

Mountains & Marshes

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VICTORY for our BEACHES!

On June 18, 2001, the South Carolina Court of Appeals issued a ruling that is a huge victory for South Carolina's public beaches. The Court of Appeals overturned a permit for the construction of 4 new groins and reconstruction of 17 existing groins at Hilton Head Island. The Court's opinion concluded that the construction and reconstruction of groins is prohibited by Section 48-39-290(A) of the SC Beachfront Management Act.

This case began in 1996 when the South Carolina Coastal Conservation League and Sierra Club, represented by the South Carolina Environmental Law Project, appealed a DHEC/OCRM permit issued to Port Royal Plantation for the groin construction and reconstruction. The League and Sierra

Club lost at every stage of the case prior to the ruling of the Court of Appeals. The SC Administrative Law Judge Division, the Coastal Zone Management Appellate Panel, and the state circuit court all upheld the groin permit.

The unanimous Court of Appeals opinion was authored by Judge M. Duane Shuler, with the concurrence of Chief Judge Kaye G. Hearn and Judge C. Tolbert Goolsby, Jr.

Unfortunately, the victory in the Court of Appeals has not ended the controversy over groins. OCRM and Port Royal Plantation have asked the South Carolina Supreme Court to hear another appeal. And proponents of groins are mounting a effort in the General Assembly to rewrite the Coastal Zone Manage-

ment Act to allow groins on the beaches of South Carolina.

Chris Brooks, Director of OCRM, has joined with the pro-groin forces and is actively lobbying for the groin amendment. In his public statements supporting groins, Brooks has cited the need to protect ocean-front homes. This position appears to be directly contrary to the policies of the Beachfront Management Act, which make the public beach the paramount concern and call for homes to retreat.

SCELP believes that OCRM has no valid basis for overturning the court's ruling or amending the Beachfront Act. OCRM's position appears to be based more on politics than sound coastal management policy. We will continue our efforts to protect our beaches by opposing OCRM's actions.

SCELP offices destroyed by FIRE

EDITOR'S NOTE: The fire described below, its aftermath, and the time devoted to recovery, have prevented SCELP from publishing this newsletter as we normally do. We hope you will excuse this abbreviated, graphics-challenged version of *Mountains & Marshes*.

Late on the evening of August 13th, as he was preparing for bed, SCELP director Jimmy Chandler's phone rang. Paige Sawyer, whose home is in the same block as SCELP's Highmarket Street office, was on the line. "Jimmy, your office is on fire. The fire department is on the way." As Chandler drove to Georgetown from his Pawleys Island home, a fierce thunderstorm raged, slowing his progress. When he reached the office, it seemed like a war zone. Multiple fire trucks with lights flashing, firemen running everywhere, flames in the office, and thunder and lightning still raging. The fire was not put out until 3 a.m.

The fire, started by a lightning strike, almost completely destroyed SCELP's office. The recovery has entailed much hard work. But we've had a lot of wonderful help. **Bill Duncan**, a Georgetown attorney, gra-

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