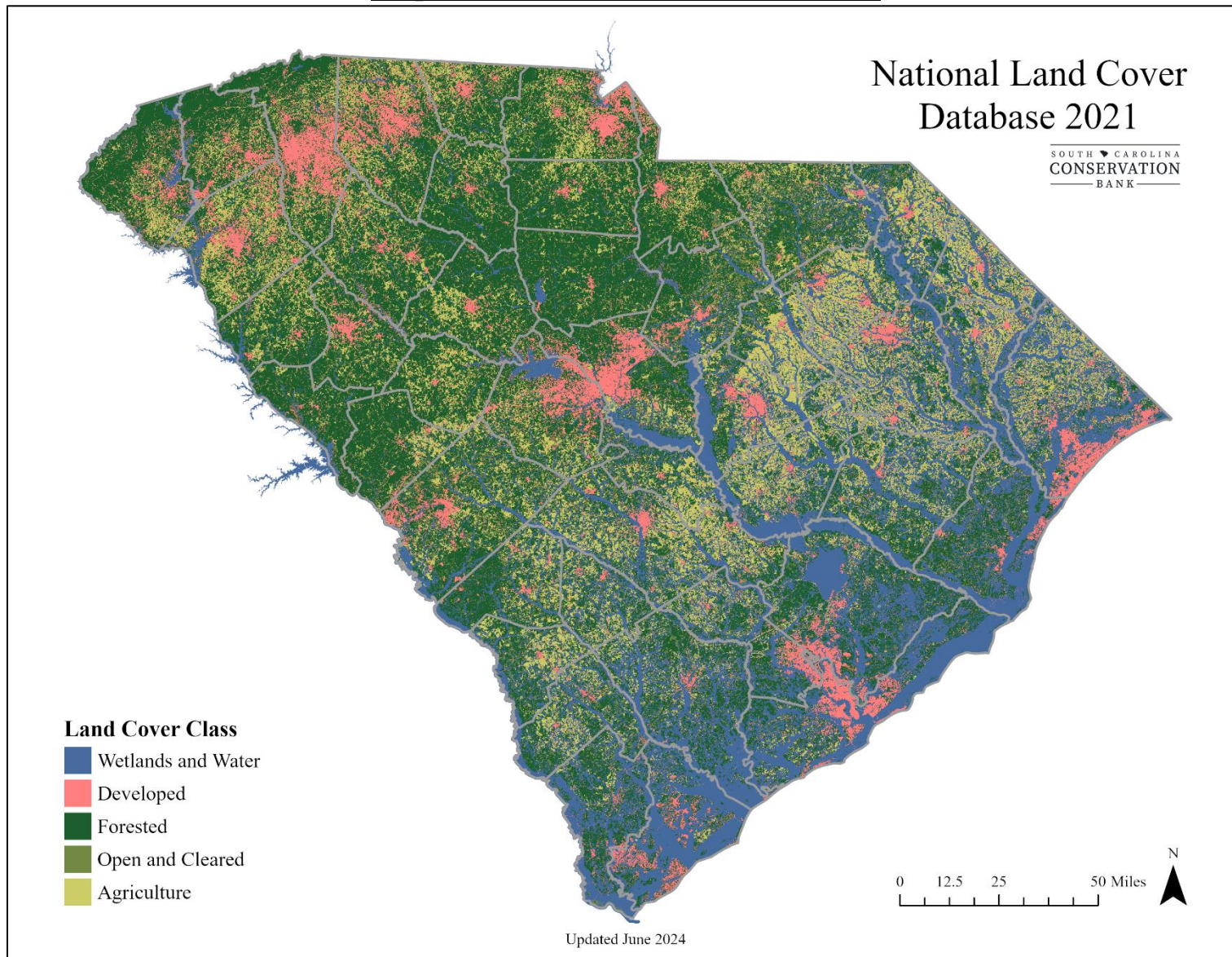
Figure 3: South Carolina Land Cover, grouped into four basic categories*. ^[2]

In reviewing the land cover changes between 2019 and 2021, there are three key trends:

- 1) **Low, medium, and high intensity developed land has increased by 14,000 acres.**
- 2) **Forested land has decreased by 10,000 acres.** However, the deciduous, mixed, and shrub/scrub classifications had a combined 61,000 acre increase. The evergreen forest classification had a 51,000 acre decrease which equates to the loss in overall forest.
- 3) **Protected lands increased by 140,700 acres in the same period,** based on the protected lands dataset.

*The data are from the 2021 release of the National Land Cover Database (NLCD), the latest available data (released 2024). This data release can be compared to the prior release (2019), and a land cover change index dataset can be reviewed to see where land cover change has occurred over multiple NLCD datasets.

Map 5. National Land Cover Database.



Current Conservation Conditions References

1. The Nature Conservancy SC Protected Lands. Accessed May 2024.
2. Multi-Resolution Land Characteristics Consortium - National Land Cover Database 2021. Accessed May 2024.

Priority Mapping Data and Methodology

General Methodology

The statewide conservation priority map was developed using an occurrence modeling method. Best-available datasets representing each sub-map's category were obtained. With guidance from the Technical Advisory Committee (TAC), it was determined how the attributes of each dataset would be ranked. These ranks are outlined in this section of this document. The datasets were processed into raster datasets with values according to their attribute ranking. To generate each sub-map model, the data layers were 'stacked', or summed on a per-pixel basis. The resulting sub-map raster was divided into low, medium, and high priority categories based on Jenks Natural Breaks classification and feedback from the Technical Advisory Committee.

The final summed priority model is a combination of all six sub-maps. Each sub-map model was given a normalized value for their low, medium, and high-ranking pixels. A normalized value was used so that each sub-map model had equal weight in the summed priority model. The normalized sub-map models were summed on a per-pixel basis to produce the summed priority model.

All data were re-projected to NAD83 UTM Zone 17, clipped to the extent of South Carolina, rasterized to 30 meters spatial resolution, snapped to the cell alignment of and masked by the National Land Cover Dataset. The areas that were already under protection were merged with each dataset and assigned a value of 99. Finally, all areas that had no data or were not determined to be priority were assigned a value of 0.

Sub-Map 1: Conservation Corridors

Habitat fragmentation is a major threat to biodiversity. Connectivity facilitates animal movement, seed dispersal, and other ecological processes. Creating corridors of protected land is critical to conservation.

Data Layers

Adjacency to Protected Lands

- High: parcels touching existing protected lands, and parcels adjacent to parcels that touch existing protected land that are equal to or greater than 112 acres (upstate) or 143 acres (coastal plain)
- Medium: parcels adjacent to parcels that touch existing protected land that are less than 112 acres (upstate) or 143 acres (coastal plain), and parcels within two miles of existing protected land that are equal to or greater than 66 acres (upstate) or 85 acres (coastal plain)
- Low: parcels within two miles of existing protected land that are less than 66 acres (upstate) or 85 acres (coastal plain)

Important Lands for the Military

- High: parcels within South Carolina REPI Partnership Opportunity Areas and/or the South Carolina Lowcountry Sentinel Landscape
- Medium: n/a
- Low: n/a

