**A** **BILL**

TO AMEND SECTION 48‑39‑280, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE’S BEACH PRESERVATION POLICY, SO AS TO APPLY CERTAIN EXCEPTIONS TO THE ESTABLISHMENT OF A BASELINE FOR COASTAL EROSION ZONES AND TO REMOVE THE STUDY REQUIREMENT IN CASES WHERE PRIMARY OCEANFRONT SAND DUNES DO NOT EXIST.

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

SECTION 1. Section 48‑39‑280(A)(1) of the 1976 Code, as last amended by Act 173 of 2018, is further amended to read:

“(1) The baseline for each standard erosion zone is established at the location of the crest of the primary oceanfront sand dune in that zone. ~~In standard erosion zones in which~~

(a) If the primary ocean front sand dune is more than two hundred feet landward of the current line of stable vegetation, then the baseline must be established seaward of the primary oceanfront sand dune at a distance equal to thirty percent of the measured distance from the primary oceanfront sand dune to the current line of stable vegetation.

(b) If there is no primary oceanfront sand dune, then the baseline must be established at whichever is further landward of the following:

(i) the most seaward of the locations specified in item (4); or

(ii) the landward edge of the active beach.

(c) If the shoreline has been altered naturally or artificially by the construction of erosion control devices, then the baseline must be established by the department using the best scientific and historical data, as where the crest of the primary oceanfront sand dune for that zone would be located if the shoreline had not been altered.”

SECTION 2. Section 48‑39‑280(E)(2) of the 1976 Code, as last amended by Act 173 of 2018, is further amended to read:

“(2) Surveyed topographical data typically must be gathered at two thousand foot intervals. However, in areas subject to significant near‑term development and in areas currently developed, the interval, at the discretion of the department, may be more frequent. The resulting surveys must locate the crest of the primary oceanfront sand dune to be used as the baseline for computing the forty‑year erosion rate. ~~In cases where no primary oceanfront sand dune exists, a study conducted by the department is required to determine where the upland location of the crest of the primary oceanfront sand dune would be located if the shoreline had not been altered.~~”

SECTION 3. This act takes effect upon approval by the Governor.

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