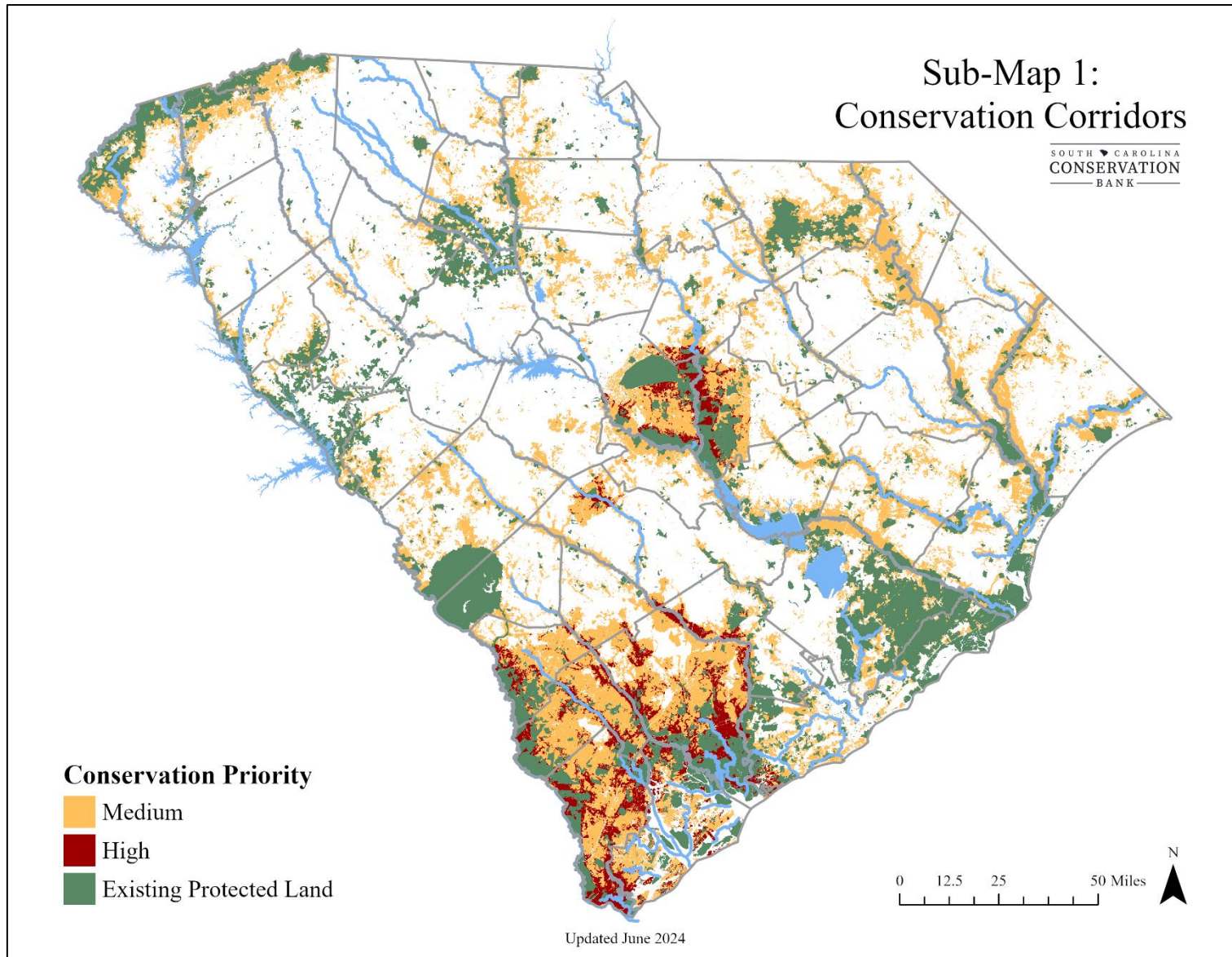
Priority Corridors

- High: areas categorized as sea level rise area, priority coastal marsh migration space, vulnerable tidal complex, resilient tidal complex, resilient diffuse flow (climate informed), resilient recognized biodiversity, resilient concentrated flow (climate informed)/recognized biodiversity, resilient diffuse flow (climate informed)/recognized biodiversity value, resilient concentrated flow (climate informed), resilient diffuse flow/recognized biodiversity, resilient diffuse flow, and most resilient/far above average terrestrial resilience in TNC's Resilient Coastal Sites and Resilient and Connected Landscapes models that overlap with areas categorized as hubs and corridors in the Southeast Conservation Blueprint
- Medium: areas categorized as sea level rise area, priority coastal marsh migration space, vulnerable tidal complex, resilient tidal complex, resilient diffuse flow (climate informed), resilient recognized biodiversity, resilient concentrated flow (climate informed)/recognized biodiversity, resilient diffuse flow (climate informed)/recognized biodiversity value, resilient concentrated flow (climate informed), resilient diffuse flow/recognized biodiversity, resilient diffuse flow, most resilient/far above average terrestrial resilience, mostly resilient/concentrated flow/recognized biodiversity, mostly resilient/concentrated flow, slightly more resilient/slightly above average terrestrial

resilience, and more resilient/above average terrestrial resilience in TNC's Resilient Coastal Sites and Resilient and Connected Landscapes models that overlap with areas categorized as blueprint priority in the Southeast Conservation Blueprint

- Low: n/a

Map 6. Sub-Map 1: Conservation Corridors Priority Model.



Sub-Map 2: Ecological Conservation Priorities

South Carolina faces various ecological challenges. Many species are being driven out from their natural habitat due to invasive species, deforestation, or urbanization. By identifying lands that can support wildlife populations, South Carolina can conserve these lands for natural wildlife. Areas that have existing endangered species also have priority for conservation.

Data Layers

Ecological Resiliency

- High: areas categorized as sea level rise area, priority coastal marsh migration space, vulnerable tidal complex, resilient tidal complex, resilient diffuse flow (climate informed), resilient recognized biodiversity, resilient concentrated flow (climate informed)/recognized biodiversity, resilient diffuse flow (climate informed)/recognized biodiversity value, resilient concentrated flow (climate informed), resilient diffuse flow/recognized biodiversity, resilient diffuse flow, and most resilient/far above average terrestrial resilience in TNC's Resilient Coastal Sites and Resilient and Connected Landscapes models
- Medium: areas categorized as mostly resilient/concentrated flow/recognized biodiversity, mostly resilient/concentrated flow, slightly more resilient/slightly above average terrestrial resilience, and more resilient/above average terrestrial resilience in TNC's Resilient Coastal Sites and Resilient and Connected Landscapes models
- Low: areas categorized as medium, high, and highest in the SECAS Conservation model that do not overlap with TNC's models

State Species of Concern*

- High: green infrastructure cores that have a core score greater than 2.7 and contain federal at-risk species, federal/state threatened and endangered species, G1-G3 species, and/or S1-S3 species, and green infrastructure cores that have a core score between 1.9 and 2.7 and contain federal/state threatened and endangered species, G1-G2 species, and/or S1-S2 species
- Medium: green infrastructure cores that have a core score greater than 2.7 and do not contain federal at-risk species, federal/state threatened and endangered species, G1-G3 species, and/or S1-S3 species, green infrastructure cores that have a core score between 1.9 and 2.7 and contain federal at-risk species, G3 species, and/or S3 species, and green infrastructure cores that have a core score less than 1.9 and contain federal/state threatened and endangered species, G1-G2 species and/or S1-S2 species
- Low: green infrastructure cores that have a core score less than 2.8 and do not contain federal at-risk species, federal/state threatened and endangered species, G1-G3 species, and/or S1-S3 species, and green infrastructure cores that have a core score less than 1.9 and contain federal at-risk species, G3 species, and/or S3 species

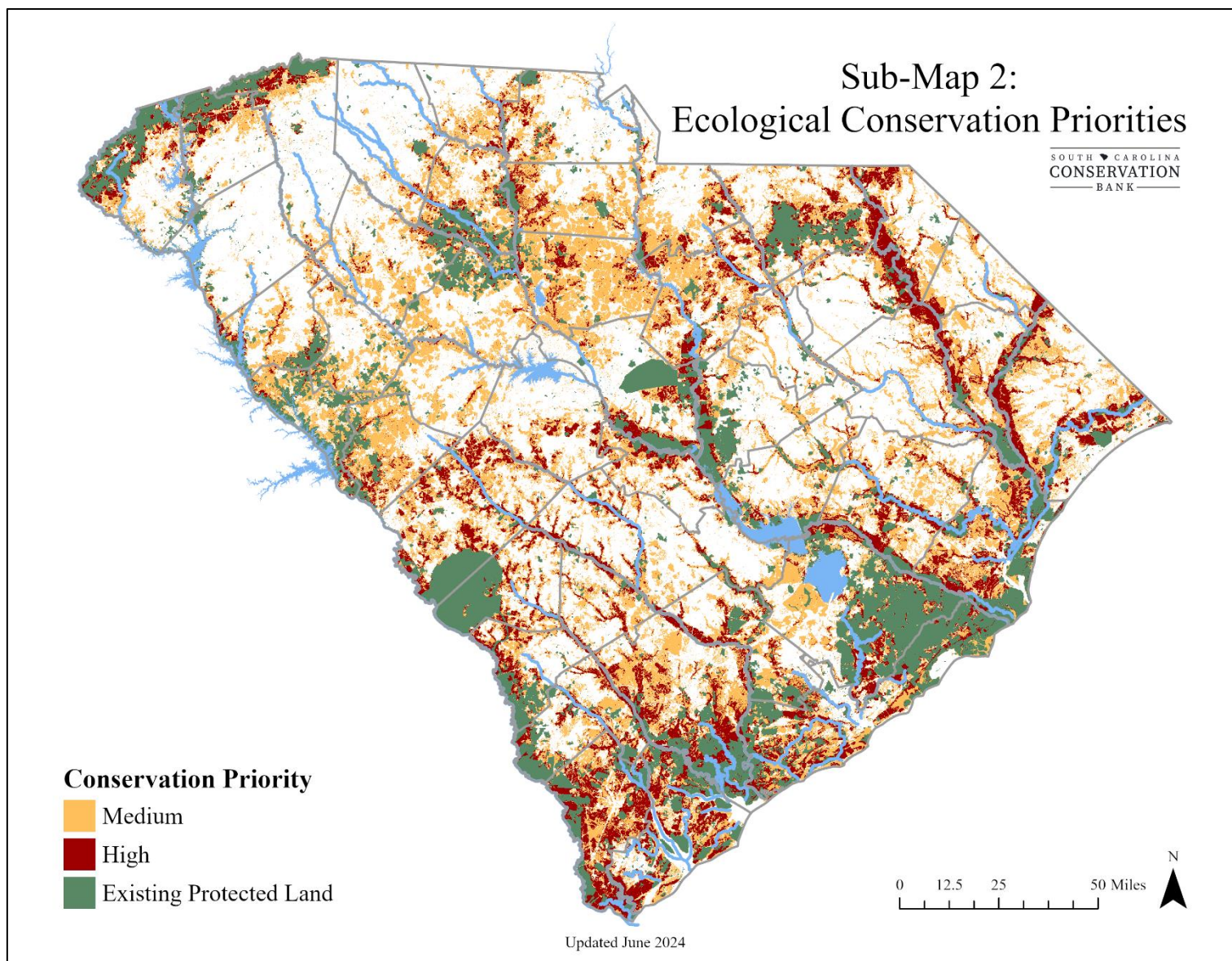
*G1-G3 ranks refer to Global Conservation Status Ranks assigned by NatureServe. S1-S3 ranks refer to State Conservation Status Ranks assigned by state wildlife biologists. Historic and extirpated records were removed from analysis

Species of Interest Suitable Habitat*

- High: areas where ‘seven’ priority species share suitable habitat
- Medium: areas where ‘three to six’ priority species share suitable habitat
- Low: areas where ‘one to two’ priority species share suitable habitat

*Five summary rasters were created to document species distribution for Black-throated Blue Warbler, Black-throated Green Warbler, Blue-winged Warbler, Carolina Gopher Frog, Chuck-will’s-widow, Common Ground Dove, Dickcissel, Eastern Diamond-backed Rattlesnake, Eastern Whip-poor-will, Field Sparrow, Golden-winged Warbler, Gopher Tortoise, Grasshopper Sparrow, Gray Kingbird, Loggerhead Shrike, Painted Bunting, Piedmont Prairie Species, Pine Barrens Treefrog, Pinesnake (Northern and Florida), Prairie Warbler, Red-cockaded Woodpecker, Southern Hog-nosed Snake, Spotted Turtle, Venus Flytrap, and Webster's Salamander. The five were a random forest classification model, a logistic regression model using the maximum entropy approach, a logistic generalized additive model using seven splines, a gradient boosted classifier model, and a generalized linear model. Black-throated Green Warbler, Blue-winged Warbler, Eastern Whip-poor-will, Golden-winged Warbler, and Pine Barrens Treefrog were ultimately removed from the final combination model because their Cohen’s kappa coefficients were below the 0.4 threshold which generally indicates a poor level of agreement. Developed areas (NLCD 2019) were also removed to mitigate sampling bias towards urban areas for some bird species where public observations were used as input data into the models. Suitable habitat is defined as areas where four or five summary rasters agree. For more information on project site-specific priority species, please visit the South Carolina Natural Heritage Program’s website.

Map 7. Sub-Map 2: Ecological Conservation Priorities Priority Model.



Sub-Map 3: Sustainable Forestry

With the population of South Carolina growing, the demand for forest products also continues to grow. The conservation of forest resources needs to be identified to meet future demands.

Data Layers

Distance to Mills

- High: areas that have a value 100 score of 68 or greater
- Medium: areas that have a value 100 score between 47 and 67
- Low: areas that have a value 100 score between 25 and 46

Mill Closure Impact

- High: areas that were categorized as high in 2023's Distance to Mills layer that are now categorized as medium or low
- Medium: areas that were categorized as medium in 2023's Distance to Mills layer that are now categorized as low
- Low: n/a

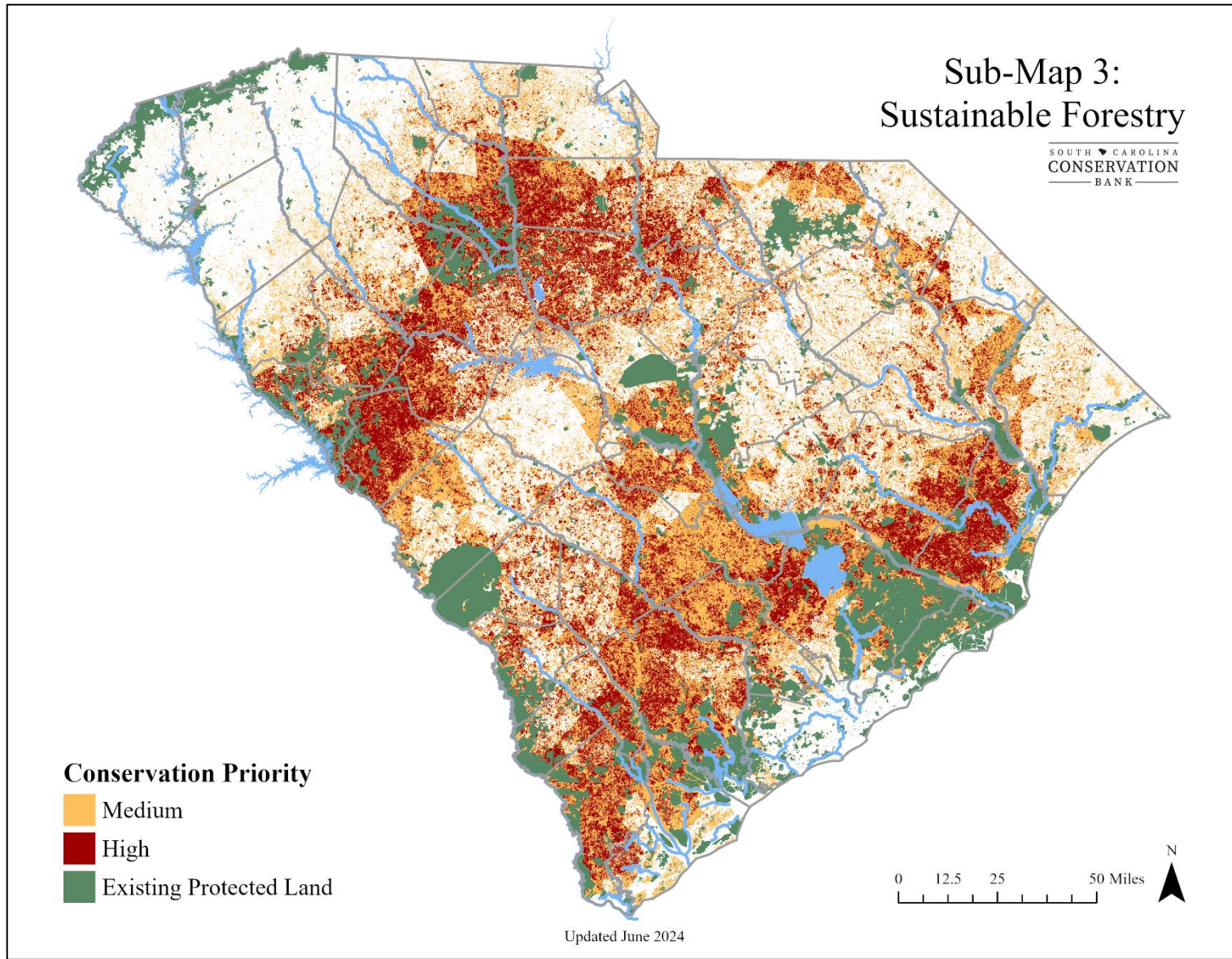
Managed Timber

- High: all areas categorized as evergreen plantation or managed pine, harvest forest – grass/forb regeneration, and/or harvest forest – shrub regeneration
- Medium: NA
- Low: NA

Carbon Estimates

- High: areas that have greater than 126 metric tons of carbon sequestration predicted for 2050
- Medium: areas that have between 110 and 126 metric tons of carbon sequestration predicted for 2050
- Low: areas that have between 93 and 110 metric tons of carbon sequestration predicted for 2050

Map 8. Sub-Map 3: Sustainable Forestry Model.



Sub-Map 4: Sustainable Agriculture

With the population of South Carolina growing, the demand for food also continues to grow. The conservation of agricultural resources needs to be identified to meet future demands.

Data Layers

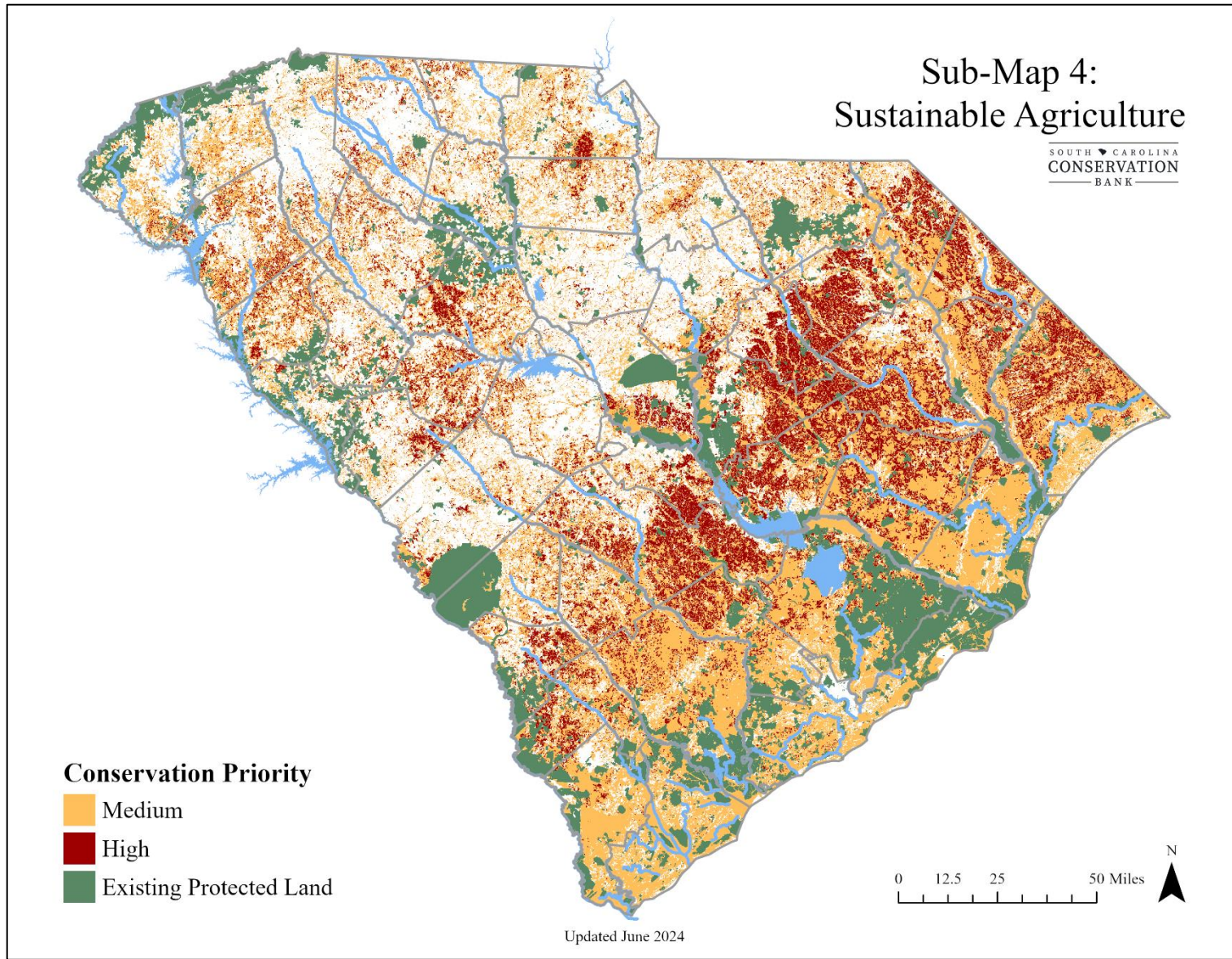
Soil Drainage

- High: areas in the coastal plain that have a DI value between 75 to 99 and areas in the blue ridge that have a DI value between 71 to 99
- Medium: areas in the coastal plain that have a DI value between 52 to 74 and areas in the blue ridge that have a DI value between 50 to 70
- Low: areas in the coastal plain that have a DI value between 30 to 51 and areas in the blue ridge that have a DI value between 22 to 49

Productivity, Versatility, and Resiliency of Agricultural Lands

- High: productivity, versatility, and resiliency of agricultural land areas that overlap with prime farmland soil areas and are categorized as greater than 0.6
- Medium: productivity, versatility, and resiliency of agricultural land areas that overlap with prime farmland soil areas and are categorized as greater than 0.3
- Low: all other productivity, versatility, and resiliency of agricultural land areas and prime farmland soil areas

Map 9. Sub-Map 4: Sustainable Agriculture Priority Model.



Sub-Map 5: Water Resources

As the population of South Carolina continues to grow, the state needs to plan for future water needs. Water is a critical resource, both for the ecosystem and the developed landscape. By identifying areas of the state that have water resources impact, South Carolina conservation efforts can contribute to protection of and smart use of water resources.

Data Layers

Forests to Faucets

- High: areas that have IMP_R values between 83 and 100, and/or APCW_R values between 80 and 100
- Medium: areas that have IMP_R values between 66 and 82, and/or APCW_R values between 58 and 79
- Low: areas that have IMP_R values between 40 and 65, and/or APCW_R values between 48 and 57

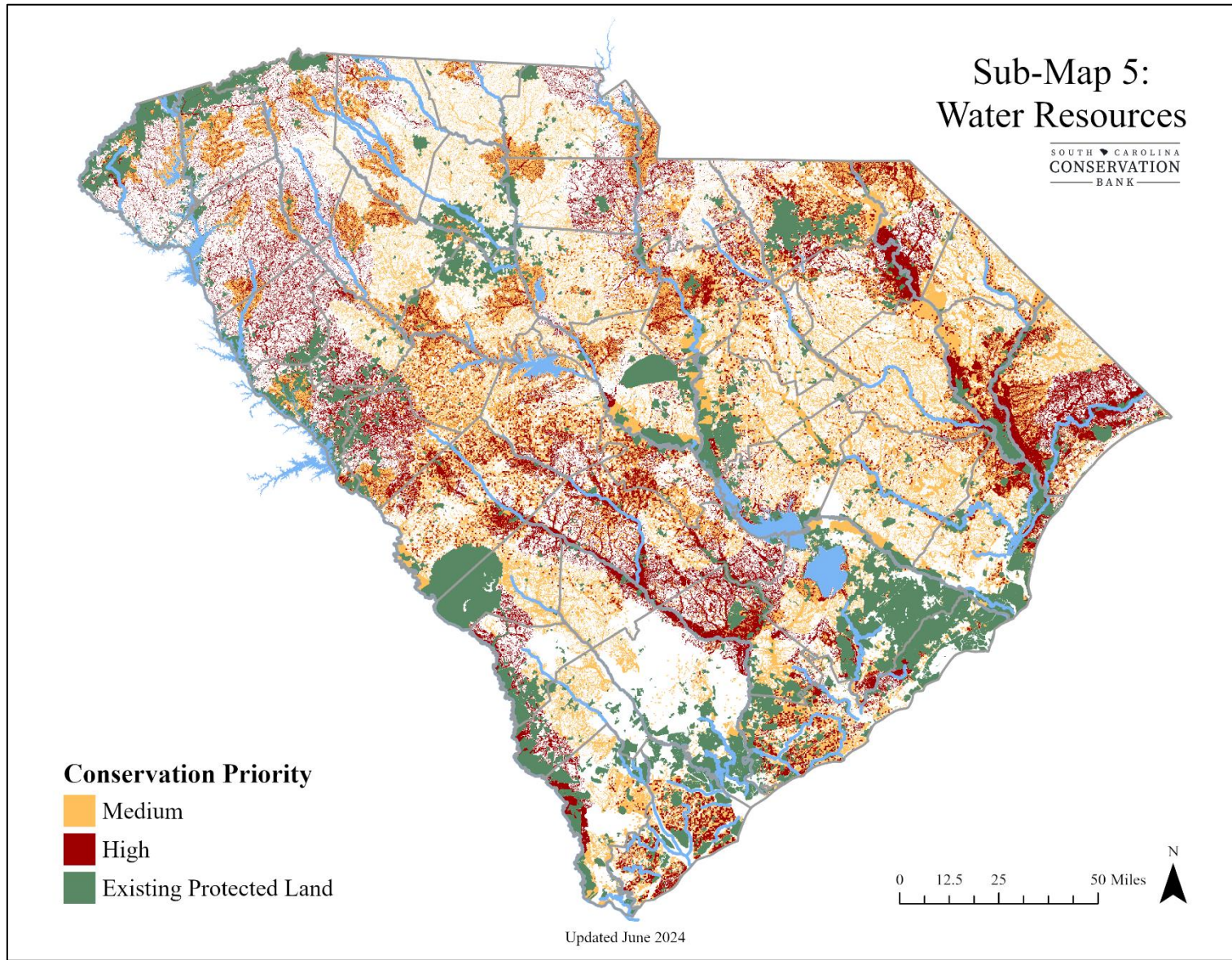
Flood-focused Priority Conservation Model

- High: all flood focused priority conservation areas
- Medium: n/a
- Low: n/a

Water Quality Protection

- High: two or three of the following are true for a 30x30 raster cell area- has higher than one standard deviation above the mean recharge (greater than 10.158), is within a parcel that intersects with a source water protection area and/or a groundwater protection zone, and/or is within a parcel that intersects with an outstanding resource water
- Medium: one of the following is true for a 30x30 raster cell area- has higher than one standard deviation above the mean recharge (greater than 10.158), is within a parcel that intersects with a source water protection area and/or a groundwater protection zone, or is within a parcel that intersects with an outstanding resource water

Map 10. Sub-Map 5: Water Resources Priority Model.



Sub-Map 6: Public Trails and Vistas

The public can benefit from conservation through public access opportunities. Likewise, areas within the viewshed of main roads, waterways, and public trails provide scenic viewing opportunities.

Data Layers

Scenic Vistas – Roads and Trails

- High: areas within the viewshed of scenic byways and public trails
- Medium: n/a
- Low: n/a

Scenic Vistas - Waterways

- High: areas within the viewshed of paddle-able rivers, including scenic rivers
- Medium: n/a
- Low: n/a

Proximity to People

- High: block groups that have a population greater than 2.109 million people
- Medium: block groups that have a population between 1.644 million people and 2.109 million people
- Low: block groups that have a population between 1.324 million people and 1.643 million people

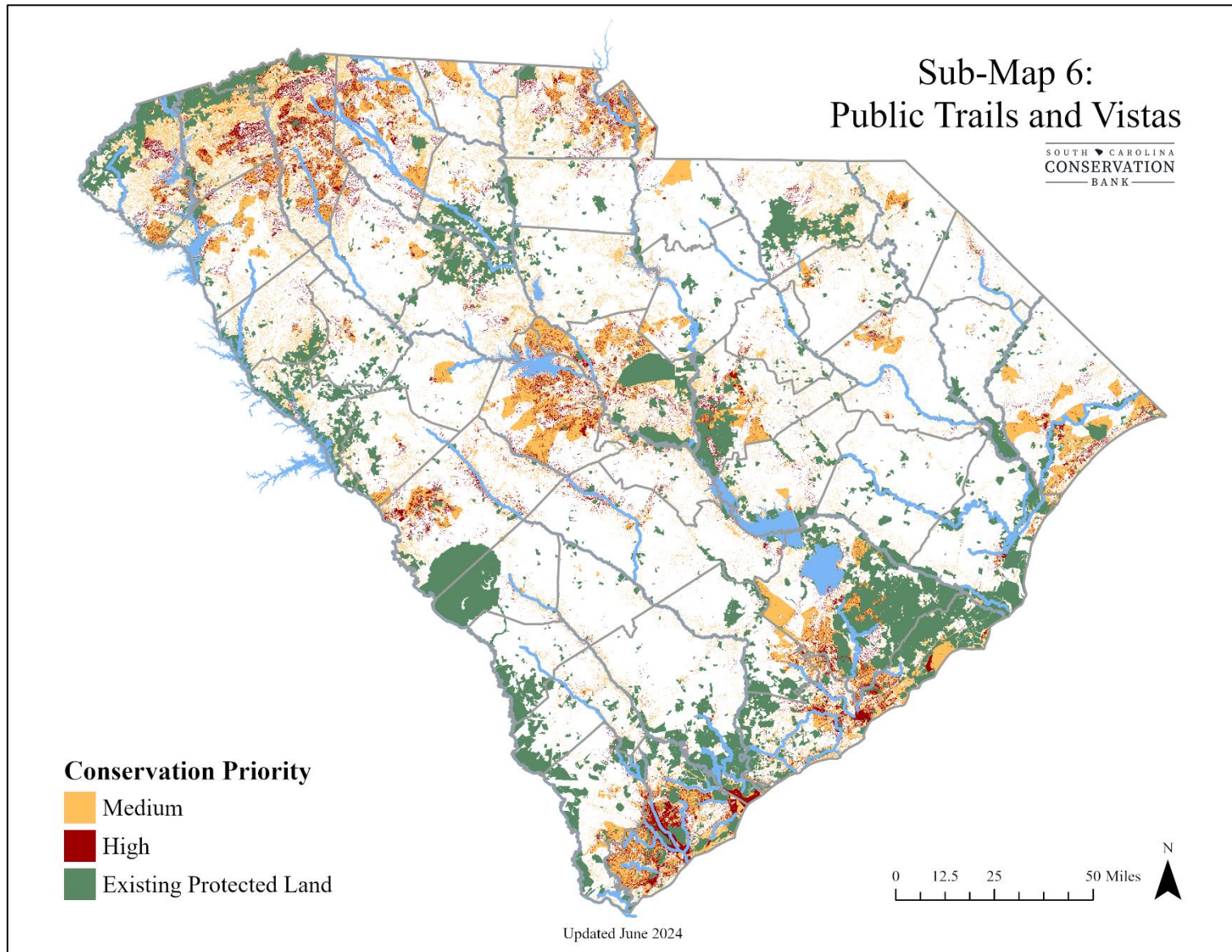
Potential of Urbanization

- High: areas with at least a 30% chance of urbanization by 2040
- Medium: areas with at least a 30% chance of urbanization by 2060
- Low: areas with at least a 30% chance of urbanization by 2080

Equitable Access to Potential Parks

- High: areas categorized as very high priority for a new park that would create nearby equitable access
- Medium: areas categorized as high priority for a new park that would create nearby equitable access
- Low: areas categorized as moderate priority for a new park that would create nearby equitable access

Map 11. Sub-Map 6: Public Trails and Vistas Priority Model.



Priority Mapping Data and Methodology References

Sub-Map 1: Conservation Corridors

Adjacency to Protected Lands

- The Nature Conservancy's SC Protected Lands
- Parcel Data - Accessed via individual county
- DHEC's Ecoregions

Important Lands for the Military

- United States Department of Defense's Readiness and Environmental Protection Integration Partnership Opportunity Areas & Sentinel Landscapes
- Parcel Data - Accessed via individual county

Priority Corridors

- The Nature Conservancy's Resilient Coastal Sites
- The Nature Conservancy's Resilient and Connected Landscapes
- Southeast Conservation Adaptation Strategy (SECAS)'s Southeast Conservation Blueprint – Blueprint Priority
- Southeast Conservation Adaptation Strategy (SECAS)'s Southeast Conservation Blueprint – Hubs and Corridors

Sub-Map 2: Ecological Conservation Priorities

Ecological Resiliency

- The Nature Conservancy's Resilient Coastal Sites
- The Nature Conservancy's Resilient and Connected Landscapes
- Southeast Conservation Adaptation Strategy (SECAS)'s Southeast Conservation Blueprint – Blueprint Priority

State Species of Concern

- South Carolina Natural Heritage Program's Element Occurrence Data
- Green Infrastructure Center Inc.'s Habitat Cores

Species of Interest Suitable Habitat

- South Carolina Natural Heritage Program's Species Suitability Models

Sub-Map 3: Sustainable Forestry

Distance to Mills

- South Carolina Forestry Commission's Proximity to Mills (2024 Update)

Mill Closure Impact

- South Carolina Forestry Commission's Proximity to Mills (2023 and 2024 Updates)

Managed Timber

- United States Geological Surveys – GAP/LANDFIRE National Terrestrial Ecosystems' Managed Timber

Carbon Estimates

- Williams et al.'s Forest Carbon Stocks and Fluxes from the NFCMS, Conterminous USA, 1990-2010 (2021b) – accessed via The Nature Conservancy's Resilient Land Mapping Tool

Sub-Map 4: Sustainable Agriculture

Soil Drainage

- United States Department of Agriculture - Forest Service's Soil Drainage

Productivity, Versatility, and Resiliency of Agricultural Lands

- American Farmland Trust's Productivity, Versatility, and Resiliency of Agricultural Lands
- National Resources Conservation Service's Prime Farmland Soils

Sub-Map 5: Water Resources

Forests to Faucets

- United States Department of Agriculture - Forest Service's National Forests to Faucets

Flood-focused Priority Conservation Model

- South Carolina Office of Resilience's Flood-focused Priority Conservation Model

Water Quality Protection

- South Carolina Department of Natural Resources - Hydrography Section's Recharge Estimation using the Soil Water Balance Model
- South Carolina Department of Health and Environmental Control's Source Water Protection Areas
- South Carolina Department of Health and Environmental Control's Groundwater Protection Zones
- South Carolina Department of Health and Environmental Control's Outstanding Resource Waters
- Parcel Data - Accessed via individual county

Sub-Map 6: Public Trails and Vistas

Scenic Vistas – Roads and Trails

- South Carolina Department of Transportation’s Scenic Byways
- East Coast Greenway Alliance’s East Coast Greenway
- Rails-to-Trails Conservancy’s Rails to Trails
- Palmetto Conservation Foundation’s Palmetto Trail
- South Carolina Department of Parks, Recreation and Tourism’s SC Trails
- United States Geological Survey’s Elevation Data
- U.S. Department of Agriculture Forest Service and U.S. Department of the Interior’s Landscape Fire and Resource Management Planning Tools Existing Vegetation Height

Scenic Vistas – Waterways

- South Carolina Department of Natural Resource’s Scenic Rivers
- Paddle SC’s Waterways
- United States Geological Survey’s Elevation Data
- U.S. Department of Agriculture Forest Service and U.S. Department of the Interior’s Landscape Fire and Resource Management Planning Tools Existing Vegetation Height

Proximity to People

- United States Census Bureau’s 2020 Census Block Boundaries

Potential of Urbanization

- North Carolina State University – Center for Geospatial Analysis’s FUTure Urban-Regional Environment Simulation (FUTURES) v2 Model

Equitable Access to Potential Parks

- Southeast Conservation Adaptation Strategy (SECAS)’s Equitable Access to Potential Parks

Appendix A - Table of Conservation Priority Area by County

County	County Total Acres	Medium and High Priority Conservation Acres	% County Area	Current Protected Acres	% County Area	All Developed Land Cover Acres	% County Area
Abbeville	314,254	134,749	43	56,673	18	22,928	7
Aiken	685,405	372,675	54	105,012	15	82,669	12
Allendale	262,145	146,697	56	61,313	23	12,475	5
Anderson	458,022	114,676	25	46,515	10	97,563	21
Bamberg	252,371	152,258	60	9,205	4	15,593	6
Barnwell	352,286	134,968	38	121,937	35	21,889	6
Beaufort	356,476	319,442	90	104,845	29	63,045	18
Berkeley	707,622	364,719	52	316,728	45	78,012	11
Calhoun	244,873	189,057	77	22,041	9	17,167	7
Charleston	585,063	273,535	47	284,261	49	101,971	17
Cherokee	251,369	98,175	39	4,237	2	34,240	14
Chester	370,698	239,709	65	26,836	7	24,473	7
Chesterfield	510,089	257,760	51	105,261	21	40,507	8
Clarendon	392,962	210,637	54	56,077	14	27,727	7
Colleton	669,153	485,844	73	135,795	20	34,361	5
Darlington	358,765	185,621	52	19,903	6	38,313	11
Dillon	259,070	129,224	50	4,583	2	21,080	8
Dorchester	361,874	258,102	71	67,337	19	43,801	12
Edgefield	320,027	242,530	76	40,132	13	22,353	7
Fairfield	437,680	275,387	63	24,389	6	23,158	5
Florence	510,584	298,916	59	9,026	2	61,711	12
Georgetown	520,744	362,128	70	144,413	28	44,595	9
Greenville	504,179	195,521	39	65,719	13	156,885	31
Greenwood	290,107	157,855	54	32,021	11	36,927	13
Hampton	358,476	247,240	69	80,501	22	18,505	5
Horry	723,668	500,328	69	64,954	9	128,994	18
Jasper	414,967	315,775	76	93,024	22	22,270	5
Kershaw	464,457	307,978	66	24,131	5	43,848	9
Lancaster	349,475	230,808	66	14,619	4	39,966	11
Laurens	454,983	216,326	48	34,619	8	46,578	10
Lee	262,280	102,846	39	13,717	5	16,413	6
Lexington	445,920	256,114	57	3,996	1	112,519	25
Marion	312,538	215,787	69	43,666	14	24,173	8
Marlboro	306,942	185,914	61	9,915	3	21,291	7
McCormick	231,029	101,026	44	142,507	62	14,875	6
Newberry	402,892	260,109	65	68,726	17	30,052	7
Oconee	402,320	123,419	31	131,375	33	57,096	14

Orangeburg	707,314	483,382	68	33,519	5	64,483	9
Pickens	318,080	129,669	41	62,108	20	56,241	18
Richland	483,431	283,995	59	119,000	25	113,993	24
Saluda	289,625	210,766	73	8,412	3	19,841	7
Spartanburg	517,405	191,226	37	13,616	3	133,493	26
Sumter	432,291	225,969	52	100,615	23	50,738	12
Union	328,320	180,564	55	73,975	23	20,625	6
Williamsburg	597,227	399,834	67	47,540	8	32,727	5
York	435,719	229,106	53	28,643	7	86,530	20
TOTALS*	19,215,176	10,998,366		3,077,437		2,278,694	

*These totals do not include acreage from open water, so the numbers may be slightly less than the total area given elsewhere.

APPENDIX B

South Carolina General Assembly
123rd Session, 2019-2020

H. 5125

STATUS INFORMATION

General Bill

Sponsors: Reps. Cogswell, Sottile, Clary, McCoy, Hyde, Davis, B. Newton, W. Newton, Moore, Stavrinakis, Brown, Willis, Ott, Anderson, Elliott, Wheeler, Cobb-Hunter, Bennett, B. Cox and Henegan
Document Path: l:\council\ills\df\13014cz20.docx

Companion/Similar bill(s): 1024

Introduced in the House on February 11, 2020

Currently residing in the House Committee on **Agriculture, Natural Resources and Environmental Affairs**

Summary: SC Thirty-by-Thirty Conservation Act

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
2/11/2020	House	Introduced and read first time (House Journal-page 8)
2/11/2020	House	Referred to Committee on Agriculture, Natural Resources and Environmental Affairs (House Journal-page 8)
2/12/2020	House	Member(s) request name added as sponsor: Cobb-Hunter, Bennett
2/13/2020	House	Member(s) request name added as sponsor: B.Cox
3/4/2020	House	Member(s) request name added as sponsor: Henegan

View the latest [legislative information](#) at the website

VERSIONS OF THIS BILL

[2/11/2020](#)

1
2
3
4
5
6
7
8
9 **A BILL**

10
11 TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA,
12 1976, BY ADDING CHAPTER 61 TO TITLE 48 SO AS TO
13 ENACT THE “SOUTH CAROLINA THIRTY-BY-THIRTY
14 CONSERVATION ACT”, TO ESTABLISH THE GOAL OF
15 PROTECTING THIRTY PERCENT OF THE STATE BY 2030,
16 TO DEFINE NECESSARY TERMS, TO ESTABLISH THE
17 THIRTY-BY-THIRTY INTERAGENCY TASKFORCE AND TO
18 PROVIDE FOR THE MEMBERSHIP OF THE TASKFORCE, TO
19 REQUIRE THE DEVELOPMENT AND IMPLEMENTATION
20 OF PLANS TO PROTECT THE LAND AND WATERS OF THIS
21 STATE AND TO REQUIRE THE SUBMISSION OF A
22 PROPOSED PLAN WITHIN A CERTAIN TIME PERIOD.

23
24 Whereas, rapid land development in South Carolina has led to the
25 loss of forests, farmlands, wildlife habitats, biodiversity,
26 outstanding natural areas, beaches, and public areas for outdoor
27 recreation and has impacted the health of the state’s streams, rivers,
28 wetlands, estuaries, and bays, all of which impacts the quality of life
29 of the State’s current and future citizens and may jeopardize the
30 well-being of the State’s environment and economy if not addressed
31 appropriately; and

32
33 Whereas, this same rapid land development has also led to the loss
34 of historical and archaeological sites that embody the heritage of the
35 State; and

36
37 Whereas, this same rapid land development is occurring across the
38 United States and across the world; and

39
40 Whereas, scientists have documented this rapid loss of natural area
41 and wildlife, including the loss of 1,500,000 acres of natural area in
42 the United States per year; the loss of 2,900,000,000, or twenty-nine

1 percent, of North American birds since 1970; threats to
2 approximately 12,000 plant and animal species in the United States,
3 all of which are in need of proactive conservation efforts; and the
4 loss of one-half of freshwater and saltwater wetlands in the
5 contiguous forty-eight states; and

6
7 Whereas, scientists have recommended conserving and protecting
8 thirty percent of the land and thirty percent of the ocean in each
9 country by 2030 in order to address the deterioration of natural
10 systems, loss of biodiversity, and rapid land development; and

11
12 Whereas, national leaders have introduced measures to commit the
13 United States to protecting thirty percent of its lands and oceans by
14 2030; and

15
16 Whereas, in order to support national efforts and provide state
17 leadership to address the deterioration of natural systems, loss of
18 biodiversity, and rapid land development, South Carolina must
19 establish a bold goal for the amount of land to be protected by 2030.

20 Now, therefore,

21
22 Be it enacted by the General Assembly of the State of South
23 Carolina:

24
25 SECTION 1. This act is known and may be cited as the “South
26 Carolina Thirty-By-Thirty Conservation Act”.

27
28 SECTION 2. Title 48 of the 1976 Code is amended by adding:

29
30 “CHAPTER 61

31
32 South Carolina Thirty-By-Thirty Conservation Act

33
34 Section 48-61-100. For the purposes of this chapter:

35 (1) ‘Conservation goal’ or ‘goal’ means the overall goal of
36 protecting thirty percent of the land and water of this State.

37 (2) ‘Protect’ or ‘protection’ means the establishment of
38 enduring conservation measures on lands and waters in the State
39 such that their natural character, resources, and functions are
40 preserved for current and future generations.

41 (3) ‘Taskforce’ means the Thirty-By-Thirty Interagency
42 Taskforce established by this chapter.

1 (4) 'Thirty percent of the State' means thirty percent of the
2 real property, including highlands and wetlands of any description,
3 within the State of South Carolina.

4
5 Section 48-61-200. It is the goal of the State of South Carolina
6 to protect thirty percent of the State by no later than 2030.

7
8 Section 48-61-300. (A) There is established the
9 Thirty-By-Thirty Interagency Taskforce, consisting of the Director
10 of the Department of Natural Resources, the Director of the South
11 Carolina Conservation Bank, and the Director of the Department of
12 Parks, Recreation and Tourism.

13 (B) The taskforce shall coordinate with state agencies to identify
14 and implement measures to achieve the conservation goal.

15 (C) The taskforce shall track progress toward achieving the
16 conservation goal and report the progress to the General Assembly
17 by July first of each year.

18
19 Section 48-61-400. (A) The head of each state agency shall
20 develop and implement a plan for actions to be taken by the state
21 agency, consistent with the state agency's mission, to achieve the
22 conservation goal in combination with other state agencies. Each
23 state agency's plan shall include actions that will make significant
24 and rapid progress toward meeting the conservation goal and shall
25 include the consideration of:

26 (1) support for private land protection. In recognition of the
27 longstanding conservation traditions shared by the state's farmers
28 and private landowners, state agency plans must fully support
29 private property rights and develop recommendations that help the
30 state's private landowners conserve wildlife, waters, and natural
31 areas on their lands; and

32 (2) a diversity of policies and programs. In recognition of the
33 wide-ranging racial, income, and cultural diversity of the State, state
34 agency plans must take all reasonable steps to ensure that state
35 agency plans and the policies and programs resulting from state
36 agency plans provide meaningful and lasting benefits to
37 communities that reflect the diversity of the State.

38 (B) The head of the state agency shall review and revise the plan
39 to ensure that it is sufficient to achieve the conservation in
40 combination with the plans of the other state agencies no less than
41 every twenty-four months. The head of each state agency shall
42 include the conclusion of each review and any revised plan resulting
43 from the review in the next annual public report.

1 (C) No later than July first of each year, each state agency shall
2 issue a public report from the preceding calendar year of its plan
3 including any revisions to the plan, actions taken by the state agency
4 pursuant to the plan, and the effects of such actions.”
5

6 SECTION 3. (A) No later than nine months after the date of
7 enactment of this act, the head of each state agency shall submit his
8 proposed plan pursuant to Section 48-61-400, as added by this act,
9 to the Thirty-By-Thirty Interagency Taskforce for review and
10 comment. The Thirty-By-Thirty Interagency Taskforce shall:

11 (1) evaluate the sufficiency of each proposed plan
12 individually, and in combination with the proposed plans of other
13 state agencies to achieve the conservation goal and to address the
14 considerations identified pursuant to the provisions of Chapter 61,
15 Title 48; and

16 (2) provide, no later than ninety days after receiving the
17 proposed plan of a state agency, written recommendations to the
18 state agency regarding whether the plan is individually and in
19 combination with the proposed plans of other state agencies
20 sufficient to achieve the conservation goal and address the
21 considerations identified pursuant to the provisions of Chapter 61,
22 Title 48.

23 (B) Upon the request of a state agency, the Thirty-By-Thirty
24 Interagency Taskforce shall provide technical assistance in
25 developing or revising a plan.

26 (C) After the head of each state agency considers comments and,
27 as appropriate, revises a proposed plan, and no later than twelve
28 months after the date of enactment of this act, the head of each state
29 agency shall submit to the General Assembly:

30 (1) a plan developed pursuant to Chapter 61, Title 48 that, as
31 appropriate, incorporates revisions to the proposed plan to address
32 the recommendations provided by the Thirty-By-Thirty Interagency
33 Taskforce;

34 (2) the recommendations provided by the Thirty-By-Thirty
35 Interagency Taskforce; and

36 (3) the recommendations of the state agency on any additional
37 authority or funding, if any, that would be helpful for the state
38 agency, in combination with the other state agencies, to achieve the
39 conservation goal.

40 (D) Beginning no later than eighteen months after the date of
41 enactment of this act, the head of each state agency shall implement
42 the plan of the state agency.
43

1 SECTION 4. If any section, subsection, paragraph, subparagraph,
2 sentence, clause, phrase, or word of this act is for any reason held to
3 be unconstitutional or invalid, then such holding shall not affect the
4 constitutionality or validity of the remaining portions of this act, the
5 General Assembly hereby declaring that it would have passed this
6 act and each and every section, subsection, paragraph,
7 subparagraph, sentence, clause, phrase, and word thereof,
8 irrespective of the fact that any one or more other sections,
9 subsections, paragraphs, subparagraphs, sentences, clauses, phrases,
10 or words hereof may be declared to be unconstitutional, invalid, or
11 otherwise ineffective.

12

13 SECTION 5. This act takes effect upon approval by the Governor.

14 ----XX----

15

APPENDIX C

From: Duncan, Ben <ben.duncan@scor.sc.gov>
Sent on: Friday, June 27, 2025 6:39:38 PM
To: Roland Franklin <RolandFranklin@schouse.gov>
Subject: RE: [External] South Carolina Conservation Bank Oversight Study

Roland, this recommendation would work well with the ongoing collaboration between the two agencies.

Ben

Benjamin I. Duncan II
Chief Resilience Officer
South Carolina Office of Resilience
632 Rosewood Drive, Columbia, SC 29201
(803) 608-9079
SCOR.SC.GOV



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From: Roland Franklin <RolandFranklin@schouse.gov>
Sent: Friday, June 27, 2025 2:24 PM
To: Duncan, Ben <ben.duncan@scor.sc.gov>
Cc: Lewis Carter <LewisCarter@schouse.gov>
Subject: [External] South Carolina Conservation Bank Oversight Study

Ben,

The Economic Development, Transportation and Natural Resources Subcommittee of the House Government Efficiency and Legislative Oversight Committee is currently conducting an oversight review of the South Carolina Conservation Bank. One of the potential study report recommendations is to increase the Bank's board from 17 to 18 members by adding the Chief Resilience Officer of the South Carolina Office of Resilience as an ex officio member. Please let me know if you have any concerns or objections to this possible recommendation.

Roland

Roland Franklin
Legal Counsel
Government Efficiency & Legislative Oversight Committee
South Carolina House of Representatives

803-212-6610 | RolandFranklin@schouse.gov

ENDNOTES

¹ S.C. Conservation Bank FY 2024 Accountability Report at 1; June 6, 2025 video presentation at 00:03:56-00:04:41.

² S.C. Conservation Bank, *available at* <https://www.sccbanc.sc.gov/facts> (last visited Sept. 4, 2025).

³ Mar. 19, 2025 video presentation at 0031:56-00:32:41; S.C. Conservation Bank, *available at* <https://www.sccbanc.sc.gov/facts> (last visited Aug. 5, 2025).

⁴ S.C. Dep’t of Agric., *available at* <https://agriculture.sc.gov/about/> (last visited Aug. 5, 2025).

⁵ In an attempt to reduce the amount of agricultural acreage lost to development, on March 11, 2024, South Carolina Governor Henry McMaster signed into law the Working Agricultural Lands Preservation Act which, among other things, established the Working Farmland Protection Fund within the SCCB to help landowners preserve working agricultural land through voluntary conservation easements. See <https://governor.sc.gov/news/2024-04/gov-henry-mcmaster-signs-working-agriculture-lands-preservation-act-law> (last visited Sept. 12, 2025). Under the Act, the fund “must be used by the bank only for the purpose of awarding grants to eligible trust fund recipients for the purpose of interests in farmland in which a landowner derives at least fifty percent of his income.” S.C. Code Ann. § 48-59-150(B) (Supp. 2024).

⁶ U.S. Dep’t of Def., *available at* https://www.repi.mil/Portals/44/Documents/StatePackages/SouthCarolina_ALLFacts.pdf (last visited Aug. 5, 2025).

⁷ Mar. 19, 2025 video presentation 01:18:03—01:19:27.

⁸ See www.beaufortcountysc.gov/news/2025/05/conservation-easement-protects-essex-farms-in-perpetuity.html (last visited Aug. 13, 2025).

⁹ The purpose of the Beaufort County Green Space Program “is to preserve open space, to protect critical and natural resources, and/or to provide land for recreation. It allows for the purchase of development rights and fee simple interest in lands that are threatened by development, which, if it occurs, will have detrimental effects on land use patterns, traffic, public safety, stormwater runoff, water quality or other conservation objectives.” See <https://www.beaufortcountysc.gov/topics/green-space-program/index.html> (last visited Aug. 20, 2025).

¹⁰ June 6, 2025 slide presentation, p. 68 *available at* <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ConservationBank/meetings/Meeting%20Packet%2006.05.25.pdf> (last visited November 21, 2025).

¹¹ See www.beaufortcountysc.gov/news/2025/05/conservation-easement-protects-essex-farms-in-perpetuity.html (last visited Aug. 13, 2025).

¹² Mar. 19, 2025 video presentation 01:18:03—01:19:27.

¹³ U.S. Dep’t of Def., *available at* https://www.repi.mil/Portals/44/Documents/StatePackages/SouthCarolina_ALLFacts.pdf (last visited Aug. 5, 2025).

¹⁴ *Id.*

¹⁵ S.C. Conservation Bank, *available at* <https://www.sccbanc.sc.gov/> (last visited Aug. 5, 2025).

¹⁶ June 6, 2025 video presentation at 00:24:47—00:26:07. Indeed, by law the SCCB “may not hold or possess any interest in land or other interest in real property, except for mortgage interests as security for loans made from the trust fund . . . and leasehold interests in office space secured for bank operations and staff.” S.C. Code Ann. § 48-59-80(B) (2008).

¹⁷ June 6, 2025 video presentation at 00:23:10—00:24:29; S.C. Code Ann. § 48-59-50(A) (Supp. 2024).

¹⁸ See <https://legalclarity.org/what-is-a-fee-simple-title-in-real-estate/> (last visited Aug. 6, 2025). “Fee simple ownership is described as holding a ‘bundle of rights’ . . . which includes several distinct rights” including the right of possession, the right of control, the right of exclusion, the right of enjoyment, and the right of disposition. *Id.*

¹⁹ S.C. Farm Bureau, *available at* <https://www.scfb.org/conservation-easements-101> (last visited Aug. 13, 2025). “In legal terms, it is the granting of the conservation values of a property to a land trust so that they may protect and steward those values along with the landowner. Activities that impair those values, such as development, become permanently restricted while most private uses are still allowed.” *Id.*

²⁰ *Id.* at 87 (citing S.C. Code Ann. § 48-59-80(K); § 48-59-100).

²¹ June 6, 2025 video presentation at 01:17:48-01:19:44.

²² *Id.*

²³ Open Space Inst., *available at* <https://www.openspaceinstitute.org/news/beece-hill> (last visited Aug. 13, 2025).

²⁴ *Id.*

²⁵ The Dorchester County Greenbelt Program is an initiative “aimed at preserving natural areas, protecting wildlife habitats, promoting sustainable land use, and enhancing quality of life for residents. The program funds the acquisition and preservation of greenspaces and supports projects that align with these goals.” See <https://www.dorchestercountysc.gov/home/showpublisheddocument/24831/638622572590670000> (last visited Aug. 13, 2025). “The Greenbelt Program is funded by \$35,000,000 allocated by the 2022 Dorchester County One-Cent Sales and Use Tax Referendum.” *Id.*

-
- ²⁶ The Summerville Journal Scene, *available at* https://www.postandcourier.com/journal-scene/community-news/1-644-acres-preserved-through-public-private-effort/article_9d8910c8-5698-4ac4-97fd-f65077068549.html (last visited Aug. 13, 2025).
- ²⁷ The Nature Conservancy, *available at* <https://www.nature.org/en-us/newsroom/lowlands-conservation-easement/> (last visited Aug. 13, 2025).
- ²⁸ *Id.*
- ²⁹ *Id.*
- ³⁰ *Id.*
- ³¹ S.C. Conservation Bank, *available at* <https://www.sccbank.sc.gov/facts> (last visited Sept. 4, 2025).
- ³² June 6, 2025 video presentation at 01:17:48-01:19:44 (“[B]uying land outright is a lot more expensive than buying easements.”).
- ³³ S.C. Code Ann. § 12-6-3515 (2014).
- ³⁴ “Donations of land for conservation and conservation easements are typically made to nonprofit conservation organizations such as The Nature Conservancy, Ducks Unlimited (Wetlands America Trust) and the Lowcountry Open Land Trust.” Scott Barnes and Chip Campsen, South Carolina Conservation Incentives Act: An Innovative Approach to Conservation, *available at* <https://des.sc.gov/sites/des/files/docs/HomeAndEnvironment/Docs/ModelOrdinances/SCExamples/SCConservationIncentivesAct.pdf> (last visited Aug. 7, 2025).
- ³⁵ S.C. Dep’t of Revenue, *available at* <https://dor.sc.gov/resources-site/lawandpolicy/Documents/SCTIED-2021-Chapter%202-PartF.pdf> (last visited Aug. 7, 2025).
- ³⁶ *Id.*
- ³⁷ *Id.*
- ³⁸ *Id.*
- ³⁹ June 6, 2025 video presentation at 01:13:44-01:14:34.
- ⁴⁰ *Id.* at 01:51:21-01:52:20.
- ⁴¹ *Id.*
- ⁴² The ex officio members, who serve without voting privileges, include the Chairman of the Board for the Department of Natural Resources, the Chairman of the South Carolina Forestry Commission, the Commissioner of Agriculture, the Secretary of Commerce, the Secretary of Transportation, and the Director of the South Carolina Department of Parks, Recreation, and Tourism, or their designees. S.C. Code Ann. § 48-59-40(A)(1) (Supp. 2024).
- ⁴³ Three members are appointed by the Governor from the State at large; four members are appointed by the Spraker of the House of Representatives, “one each from the Third, Fourth, and Sixth Congressional Districts and one member from the State at large”; and four members are appointed by the President of the Senate, “one each from the First, Second, Fifth, and Seventh Congressional Districts.” S.C. Code Ann. § 48-59-40(A)(2), (3), (4) (Supp. 2024). “In making their respective appointments to the board, the Governor, Speaker of the House of Representatives, and President of the Senate shall take all reasonable steps to ensure that the members of the board reflect the state’s racial and gender diversity.” S.C. Code Ann. § 48-59-40(B)(1) (Supp. 2024).
- ⁴⁴ S.C. Code Ann. § 48-59-40(B)(2) (Supp. 2024).
- ⁴⁵ S.C. Code Ann. § 48-59-40(C) (Supp. 2024). Members may, however, “receive the mileage, subsistence, and per diem allowed by law for members of state boards, committees and commissions.” *Id.*
- ⁴⁶ S.C. Code Ann. § 48-59-40(C) (Supp. 2024).
- ⁴⁷ June 6, 2025 video presentation at 00:43:57—00:45:01.
- ⁴⁸ June 6, 2025 video presentation at 00:23:10—00:24:29.
- ⁴⁹ June 6, 2025 video presentation at 00:43:57-00:45:44. Two of the Governor’s at-large seats are vacant, along with the Senate’s 5th Congressional District seat and the House’s 3rd Congressional District seat. In addition, the Senate’s 1st Congressional District seat expired on July 1, 2024, and that member continues to serve in holdover status.
- ⁵⁰ S.C. Code Ann. § 48-59-50(C)(1) (Supp. 2024).
- ⁵¹ *Id.*
- ⁵² S.C. Code Ann. § 48-59-50(B), (C)(1) (Supp. 2024).
- ⁵³ June 6, 2025 video presentation at 00:43:57—00:45:01.
- ⁵⁴ S.C. Code Ann. § 48-59-50(B), (C)(1) (Supp. 2024).
- ⁵⁵ See https://admin.sc.gov/sites/admin/files/Documents/OED/State_Employees_by_Agency.pdf (last visited Aug. 6, 2025).
- ⁵⁶ S.C. Code Ann. § 48-59-50(B)(5) (Supp. 2024).
- ⁵⁷ *Id.*
- ⁵⁸ *Id.*
- ⁵⁹ S.C. Conservation Bank, *available at* <https://www.sccbank.sc.gov/sccb-statewide-priorities> (last visited Aug. 13, 2025).
- ⁶⁰ *Id.* See also **Appendix A**.
- ⁶¹ See S.C. Conservation Bank, *available at* https://irp.cdn-website.com/4adb4cdb/files/uploaded/SCCB_Priority_Mapping_Report_July2024.pdf at 4 (last visited Aug. 14, 2025).

⁶² See June 6, 2025 video presentation at 00:11:25—00:12:54.

⁶³ *Id.*

⁶⁴ *Id.* at 00:12:54—00:13:31.

⁶⁵ S.C. Code Ann. § 48-59-70(E)(1)-(5) (Supp. 2024).

⁶⁶ *Id.*

⁶⁷ Amanda B. Turner, *The South Carolina Conservation Bank: A Commitment to Conservation*, 18 Se. Envtl. L.J. 81, 88-89 (2009).

⁶⁸ June 6, 2025 video presentation at 00:18:12—00:18:20. (“[W]e do real estate. . . . And we’re really good at real estate.”).

⁶⁹ *Id.*

⁷⁰ *Id.* at 00:16:55—00:18:12.

⁷¹ *Id.*

⁷² June 6, 2025 video presentation at 01:59:24—02:00:13.

⁷³ *Id.* at 00:16:55—00:18:12.

⁷⁴ *Id.* at 00:19:08—00:19:49.

⁷⁵ *Id.* at 00:24:47—00:26:07. (“I think it is very important we do not work with landowners who do not want to work with us. We only work with voluntary landowners who want that outcome.”).

⁷⁶ *Id.*

⁷⁷ These include the South Carolina Department of Natural Resources, the South Carolina Forestry Commission, and the South Carolina Department of Parks, Recreation, and Tourism. S.C. Code Ann. § 48-49-30(4)(a) (Supp. 2024).

⁷⁸ S.C. Code Ann. § 48-49-30(4)(b), (c) (Supp. 2024).

⁷⁹ S.C. Code Ann. § 48-49-30(4)(d) (Supp. 2024).

⁸⁰ June 6, 2025 video presentation at 02:19:49-02:21:04.

⁸¹ *Id.* at 00:27:47-00:28:20.

⁸² *Id.* at 02:19:49-02:21:04.

⁸³ *Id.*

⁸⁴ June 6, 2025 video presentation at 00:28:20-00:29:03; 01:14:45-01:15:45.

⁸⁵ *Id.*

⁸⁶ See FY 2024 Proviso 117.182.

⁸⁸ June 6, 2025 video presentation at 02:12:15-02:13:21.

⁸⁹ *Id.* at 02:13:22-02:14:28.

⁹⁰ *Id.*

⁹¹ Mar. 19, 2025 video presentation at 01:02:02—01:02:46.

⁹² June 6, 2025 video presentation at 02:51:22-02:53:18.

⁹³ S.C. Conservation Bank, *available at* <https://www.sccbank.sc.gov/grant-application-instructions> (last visited Aug. 7, 2025).

⁹⁴ See <https://wpde.com/news/local/1800-acres-protected-black-river-initiative-andrews-georgetown-county-recreational-water-trail-revitalization-efforts-south-carolina-conservation-bank-open-space-institute-boeing-november-20-2023> (last visited Sept. 9, 2025).

⁹⁵ See <https://www.openspaceinstitute.org/news/south-carolina-governor-henry-mcmaster-lauds-growing-public-private-partnerships-acquisition-of-future-black-river-state-park-site-in-andrews-sc> (last visited Sept. 9, 2025).

⁹⁶ See June 6, 2025 video presentation at 02:47:21-02:47:41.

⁹⁷ S.C. Conservation Bank, *available at* <https://www.sccbank.sc.gov/> (last visited Aug. 20, 2025).

⁹⁸ *Id.*

⁹⁹ Naturaland Trust, *available at* <https://www.naturalandtrust.org/dalzell-bay> (last visited Aug. 25, 2025).

¹⁰⁰ Lowcountry Land Trust, *available at* <https://lowcountrylandtrust.org/land-conservation/cooler-family-strengthens-ace-basin-with-561-acre-easement/> (last visited Aug. 20, 2025).

¹⁰¹ S.C. Conservation Bank, *available at* <https://www.sccbank.sc.gov/> (last visited Aug. 20, 2025).

¹⁰² Greenville Cnty. Historic & Natural Res. Trust, *available at* <https://www.gchnrt.org/projects/pearl-bottoms> (last visited Aug. 20, 2025).

¹⁰³ S.C. Conservation Bank, *available at* <https://www.sccbank.sc.gov/> (last visited Aug. 20, 2025).

¹⁰⁴ S.C. Farm Bureau Land Trust, *available at* <https://www.scfb.org/articles/south-carolina-farm-bureau-land-trust-celebrated-its-first-birthday-eight-easements> (last visited Aug. 20, 2025).

¹⁰⁵ *Id.*

¹⁰⁶ S.C. Conservation Bank, *available at* <https://www.sccbank.sc.gov/> (last visited Aug. 20, 2025).

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ June 6, 2025 video presentation at 03:00:31-03:01:01.

¹¹⁰ June 6, 2025 video presentation at 00:06:27-00:06:44.

¹¹¹ *Id.*

¹¹² See **Appendix B**.

¹¹³ June 6, 2025 video presentation at 00:07:20-00:08:19.

¹¹⁴ *Id.*

¹¹⁵ *Id.* at 00:38:47-00:39:55.

¹¹⁶ *Id.* at 00:07:20-00:08:19.

¹¹⁷ S.C. Code Ann. § 48-59-30(d) (Supp. 2024).

¹¹⁸ June 6, 2025 video presentation at 03:33:18-03:34:24.

¹¹⁹ *Id.*

¹²⁰ March 19, 2025 video presentation at 01:02:02-01:02:46.

¹²¹ June 6, 2025 video presentation at 03:34:26-03:34:40.

¹²² *Id.* at 02:07:07-02:08:13.

¹²³ See **Appendix C**.

¹²⁴ S.C. Code Ann. § 48-59-50(B)(3)(d) (Supp. 2024).

¹²⁵ June 6, 2025 video presentation at 03:34:51-03:35:30.

¹²⁶ *Id.* at 03:35:31-03:35:58.

¹²⁷ S.C. Code Ann. § 48-59-80(B) (2008) (“The bank may not hold or possess any interest in land or other interest in real property, except for mortgage interests as security for loans made from the trust fund as provided for in subsection (J), and leasehold interests in office space secured for bank operations and staff.”).

¹²⁸ June 6, 2025 video presentation at 03:35:59-03:36:10.

¹²⁹ See S.C. Attorney Gen. Office, *available at* <https://www.scag.gov/wp-content/uploads/2019/09/WestR-OS-10392-FINAL-Opinion-9-11-2019-02089154xD2C78-02091492xD2C78.pdf> (last visited Aug. 8, 2025) (finding that “a court likely would find that the South Carolina Conservation Bank . . . is not required to be named as an insured on a title insurance policy when it awards grant funds”).

¹³⁰ June 6, 2025 video presentation at 03:35:59-03:36:10.

¹³¹ S.C. Code Ann. § 48-59-80(G)(1) (2008).

¹³² See 26 U.S.C. § 170(h)(2)(C) (providing that “[f]or purposes of this subsection, the term ‘qualified real property interest’ means . . . (C) a restriction (granted in perpetuity) on the use which may be made of the real property”).

¹³³ See 26 CFR § 1.170A-14(g)(6)(i) (“If a subsequent unexpected change in the conditions surrounding the property that is the subject of a donation under this paragraph can make impossible or impractical the continued use of the property for conservation purposes, the conservation purpose can nonetheless be treated as protected in perpetuity if the restrictions are extinguished by judicial proceeding and all of the donee’s proceeds (determined under paragraph (g)(6)(ii) of this section) from a subsequent sale or exchange of the property are used by the donee organization in a manner consistent with the conservation purposes of the original contribution.”).

¹³⁴ June 6, 2025 video presentation at 03:36:49-03:37:52.

¹³⁵ S.C. Code Ann. § 48-59-100 (2008).

¹³⁶ June 6, 2025 video presentation at 03:38:53-03:39:30.

¹³⁷ S.C. Code Ann. § 48-59-110 (Supp. 2024) (emphasis added).

¹³⁸ June 6, 2025 video presentation at 03:39:30-03:39:40.